

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF PUBLIC HEARING MEETING

June 21, 2018
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Montero
Commissioner Craft
Commissioner Davis
Commissioner Lin
Commissioner Malek
Commissioner Maul

Staff Present

Rachael Markle, Director, 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

Vice Chair Mork

CALL TO ORDER

Chair Montero called the public hearing 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 Montero and Commissioners Craft, Lin, Maul and Malek. Commissioner Davis arrived at 7:03 p.m. and Vice Chair Mork was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of June 7, 2018 were approved as submitted.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING: TREE RETENTION IN MUR-70' DEVELOPMENT CODE AMENDMENT

Chair Montero reviewed the rules and procedures for the public hearing and then opened the hearing.

Staff Presentation

Mr. Szafran presented the Staff Report. He reviewed that the 2017 Development Code Amendment batch included a privately-initiated amendment to include the MUR-70' zone as one of the zones that should be subject to the tree retention and replacement standards. The City Council approved the amendment on February 26, 2018 and directed staff to research additional amendments that would make it more feasible to retain trees in the MUR-70' zone. At that time, the City Council made the following observations:

- Tree retention requirements would greatly curtail the redevelopment potential of the station subarea plans.
- Greater retention requirements may be needed, perhaps on the site perimeters or as protected reserves on adjacent parcels.
- Tree removal should be restricted per current code until properties have redevelopment applications.

Mr. Szafran informed the Commission that an existing regulation (SMC 20.50.310(B), which allows for a certain amount of significant tree removal without a permit, would not change with the proposed group of amendments currently before the Commission.

In answer to questions from the Commission and public raised at the last meeting, Mr. Szafran advised that the MUR-70' zone comprises approximately 200 acres of the City, and 63 of those acres are covered by tree canopy. About 3% of the total tree canopy in the City is located in the MUR-70' zone, but the Urban Tree Canopy Assessment did not distinguish between significant and non-significant trees. He also advised that the light rail station construction will result in a tree canopy loss of about .3%. Lastly, he noted that the Cities of Seattle and Tacoma have adopted a 30% tree canopy goal.

Mr. Szafran reviewed that, based on discussions with the Commission at their May 17th and June 7th meetings, staff is proposing two options for them to consider:

- **Option 1 – Exempt the MUR-70' zone from the Tree Code with incentives for Tree Retention and Replacement.** The proposed tree incentives would include a height increase to 80 feet with a 10% retention, a height increase to 90 feet with a 20% retention, a 5-foot front setback reduction with 20% retention, and a potential parking reduction (up to 25%) for retention and replacement.
- **Option 2 – Not exempt the MUR-70' zones from the Tree Code retention and replacement requirements and offer a fee-in-lieu to remove 20% of the significant trees and a fee-in-lieu for the required replacement trees.**

Mr. Szafran advised that staff is recommending approval of Option 1, which would exempt the MUR-70' zone from the Tree Code, with incentives for tree retention and replacement.

Public Testimony

Ginger Hayra Gunn, Shoreline, shared her ideas about how the funds collected via a fee-in-lieu program could be used to create green spaces in the areas where more intense development is occurring. The green spaces could include very large evergreen trees in the middle to provide wildlife habitat. There could also be boulevards with trees down the middle, and one-way traffic with cars on one side and bicycle lanes in both directions. In addition, the rooftop surfaces of the buildings could create green areas to accommodate planter boxes, community gardens, solar panels and wind turbines. She said she is a native plant steward and would love to have money to spend in Boeing Creek Park but creating green spaces in the MUR-70' zones is more important. She urged the City to save the trees as development occurs.

Christine Southwick, Shoreline, commented that the large trees are what make Shoreline so welcoming and livable. Species that are not in many areas of the country can be found in the large evergreen trees in Shoreline. Shoreline has been designated as a Tree City USA and has a publicly-appointed Tree Board that helped write the City's Urban Forest Strategic Plan. The plan was adopted in May 2014 and talks about the different ways of preserving trees and the importance of an urban forest. She pointed out that in City-sponsored open houses, citizens have repeatedly stated how important trees are to their neighborhoods and personal feelings of well-being. The City is expected to grow given its proximity to Seattle, and the majority of citizens want it to continue to be a pleasant environment that is healthy for kids, pets, birds and wildlife. That means that building laws and options need to support the intent of the law and not just the letter of the law.

Ms. Southwick referred to SMC 20.50.310(B)(1), which was written to restrict the number of trees that could be cut down. However, the current limit of 6 trees per 3-year period allows a property owner to cut down all of the trees on large lots that have 6 or fewer trees, and the property owner can come back again after 3 years and cut down 6 more trees. Commercial zones are mostly exempt from the Tree Code. She summarized that while the intent is to retain as many trees as possible, she is not sure that is always the case. She said she is pleased that the Planning Commission is trying to walk the fine line between encouraging high-density development without destroying the beauty and habitability of Shoreline. While Option 1 appears to be the friendliest for developers, she is concerned about reducing front setbacks to 5 feet because there would be no space for trees in the front where people can see them. She likes Option 2 and the idea of basing the fee on the diameter of a tree. She also emphasized the importance of setting a realistic fee for the required replacement trees. The replacement trees need to be planted in areas that are lacking in tree canopy.

Janet Way, Shoreline, said she was present to speak on behalf of the Shoreline Preservation Association. She referenced the Thornton Creek and West Lake Washington Basin Characterization Report, noting that almost all of the properties zoned MUR-70' are located within the Thornton Creek Watershed. That means all of the impact from the policy will be on Thornton Creek, which is the largest watershed in Shoreline and Seattle, with 5 species of salmon. She reminded the Commissioners that the Orcas are dying for lack of food, and they eat salmon. She also submitted a document showing how to work development around existing trees. It contains scientific and engineering principles developers can use to retain trees.

Ms. Way said she appreciates hearing from staff about the total area of the MUR-70' zone and how much tree canopy it has. It would also be good to know the total number of trees. She asked if the Parks Board

was asked about whether or not they would be willing to accept more trees as part of a fee-in-lieu program. She also referred to the Shoreline Sustainability Strategy, which was written and adopted while she served on the City Council. The plan calls for being stewards of our community's natural and environmental resources, promoting development of green infrastructure, etc.

Ms. Way stressed the need to include detailed requirements for the trees that will replace those that are removed. She noted that arbor vitae are commonly used by developers for replacement trees, but they are ugly and often die. She provided pictures of a large apartment building in Bothell that was constructed right next to significant trees. She also provided other pictures to illustrate this concept and stressed that development can be done around significant trees, but it requires some creativity. Retaining trees as part of development will further enhance Shoreline.

Breck McKean, Shoreline, said he lives across the street from the 145th Street Station. He and eight other neighbors are working together to sell their properties. No one will want to purchase the properties for single-family uses, and they are worried about how the current Tree Code requirements might impact their ability to sell. He said he is glad that the Commission is trying to come up with a solution that will work for everyone. They need to preserve trees but also recognize that the area around the train station will not be developed as a typical Shoreline residential neighborhood.

Merissa Reed, Shoreline, said she is the former chair of the 185th Street Citizens Group that was active around the time that the MUR-70' zoning was adopted. She is also the vice-president of the Firview Terrace Community Club, a neighborhood that has been in existence since 1954. The developer of her neighborhood created a park at the top of the hill, similar to what was suggested by Ms. Hayra Gunn. She said it would be great if the City could protect pockets of green space in the MUR-30' and MUR-45' zones and retaining as many trees as possible in the MUR-70' zone makes sense. However, they also must be reasonable and recognize the purpose of the MUR-70' zone.

Ms. Reed suggested that the City reconsider the current regulation that allows a property owner to remove up to 6 trees in a 3-year period, particularly as it applies to single-family residential zones. Perhaps they could tighten up the tree restrictions in some areas of Shoreline to compensate for the loss of trees in other more intense zones. This would enable them to better protect the tree canopy.

Cynthia Knox, Shoreline, asked why the City is bending over backwards to make Shoreline attractive to developers. Given its location to Seattle, development will inevitably come to Shoreline anyway. She asked the Commission to talk to the Parks Department about the idea of using fee-in-lieu funds to plant trees in parks to replace those that are removed. She has been advised that the Parks Department is planting trees as fast as possible, but there is only so much public land where they can be planted. The current regulations appear to trust developers more than individual homeowners. Homeowners are required to follow rules and obtain permits for tree removal, but developers are given a pass.

Ms. Knox said she understands it is not possible to retain every tree in Shoreline, but she suggested the Building Code should be changed to require large developments to incorporate plants and trees. She submitted a picture and explained that numerous buildings are being constructed around the world where the architecture incorporates plants on the sides and top. People still have to breath and destress, and cities need to be cooled down. These are qualities that plants provide. She observed that City Hall has received

awards for being green, with plants on the roof and a lot of greenery on the grounds. She asked that they incorporate this approach into the MUR-70' zone. It could become a selling point for the City moving forward.

Dia Dreyer, Shoreline, said she is not convinced that developers are having a hard time meeting the tree retention requirement given the lot coverage, setback and minimum density requirements. She recalled that it was previously pointed out that there was a flaw in overreaching by adding the rounding up factor to the minimum density zoning, yet the rounding up factor was adopted. Rather than conceding that this was too aggressive, the cure to this fatal flaw is to let developers cut 100% of the trees on their lots in the MUR-70' zone. In addition, the proposed amendments would incentivize developers to retain some of the trees by offering greater heights, reduced setbacks, reduced parking, etc. She noted that some properties are already being advertised as having a development potential of up to 140 feet. The incentive of reduced parking is being considered at the same time that a Council Member is suggesting that the tree retention requirement in single-family neighborhoods be strictly enforced and that the property owners be required to pay fees for cutting any trees. She cautioned against penalizing everyone else to compensate for offering extreme exceptions to developers. If either of the options are adopted, she asked how the City would ensure that land bankers are not allowed to purchase and clear lots and then let them sit vacant for years until they end up devaluing adjacent properties so they can eventually be purchased for less.

Dan Dale, Shoreline, said he appreciates the information provided by staff about the size and scope of the MUR-70' zone but cautioned them to think about the 2,000 single-family properties that were rezoned as part of the Light Rail Station Subarea Plans. He noted that 600 properties are located in what is now the MUR-70' zone. To provide a sense of scale, he referred to the Arabella Development in North City which occupies about four lots. The total area in the MUR-70' zone would accommodate about 150 of these developments long range. They must consider how this change can happen as gracefully as possible but still attract developers. They don't have a clean slate, and developers will be required to aggregate properties. That's why it is important to be site specific and look for exceptions and situations where it may be possible to save a tree.

Mr. Dale voiced concern about giving developers incentives that do not meet the requirements for below-grade parking. They are a decade away from thinking people will no longer drive cars, and spillover parking into neighborhoods will be unacceptable. He is also concerned that allowing greater building height for saving just 10% of the trees is way too much concession for developers. They can't stop development from coming to Shoreline, and they must have a higher standard. He noted that it was earlier reported that of the seven jurisdictions staff researched, none provided incentives for retaining significant trees in commercial zones. However, the MUR zones are intended to be hybrid zoning that is more residential. He suggested a hybrid of the two options would be the best approach for creatively saving trees. Finally, he urged the Commission to think about the importance of saving trees between large projects.

Howard Stein, Shoreline, questioned if the Commission is really listening and hearing what the citizens are saying and if their words will count in the final decisions that are made. Chair Montero answered that the Commissioners do not engage in dialogue with citizens, but they do listen and consider their comments. Mr. Stein said one thing missing in the conversation is the value of significant trees; what they provide to the environment and how they impact people's lives. He doesn't know what the Commission

is thinking when they agree to allow 100-year-old trees to be cut down. These trees have a significant impact on the environment and the air they all breathe. Developers do not seem to take this into consideration. He provided pictures of development that is currently happening on NW 8th Avenue near 240th Street, where the entire lot has been cleared and graded. He shared other examples of where this same thing has happened elsewhere in the City. It is baloney to think that developers will take care of the citizens who live in Shoreline. He suggested the Commission could create a standard for developers to follow that would have them recognize the value of retaining trees and create projects around the possibility of keeping more trees. Shoreline's current policy for tree removal is baloney, as well. He asked why the public was not involved in the original recommendation process. He asked the Commission to consider the value of the trees and the people who live in Shoreline.

Martha Bracken, Shoreline, said she lives within the 145th Street Station Subarea and is concerned with what will happen to her single-family home. They will not likely be able to remain in Shoreline because they won't be able to afford another home once they are forced to move to accommodate redevelopment. She agreed with the concerns raised by the previous speakers. She loves the idea of creating more greenery around development in the MUR-70' zone. She knows that redevelopment is inevitable in the station areas, but she would like the City to require some trees to be saved.

Meghan Peterka, Shoreline, noted that many in attendance are older, and she has two children (18 and 20). She referred the Commission to a letter she submitted previously, but she asked them to think about a phrase she recently read in a senior magazine, "Our Legacy, Their Future."

Commission Discussion and Recommendation

COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION OF OPTION 1 TO THE CITY COUNCIL. COMMISSIONER MALEK SECONDED THE MOTION.

Commissioner Maul said he loves trees, as well. He grew up spending his free time in the woods backpacking and camping. He purchased a home in Shoreline that now has 25, 100-foot evergreen trees. He volunteered to serve on the Commission because he cares, and he listens to the citizens. However, there are big picture issues that have to be considered and hard choices that need to be made. Not everyone will agree, but he felt Option 1 is the right decision. He is a little shocked that 4% of the City's area is 3% of the canopy, which means the MUR-70' zone is 75% covered with trees. If they require a 20% tree retention, development would be very difficult. He felt it was a good idea to forward options for incentives, but he is not sure the proposed incentives will be taken advantage of. He expresses his belief that the areas that were rezoned to MUR-70' are the best place to put the densest residential population. These properties are near services and the utilities already exist. Locating the denser residential development near mass transit is environmentally important, as well. Again, he felt Option 1 makes sense and is a great starting point. Tweaks can be made down the road, if needed.

Commissioner Davis said she did listen and took notes of the citizen comments. The Commission is in a challenging position. The proposal of preserving green spaces around high density is a great idea. She asked staff if there would be an opportunity in the future to have discussions about potential standards for green spaces around the high-density buildings. These spaces may not be on the sites, themselves, but

perhaps in the right-of-way. Director Markle answered affirmatively. The 185th Street Corridor Study is planned to happen, and one main purpose of the study is to define the look and feel of the street. During the subarea plan process, the Commission spent a lot of time talking about how the public spaces would help define and make the station areas attractive. She does not know what the outcome of the study will be because it will involve a public process, but there will be an opportunity to talk about street amenities (trees, benches, bike lanes, sidewalks.) In addition, the Parks, Recreation and Open Space (PROS) Plan has been updated to include information about development of parks and open space in relation to the new zoning around the stations. Mr. Szafran added that the Parks Department is working in partnership with King County to identify parcels that could be purchased or existing park spaces that could be expanded.

Commissioner Davis said she is also excited about the concept of rooftop green spaces. Canopy cover is one objective of saving trees, but trees also help keep the buildings and surrounding areas cool. Rooftop green spaces can help accomplish this goal. She asked if there is an opportunity in the future to consider code amendments related to rooftop deck requirements or green spaces in the MUR-70' zone. Mr. Szafran said one requirement in the MUR zone is that development must be at least 4-Star Built Green, and rooftop deck green spaces are one option a developer can utilize to meet the requirements. Director Markle added that consideration of green code requirements for all commercial development, including multi-family, is on the 2018 work plan. The requirements for MUR zones may be upgraded as part of this process, as well. It is possible for the City to tailor its green code requirements to emphasize certain categories that are important to the City. This work will start in August.

COMMISSIONER MALEK MOVED TO AMEND THE MAIN MOTION TO CHANGE SMC 20.50.310(5) (OPTION 1 IN ATTACHMENT 5) TO ALSO EXEMPT THE MUR-45' ZONE FROM THE TREE CODE. COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Malek said his proposed amendment would extend the exemption to include the MUR-45' zone, which is also intended for higher density. He is not recommending that the exemption be extended to MUR-35', which is intended to provide a residential buffer. Requiring tree retention in the MUR-45' and MUR-70' zones seems inconsistent with the objectives the City is trying to achieve of preserving 97% of the tree canopy elsewhere. The goal is to accommodate the gorgeous 37-38% tree canopy that exists in the residential areas by sequestering density near the light rail stations, rapid bus service, freeway, etc. They do a disservice by identifying the area as high density while making it very difficult for developers to remove trees to accommodate maximum densities.

Assistant City Attorney Ainsworth-Taylor explained that the scope of the proposal that was sent to the Commission by the City Council related only to the MUR-70' zone, and that is what has been presented throughout the public meetings. The public expectation is that the amendment would only relate to the MUR-70' zone. It would not be appropriate for the Commission to expand the amendment to include the MUR-45' zone.

THE MOTION TO AMEND THE MAIN MOTION FAILED UNANIMOUSLY.

Commissioner Malek pointed out that he voted against the motion to amend based on direction from the Assistant City Attorney. However, the Commission could explore the option of expanding the exemption to include the MUR-45' zone at some point in the future if tasked to do so by the City Council.

Commissioner Lin emphasized that the intent is to preserve significant trees, and they are not counting all trees. Currently, a developer is only required to preserve 20% of the significant trees. Mr. Szafran pointed out that the Tree Canopy Assessment did not distinguish between significant and insignificant trees.

Commissioner Craft requested further discussion about how the potential incentives outlined in Option 1 would be applied. Commissioner Maul commented that only 5 stories can be developed using wood frame construction. A 7-story building would require that the 1st and 2nd floors be constructed of concrete. The difference in cost between a wood-frame building and a concrete structure is significant. For that privilege, the footprint of the building would have to be reduced. A developer would be able to construct about the same square footage, but the cost would be greater.

Commissioner Davis agreed with that scenario. However, as reported in the Staff Report, there are alternative structural designs that allow for a greater height without an extreme jump in price. Even if it does cost a little more, she felt that additional height would be an incentive that is used by developers. She expressed her belief that the incentives will be meaningful enough to encourage developers to be creative and save significant trees. Commissioner Maul concurred.

Commissioner Lin suggested that Option 2, which would implement a fee-in-lieu program, would be less complicated to administer. Using a fee-in-lieu approach, the cost of fee would be passed on to the future buyers and the benefits would go to the parks and green spaces.

Commissioner Maul said his understanding is that staff has talked to the Parks Department, and they are not interested in planting additional trees using fee-in-lieu funds. With a fee-in-lieu approach, developers will be required to survey the trees on site and hire an arborist to write a report about the health of the trees. These reports will have to be reviewed by staff, adding another layer to an already bogged-down process. If we want more trees and need more money to plant them, they could increase the park impact fee that was recently initiated. This would be a streamlined process that accomplishes the same goal. He reminded the Commission of the street tree requirements in the MUR-70' zone.

Commissioner Davis suggested that, as recommended by a citizen, the Commission could consider a hybrid option, using elements of both Option 1 and Option 2. Assistant City Attorney Ainsworth-Taylor instructed that because the concepts outlined in Options 1 and 2 have been before the public for consideration, it would be appropriate for the Commission to consider creating a hybrid solution.

Director Markle suggested the following options:

- Require retention of a certain percentage of trees and also pay a fee in lieu of a set percentage.
- Exempt the MUR-70' zone from the replacement requirement, but not from the retention requirement. However, there would be an option for a fee-in-lieu.
- Exempt the MUR-70' zone from the retention requirement, but require replacement using the ratio currently on the books of 3:1 or some other ratio.
- Base the tree retention requirement on where the significant trees are located. For example, if they are located along the perimeter, the developer could work around them.

- Determine the tree retention and replacement requirements on a site-by-site basis, with the goal of retaining as many significant trees as possible. Using this concept, a developer would present a proposal that identifies the trees that can and cannot be saved, and the City staff, with assistance from an arborist would do a site assessment to determine whether or not they agree with the developer's proposal. This option would require a lot of discretion on the part of staff.

Due to repeated comments shouted from the audience, Assistant City Attorney Ainsworth-Taylor reminded the audience of the rules and procedures for the public hearing, emphasizing that the public portion of the hearing had been closed.

Assistant City Attorney Ainsworth-Taylor pointed out that the Commission could postpone its recommendation to the City Council regarding the proposed amendments if they want staff to further investigate additional options. The public hearing could be continued to a later date if the Commission chooses to do so. She emphasized that the City Council relies on the Commission to send them a fully-vetted, ready-to-go recommendation. They do not want the Commission to forward a recommendation that expects them to further manipulate.

Chair Montero said he would favor a hybrid option that blends both Option 1 and Option 2 together. He suggested they could provide additional direction to staff and then continue the hearing to a later date. Commissioner Lin said she would also support a more thought-out combination of the two options. Commissioner Davis concurred. She observed that no developers shared input as part of the public hearing to provide a more balanced view, and she can't ignore what she heard from the citizens.

Chair Montero suggested the Commission vote on the current motion on the table. If it fails, they can send the matter back to staff for further research and proposals. Commissioner Craft felt it would be unfortunate to send the matter back to staff. The Commission has held several study sessions and staff has proposed two very good recommendations based on feedback from the Commission. Creating a fee-in-lieu program would place an additional burden on the system, as well as add costs for the buyers and developers.

THE MOTION CARRIED 4-2, WITH CHAIR MONTERO AND COMMISSIONERS CRAFT, MAUL AND MALEK VOTING IN FAVOR AND COMMISSIONERS LIN AND DAVIS VOTING IN OPPOSITION.

DIRECTOR'S REPORT

There was no Director's Report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Assistant City Attorney Ainsworth-Taylor reported that Snohomish County anticipates potentially issuing a decision on the Point Wells proposal next week. Commissioner Malek asked that the decision be posted on the City's website as soon as it is available.

AGENDA FOR NEXT MEETING

There was no discussion about the July 5th meeting agenda.

ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

William Montero
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission