

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

January 4, 2018
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Craft
Vice Chair Montero
Commissioner Maul
Commissioner Malek
Commissioner Thomas

Staff Present

Paul Cohen, Planning Manager, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Brian Lee, 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 Malek, Maul and Thomas. Commissioner Mork was absent.

APPROVAL OF AGENDA

COMMISSIONER THOMAS MOVED TO AMEND THE AGENDA TO ADD UNDER NEW BUSINESS A DISCUSSION RELATED TO THE PLANNING COMMISSION BYLAWS AND COMMUNICATION WITH THE CITY COUNCIL. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

The remainder of the agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of November 2, 2017 were approved as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: SUBDIVISION DEVELOPMENT CODE AMENDMENT

Staff Presentation

Mr. Szafran explained that the Development Code's current subdivision processes are not specific and are very unclear. The proposed amendments are intended to clearly articulate the subdivision processes, respond to concerns raised by the development community, make the processes consistent with State requirements, and provide consistent City administration of subdivision applications.

Mr. Szafran reviewed that the purpose of a subdivision is "*to divide land for the purpose of development or sale.*" Currently, there are three categories of subdivisions: short subdivisions (up to 9 lots), formal subdivisions (10 lots or greater), and binding site plans. The code includes criteria for approval, but there are no formal procedures for processing and reviewing subdivision applications. However, the current internal procedure for processing subdivision applications includes a preliminary plat application, followed by submission of site development and right-of-way permit applications. Once these applications have been reviewed and approved, a final plat can be recorded, and the applicant can then submit a building permit application.

Mr. Szafran summarized that the timeframe for the current process is long (approximately 13 months). In order to provide flexibility to developers and property owners, the proposed amendment would provide three procedure options for the processing of subdivisions. He reviewed each of the options as follows:

- **Option A** would be a typical subdivision without development. Land would be subdivided with development to follow separately at a later date. Typically, this process is used when a property owner wants to subdivide land with the intention of selling the newly created parcel(s).
- **Option B** would be a subdivision with development. This option is similar to Option A, but it allows submittal of the building permit as well. The intent of this option is to allow concurrent review of the site development, building, and right-of-way permits after approval of the preliminary plat. The option would benefit developers who want to start the subdivision process, but may not be ready to submit the development permits at the same time.
- **Option C** would be a consolidated subdivision. This option is similar to Option B, but with a concurrent review of the preliminary plat, building, site development and right-of-way permits as one application. For applicants who are ready for full development, this option could potentially save up to seven months in review time.

Commissioner Malek asked if there would be a size limit for Option C. Mr. Szafran said it would typically apply to subdivisions up to 9 lots. Larger subdivision applications become a quasi-judicial process that requires City Council approval. There would be no minimum lot requirement.

Commissioner Malek said he supports the intent of the proposed amendments, and he looks forward to obtaining more public feedback, particularly from builders. He explained that, currently, developers have used various approaches to avoid the lengthy subdivision process. For example, a developer can submit all permit applications for a single-family detached condominium project at the same time. While there are some beautiful examples of this type of project, unfortunately, the new owners are left to deal with the consequences of the term “condominiums.” Lending practices and other requirements associated with condominiums are complicated. He supports amending the Development Code to make the subdivision and condominium processes more consistent. In addition, he voiced concern that the current process is too long. He suggested that the review process should take into account when homes within a subdivision are identical.

Mr. Szafran said the intent of Option C would be for the permit applications to be submitted simultaneously. Once submitted, the applications would be forwarded to the appropriate City departments for review at the same time. Hopefully, this option will save applicants a considerable amount of time. Commissioner Malek emphasized that time is a significant factor when attracting developers to Shoreline.

Mr. Cohen said that, when developing the proposed amendments, staff discussed the pros and cons with developers. Developers indicated a desire for options that allow permit review to be consolidated. It takes about 13 months to complete the review process using the current standard procedure (not in the code). Staff estimates the review time can be reduced to about 7 months if permits are consolidated.

Commissioner Thomas clarified that, as long as an applicant meets all of the criteria in the Development Code, the subdivision application will be approved. The City cannot deny an application that meets all of the criteria based on concerns raised by neighboring property owners. Mr. Szafran concurred and noted that the City has never denied a subdivision application.

Vice Chair Montero referred to concerns raised in a letter to the Commission from the Master Builders Association, as well as Mr. Szafran’s comment that a subdivision application has never been denied by the City. He suggested the City should consider shortening the process by making it an administrative decision by staff rather than a quasi-judicial decision by the City Council. Mr. Szafran answered that short-plats (9 or fewer lots) are already administrative decisions, and legislation was recently passed to allow all subdivisions (short and long) to be administrative decisions. Staff will consider potential amendments relative to the new legislation as part of the 2018 Development Code amendments.

Public Comments

Scott Anderson, Seattle, said he owns property in Shoreline and is interested in subdividing it in the future. He expressed his belief that the proposed amendments are timely. He practices real estate and works with a number of builders in Seattle, too. He has experience with zero-lot-line and unit-lot subdivisions, and he questioned how these two development types would be addressed via the proposed amendments. He said that when he met with the City a few years ago, it was brought to his attention that subdivision and building permit applications could not run simultaneously. He asked if the proposed amendment would allow a developer to get a building permit approved first and then move forward with the subdivision. He also asked if a developer would be allowed to initiate a subdivision alongside a

building permit. His understanding of the proposed amendment is that preliminary approval of the subdivision application is required prior to submittal of a building permit.

Mr. Anderson reminded the Commissioners of the zoning changes that were recently implemented in the Light Rail Station Subareas, as well as the City's desire to promote housing and development. He commented that changing the subdivision process will be equally important to attract developers. Many developers are leery about developing in Shoreline because the processes are lengthy and unclear.

Mr. Lee said he has been administering the City's subdivision code for the past 10 years, and the proposed amendments are intended to provide clarity for developers and staff and decrease the review time. In answer to Mr. Anderson's question, Mr. Lee explained that unit-lot developments have always been allowed in Shoreline, but they have not been specifically called out by name. This has led many developers to walk away thinking they are not allowed. As per the Development Code, zero-lot-line units that are attached by a common wall have always been allowed to be subdivided even if they do not meet the dimensional standards. To address the confusion, the City recently adopted an amendment that adds unit-lot development as a specific form of subdivision.

Also, to address Mr. Anderson's question, Mr. Lee explained that the City's current practice is that multiple units can be developed on a single parcel without subdividing. However, this is not a common practice in all jurisdictions, and City staff will be analyzing the process in the coming months. However, any proposed amendment related to this topic will come forward at a later date. He clarified that another option for multiple units developed on a single lot is to separate them into fee-simple lots.

Mr. Lee explained that many developers and property owners who go through the subdivision process have voiced concern about the length of time it takes to subdivide a property, especially when the market is hot. Options B and C offer an accelerated process where developers will no longer be required to wait to complete the subdivision process before applying for a building permit. Option B allows a developer to apply for a building permit during the subdivision process, and Option C allows a developer to submit all applications upfront to be reviewed concurrently.

Mr. Anderson suggested that the Commission consider an Option D, which would allow the building permit to be started first, followed by initiation of the subdivision. Mr. Lee said the City currently allows a developer to submit a building permit application, and then apply for a subdivision. Mr. Anderson is asking for a slightly modified version where a developer is allowed to submit a building permit, followed immediately by a subdivision application while the building permit is under review. He explained that, in addition to addressing developers' concerns about the long review process, it is also important to keep in mind the logistics and time required by various City departments to review all of the submitted documents. It could create chaos if staff is asked to review building permit applications for properties that are not legally subdivided. The goal is to process applications faster but avoid creating confusion amongst the various City departments. Mr. Anderson said he can see how the proposed amendment, with its three options, will benefit developers going forward, but he voiced concern for developers or property owners who are already in the development process.

Mr. Anderson asked if there would be any conflicts between the criteria for short-plat and unit-lot subdivisions. Mr. Lee answered that the current standard for subdividing townhouse units is that each

unit must be separated by a two-hour separation wall. The new unit-lot subdivision code provides some relief from this requirement by allowing the units to be developed as one structure with a 1-hour common wall between each unit.

Mr. Cohen explained that, because development codes are a history of layered amendments over the years, staff will do a search of the code to ensure that consistent language is used throughout the subdivision code. The intent is to put forward a clerical amendment at the hearing on February 1st.

DIRECTOR'S REPORT

Mr. Cohen said the City received an application for another privately-initiated code amendment for "community residential facilities." Staff had originally planned to present the proposed amendment on January 18th, but that is the only item on the Commission's agenda for that evening. He asked if the Commission would be in favor of combining the code amendment with other items on the February 1st meeting. He also noted that the Commission is scheduled to meet jointly with the City Council on January 22nd at 5:45 p.m. The Commissioners agreed to push the code amendment study session to February 1st and cancel the January 18th meeting.

Mr. Cohen reported that a large number of development permit applications have been submitted in recent weeks, and staff is working to process them as rapidly as possible. It is likely that developers wanted to vest their projects before the new transportation, parks and fire impact fees became effective January 1st. He further advised that staff is working to implement an on-line permit application program, as well as in-house electronic plan review. They will also continue to look for opportunities to consolidate various permit processes. Reviewing permits concurrently allows staff to be more confident in what is approved.

Mr. Cohen advised that the staff and Commission will discuss their 2018 work program following the Commission's joint meeting with the City Council.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Planning Commission Letter to City Council

Mr. Szafran referred to the letter that was prepared by staff to summarize the Planning Commission's 2017 activities. Commissioner Thomas recalled that the topic of accessory dwelling units has come up frequently over the past few years, and she suggested it be added to the list of potential projects in 2018. Mr. Szafran noted that this topic is part of the discussion about housing choices in single-family zones. Mr. Cohen said the assumption is that the City Council would want to do more of a community-wide approach to the housing topics, including accessory dwelling units, cottage housing, etc.

Planning Commission Bylaws and Communication with the City Council

Commissioner Thomas announced that she would retire from the Commission when her 2nd term expires at the end of March. She recalled that, at one point, there were 9 Commissioners, but the number was reduced to 7 a few years ago. She pointed out that this March, there will be four positions to fill (Commissioners Mork and Malek will be up for reappointment, she is retiring, and Commissioner Chang is now serving on the City Council). She suggested the Commission consider amending their bylaws to add another Commissioner as an alternate. The alternate would come to the meetings and participate in the discussions but would not be vested to vote unless one of the 7 Commissioners was absent.

Commissioner Thomas recalled that when Commissioner Mork came on board, she was appointed to fill the position of a Commissioner who moved shortly after his appointment. While the new Commissioners had received some training following their appointments in March, Commissioner Mork had missed these training opportunities. She also recalled that one year the Commission had a difficult time getting a quorum at their meetings because one of the Commissioners was having cancer treatment. Having an alternate member would be beneficial in these situations.

Commissioner Thomas recognized that adding an alternate position to the Commission would require an amendment to the bylaws, which must be approved by the City Council. She asked the Commissioners to share their thoughts on the idea. If the Commission is interested in pursuing the idea further, she agreed to submit draft language for their consideration and potential recommendation to the City Council. If they do decide to move the idea forward, she urged them to do so now, before new appointments are made in March. This would allow all new Commissioners, as well as the alternate Commissioner to be appropriately trained.

Assistant City Attorney Ainsworth-Taylor pointed out that adding an alternate position to the Commission would also require a code amendment to Title 2. As currently written, the Commission is organized as a 7-member body. The Commissioners agreed to discuss the concept with the City Council at their joint meeting.

Vice Chair Montero said he can sympathize with being “thrown into the fire” as a new Planning Commissioner, and he understands the logic of having an alternate. However, having served on a number of boards and commissions, it is not uncommon for new members to struggle to come up to speed. He also was very green when he was appointed to the Commission, and he had to do a lot of reading and listening to educate himself on the issues at hand. He voiced concern that having an alternate position would add another layer to the Commission that would be a little too cumbersome. Chair Craft concurred.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports from committees or Commissioners.

AGENDA FOR NEXT MEETING

The January 18th meeting was cancelled. The February 1st meeting agenda will include a public hearing on the proposed amendments to the Subdivision Development Code and a study session on a citizen-initiated amendment related to community residential facilities.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Easton Craft
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission