

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

September 7, 2017
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Maul
Commissioner Malek
Commissioner Mork
Commissioner Thomas

Staff Present

Rachael Markle, Director, Planning and Community Development
Paul Cohen, Planning Manager, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Matt Cowan, Chief, Shoreline Fire District
Julie Ainsworth Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

Chair Craft called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Craft, Vice Chair Montero, and Commissioners Chang, Maul, Malek, Mork and Thomas.

APPROVAL OF AGENDA

The agenda was amended to place Item 6b (Fire Department Comprehensive Plan Amendment) before Item 6a (2017 Development Code Amendments). The remainder of the agenda was approved as presented.

APPROVAL OF MINUTES

The minutes of July 20, 2017 and August 3, 2017 were approved as presented.

GENERAL PUBLIC COMMENT

There were no public comments.

STUDY ITEM: FIRE DEPARTMENT COMPREHENSIVE PLAN AMENDMENT

Staff Presentation

Chief Cowan explained that the underlying premise of the impact fee program is that, as the community grows, additional resources will be required to adequately meet the growing demand for services. A direct relationship exists between population and demand for services, which directly links to a need for resources. The program utilizes 20-year growth predictions in 6-year increments. Impact fees for city fire departments have been authorized for quite some time under the State's Growth Management Act (GMA) as set forth in Revised Code of Washington (RCW) 36.70A.070(3). The law was recently changed to allow fire districts, such as Shoreline, to collect impact fees. He noted that, in his previous position, he was able to implement an impact fee program for the Maple Valley Fire District, which was the first one in the state.

Chief Cowan reviewed that an impact fee program allows fire districts to mitigate for the impacts of new development. It requires developers to pay a fee for new structures that are built. Replacing an existing structure would not require an additional fee because there would be no new impact. Impact fees can only be used for future capital purchases to mitigate the negative impact that development has on fire department performance. To clarify the basis for the fee, he explained the following performance measures:

- **Response:** This refers to the movement of firefighters and fire apparatus to the scene of an emergency request or how long it takes to get to the scene and begin work.
- **Reliability:** This refers to the use of the fire resource capacity. For a resource to be reliable, it must be available to answer emergency calls at least as often as the service expectation placed upon the resource. Another way to think of it is how long an apparatus is at its station ready to respond. For example, if an aid car is never in the fire station because it is busy, the response time is increased and it causes the next closest unit to respond. This ends up increasing response times and has a negative impact.
- **Effective Response Force:** This refers to the number of resources and personnel needed to effectively provide fire or emergency medical services. For example, for a residential structure fire there needs to be at least 14 personnel on scene within an 8 to 10-minute window.
- **Standard of Cover:** This refers to the in-depth process developed by the Center for Public Safety Excellence in their accreditation process for the strategic planning of fire station and fire resource deployment. Basically, it is the Level of Service (LOS) the fire district will provide to its citizens.

Chief Cowan pointed out that cardiac arrest and structure fires are two types of incidents identified as critical responses where time is of the utmost importance. These two types of incidents are used by the Shoreline Fire District (SFD) to measure performance. He advised that King County is a leader when it comes to cardiac arrest survival rate, and this is due to proper responses with the appropriate types of resources. Survivability goes down dramatically when the response time increases beyond 4 to 6 minutes. Therefore, this is the SFD's benchmark for emergency medical services (EMS) calls. The benchmark for fire calls is based on the time it takes for a structure to reach flashover (when all the materials in a room reach their ignition temperature and catch fire). At this point, the fire is considered a hostile environment, and firefighters only have 3 to 5 seconds to get out.

Chief Cowan provided a map showing the average response times for all areas of the City. He noted that there are longer response times in the northwest corner of the Richmond Beach area and also into the Highlands due to road access. However, for the most part, if the apparatus is in the station and in service, there are fairly good response times throughout the City. Long-term planning includes a potential station towards the Richmond Beach area.

Chief Cowan provided a chart to illustrate the reliability statistics for 2014 through 2016. He noted that the reliability target is 90%. If a unit is between 90% and 95% the condition is considered okay (yellow). Anything above 95% would be green, and the City does not have any. Below 90% is red. He explained that, as calls increase and vehicles are out of service longer, the reliability statistics get worse. This effects response times and has a dramatic impact on the LOS. He emphasized that the reliability statistics show how much time is spent out in the field responding to incidents, but they do not show the time spent in training, fire inspections, etc. Chief Cowan also provided a chart showing drive times based on staff dedicated to apparatus and by station. The chart shows that the response times have increased from 2014 to 2016.

Chief Cowan explained that the SFDs 20-year capital needs have been broken into on-going 6-year increments. He provided a table showing the anticipated capital needs for the four different types of projects (station construction, asset preservation and fixtures, equipment, and apparatus) for the years 2018 through 2023. He also provided a chart outlining the 20-year cost/funding sources for capital needs. The chart identifies debt interest, as well as potential revenue sources to meet the capital needs. The four revenue sources identified in the table are:

- **Annual General Funds.** This would be an allocation from the ongoing levy. If there is money left over after maintenance and operations, it can be reallocated to the capital fund.
- **Taxpayer Capital Bonds.** The SFD has an existing bond to help build the new Station 63 in North City, and an additional bond will be needed to complete the project.
- **Sale of Surplus Property.** The dollars identified in the chart is an estimate of the value of Station 62 (Richmond Beach) property. If this property were sold, the funds could be used to offset some of the costs associated with the new station.
- **Impact and Level of Service (LOS) Fees.** The numbers in the chart are projections only, and they will be reviewed and adjusted every year.

Chief Cowan said the goal is for the annual operating funds and bonds to cover approximately 65% of the 20-year capital needs, with impact fees and LOS fees providing about 35% of the required funding.

Chief Cowan provided a chart and briefly explained that impact fees are calculated based on the following factors:

- **Land Use Type** (Residential versus Commercial) upon which impact and LOS fees are assessed.
- **System Wide Construction and Equipment (C&E) Costs** for the 20-year time span of SFDs Capital Improvement Plan (CIP).

- **Residential/Commercial Split** for annual emergency responses by property type (Residential = 64% and Commercial – 36%).
- **Usage Factor** or the portion of residential/commercial split that is used by a specific property type. Single-family residential properties account for 60% of all emergency responses to residential properties and the remaining 40% is attributed to multi-family properties.
- **The Effective Response Factor (ERF)** represents the size of the first alarm emergency response in numbers of firefighters and equipment that is needed to effectively handle the incident. The more complicated the structure, the bigger the emergency force needed.
- **New Development Share** is the portion of C&E costs assigned to new development. The remaining portion would be paid by the SFD through annual tax collections.
- **Projected New Units** defines the number of new units projected to be constructed within the SFD service area between 2018 and 2037.

Chief Cowan summarized that all of the factors described above were used to calculate impact and LOS contribution fee amounts for both residential and commercial development. However, the numbers represent full value, without any mitigation by the developer. The fee for new development could be reduced based on a developer providing certain mitigation. For example, providing more separation between houses or installing a sprinkler system would allow a developer to receive credits off of the total fee. He summarized that, if a developer can show that the infrastructure is already in place and the impacts have been mitigated, the fee can be significantly decreased or even eliminated.

Chief Cowan provided a summary of estimated revenues over the next 20 years: Annual General Funds (\$3,770,000), Capital Bonds (\$23,947,000), Sale of Surplus Property (\$1,000,000) and Impact/LOS Fees (\$14,315,000). He explained that the target for impact/LOS service fees is to account for about 35% of the revenues. Again, he reminded the Commission that the fees would be reviewed and adjusted annually.

Commissioner Thomas asked how the impact fee would be calculated for mixed-use buildings. She specifically referred to the Mixed Use Residential (MUR-70') Zone where the ground floor is commercial and the floors above are residential. Chief Cowan said the structure would typically be deemed commercial based on its highest and best use. However, he acknowledged that some new structures may have very little commercial space in relation to the residential space.

Commissioner Thomas said it is clear that the demand for services has gone up significantly. She noted that the average age of citizens in Shoreline is higher, and she asked if this was factored into the numbers. Chief Cowan agreed that age is an issue. While the incident increases have been nominal, the numbers are starting to increase. They are reaching the tipping point and it is anticipated that future development will be at a much higher density. In addition to the aging population, the increased homeless population has also been a factor in the number of incidents. The SFD has taken steps to minimize these types of impacts via the Mobile Integrated Health (MIH) Car which can respond to non-emergency calls.

Commissioner Malek recalled Chief Cowan's earlier comment that the Innis Arden Neighborhood and portions of Richmond Beach are difficult to reach. He asked Chief Cowan to share his thoughts regarding Station 62. Chief Cowan explained that, although the response time for these areas looks bad on the map, it is important to remember that it is still fairly good. While it is still okay, it is not where the district would like it to be. The area is lower density, and it is not likely that new development will occur.

However, development at Point Wells would have significant impact on fire services and must be mitigated via the SEPA process. If the development goes forward, then a new fire station will be needed. The long-range plan for Station 62 would address response times, notwithstanding whether Point Wells is developed or not. The new Station 62 would allow for better reliability out of Station 64. For example, Station 64 has to respond into that area, and this affects the reliability of Aid Car 64, which is the SFDs busiest unit. As age and density increases, reliability out of Station 64 will become a bigger factor. In addition to charting response times, the SFD also charts where the call centers are. When there are increased call volumes, additional resources must be allocated to those areas. He summarized that building a new Station 62 would improve response times for the Richmond Beach area, as well as the reliability of the other stations that will no longer have to respond to calls from Richmond Beach.

Commissioner Malek summarized that because of the type and number of calls in the Richmond Beach area, it might make more sense to enhance Station 64's ability to respond rather than building a new Station 62. Chief Cowan noted that there are some physical constraints at Station 64, and the station would have to be expanded to accommodate more staffing and apparatus. Making these improvements would not improve the response time to the Richmond Beach area. He pointed out that density in the Richmond Beach area is very low and the call volumes are low, as well. Because there is space available at Station 65 to add more staff and apparatus, perhaps it would make more sense to increase the staffing and the reliability of the apparatus in this station. He said he believes that a new Station 62 would be the best approach, and the existing Station 62 (non-operational) would be the best location. However, a detailed analysis would be done before committing to a location for the new station.

Chair Craft asked Chief Cowan to explain the difference between a municipal fire department and a fire district. Chief Cowan explained that a municipal fire department is a division of a city, and operating revenues come from the city funds. While the chief of a fire district answers to a board of fire commissioners, the chief of a municipal fire department answers to the city council and city manager. The municipal fire department framework can be complicated based on governance, but there are some benefits. A municipal fire department has many more options for revenues than a fire district does. They also have the benefit of a city-run human resource department, facility/fleet maintenance, information technology, etc. A fire district has to take care of all of this internally. A fire district is outside of a city's taxing structure, and is capped at \$1.50 per \$1,000 statewide on property taxes. Because the SFD has a benefit charge in place, the cap is lowered to \$1. While the total tax revenue is the same, the diversified revenue stream insulates the SFD somewhat from fluctuations. The board of commissioners authorizes a fire district's budget and sets policies, but the chief basically runs the department. In a municipal fire department, the chief has the support of the various city departments. He commented that, in recent years, a number of municipal fire departments have merged into fire districts. This frees up taxing authority for the City and cleans up collateral damage.

Commissioner Mork requested more information about how developers can receive credits that reduce the amount of the impact fee by mitigating certain impacts. She commented that a developer cannot influence the response times other than by changing the location of a project, and Chief Cowan concurred. Commissioner Mork asked which of the service capacity credit criteria could be impacted by a developer. Chief Cowan answered that on a long-term, global basis, a developer could affect all of the criteria. As more impact fees come in, more infrastructure will be provided, and this will impact the response times,

reliability, etc. On a short-term basis, the fee could be significantly impacted by the type of structure (i.e. automatic sprinkler system and space between structures).

Commissioner Mork asked if a credit would be given based on the type of materials used for construction, and Chief Cowan answered not at this time. He explained that the criteria in the program are based on industry standard and approved by the Board of Commissioners as appropriate and accurate. He agreed that the criteria could be amended to also include credits for certain materials such as hardy plank siding and a metal roof, which are more fire resistant.

Commissioner Chang pointed out that, because discounts are offered based on response times, new development in areas closer to stations would not have to pay as much as development further away from a station. She questioned if a better approach would be to require all new construction to pay a set amount to fund stations throughout the City. Chief Cowan said response times and reliability are interrelated and both impact the LOS. While response times may be good in a certain area of the City, reliability at one station could decrease if they do not build infrastructure and increase staffing at another station. As an example, he referred to Station 64 where the existing apparatus is often not available to respond because the units are busy. When this happens, units from Stations 63 or 65 must respond, and this impacts the response time. The response time for an incident does not track where the closest station is; it tracks where the closest unit is and how long it takes it to get there. A development could occur next to a station that has good response times, but if they do not continue to build infrastructure, response times will go down.

Commissioner Thomas commented that, based on Chief Cowan's explanation, it would still behoove the City to charge an impact fee for all new development within the City regardless of whether or not it is located close to a fire station. Commissioner Chang said she is having a hard time understanding why the City would offer a credit based on response time. Any new construction will add to the density and increase overall call volumes. Chair Craft asked about the potential of eliminating the response time credit. Chief Cowan shared an example of a developer of a 100-unit, multi-family structure who is trying to decide whether to build the structure near the fire station where response times are good or in the Richmond Beach area where response times are longer. If the fee is the same regardless of response times, a developer may choose Richmond Beach to take advantage of the water views, etc. This will result in pulling the City's existing resources further away, affecting individual response times and reliability. Providing a credit for building in locations that are performing well will encourage developers to build where the SFD is currently meeting its criteria.

Commissioner Maul said he has read a number of articles about regional development and the fact that people are building further and further away from centers where services are already available, and they are not paying for the additional cost to serve them. It makes a lot of sense to encourage development closer to services where it is less costly for society to serve them. He referred to the fee calculation chart, which identifies \$2,532 per house and \$5.54 per square foot of commercial. He asked what it would be for a multi-family, and Chief Cowan answered that it would be \$2,195 per unit.

Chief Cowan cautioned that if a call center in a particular area does not have a good response, the SFD would be required to elevate the location in its long-term strategic planning for where the next fire station will be built or increase staffing and fire apparatus at the nearest existing fire station to mitigate the

increased demand. The SFD must meet a LOS of response times and response force, and outliers can greatly impact the strategic plan.

Vice Chair Montero noted there has been a dramatic increase in emergency incidents up to 9,290, and the SFD is projecting a 100% increase. He asked if there is a breakdown between the three types of calls: fire, basic life support (BLS) and advanced life support (ALS). Chief Cowan said the three types of calls are related to the types of apparatus that is predominantly used to respond. While an aid car and a paramedic unit look very similar, they function at different levels based on the type of call. For example, a broken arm or cut would prompt a BLS response, which would be an Emergency Medical Technician (EMT). An ALS call, such as a heart attack or substantial injury, is where paramedics would respond. Dispatching the appropriate apparatus is essential for the efficient use of the units. It takes a year and a half to be trained as a paramedic, and they are paid at a higher rate. If the SFD only had paramedic units, it would be costlier and an overkill for the LOS that is needed. It is better to keep the higher-level units and staff available to respond on the next call that might require ALS. He explained that ALS units are more spread out, and the SFD not only provides ALS service in the City of Shoreline, but in Lake Forest Park, Kenmore, Bothell and Woodinville. There are paramedic units at Station 64 in Shoreline, Station 57 in Lake Forest Park, and Station 42 in Bothell. These three units provide service to the north King County area. They are used at a lower rate than the BLS units. A fire engine may respond to a BLS call if the aid car is out of service because they have the equipment and staff to respond. He noted that, via a mutual aid agreement, apparatus and staff from the SFD responds to incidents in neighboring jurisdictions, and neighboring jurisdictions respond in the City of Shoreline when needed.

Commissioner Mork asked if a duplex or townhouse development would be considered single-family or multi-family. Chief Cowan said they would be considered multi-family. He noted that the classification would come from the County's tax records. Commissioner Mork recalled that, in previous discussions, she has commented that the chance of fire goes way down if a fire sprinkler is in place. She said she supports the credit for providing sprinklers to encourage sprinklers in residential development. Chief Cowan explained that, currently, some developers purposely keep the number of units below the level that requires sprinklers or increased fire flow. He anticipates a growing nationwide movement of requiring sprinklers in all new structures. The credit could help bridge some of the gap by providing an incentive for developers to install sprinklers. Commissioner Mork recommended that the credit be sufficient enough to really be an incentive.

Commissioner Thomas referred to Exhibit 9 on Pages 39 and 40 of Attachment B, which provides an apparatus replacement schedule and noted that the amortization periods are different for the same types of equipment. Chief Cowan said there are a few factors that impact the amortization periods, one being the current age of the apparatus and its projected lifecycle. For example, they try to keep a fire engine in frontline service for 10 years and then move it into a reserve status for another 10 years. However, that is not always the case. The amortization of some purchases is triggered more by the reserve apparatus than the primary apparatus.

Chair Craft encouraged Commissioners to forward any additional questions they might have to Chief Cowan via Planning staff. Chief Cowan also agreed to meet one-on-one with interested Commissioners.

Mr. Cohen announced that a public hearing on the Comprehensive Plan amendments, including the Fire District's Amendment, has been scheduled for September 21st.

Public Comment

There were no public comments.

STUDY ITEM: 2017 DEVELOPMENT CODE AMENDMENTS

Staff Presentation

Mr. Szafran advised that there are 42 proposed Development Code amendments on the 2017 docket. Two were citizen-initiated, and the remaining 40 were initiated by the Director of Planning and Community Development. The proposed 2017 amendments include administrative changes (re-organization and minor corrections), clarifications, and policy amendments that have the potential to substantively change development patterns throughout the City. He reviewed the amendments as follows:

Administrative Amendments

- **Amendment 3 (SMC 20.20.018).** This amendment would delete the term “City Engineer,” which is a term not used elsewhere in the Development Code. The term “Public Works Director” is used and would remain in this section of the code.
- **Amendment 7 (SMC 20.30.060).** This amendment is a numbering change only.
- **Amendment 8 (SMC 20.30.400).** This amendment would add “Lot Merger” to the “Lot Line Adjustment” Section.
- **Amendment 9 (SMC 20.30.430).** This amendment clarifies that a second Site Development Permit is not required as part of a preliminary short plat application even if one has been submitted during the building permit stage. The intent is to eliminate the duplicative process.
- **Amendment 10 (SMC 20.40).** This amendment is strictly a numbering change.
- **Amendment 15 (SMC 20.40.438).** This amendment strikes the reference to SMC 3.01.010, which only has to do with planning and community development fees. Instead, the section would apply to all fees.
- **Amendment 16 (SMC 20.40.505).** This amendment fixes a numbering error.
- **Amendment 18 (SMC 20.50.020(1)).** This amendment adds additional setbacks for all parcels fronting 145th Street. This is consistent with MUR zones along 185th and 145th Streets.

- **Amendment 20 (SMC 20.50.021).** This amendment clarifies that the Director of Public Works shall determine all vehicular access and not the Director of Planning.
- **Amendment 24 (SMC 20.50.350).** This amendment adds a citation for the American Society of Consulting Arborists as a means to allow the Director to grant a reduction to the minimum significant tree requirements.
- **Amendment 28 (SMC 20.50.490).** This amendment is a cleanup amendment. The definitions of the various dwelling types were updated in 2016, including the definition for “Multi-family Development.” At that time, the number of units that comprised multi-family development was deleted.
- **Amendment 31 (SMC 20.80.030).** This amendment updates a Development Code reference.
- **Amendment 38 (SMC 20.230.200).** This amendment updates a Development Code reference.
- **Amendment 39 (SMC 13.12.700(C)(3)).** This amendment also updates a Development Code reference.

There were no Commissioner comments relative to the administrative amendments.

Clarifying Amendments

- **Amendment 2 (SMC 20.20.016).** This amendment updates the definition for “Dwelling” to clarify the difference between an apartment structure and single-family attached dwelling structure. The definition of “Apartment” has been misinterpreted to include single-family attached dwellings. The amendment also updates the definition of “Driveway” to clarify that a shared driveway can serve up to four dwelling units and not properties. The change will make the definition consistent with the Public Works Department’s Engineering Development Manual for driveways.
- **Amendment 3 (SMC 20.20.018).** The Critical Areas Ordinance (SMC 20.80) uses the term “Enhancement” under the general term of “Mitigation” to refer to the restoration, remediation, resource creation, or compensatory mitigation of damaged critical areas. The standards and the meaning are either the same or overlapping and many have no definition. This causes confusion when looking for the separate standards that might be applied to each. The only standards in the Critical Areas Ordinance (CAO) are under “Mitigation Standards” in each subsection. That section has the list of preferred actions in the current definition so they are redundant and regulatory in the definition section. The amendment would retain the “Enhancement” definition because that is for a project to improve an existing critical area without current impacts. However, staff is also proposing to remove all the terms other than “Mitigation” as separate definitions and remove them from the text of the CAO.

- **Amendment 4 (SMC 20.20.024).** The existing definition of “Impervious Surface” is almost identical to the proposed amendment for “Hardscape” except that the proposed “Hardscape” definition includes pervious pavement, open decking, landscape rockeries, and gravel, which currently count against a parcels total impervious surface. The Public Works Department allows impervious concrete decks and rockeries because they allow water to be absorbed into the ground by moving through or around the objects. However, it uses the hardscape calculation as their impervious surface definition. As a result, developers frequently confuse the two definitions. The proposed amendment would marry the two definitions to make the definitions for “Hardscape” and “Impervious Surface” consistent.

Commissioner Chang observed that the definition for “Hardscape” leaves out rock gardens, walls, pervious pavement and decks that drain. Mr. Cohen clarified that the definitions overlap quite a bit. The Public Works Department uses the term “Hard Surfaces” and the Planning and Community Development Department uses the term “Hardscape.” Frequently, when the Planning and Community Development Department requires calculations for “Hardscape,” the Public Works Department uses the same calculations when reviewing for stormwater runoff calculations. Commissioner Chang commented that the Department of Ecology (DOE) would have the City include things like pervious pavement and gravel paths when calculating for stormwater runoff. Mr. Cohen agreed and said the Public Works Department basically uses the Planning and Community Development Department’s calculations, which is not totally in error but can be a little in conflict. It is especially hard to explain the differences to property owners. Because they are 80% the same, staff is recommending that the definition be consistent with the Public Works Department’s definition for “Hard Surfaces.” The key differences are impervious material. Currently, a rock garden would be considered hardscape in the Development Code, but as a pervious surface in the Engineering Development Manual.

Mr. Cohen commented that another difference is that impervious driving surfaces are accepted in the Engineering Development Manual, but not in the definition of “Hardscape.” If the intent is to encourage these other types of uses, it is imperative to line the definitions up together. Also, the City has received applications for artificial turf replacement projects, primarily from the school district. The Public Works Department considers these surfaces to be 50% hardscape, and staff believes that the Planning and Community Development Department should use this same standard.

Commissioner Chang asked if the term “Impervious Surface” or “Hardscape” would apply to a project in the R-6 zone where a 50% lot coverage is allowed. Mr. Szafran answered that the “Hardscape” definition would apply. Commissioner Chang said that would mean you could have pervious pavement and open decks that go beyond the 50% calculation. Mr. Cohen agreed, as long as water can drain through the surfaces and into the ground. For example, rock gardens and most pervious surfaces would not be considered hardscape. Commissioner Chang asked if the City has a requirement that pervious pavement must be maintained, and Mr. Cohen answered no. Commissioner Chang noted that pervious surfaces can clog up overtime and become ineffective. Director Markle clarified that the “Hardscape” definition does not allow a credit for pervious pavement, but Public Works Department does for its stormwater calculations. The reason for counting pervious surfaces in the hardscape calculations is because it does not remain as uncovered

earth unless maintenance is done. It is a policy decision as to whether the definitions should be streamlined to be consistent. They are close in percentage, but one covers things that the other does not.

Commissioner Maul advised that some jurisdictions actually do two calculations: hardscape and pervious/impervious. He would hate to see someone develop a single-family lot up to the maximum amount of impervious surface allowed and then cover the rest with pervious concrete. While he understands the intent of the proposed amendment, perhaps they should consider requiring two separate calculations.

Mr. Cohen said the previous definition for “hardscape” did not include rockeries, rock gardens, decks, etc. These were added in because they were considered materials that would hold heat and create heat islands. However, it is unclear how much of a problem this actually creates. Something else to consider is whether aesthetics is another purpose for the definition contained in the Development Code. Commissioner Maul said this further supports the need for requiring two separate calculations. The Commissioners asked that staff consider options for creating two separate and distinct definitions.

- **Amendment 5 (SMC 20.20.034).** The CAO uses the definition of “Mitigation” to also list regulatory criteria. That criteria belongs in the regulations that already exist under the provisions in SMC 20.80.053 and each of the types of critical areas. In addition, there are a wide variety of terms or mitigating actions in the “mitigation” code sections that have no definition and are frequently redundant or overlapping with each other. These terms may be useful in describing the actions or issues that need to be addressed. The code also uses the terms in conjunction with “plan” such as a “restoration plan.” Since these terms are used under mitigation plan performance standards, it is confusing to know what these other plans are and should include because no standards accompany them. Rather than sort out these terms, staff is recommending changes to clean up the definition for “Mitigation.”

Mr. Cohen explained that the code currently lists the mitigation performance standards for each of the critical areas. It mentions different types of plans, and it would be helpful for the consultant to know exactly what the plans are. Because there is no definition, staff is recommending that references to specific plans be removed from the definition of “Mitigation.” They are not getting rid of the terms that are used throughout the Development Code, just removing them from the definition of “Mitigation.”

- **Amendment 14 (SMC 20.40.235).** This amendment would strike the reference to the City’s “Catalyst Program” related to the Transfer of Development Rights (TDRs). The City will revisit the issue of TDRs when the City Council provides direction at the end of 2017 or early 2018.
- **Amendment 17 (SMC 20.40.504).** This section requires loading docks, entrances or bays to be screened, but it does not say from where or from what they need to be screened. The proposed amendment would add types of screening and the words “from adjacent rights-of-way” since the intent is to screen these parts of the development from the street. Also, the code is currently unclear

if fences and walls are required for self-storage facilities, and the proposed amendment clarifies that if a fence or wall is provided, it must meet the provisions of SMC 20.40.504(C)(5).

- **Amendment 21 (SMC 20.50.040).** This amendment clarifies that projections, of any type, are not allowed into the 5-foot minimum setback area. This is pretty well covered for side yards, but there are a number of zones where the rear yard setback is only 5 feet. Some of the wording leaves potential room for projections into the 5-foot minimum rear yard setback area, which is not the intent. The amendment would not change the standard, but simply provide clarification.

Commissioner Chang referred to SMC 20.50.040(3)(b) and suggested that the words “more than” should be retained. Mr. Cohen agreed to review the language again to make sure it reads appropriately to reflect the intent. Mr. Szafran noted that there are two amendments related to this section. One is a clarification amendment and the other is a policy amendment. Commissioner Maul questioned why the City would want to reduce the allowable overhang in a bigger setback versus a side yard setback. Front and rear yard setbacks are much bigger. He suggested that eaves be allowed to extend into the setback four feet, but never closer than five feet to a property line. Mr. Cohen suggested that an illustration or diagram would help clarify the intent of the amendment. Chair Craft advised that cleaning up the language would be helpful, as well.

- **Amendment 23 (SMC 20.50.310).** This amendment clarifies when an after-the-fact permit may be required for removal of an active or imminent hazard tree. Currently, the provision is somewhat confusing and has been interpreted differently by different staff. The amendment clarifies that an after-the-fact permit is only required if the City determines that emergency removal was not warranted. The amendment also includes a correction for a prior typographical error.
- **Amendment 24 (SMC 20.50.350).** The wording of this exception makes it unclear whether both (1) and (2) are required in order to grant the exception or if either might be the basis for granting the exception. Staff’s initial understanding was that both are needed. The amendment would eliminate the word “or” at the end of (1).
- **Amendment 26 (SMC 20.50.410).** Structural items, such as columns, are becoming more prevalent in underground parking areas. The intent of the amendment is to make sure that there is appropriate clearance. If not, the parking stall next to the column becomes unusable.

Commissioner Maul clarified that the proposed language basically says that a column cannot reduce the size of a stall at all. The City of Seattle allows the column to encroach six inches into the first and last three feet of a parking stall. No one opens their doors in the first and last three feet of a parking stall. Requiring a garage to be larger to accommodate the columns is a waste of space and money. Projects come down to inches when making a building fit on a site. He said he disagrees with the proposed amendment. Instead, they should limit where a column can encroach into a stall. Mr. Cohen agreed that the amendment seems unnecessary at first glance. However, besides allowing people space to open their doors, it is also important to allow space between cars for people to access their vehicles once they are parked.

Commissioner Maul agreed that parking garages can be tight, but he questioned if they really want to add that much cost to a project to address the issue. Mr. Cohen agreed the City wants to prevent adding cost to a building. However, they receive parking plans that have the numbers and dimensions right, but if the parking spaces are too difficult to access, people go park in the neighborhoods. The intent is to find a balance that results in functional parking stalls. Commissioner Maul pointed out that, typically, columns are placed every three stalls, so only one side of a stall would be impacted by a column. Again, he felt that the proposed amendment would result in wasted space and money.

Commissioner Mork agreed with Mr. Cohen that when it is too difficult to access a parking garage, people will find someplace else to go. She agreed with the need to balance the costs and benefits of the proposed amendment, but the City must be cognizant of how difficult it can be to park in some garages. The City of Seattle has some terrible situations. Commissioner Maul said he is not sure that allowing columns to encroach into the stall up to six inches would really push people out of the covered parking areas and into the neighborhood streets. Mr. Szafran agreed to review the amendment again and make some suggestions for possible solutions. Mr. Cohen suggested that a diagram would help, as well.

- **Amendment 27 (SMC 20.50.470).** This proposed amendment makes it clear that SMC 20.50.470(A) through (D) only applies to street-front landscaping between a building and the right-of-way. Currently, the Development Code language is unclear when this section applies to a specific development. Adding the term “for parking lots” in the title of the section would make it clear the section only applies to parking lots along the street frontage.
- **Amendment 29 (SMC 20.70.440).** There has been confusion about required driveway widths for certain types of development. The proposed amendment to the Engineering and Utilities Development Standards will list the appropriate driveway widths for certain types of development. This list will match what the Public Works Department uses for driveways in the Engineering Development Manual.
- **Amendment 30 (SMC 20.80.025(A) and (B)).** This is an administrative amendment related to the Critical Areas Ordinance, which was adopted at the end of 2015 and enacted starting at the beginning of 2016. After administering the code for 1½ years, staff has found that they, along with developers and consultants, have had a difficult time with it. There have been a number of different interpretations, and a lot of City Attorney time has been used for code interpretations. Staff is proposing improvements to the administration of the code. However, no changes are being proposed to the policy standards that are designed around Best Available Science (BAS).

Mr. Cohen explained that the intent is to keep in mind that Shoreline consists primarily of previously-altered landscapes, and applying the standards to the current conditions is sometimes a puzzle. The intent of the proposed amendments is to find a clear step-by-step path that everyone can understand relative to development in critical areas. All of the critical areas and the majority of the classifications require third-party review, which means a developer must hire the City’s on-call consultant to either review their consultant’s report or write an entirely new one, if necessary. This is a very expensive process.

Mr. Cohen advised that, although SMC 20.80.025(A) describes resources to determine the existence of a critical area, SMC 20;80.25(B) leaves it open to the property owner and qualified professional to determine the presence or absence of a critical area. Because the City does not have the resources to establish all critical areas for property owners to rely on then it cannot assume there is a critical area unless proven otherwise. The intent of Amendment 30 is to provide clear steps for a property owner to ascertain whether or not they need to continue and comply with the CAO. If a site inspection and/or critical area worksheet, as required in Subsection A, indicates that a critical area might exist, the applicant would be required to hire a qualified professional to identify the presence or absence of a critical area, as well as its classification. This process gives the City more confidence when administering the code.

Vice Chair Montero asked who would do the site inspection called out in Subsection A, and Mr. Cohen answered that it would be done by staff. Vice Chair Montero suggested that this be made clear in the proposed new language.

- **Amendment 33 (SMC 20.80.045(B)).** Previously, if there was any sign there could be a critical area, the City required a Critical Area Report. Most critical areas also require third-party review. Staff believes a good intermediary step would be to allow an applicant to submit a Critical Area Delineation and Classification with Study, which has to be part of a Critical Area Report anyway. Once the third-party expert has identified the type of critical area that exists, the City can move the process forward with some confidence. If development is to occur within the critical area buffer, a full Critical Area Report would be required. The proposed amendment would prevent the City from jumping too far ahead where maybe it is not necessary.

Commissioner Chang questioned when a Critical Area Report would not be necessary. Mr. Cohen said if the City identifies a potential critical area based on an early review, but it is later determined that it is a piped stream rather than a Type II Stream, the setback requirement will be much different. If the development will not encroach into the setback area, it may not be necessary to require a Critical Area Report. He emphasized that the source of the City's information is inconsistent, and the City relies on property owners and their consultants to help fill in the gaps. Once the City receives a Critical Areas Report for a parcel, it will show up on the City's GIS map.

- **Amendment 37 (SMC 20.80.350).** This amendment provides clarification that the unit of measurement for wetland mitigation is area in square feet.

Public Comment

Ian Barnes, Shoreline, said he lives in the Northridge (Echo Lake) Neighborhood. He said he ran into the City's policy relative to "hardscape" when making improvements to his property that included removal of noxious weeds, putting down weed cloth, and installing a rock garden. He did not learn that the rock garden would be classified as impermeable until he received a visit from the City after someone in his neighborhood complained. He expressed his belief that clarification is due because the issue does not need to be so complicated. He said the proposed amendment seems to make sense. It is important to find

a way for people to create a nice-looking yard that does not require additional water resources. Though some tweaks may be needed, he encouraged the Commission to move forward with a definition that better meets the needs of the community.

Mr. Szafran announced that three additional study sessions related to the 2017 Development Code amendments have been scheduled (September 21st, October 5th and October 19th). A public hearing is tentatively scheduled for November 2nd. He encouraged the Commissioners to email their questions and comments to him. Chair Craft asked that staff forward the changes recommended by the Commission prior to the next meeting.

DIRECTOR'S REPORT

Director Markle provided a report on the Substantial Permits that are currently under review. The list of projects included: Aldercrest School Phase 2, Alexan (formerly Potala) multi-family project at 900 N 155th Street, Vision House multi-family and daycare project at 19610 – 20th Avenue NE, Arabella II multi-family project at 1221 NE 180th Street, North City Townhomes at 1540 NE 175th Street, High Hill Apartments at 18557 Firlands Way N, Ballinger Heated Storage at 20029 – 19th Avenue NE, Shoreline Self-Storage at 19237 Aurora Avenue North, TP Home LLC multi-family project at 1719 North 185th Street, K & M's Home Construction townhome project at 14709 – 32nd Avenue NE, and Zekarias and Yorda Tesfagaber townhome project at 15313 – 15th Avenue NE. She added that the City just received an application for an additional self-storage unit at 170th and Aurora Avenue North, and a pre-application meeting has been held for the BCRA Design, Inc. Project at 15010 Aurora Avenue North that would replace the existing Taco Bell with a Taco Time.

Commissioner Thomas asked if there has been any movement related to redevelopment of the post office site at 175th and 15th. A number of the buildings to the south are vacant now. Mr. Cohen said they have averaged one proposal per year for this site, and he feels more confident that the most recent one will go forward. The post office lease ends at the end of 2017. A neighborhood meeting was held last month for the proposal, which includes more than 200 residential units, a courtyard, and two underground levels of parking. The Administrative Design Review has been completed, and the project design was approved with just a few tweaks.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

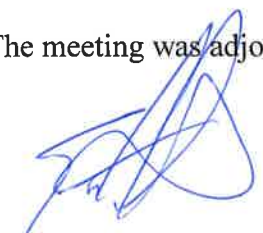
There were no committee or Commissioner reports.

AGENDA FOR NEXT MEETING

Mr. Szafran reminded the Board that the September 21st meeting is scheduled as a public hearing on the 2017 Comprehensive Plan amendments.

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.



Easton Craft
Chair, Planning Commission



Carla Hoekzema
Clerk, Planning Commission