CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

October 19, 2017 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Maul
Commissioner Malek
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
Julie Ainsworth Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent
Commissioner Mork

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, Malek, Maul and Thomas. Commissioner Mork was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of October 5, 2017 were approved as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: 2017 DEVELOPMENT CODE AMENDMENTS – CONTINUATION #3

Staff Presentation

Mr. Szafran reviewed that the Commission discusssed the Policy Development Code Amendments on October 5th and requested more information regarding Amendments 4, 5 13, 22, 36 and 40. He provided the requested feedback as follows:

- **Amendment 4 (SMC 20.20.024) – Hardscape Definitions.** Mr. Szafran recalled that the Commission had concerns that the proposed definition would allow a site to be covered with hard surfaces, including pervious pavements. Originally, staff proposed to parallel Public Works' definition of "hard surfaces" with Planning and Community Development's definition of "hardscape." Staff is now recommending that the two definitions be separate since they have different purposes in each department. Staff also recommends that the definition of "hardscape" should be updated to make it more reasonable to administer. Mr. Cohen explained that, although there is some overlap, the purposes of the two definitions are different. Planning is concerned with open space and aesthetics, whereas Public Works is concerned about surface and stormwater management. There was concern that if the two definitions were blended together, the definition for "hard surfaces" could possibly allow pervious pavement across the entire property and still meet the requirement. The new definition would be amended to add exceptions for "retaining walls, gravel or paver paths with open spaces that are less than 4-feet wide, and decks that drain to soil underneath. In addition, artificial turf with subsurface drain fields would have a 50% impervious and 50% pervious value.

  Commissioner Thomas summarized that the new language appears to be concerned with compact gravel that can be driven over. Mr. Cohen agreed and commented that the exception for 4-foot wide gravel and paver paths is intended to accommodate pedestrian uses. Commissioner Thomas suggested that the word "compact" should be added before "gravel." Commissioner Maul pointed out that crushed gravel compacts nicely, and King County classifies it as "hard surface." On the other hand, water can permeate through river rock and washed rock because it is round and does not compact. Mr. Cohen clarified that round rock is considered gravel, and river rock is a larger version of gravel. Crushed rock has flat surfaces and can be rolled and compacted by vehicles rolling over it. Again, Commissioner Thomas suggested that adding the word "compact" would provide an extra layer of clarification. Mr. Szafran explained that, based on the proposed definition, if gravel is used for an area wider than 4-feet, it would count has hardscape. Commissioner Chang voiced concern that adding the word "compacted" might imply that a machine would be used to compact the material as opposed to material that becomes naturally compacted over time. Mr. Cohen agreed and said staff would make sure it stays for pedestrian uses and not for vehicular uses.

  Commissioner Chang asked if the proposed definition would allow someone to build a deck across the entire yard, as long as the spacing allows rain to go through. Mr. Cohen answered affirmatively. While that is not likely, the definition would allow for larger decks without considering it part of the hardscape. Commissioner Maul said that, in the City of Seattle, decks less than 30 inches above grade do not count towards lot coverage. Mr. Cohen said, as per the City's code, decks below 18 inches in height do not need a structural permit and can extend into

the setback. However, they are considered hardscape. The proposed amendment would exclude them from being included as hardscape, as long as they allow water to drain into the ground underneath. Chair Craft said he does not believe the intent is to allow someone to put a deck over their entire backyard, yet the definition would allow that exact thing to occur. Mr. Cohen commented that the Commission could put a dimensional limit on decks or eliminate them from the exclusion so they count as part of overall lot coverage.

Commissioner Malek commented that with most of new construction includes some outside living space. The Northwest is a temperate climate, and builders are taking advantage of seasonal square footage, which equates to bigger decks. Requiring pervious decks to be included in the "hardscape" calculation will make it more difficult for staff to administer the code. He does not see people, in general, adding value to their homes by covering their entire backyards with deck. The proposed amendment is consistent with the trend and what people are trying to do in terms of landscaping, adding vegetation for privacy and creating more active outdoor space.

Mr. Cohen said it appears the Commission would prefer that decks not be an exclusion unless they can come up with a rationale for a maximum size. Director Markle suggested that perhaps decks could be treated the same as artificial turf, which would have a 50% hardscape and 50% pervious value. The majority of the Commission concurred with this approach.

Commissioner Malek referred to the proposed provision for artificial turf and shared an example of a veterinarian who uses a permeable type of artificial turf for his dog run. Because it drains completely, it is clean and hygienic. He suggested that perhaps the City's current code is a little outdated. While he is not against maintaining existing vegetation, the City needs to be sensible and keep pace with what people are asking for and what they are buying for their homes.

- **Amendment 5 (SMC 20.20.034) – M Definitions – Microbrewery and Microdistillery.** Mr. Szafran said the Commission commented that both microbreweries and microdistilleries are like uses and should have similar definitions in terms of accessory uses. In addition, the Commission felt there should be a limit on the number of barrels per year to distinguish a microbrewery from a regular brewery. Staff is proposing that the definition for "microbrewery" be amended to incorporate the definition found in the *Glossary of Zoning, Development and Planning Terms*, which defines microbreweries as producing no more than 15,000 barrels per year (31 gallons in a barrel). Staff is also proposing that the definition for "microdistillery" be amended to place a limit of no more than 4,800 barrels per year. The definition would also be amended to allow the development to include other uses such as a standard restaurant, bar or live entertainment, as otherwise permitted in the zoning district.

  Commissioner Chang recalled that staff is proposing that the uses be extended to the Neighborhood Business (NB) zone, and she would like more information about what that would mean. Mr. Szafran said the uses do not currently exist in the City's code, and staff is proposing that the use table be amended to add brewpubs as permitted uses in the NB zone, but not microbreweries and microdistilleries. As proposed, microbreweries and microdistilleries would not start until the Community Business (CB) level.

Commissioner Malek asked how the impacts would change when a microdistillery ramps up production to the level of a microbrewery. Mr. Cohen said the significant difference would be volume, which could increase truck traffic.

Vice Chair Montero asked if the word "live" is necessary before "entertainment." Mr. Cohen commented that "live entertainment" could be considered a type of concert venue. Typically, live bands are louder. However, Commissioner Thomas noted that the entertainment would still have to conform to the noise ordinance. Mr. Cohen said there is a definition for "live entertainment" in the planning definitions. He agreed to bring the definition to the Commission's next meeting.

Commissioner Malek commented that, while he does not want to limit opportunities for business, he also does not want businesses to overwhelm neighborhoods. The Commission had a brief discussion about the difference between brewpubs, microbreweries, and microdistilleries. While the proposed definitions help the Commission understand the difference between a microdistillery and a microbrewery, it was suggested that it would be helpful to have a definition for "brewpub," as well.

Liz Poitras, Shoreline, agreed with Amendment 5, which would add production limits for breweries and distilleries to the definitions. She also referred to Amendment 11 and noted that the definition for microbreweries and microdistilleries includes the language, *"The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district."* She said this implies that the brewery or distillery can be just a place of manufacture. She noted in the table for Amendment 11, microbreweries and microdistilleries are not allowed in the NB zone, with the reasoning that they are a more intense use that can have more of a wholesale and distribution component. She reminded the Commission that "*the purpose of the NB zone is to allow for low-intensity office, business and service uses located on or with convenient access to arterial streets. In addition, these zones serve to accommodate medium and higher density residential, townhouses, and mixed-use types of development, while serving as a buffer between higher-intensity uses and residential zones."* She further reminded them that *"the purpose of the mixed-use residential (MUR) zones (MUR-35', MUR-45' and MUR-70') is to provide for a mix of predominantly multi-family development ranging in height from 35 feet to 70 feet in appropriate locations with other nonresidential uses that are compatible and complementary."* She said she sees similarities between the NB and MUR-35' zone on an arterial. Therefore, she proposed that Amendment 12 be changed to not allow microbreweries and microdistilleries in any MUR-35' or MUR-45' zone, even if on an arterial. The arterials that would qualify for MUR-35' zones, in both station areas, have R-6 zones abutting the MUR-35' lots that are on the arterial. She expressed her belief that the R-6 zones next to MUR-35' and MUR-45' zones should be given equal quality-of-life protection as R-6 zone next to the NB zones.

Ms. Poitras asked if there would be any restrictions as to how many brewpubs or breweries could be in any area, such as in one block. Since this type of manufacturer can be flammable, they should not be next to single-family homes. She asked if the City has rules for establishing and monitoring these operations and will there be ongoing inspections of the sites. She asked if these types of provisions need to be added to City code.

Mr. Szafran said there is not currently a proposal to limit the number, and any microbrewery or brewpub would have to obtain a tenant improvement permit, which would involve fire inspections and permits, as well. Chair Craft acknowledged that microbreweries and microdistilleries use flammable materials, but other businesses, do as well. There is not a specialized definition of "flammability" the Commission could consider as part of the code.

Tom Poitras, Shoreline, said his wife's main point was that microbreweries and microdistilleries are not allowed in the NB zones, which are similar to the MUR-35' zone. She asked that the same quality of life should be protected in the MUR zones as is protected in the NB zones.

Chair Craft commented that Ms. Poitras' point is well taken and makes sense, in his opinion, given that development in these two zones will be primarily residential. Commissioner Thomas agreed. Although she felt it would be appropriate to allow brewpubs in the MUR-35' and MUR-45' zones, but not microdistilleries and microbreweries. Commissioner Chang concurred. Commissioner Malek agreed that the uses should be prohibited in the MUR-35' zone, but not the MUR-45' zone. The Commission asked staff to provide examples at the public hearing to demonstrate what would and would not be the reality if the uses are allowed in the MUR-35' and MUR-45' zones.

- **Amendment 13 (SMC 20.40.210) – Accessory Dwelling Units.** Mr. Cohen advised that this amendment has three parts, two of which are citizen proposals. The first proposal would eliminate the requirement for the property owner to occupy either the main residence or the accessory dwelling unit (ADU). The second proposal would eliminate the required parking space for the ADU, and the third proposal would require existing structures with nonconforming setbacks to meet setbacks if they are converted to an ADU. He voiced concern that eliminating the owner-occupancy requirement could change the character of single-family neighborhoods. It would allow single-family neighborhoods to transition from home owners who need some income to stay to allow rental of duplex to two-detached dwelling units. After further discussion with staff and the applicant, some members of the Commission requested language be added to the proposed amendment to require a time period that a resident must live in either the principle home or ADU before being allowed to rent both units. The intent of the change to prevent developers from building ADUs as a form of getting more housing on property.

  Mr. Cohen said Seattle's ADU provisions were referenced in the Commission's last discussion. Seattle is currently studying the issue and one of the nine proposals would include removal of the current owner-occupancy requirement so that both units could be rented. However, an amendment is not anticipated until sometime in 2018. He summarized that, without an adopted Seattle code amendment or their experience administering it, staff has no reason to believe it would work for Shoreline. Shoreline neighborhoods have little to gain by requiring an owner to live on site for a year and then have the initial concern around ownership and residency reappear a year later when the owner can live elsewhere. Staff recommends that the amendment not be recommended to the City Council until a larger community can discuss it along with other residential development issues.

  Mr. Cohen referred to Seattle's Housing Affordability and Livability Agenda (HALA), which is looking for ways to build more affordable housing in the City. That is the intent of their proposal

to change the owner-occupancy requirement. In his opinion, Shoreline's goals are a bit different. While they want affordability, the ADU provisions are more about allowing people to bring in a little bit more income so they can stay in the property they currently have.

Commissioner Chang said she supports retaining the owner-occupancy requirement, as recommended by staff. She felt that eliminating this requirement would significantly alter the character of the single-family neighborhoods, where a height limit of 35 feet with a pitched roof is allowed. The change should not be made without a broader discussion. Commissioner Thomas and Vice Chair Montero concurred.

Commissioner Thomas referred to staff's proposed amendment related to setbacks. She asked if the proposed language would prohibit a property owner from converting a nonconforming garage into an ADU. Mr. Cohen answered that the garage could be converted to an ADU, but the building would have to be modified to meet setbacks. The portion of the garage that falls within the setback could not be converted to habitable space. Commissioner Thomas voiced concern that the requirement would create an unnecessary obstacle. She felt that if the garage is already being used, a property owner should be allowed to convert it to habitable space. Mr. Szafran said a property owner could maintain the existing shell of a nonconforming garage, but build an interior wall that moves the living space back a few feet to meet the setback requirement.

- **Amendment 22 (SMC 20.50.240(C) – Site Frontage.** Mr. Szafran said this amendment deletes the requirement for minimum space dimensions on the ground floor in commercial and mixed-use zones. The Commissioners voiced concern that if the provision is deleted from the code, developers will not build commercial spaces with enough ceiling room to provide attractive commercial spaces that retailers and restaurants want and need. Further, the Commission mentioned that Amendment 19 would increase the maximum height in the Mixed Business (MB) zone from 65 to 70 feet. They discussed that increasing the height in the MB zone would be an appropriate trade-off for leaving the requirement for higher ceiling heights in commercial zones. At this time, staff is not proposing any changes to this proposed amendment.

  Mr. Cohen clarified that the amendment has two parts. First, staff recommended that the ceiling height requirement be eliminated and that Development in commercial zones simply be required to build to commercial standards, which does not require a 12-foot ceiling. Some Commissioners felt the ceiling height requirement should be maintained to encourage opportunities for more commercial uses to locate in the spaces. Secondly, the amendment would change the height limit in the Mixed Business (MB) zone from 65 to 70 feet to match that of the MUR and Town Center (TC) zones. Staff's current proposal is to remove the ceiling height requirement, but still require awnings and glass frontage so it can be used for either residential or commercial uses.

  Mr. Cohen recalled that, at the last meeting, Commissioner Maul indicated support for increasing the height limit in the MB zone, but only if 12-foot ceilings are required. He asked if Commissioner Maul also wants to maintain the 12-foot ceiling height requirement in the other commercial zones. Commissioner Maul said he does not support eliminating the ceiling height requirement in any zone. He recognized that doing so would allow developers another story. He suggested the City give a 5-foot height bonus for projects that have a 12-foot ceiling height.

Commissioner Thomas agreed with Commissioner Maul that the 12-foot ceiling height requirement should be maintained for commercial zones. Allowing an additional 5 feet in building height helps mitigate the concern about the extra story.

Mr. Cohen said that if the ceiling height requirement is maintained for commercial zones, it would include the MB zone. Therefore, it is not necessary to tie the height increase to the ceiling height requirement. Chair Craft summarized that the Commission would be amenable to requiring a 12-foot ceiling but also increasing the building height in the MB zone to 70 feet.

Commissioner Maul explained that a 65-foot building height does not accommodate 7-story structures, regardless of whether there is a ground floor ceiling height requirement of 12 feet. Increasing the height limit to 70 feet would accommodate a 7-story structure, but the ground floor ceiling height would only be 10 feet. That means that increasing the height limit alone would not eliminate situations where developers want to waive the ground floor ceiling height requirement. If they increase the height limit to 70 feet but not require a 12-foot ceiling on the ground floor, most developers will want to do 7-story buildings. If enough 7-story buildings are constructed, the density will increase, and retail space will become more desirable. A 12-foot ceiling is much more attractive to retail uses than a 10-foot ceiling. If the City wants to encourage 7-story buildings, it could allow a 4 to 5-foot building height bonus, but require a ground floor ceiling height of 12 feet. This approach would increase the maximum height limit to 74 or 75 feet. Another option is to maintain the 65-foot height limit in the MB zone, with a 5-foot height bonus for a 12-foot ground floor ceiling height. The Commission concurred that they did not want to eliminate the ground floor height requirement.

Mr. Szafran said the intent of increasing the maximum building height to 70 feet was to allow developers taller ceiling heights on each floor. Commissioner Maul felt the opposite would occur. It would likely encourage reduced floor heights and another story. The Commission summarized their desire to recommend approval of Amendment 19, which increases building height in the MB zone to 70 feet, and recommend denial of Amendment 22, so that the 12-foot ground floor ceiling height is maintained. Mr. Cohen agreed to rework the proposed amendments to be consistent with the Commission's discussion.

- **Amendment 36 (SMC 20.80.090) – Buffer Areas.** Mr. Szafran advised that staff originally proposed that two sentences be deleted because of conflicts with earlier sections. However, the Commission and Assistant City Attorney voiced concern that the proposed changes do not communicate that the City's preference is to keep critical area buffers as undisturbed areas of native vegetation. Based on Commission discussion, staff is now proposing the second to the last sentence be reworded to read, *"The purpose of a buffer is to provide an undisturbed area of native vegetation."* This change reiterates what the City would like to see happen, as well as provide direction as to what an ideal buffer area is.

  Chair Craft summarized that changing the sentence is intended to mitigate the need for the language that has been crossed out. Mr. Cohen said the intent was to change the tone of the sentence to clearly state the purpose of a buffer. Commissioner Chang said the purpose of the change is to make it so the City does not have to ask for restoration or revegetation of a yard area

within the ability. She asked if it would also give the City the ability to ask for restoration or revegetation. Mr. Cohen answered that this is a general statement, and the specific provisions related to restoration and revegetation are elsewhere in the code. The intent is to change the tone of the language to emphasize the purpose of the buffer versus a requirement. Board Member Chang noted that the previous sentence also starts with "the purpose of the buffer." She suggested that perhaps the two sentences could be combined. Assistant City Attorney Ainsworth Taylor suggested that the sentence be altered to read, "To fulfill this purpose, a buffer should provide an undisturbed area of native vegetation."

- **Amendment 40 (Table 20.40.130 and Table 20.40.150) – Shipping Containers.** Mr. Szafran said staff does not currently have a proposal for the Commission's consideration. Staff needs to study the issue further and will propose an amendment for the Commission to consider at their next meeting. Commissioner Thomas summarized that a proposal would be presented at their next meeting, just prior to the public hearing.

DIRECTOR'S REPORT

Director Markle said she missed the last Commission meeting because she was attending the International Making Cities Livable Conference where the City's 145th Street Subarea Plan was awarded 4th Place in an international competition. The City received praise for the development code portion of the plan and how it proposed to implement it. She advised that this international board has been meeting together since the 1970s, and it is quite well respected in the planning community.

Director Markle asked if Commissioners would like to tour the 3rd Floor of the Administration Building where the Planning and Community Development Department recently relocated. The Commissioners agreed to schedule the tour for November 16th as the first item on the agenda. Members of the public in attendance at the meeting would be invited to attend, as well.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports of committees or Commissioners.

AGENDA FOR NEXT MEETING

Chair Craft announced that the November 2nd meeting is scheduled as a public hearing for the Development Code amendments. If necessary, the public hearing could be continued to the second

meeting in November 16th meeting. The amendments are scheduled to go before the City Council on January 22nd.

ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

Easton Craft
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission