

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

September 20, 2018
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Montero
Commissioner Davis
Commissioner Lin
Commissioner Maul
Commissioner Malek

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
Tricia Juhnke, City Engineer
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Vice Chair Mork
Commissioner Craft

CALL TO ORDER

Chair Montero 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 Montero and Commissioners Davis, Lin, Maul and Malek. Vice Chair Mork and Commissioner Craft were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of September 6, 2018 were approved as submitted.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: SALES TAX MEASURE FOR SIDEWALKS – PROPOSITION 1

Ms. Juhnke presented the Staff Report for Proposition 1, which would increase the Sales and Use Tax to support the construction of sidewalks. She explained that most of Shoreline’s neighborhoods were built to King County rural standards in the 40s, 50s and 60s. When the City incorporated in 1995, investing local tax dollars in infrastructure was a priority, and the community immediately began planning for the improvements on Aurora Avenue, Interurban Trail and stormwater systems. In 2006, Shoreline voters invested in parks through a bond measure, and the Council voted to increase the vehicle license fee in 2009 to help fund the Pavement Management Program.

Ms. Juhnke advised that through surveys and community input, residents have helped direct the priorities for capital investments. Shoreline residents have repeatedly identified sidewalks as important, and this was once again the case in the most recent survey. Only about 1/3 of the City’s arterials and even fewer residential streets have sidewalks. Less than half of respondents indicated they were satisfied with the availability of sidewalks on major streets and routes, and even fewer expressed satisfaction with the availability of sidewalks in their neighborhoods. Residents have also expressed frustration with the condition of the existing sidewalks. In this year’s survey, 64% of the respondents put investing in sidewalk infrastructure as one of their top two capital improvement priorities.

Ms. Juhnke referred to the City’s Pedestrian Plan, which was developed in 2011 and identifies approximately 153 miles of sidewalk. She reviewed that when the City was incorporated there was just 54 miles of sidewalk. Since that time, the City has constructed a little more than 17 miles of sidewalk using funds from the capital budget and grants. Private development has also paid for the construction of 6 miles of sidewalk. Unfortunately, the need for sidewalks is greater than the resources currently available, and the cost estimate to build out the remaining 75 miles of sidewalk is approximately \$400 million. This amount doesn’t include the estimated \$110 million needed to repair and maintain the existing sidewalk network.

Ms. Juhnke reported that in order to address the growing need to repair and maintain the existing sidewalk network, the Council voted in June to increase the vehicle license fee by an additional \$20. It is estimated that the increase will generate approximately \$830,000 in additional revenue each year that will be used solely for sidewalk repair and maintenance. While this funding will be a significant boost to the City’s effort, it is still small compared to the need. She advised that over the past six years, the City has collected an average of \$1.8 million for transportation projects from the Real Estate Excise Tax (REET), Vehicle License Fee (VLF), and the general fund. This revenue must be divided to pay for street paving, traffic signals, safety improvements and sidewalks. Historically, the City has spent about \$152,000 per year on sidewalk repair and maintenance through the Curb, Ramp, Gutter and Sidewalk Maintenance Program. New sidewalks have generally been built using grant funding or money that was part of a larger capital project such as the Aurora Corridor improvements.

Ms. Juhnke explained that many factors impact the cost of sidewalk construction. For example, planning and design can vary depending on the complexity of the project, and construction costs can vary depending on the price of materials at the time of construction. Other cost factors include accommodating stormwater drainage, relocating utilities, and accommodating parking, driveway and Americans with Disabilities Act (ADA) requirements.

Ms. Juhnke reported that the City appointed 15 Shoreline residents to a Sidewalk Advisory Committee to look at how to prioritize and fund the construction of new sidewalks. Through the process, the committee emphasized the need for access and mobility for everyone, and the committee and City staff developed a 2018 Sidewalk Prioritization Plan that focused on safety, equity, proximity and connectivity. The City Council approved the 2018 Sidewalk Prioritization Plan earlier in 2018 and then considered several funding options that included: increasing property tax, a Sales and Use Tax, increasing the VLF further or a combination of the sources.

Ms. Juhnke reported that the Council ultimately decided to seek voter approval for a Sales and Use Tax increase. If approved by Shoreline voters, Proposition 1 would increase the Sales and Use Tax by 0.2%. If approved, all funds collected would be used solely to support the debt for sidewalk construction or repair. She provided a table showing how Shoreline's Sales and Use Tax rate compares to surrounding jurisdictions. She noted that Shoreline's current rate of 10% is at the bottom. If Proposition 1 is approved by the voters, the rate would increase to 10.2%, placing Shoreline in the middle of surrounding jurisdictions.

Ms. Juhnke explained that the adopted resolution for placing Proposition 1 on the ballot identified 12 specific sidewalk projects to be constructed initially. She provided a table and a map to identify the 12 projects, noting that all of them were part of the 2018 Sidewalk Prioritization Plan. She advised that current projections indicate that only about 70% of the revenue generated would be needed to construct the initial 12 projects. Once the 12 projects are completed, the Council would use the additional revenue to fund other sidewalk projects utilizing the 2018 Sidewalk Prioritization Plan as a guide or to expedite repair and maintenance of existing sidewalks. Again, she emphasized that all funding generated from the ballot measure must be expended to support the City's sidewalk program.

Ms. Juhnke concluded her report by providing the actual ballot language contained in the Voter's Guide and pointing out that a simple majority is required to approve the measure.

Commissioner Malek requested clarification on the 20-year timeline. Ms. Juhnke said that the funding collected over the 20-year period would not fund full build out of the Pedestrian Plan. However, it should generate more revenue than what will be required for the 12-initial projects. The additional revenue would be used for constructing additional sidewalks and/or repairing and maintaining existing sidewalks.

Commissioner Malek asked about the timeline for sidewalk construction. Ms. Juhnke explained that rather than a pay-as-you-go approach, the City would be bonding for the work. The plan is to build more sidewalks earlier and then use the tax revenue to pay the debt service. If Proposition 1 is approved by voters, City staff will finalize a schedule for completing the projects.

STUDY ITEM: 2018 DEVELOPMENT CODE AMENDMENTS (#2)

Mr. Szafran reviewed that the proposed Administrative and Clarifying amendments were presented to the Commission on September 9th. He briefly recapped the amendments that the Commission had questions on.

Recap of Administrative and Clarifying Amendments

- **Amendment 1 (SMC 20.20.012) – Building Coverage Definition.** At the last meeting, the Commission raised questions about what should constitute building coverage and whether eaves and other roof elements should be counted as part of that coverage. The Commission also inquired about the exception of ground-mounted solar collectors from building coverage requirements. Currently, there are exceptions for photovoltaic arrays and solar thermal collectors in the commercial zones, but they do not apply in residential zones.
- **Amendment 8 (SMC 20.40.405) – Homeless Shelter.** The proposed amendment would add “Homeless Shelter” to the title page. However, this would no longer be necessary, since it would automatically be added if the Commission recommends that “Homeless Shelter” be added to the Use Table.
- **Amendment 17 (SMC 20.50.020) – Height.** The current code sets the base height for high schools at 50 feet, and the base height may be exceeded to a maximum of 55 feet for gymnasiums and 72 feet for theater fly spaces. Because middle and elementary schools may also want to add these types of uses, staff is recommending to replace “high schools” with “public and private K through 12 schools.”
- **Amendment 19 (SMC 20.50.040) – Landscape Structure in Setback.** This amendment would provide clarification on the applicability of maximum height and sight distance requirements to vegetation supported by landscape structures. Based on feedback from the Commission, staff is now recommending an additional change in Item c, which would replace the phrase “Both sides and roof” with “All sides.” Because gazebos will count as a landscape structure, requiring an open roof would not make sense.
- **Amendment 22 (SMC 20.50.150) – Storage Space for Garbage.** Staff is proposing that the title to this provision be changed to, “Storage Space for Collection of Garbage, Recyclables and Compostables Standards. This is consistent with the language found in the City’s waste agreement.

Next, Mr. Szafran reviewed the proposed policy amendments.

- **Amendment 2 (SMC 20.20.024.H) – Definitions.** This amendment would add a definition for “Homeless Shelter.”
- **Amendment 12 (SMC 20.40.120) – Homeless Shelter Use Table.** This amendment would add “Homeless Shelter” as an approved permitted use with indexed criteria in the Community Business (CB), Mixed Business (MB) and Town Center (TC) 1, 2 and 3 zones.
- **Amendment 15 (SMC 20.40.405) – Homeless Shelter Indexed Criteria.** This amendment outlines the indexed criteria that would go along with the new use in the Use Table. The proposed index criteria are intended to allow homeless shelters in certain zones while providing protection

to the residents of the shelter and to ensure the shelters do not impact adjacent land uses. Staff researched jurisdictions in the region to find out how they regulate homeless shelters, and the findings were included in the Staff Report. Also, the City issued a temporary use permit in 2017 for Mary's Place, which functions as a homeless shelter at 16301 Aurora Avenue. The City considers Mary's Place a successful project and used it as a model for developing the proposed regulations.

Chair Montero recalled that the Commission discussed homeless shelters previously. Mr. Cohen clarified that the earlier discussion was focused on transitional encampments, and the criteria evolved over time. Since that time, homeless shelters have come up as another land use the City felt would fill another gap in providing housing. He acknowledged that there are some similarities between the requirements for the two uses.

- **Amendment 3 (SMC 20.20.032.L) – Definitions.** This amendment would add a definition for “Landscape Structures.” A unified definition that applies to different types of landscape structures is needed in order to clarify the applicability of the requirements. As proposed, the term “Landscape Structure” will apply to structures that support trees and plants, such as a trellis, arbor, pergola or gazebo.
- **Amendment 18 (SMC 20.50.020.3) – Height in Commercial Zones.** Currently, the base height in the Mixed Use Residential (MUR) zones can be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbecue enclosures and other structures that provide open space amenities and their access. Staff believes these same height exemptions should be extended to the commercial zones, as well.
- **Amendment 21 (SMC 20.50.122) – Administrative Design Review for Single Family Residential Attached and Multifamily Residential.** The Single Family Residential and Multifamily Residential design standards are outdated from when development in the City was administered by King County. The current design standards do not reflect the City's desire to create attractive and innovative site and building design. The standards will be completely updated in the next year or two. To ensure that development occurring before adoption of the updated standards meets the City's visions, staff recommends extending the use of the Administrative Design Review process to the Single Family Attached and Multifamily design standards. Mr. Cohen added that the Administrative Design Review process allows developers to apply for departures from the design standards, with justification that meets the criteria and intent. This flexibility can allow for better design instead of rigidly following the code.
- **Amendment 24 (SMC 20.50.310.B) – Tree Removal and Lot Size.** This amendment was privately initiated. It proposes to extend the same exemption ratio of tree to property area beyond the current 21,781 square foot cap (1/2 acre). The aim is to be more equitable toward property owners of larger parcels. Currently, the maximum number of trees that can be removed on a residential lot is six. As per the proposed amendment, for every 7,200 square feet beyond ½ acre, the property owner would receive an exemption for one additional tree to be removed.

- **Amendment 26 (SMC 20.50.350.B.6) – Trees in Setbacks.** This privately-initiated amendment would change the development standards for tree clearing activities. The applicant’s justification for the proposed amendment was attached to the Staff Report. Staff is recommending denial of the amendment for a number of reasons. Currently, the Shoreline Municipal Code’s (SMC) Civil Penalty Section regulates unlawful tree removal and fines are assessed to the responsible party who has committed a violation of the provisions of SMC 20.50 or SMC 20.80. The proposed amendment seeks to require replacement trees in certain circumstances to be the largest size commercially available, and staff has been advised by many landscaping professionals and arborists that trees that are large at the time of planting are often less likely to survive and thrive. Trees that are smaller at the time of planting can typically catch up and surpass those trees that are large at the time of planting. In addition, the proposed amendment would require four replacement trees if a protected tree is damaged and three replacement trees if a significant tree is removed or damaged on a site that has no permit. Typically, unpermitted work has greater penalties than permitted activities, and the development code does not require significant trees to be preserved within required setbacks as long as the minimum retention is met. It is important that a property owner have some flexibility to design, construct and create solar access space or views and replace trees so they adapt better to a new development. Additional reasons for staff’s recommendation of denial are included in the Staff Report.

Chair Montero asked staff to provide examples of how unpermitted work has greater penalties than permitted activities. Mr. Szafran said the proposal is four replacement trees for a permitted project and only three if it’s an unpermitted activity. It doesn’t make sense to assess a greater penalty for permitted projects. Chair Montero asked what the typical penalty would be for unpermitted tree removal. Mr. Szafran answered that the civil penalty would be a substantial monetary fine and replacement trees would be required, as well. Ms. Markle clarified that a developer may not be fined if a tree is unintentionally damaged during construction of a permitted project, but replacement trees would likely be required as restitution. Mr. Szafran summarized that there is already code language in place to address these situations.

- **Amendment 27 (SMC 20.50.350.B) and Amendment 28 (SMC 20.50.350.C) – Tree Retention and Replacement for Public Improvements.** This provision sets forth the minimum tree retention requirements. The City regularly requires private development to construct street frontage improvements and the City also has capital improvement projects that can impact private properties. Typically, frontage improvement standards have little flexibility in preserving trees because of the frontage standards and the construction around the trees can be damaging to their health. In either case, the street improvements, construction and grading may require tree removal on private properties. These removed trees are out of the control of the property owner for the result of needed public improvements. Therefore, staff recommends that trees on private property that need to be removed by the City should not be included in the minimum tree retention ratio calculation of the affected property owner.

Commissioner Lin noted that frontage improvements typically occur within the right-of-way. She asked if trees within the right-of-way are calculated as part of the tree retention requirement. Mr. Cohen answered no and clarified that the proposed amendment is intended to address trees on private property that are near a frontage improvement project. Trees that are damaged or have to

be removed to accommodate the required frontage improvements should not be counted towards the retention requirement because it is out of the property owner's control. Commissioner Malek added that the trees that remain on the property would count towards the tree retention requirement. He cautioned that if trees within the right-of-way or along the periphery of a property were to count against the developer, it would be more difficult to design a project around the trees that remain on the interior of the property. Mr. Cohen added that the Public Works Department has some flexibility to preserve trees, but sometimes it is not possible. The City also requires street trees as part of frontage improvements.

- **Amendment 29 (SMC 20.50.360) – Tree Replacement and Site Restoration.** This amendment was privately initiated, and staff recommends denial. The City has the ability to issue Notice and Order and Stop Work Notices. Per SMC 20.30.760, the City requires a maintenance bond for a period of three years for replacement trees required as part of a development project. After three years, the City inspects the site to ensure the trees have survived. If not, the owner is responsible for replacing them. The applicant of the amendment proposes a monitoring period of 10 years, which staff does not support. Typically, after three years, staff has the ability to know if replacement trees are living and healthy. Monitoring replacement trees for a 10-year period is excessive and would require additional staff resources. In terms of penalties, the City already has the ability to assess civil penalties for unlawful tree removal. In addition, staff does not believe it would be appropriate to hold a developer from pursuing another development based on a violation on another project. The privately-initiated amendment would tie the projects together.

Commissioner Lin expressed her belief that a three-year time period is reasonable, but she asked if the City reviews the trees on an annual basis. Mr. Cohen said tree replacement requires a three-year maintenance bond. Before a maintenance bond can be released at the end of three years, staff must do a site inspection to make sure the trees are thriving. There is no annual inspection. Commissioner Lin voiced concern that if trees that die are not replaced until the end of the three-year period, there would be no further requirement for the developer to continue to care for them. She suggested that the monitoring should happen earlier. If they are replaced earlier, the City will get an additional year of care for the newly planted trees.

- **Amendment 31 (SMC 20.50.390) – Required Parking.** A school typically has more staff members than the number of classrooms, so the minimum number of parking stalls required should provide at least enough for all staff members plus additional spaces for volunteers, visitors and students with vehicles. Staff has worked with the Shoreline School District to implement minimum parking requirements that consider actual parking demand for elementary, middle and high schools. The proposed changes to the parking requirement would result in more parking spaces than currently required. Based on recent permit applications from the district, the current parking requirements do not account for the total parking needs of the district's schools. The language for Daycare I would be updated by replacing "that residential area" with "the underlying zone."
- **Amendment 33 (SMC 20.70.320.C.6) – Frontage Improvements.** The current language states that frontage improvements are required when a single-family land use is converted to a

commercial land use. The provision can trigger full frontage improvements even if the new use does not necessitate investments in the building that would exceed 50% of the current or appraised value of the existing structure. Most likely, the type of businesses that can convert in single-family houses without spending over 50% would be small businesses such as Certified Public Accountants (CPA), attorneys, etc. More intensive uses, such as restaurants, would most likely trigger the threshold and require full frontage improvements. One of the placemaking goals in the 185th and 145th Station Subarea Plans is to allow commercial businesses in the MUR-35' and MUR-45' zones to attract businesses that will purchase homes and convert them as is into businesses. At some point in the future, those businesses might remodel or redevelop, thus triggering the frontage improvements.

- **Amendment 34 (SMC 20.70.320) – Waivers for Frontage Improvements.** This proposed amendment would allow the City to waive the requirement for frontage improvements in certain circumstances, primarily where the City will not see future redevelopment or the opportunity to get frontage improvements along a roadway. An example would be where a property subdivides and there are no adjacent sidewalks and no likelihood that additional redevelopment would lead to more frontage improvements along the street. The amendment would prevent small segments of sidewalks that will never connect to the overall pedestrian system.
- **Amendment 36 (SMC 20.80.082) and Amendment 37 (SMC 20.80.220).** These amendments relate to the Critical Areas Ordinance and were withdrawn because staff feels more research and scientific support is needed.

Andy McRae, General Manager of The Highlands, voiced support for Amendment 24, which would extend the same exemption ratio of tree to property area beyond the current 21,781 square foot cap (1/2 acre). The amendment would only impact properties in The Highlands, the golf club, Ballinger Commons, Kings School, the cemetery and the school district properties. All other residentially-zoned parcels are smaller than the 21,000 square feet. Property owners in The Highlands represent the largest group impacted by the existing limitation. They are only allowed to remove up to six trees on a 2 to 3-acre lot, which is the same as a property owner of a quarter or half acre lot is allowed. He estimated there are between 50 and 100 trees on every lot in the neighborhood. As an example, he shared that one property owner applied for a building permit to construct a garage on a flat piece of property with over 200 primarily mature trees. He needed to remove 16 trees to accommodate his project and was required to replant 29 trees in places where there were already a large number of trees. He felt the proposed amendment seems like a reasonable extension of the current logic.

The Commission agreed to move the proposed amendments forward to a public hearing on November 1st.

DIRECTOR'S REPORT

Director Markle announced that she would present an Emerging Development List to the Commission in October.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Malek reported that Tom McCormick, a retired attorney and resident of Richmond Beach, has worked tirelessly to review what is happening with the Point Wells development and how it might impact the community. The Richmond Beach Community Association met recently, and the agenda included an update on Point Wells. He summarized that the Point Wells property is currently owned by Blue Squares Real Estate and has been divided into a lower and upper half. The upper half abuts the Town of Woodway and the proposal is to develop 37 new homes along the bluff. The lower half is about 61 acres and the proposal is to develop 3,100 condominiums. The applicant failed to comply with Snohomish County's requests, and their permit application has been deemed expired. According to Snohomish County, the applicant missed on four substantial issues:

- The location does not have the multi-modal transportation necessary to warrant the proposed 180-foot building height.
- Within the high-water mark and vegetation line, four buildings were slated to be well over 9 stories and four were slated to be 18 stories.
- A geotechnical report has not determined the site is suitable for the development.
- Landslide hazard risk and mitigation of the upper bluff still needs to be addressed.


Commissioner Malek summarized that the developer has appealed the County's decision. Information is available via the County's website or by contacting Snohomish County directly. If the applicant's appeal is denied, they may be able to reapply as an urban village that would have approximately 2,000 condominiums, a large mixed-use promenade of commercial and a potential marina. He pointed out that public open space money is available, and it would likely cost \$30 to \$40 million to acquire the property, clean it up, and prepare it for site development into a municipal park or some other public use. He added that an insightful article on Point Wells was also published in the Richmond Beach newspaper.

AGENDA FOR NEXT MEETING

Mr. Szafran announced that a public hearing for the 2018 Comprehensive Plan amendments is scheduled for October 4th.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.



William Montero
Chair, Planning Commission



Carla Hoekzema
Clerk, Planning Commission