

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF PUBLIC HEARING MEETING

October 17, 2019  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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### **Commissioners Present**

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

### **Staff Present**

Nora Gierloff, Planning Manager  
Steve Szafran, Senior Planner, Planning and Community Development  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

### **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, Vice Chair Mork, and Commissioners Craft, Davis, Lin, Malek and Maul.

### **APPROVAL OF AGENDA**

The agenda was accepted as amended

### **GENERAL PUBLIC COMMENT**

There were no general public comments.

### **PUBLIC HEARING: 2019 COMPREHENSIVE PLAN AMENDMENTS**

Chair Montero reviewed the rules and procedures for the public hearing and then opened the hearing. He pointed out that the hearing would be continued to November 21, 2019.

Mr. Szafran explained that the State Growth Management Act (GMA) limits review of proposed Comprehensive Plan amendments to generally once a year. The City Council set the 2019 Docket on June 3<sup>rd</sup>, with the three amendments listed in the Staff Report. He reviewed each of the amendments as follows:

- **Amendment 1** is a privately-initiated amendment that seeks to change the land use designation and zoning of two parcels located at 1510 and 1517 NE 170<sup>th</sup> Street from Medium Density Residential (MDR) to Mixed Use (MU-2) and concurrently rezone the properties from Residential (R-8) to Community Business (CB). He referred to the Comprehensive Plan Land Use Map, which shows the subject parcels outlined in red, with a MU-2 designation to the west and a Low Density Residential (LDR) designation to the east. He also displayed the zoning map, which shows the subject parcels outlined in red and currently zoned R-8, with CB zoning to the west and R-6 zoning to the east. He pointed out that the R-8 zone allows for a mix of single-family homes, duplexes, triplexes, townhomes and community facilities. It also allows such uses as daycares, churches, conference centers, schools and fire stations, with approval of a Conditional Use Permit (CUP).

As demonstrated by Attachment D in the Staff Report, there are many parcels of R-6 and R-8 zoning that are adjacent to CB and Mixed Business (MB) zones. He said staff has reviewed the applicant's responses and analyzed the request to change the land use and zoning, and a summary of the findings were included in the Staff Report. The Staff Report also lists the pros and cons of the proposed amendment. Pros include retain and expand the existing business zone, provide a mix of residential and commercial activity and bring a nonconforming building into compliance. The cons include accommodation of an intense commercial use; the potential for greater building height up to 60 feet; no maximum density requirement; increased noise; increased traffic from employees, customers and delivery trucks; spillover parking; outdoor lighting; and lack of landscape buffer between commercial and single-family uses. When considering the amendments, the Commission can take action on the parcels together or separately.

- **Amendment 2** is also a privately-initiated amendment to change Natural Environment Goal V to set local goals to reduce greenhouse gas (GHG) emissions in support of the Paris Climate Accord threshold to limit global warming to less than 1.5°C above pre-industrial levels. Staff has proposed a change to rephrase the language to make it clearer that GHG emissions, themselves, would not be limited to the number of degrees, but that reducing local GHG emissions is the most effective contributor to the attempt to limit the levels of global warming.

The applicant's proposed language reads, *"Protect clean air and the climate for present and future generations by limiting greenhouse gas emissions to 1.5°C of global warming above pre-industrial levels, and promotion of efficient and effective solutions for transportation, clean industries and development."*

Staff's proposed language reads, *"Protect clean air and the climate for present and future generations through significant reduction of greenhouse gas emissions, to support Paris Climate Accord targets of limiting global warming to less than 1.5°C above pre-industrial levels. Local reduction targets will also promote efficient and effective solutions for transportation, clean industries, and development."*

If adopted, the amendment would require substantial changes in the energy we use and the transportation modes we choose. It will necessitate adjustments in the land use, housing, economic development and utilities section of the Comprehensive Plan in the future, as well as updating the City's Climate Action Plan, Greenhouse Gas Inventory, and the Carbon Wedge Analysis. These are all on the City staff's work plan in the near future.

- **Amendment 3** is related to Amendment 1 and would amend Land Use Policy LU2 to allow professional offices in the MDR land use designation. The proposed language would add "professional offices" as one of the uses that may be allowed in the MDR land use category. If the amendment is implemented, staff would bring back a Development Code amendment to add "professional offices" as a conditional use in the R-8 and R-12 zones. The pros and cons of the amendment are listed in the Staff Report. The pros include encouraging more economic activity throughout the City and allowing a lower-impact use to occur within single-family residential neighborhoods. The cons include office uses replacing single-family development. The City already allows home-based businesses under certain conditions, but some professional offices may not be compatible with the existing neighborhood. Generally, there is additional traffic, parking and intensity from businesses that are located in neighborhoods.

Mr. Szafran summarized that the Staff Report recommends denial of Amendments 1 and 3 and approval of Amendment 2. The public hearing will be continued to November 21<sup>st</sup> for additional public testimony, with tentative City Council dates of December 2<sup>nd</sup> for discussion and December 9<sup>th</sup> for adoption.

**Yoshiko Saheki, Shoreline**, said she was present to voice opposition to Amendments 1 and 3. To highlight one point made in the Staff Report, she said the current R-8 zoning serves as a buffer between the community business zone along 15<sup>th</sup> Avenue NE and the R-6 homes to the east. As also stated in the report, the City does not have that many areas zoned as R-8. She said it is important for the City, overall, to have residential properties of various lot sizes. In the past, the Commission has stated the value of having a mix of residential types, and retaining the R-8 zoning for these two properties will align with that value. She expressed her belief that the current zoning offers more value to the City than converting the properties to CB. She said she also appreciates small businesses in the community. Although not related to the topic at hand, she hopes that, in the future, the Commission will consider making properties zoned as CB be required to have businesses occupy the ground floor. She said there are two apartment complexes currently being built in the North City Business District, and both properties are zoned CB. She said it is important to encourage commerce in Shoreline by requiring the apartment building owners to house businesses on the ground floor. With more businesses on properties already zoned as CB, there will be no need to alter the current residential zones.

**Lee Keim, Shoreline**, said she was present to speak in favor of Amendment 2, which would update Natural Environment Goal V to support the goal of the United Nations International Panel for Climate Change (IPCC). It would limit global warming to 1.5°C. It was due to her frustration with inaction on the Federal level and failure of the State's Carbon Tax Initiative last fall that she submitted Amendment 2. She explained that, for years, cities have been laboratories for taking action on climate change. More than half of the world's population lives in cities and cities are responsible for 70% of the carbon emissions in the energy sector. Amendment 2 is her opportunity to inspire Shoreline to join other cities across the nation, confronting global warming. She observed that the clock is ticking on the opportunity to address

the climate crisis. The IPCC has issued three reports required under the Paris Climate Accords in the last year, warning of the rapid changes and future consequences to the earth's land, water and human habitation if the atmosphere is allowed to warm beyond 1.5°C. They say that global GHG emissions must peak in the next decade and quickly decline thereafter or the world may face economic and financial crisis due to melting glaciers and polar ice, rising sea levels, extreme storms, drought, flooding and fires that will hamper food production and water supply. The most vulnerable populations and economies will be the hardest hit.

Ms. Keim explained that the purpose of the Comprehensive Plan is to indicate how a community envisions its future and set forth strategies for achieving that vision. It is the Planning Commission's responsibility to review and approve improvements of the Comprehensive Plan and provide guidance and direction for Shoreline's future growth. The Staff report suggests that Amendment 2 meets the Shoreline Municipal Code requirement and is recommended for approval. The Staff Report correctly identifies that adopting Amendment 2 would require reanalysis and updates of the City's 2013 Climate Action Plan, 2016 GHG Emission Inventory, and the 2015 Carbon Wedge Analysis. It will take continued political will and citizen support to meet these challenges. Many technologies already exist that will get the City on its way to a renewable energy future and create good paying jobs in a new economy. For example, biofuel plants in Oregon and Washington are creating renewable diesel fuel, and zero emission cars, busses and commercial vehicles are being developed. Large solar and wind power generation already exists in the State and many others. A company in Portland has developed the first of its kind renewable wave energy device that will be tested in Hawaii and brings hope of tapping a great potential of marine energy. So called small things, like replacing standard heating and cooling units in residential homes with high-efficiency electric heat pumps, increasing insulation, switching to LED lighting, can all help the City reduce its carbon footprint.

Ms. Keim summarized that, by approving Amendment 2, the Commission will show the citizens of Shoreline that they acknowledge the assessments and warnings of the world's climate scientists and that they understand significant policy changes are urgently needed. She is happy to add her voice to others of this generation who understand that it is our task to create a livable future for those who come after.

**Marlin Gabbert, Shoreline**, said he is a resident of the North City Neighborhood and was present to speak in favor of Amendments 1 and 3. He expressed his belief that there needs to be more depth to the commercial area so they don't end up with a strip zone and that is why he supports a rezone of the properties to CB. From a planning point of view, a CB zone would be easier to site a building, provide parking and still have enough buffer to protect the single-family residential zones. He said he doesn't believe the current R-6 zoning does anything positive for the property. Each lot is about 7,500 square feet and can only accommodate one unit. The existing apartment building has been used for a long time, and there have been many visits by City officials and others. There needs to be a reasonable compromise to allow the Irons Brothers to continue their business. He said he has read the letter that the applicant's attorney submitted, and agrees with every one of the points. Again, he said he supports Amendments 1 and 3 and the rezone of the Irons Brothers property and urged the Commission to move in a favorable direction.

**Mark Rettman, Save Shoreline Neighborhoods**, said he was present to speak on behalf of over 230 concerned neighbors, citizens and voters who are part of the Save Shoreline Neighborhoods Group opposing the land use re-designation and rezone at 1510 and 1517 NE 170<sup>th</sup> Street (Amendments 1 and

3). He provided a map showing the distribution of the citizens opposing the amendments, noting that they all live in the immediate area. He said the signatures were collected within just a few hours of community outreach in the area and almost 100% of the residents contacted opposed the rezone. He said he doesn't need 10 minutes to reiterate 10 months of facts, environmental impacts, problems, and opposing comments that have been submitted to the City already. If the Commission has further questions, he asked that they review all of the opposing comments that have been submitted thus far or reach out to the Save Shoreline Neighborhoods group for further discussion.

Mr. Rettman noted that the Staff Report only provides comments from the applicant and supporters and none from those who oppose the two amendments. He commented this does not provide a fair, transparent and equal representation of the comments on Amendments 1 and 3. However, some of the opposing comments are on the website for tonight's meeting. He asked that the Commission deny Amendments 1 and 3 for the following reasons:

- It sets a bad precedent to reward violators by allowing them to change the rules (rezone) instead of abiding by existing rules.
- Irons Brothers willfully caused the problems by not following existing Shoreline code. It's not the City's or neighbors' problem or fault.
- It sets a bad precedent to allow businesses to expand into residential neighborhoods.
- Spot zoning is not the way to add more business areas in the city. It should be done as part of a large planning effort.
- It would permanently change the use of the properties to any use in the future, not just a construction office and yard. It would be a long-term permanent change that would accommodate any allowable business in the future.
- It would permanently bring business impacts into the neighborhood including traffic, parking, noise, alarms, privacy/cameras, light and glare, dust, more impactful development standards and noise limits, and other environmental and social justice impacts.
- It's not fair to businesses that operate legally and have all the costs associated with operating legally. We fully support local businesses that operate legally, and favor should not be given to those that do not operate legally.
- Amendment 3 would cause more business and financial impacts in residential neighborhoods and citywide.
- It's not fair to the residential neighborhoods and all the kids, families, elderly, minorities, disabled, and residents that live in this area that will be permanently exposed to the permanent impacts that this permanent change will cause.

Mr. Rettman said it not about whether or not the Irons Brothers is a good company. This is strictly about whether or not it is appropriate to rezone two residential lots to CB to fix code violations that the violators caused themselves and if the rezone is appropriate based on the Comprehensive Plan criteria, rezone criteria, City regulations, Growth Management Act and other acceptable common planning practices. He asked the Commissioners to maintain their previous positions that were voiced at the two prior meetings on the topic. He urged them to listen to the overwhelming majority of Shoreline citizens and accept the staff's recommendation of denial for Amendment 1 and 3 and save Shoreline neighborhoods.

**Kristi Rettmann, Shoreline**, said she lives next door to the 1517 NE 170<sup>th</sup> Street property. She is also a member of the Save Shoreline Neighborhoods Group and is opposed to Amendments 1 and 3. The fact that Irons Brothers is a small community business is not the issue here. The issue is and always has been legal in nature. The Irons Brothers have operated at 1510 NE 170<sup>th</sup> Street since 2008, completely out of compliance with the land use requirements of the Shoreline Municipal Code. They would have you believe they are being forced out of Shoreline by the City and opponents to the rezone. This is not a fact. Many other small businesses in Shoreline abide by the code and are not asking for a special rezone. Based on public record, Irons Brothers knew back in 2014 that they were out of compliance. Instead of moving to an already commercial business lot, they deliberately purchased another residential lot across the street (1517) in 2018 and expanded their business further into the neighborhood. She said she finds it very odd that a construction company would not understand how to check appropriate uses on the lot they are working on since their business would regularly have to do that for code and compliance issues at any other parcel they are working on. It feels like Irons Brothers wants special treatment simply because they have been around for a while and do nice things in the community. While she appreciates that, a lot of other people do nice things in the community and have so for decades. That doesn't mean they can be above the law when it suits them.

Ms. Rettman said she has heard people talk about previous uses at 1517, and she would say those neighbors never bothered them and they live right next door. More importantly, though, past use is not a justification to get a pass to continue to disregard current land use and zoning codes. If the rezone is approved, this would send a message that you can violate code for years and ask for forgiveness later. It would tell the citizens of Shoreline they can violate the code and simply pay for a rezone to meet their needs. Approval of the rezone would send the message that the Comprehensive Plan and Zoning Code are simply words without merit. Approval of Amendments 1 and 3 would hold the needs of a single business over the needs of the entire neighborhood that they are asking to expand upon. She said she hopes the City will be on the side of what is right and what is just. She strongly encouraged the Commissioners to stick with staff's recommendation, which was made after months of careful study, and deny Amendments 1 and 3.

Vice Chair Mork clarified that the purpose of Amendment 2 is to cause certain things to be done, and it appears that the City is already planning on doing these things. She asked if the amendment would simply reaffirm the City's position without necessarily incurring additional research costs. Mr. Szafran answered affirmatively. It also provides more justification and support for updating the plans before the major update of the City's Comprehensive Plan in 2023. Vice Chair Mork expressed her belief that Amendment 2 is really important, as the City is trying to make a difference and needs to know where it currently stands.

Chair Montero continued the public hearing to November 21<sup>st</sup>.

Commissioner Craft asked if staff would be asked to present the Staff Report again at the public hearing. He also asked if the hearing would remain open for public testimony. Chair Montero answered that the hearing would remain open for public testimony, and Assistant City Attorney Ainsworth-Taylor advised that staff would provide a summary of the proposed amendments for the benefit of those who are not in attendance at the October 17<sup>th</sup> meeting.

Vice Chair Mork said it appears the concerns are all about Amendments 1 and 3. She asked if the Commission could take action on Amendment 2 now. Assistant City Attorney Ainsworth-Taylor

explained that the public hearing was advertised for the total docket, so the Commission must wait until the next public hearing to take action on all three amendments at the same time.

## **DIRECTOR'S REPORT**

Ms. Gierloff provided a brief report on development that is currently taking place in Shoreline, noting there is a lot of townhouse activity. She advised that one developer was going to build 88 townhouses but ended up purchasing 19 of the 20 lots in a single block to do 287 apartments with a central parking garage instead. The townhouse permits are still active, but the applicant has started the process to change the proposal. Vice Chair Craft asked if the applicant would be asking for any type of relief as part of the change, and Ms. Gierloff said the applicant plans to do an ADR but no other zoning changes.

Chair Montero asked for more information about the Washington State Department of Transportation Project, and Ms. Gierloff said it involves remodeling the existing building, including the garage and storage building.

Ms. Gierloff reported that the developers of the Vale Project have purchased an additional parcel and are looking at doing another apartment building using the Deep Green Incentive Program. There is a project mid-block on NE 145<sup>th</sup> Street, where the applicant presented two different scenarios at the pre-application meeting. One was a code-compliant 5 over 2 concept, and the other would take advantage of the potential height increase to 140 feet in the MUR-70' zone. They are looking at how the different incentives and requirements would work under the two scenarios.

Vice Chair Mork asked how staff has been impacted by the influx of development applications. Ms. Gierloff said the Planning and Community Development staff are busy. Review times are steady, and they are meeting their goals, but they would love them to be shorter. A new senior planner will come on board soon, but he won't be doing much of the current planning work. Mr. Szafran said the City takes advantage of consultants if they get too backed up.

## **UNFINISHED BUSINESS:**

### **Findings of Fact for Townhouse Design Standard Code Amendments**

Assistant City Attorney Ainsworth Taylor said that, consistent with the new process of having recommendation letters going to the City Council after the Commission makes its recommendations, she sent an email to the Commissioners earlier in the day that contained a formal cover letter to the City Council, as well as Findings of Fact that support the Commission's recommendation for the Townhouse Design Standard Amendments. She reviewed that the Commission recommended approval of the proposed amendments as outlined in the Staff Report with the following modifications:

- The Commission recommended to change SMC 20.50.160(C) to retain the existing language for all applicable zones except MUR-45', but include a 30% exception for lots up to 70 feet wide. They further recommended to amend SMC 20.60.160(C) to adopt Option 2 for the MUR-45' zone.

- The Commission recommended to change SMC 20.50.170(B)(1) to require each unit to have a covered entry or porch with weather protection at least 20 square feet with a minimum width of 4 feet and a minimum depth of 3 feet.

She recalled that the Commission's recommendations at the last meeting outlined concepts, and the documents she prepared contain actual code language to implement the concepts. She invited them to review the documents and provide feedback. She said the intent is to forward the entire package to the City Council.

While Finding of Fact #2 accurately describes the Commission's final recommendation, Vice Chair Mork pointed out that none of the Commissioners were satisfied it was a great solution. It was intended to be a compromise solution for the time being. Assistant City Attorney Ainsworth Taylor emphasized that the Findings of Fact #2 reflects what the Commission voted on, and only Commissioner Malek voted in opposition. Vice Chair Mork agreed that the finding is factually correct, but from her perspective, she thought they gave clear direction for staff to come up with a better alternative. Assistant City Attorney Ainsworth Taylor agreed that the Commission talked about the need for better options, but it seemed to be more futuristic. Vice Chair Mork questioned if it would be appropriate for the City Council to know that the Commission does not believe the amendment represents a perfect solution. Assistant City Attorney Ainsworth-Taylor suggested a statement could be added to the cover letter. Mr. Szafran commented that the Commission's concerns will be noted in the Staff Report that is prepared for the City Council, and they will also be reflected in the Commission Meeting Minutes. Assistant City Attorney Ainsworth Taylor added that the Commission could specifically ask that a recommendation letter to the City Council contain additional information to clarify their recommendations.

### **Update on Point Wells**

Commissioner Malek suggested that Commissioners watch the video recording of the September 23<sup>rd</sup> City Council Meeting where the City's Attorney, Margaret King, provided an update on Point Wells. She reported that the Town of Woodway and the City of Shoreline have entered into an Interlocal Agreement that addresses a lot of details related to traffic studies, traffic levels, etc. It is a good start, as having a common platform will strengthen both their negotiating positions. He reminded them that the developer, BSRE, has until December 18<sup>th</sup> to comply with the State Environmental Policy Act (SEPA) requirements and make a decision relative to building locations.

Assistant City Attorney Ainsworth Taylor said both councils authorized the Interlocal Agreement, which includes a number of steps that both jurisdictions need to take. It doesn't preclude the developer from moving the application forward in Snohomish County. Right now, the application is in court, and BSRE hasn't reactivated its applications with Snohomish County. They asked the court to stay the December 18<sup>th</sup> deadline, but the City of Shoreline objected and the court agreed not to extend the deadline.

Chair Montero asked if development at Point Wells would impact the Ronald Wastewater District. Vice Chair Mork answered that the wastewater from Point Wells is in the Ronald Waste District's system and is addressed in the Interlocal Agreement. The issue was also discussed at the September 23<sup>rd</sup> update to the City Council. Her understanding is that the City has decided there is no specific date for the assumption. Assistant City Attorney Ainsworth Taylor said the City had planned on moving on the



assumption in 2020, but a recent ruling by the Court of Appeals regarding the Snohomish County portion of the Ronald Wastewater District was not in the City's favor. The City already has authority to assume the portion of the district within King County, but Snohomish County has denied the request twice. The Olympic View Water and Sewer District has also voiced opposition. The Ronald Wastewater District filed a petition before the Washington Supreme Court requesting a review to reverse the Court of Appeals decision, and they are awaiting a decision. Vice Chair Mork summarized that the fundamental issue is that Snohomish County believes the assets (e.g. underground pipes, Lift Station 13, etc.) the rate payers of the Ronald Wastewater District bought and paid for should be turned over to the Olympic View Water and Sewer District and that Ronald Wastewater District and/or the City of Shoreline need to figure out how to do the separation and pay for it. Assistant City Attorney Ainsworth Taylor stated that Lift Station 13 will continue to be owned by the Ronald Wastewater District, and the Olympic View Water and Sewer District is claiming no title to it.

**NEW BUSINESS**

There was no new business.

**REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

There were no committee reports or Commissioner announcements.

**AGENDA FOR NEXT MEETING**

Mr. Szafran advised that the November 7<sup>th</sup> agenda will include a presentation by the Puget Sound Regional Council on Vision 2050.

**ADJOURNMENT**

The meeting was adjourned 7:55 p.m.

  
William Montero  
Chair, Planning Commission

  
Carla Hoekzema  
Clerk, Planning Commission