

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF VIRTUAL MEETING

May 7, 2020
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Mork
Vice Chair Malek
Commissioner Callahan
Commissioner Galuska
Commissioner Lin
Commissioner Rwamashongye
Commissioner Sager

Staff Present

Nora Gierloff, Planning Manager
Andrew Bauer, Senior Planner
Steve Szafran, Senior Planner
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

Chair Mork 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 Mork, Vice Chair Malek and Commissioners Callahan, Galuska, Lin, Rwamashongye, and Sager.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of March 5, 2020 and April 16, 2020 were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: FLOODPLAIN MANAGEMENT AMENDMENTS

Mr. Bauer explained that the fundamental purpose of the Floodplain Management Regulations is to protect people, property and the environment. The regulations work in conjunction with flood maps to regulate

development in the floodplain. The last substantive update to the City's floodplain regulations occurred in 2012. He further explained that updates are necessary to adopt the new flood maps that were issued by the Federal Emergency Management Agency (FEMA) and set to take affect on August 19th, as well as changes to meet the minimum requirements of the National Flood Insurance Program (NFIP), of which the City is a member. Failure to adopt the amendments by August 19th would result in the City being suspended from the NFIP, and property owners would no longer be able to purchase flood insurance.

Mr. Bauer advised that adopting the amendments would maintain the City's membership in the NFIP. There are approximately 110 properties in Shoreline with flood hazard areas mapped on them, and the map updates would not significantly expand or change the boundaries. The most significant changes are on the Puget Sound shoreline where there is now base flood elevation data, which did not previously exist.

Mr. Bauer reviewed that the City joined the NFIP in 1997, shortly after it was incorporated in 1995. The NFIP is a federal program that was established in 1968. The program is administered by FEMA and essentially allows property owners in member communities to purchase flood insurance. However, in order to be a member community, a City must adopt and enforce flood maps and regulations. FEMA issues the maps and sets out the minimum standards that must be adopted, but local jurisdictions can adopt more stringent standards if they choose. There are about 5 million policy holders in the NFIP nationwide, encompassing over 22,000 member communities.

Mr. Bauer explained that the NFIP consists of three components: mapping, regulations and insurance. Flood Insurance Rate Maps (FIRMS) are developed by FEMA in partnership with local jurisdictions. They map the flood hazard areas and identify different flood zones based on risk and whether flood elevations have been determined. Again, he said there are about 110 properties in Shoreline with mapped flood hazard areas, and they are primarily located on Puget Sound, Boeing Creek and Thornton Creek (Ronald Bog and Twin Ponds). In most instances, the properties don't have structures built within the flood hazard areas and all development within the flood hazard areas is subject to the floodplain regulations that are administered and enforced by the local jurisdictions. Shoreline's regulations are adopted in Shoreline Municipal Code (SMC) 13.12.

Mr. Bauer explained that floodplains are flood hazard locations where development is subject to the floodplain regulations, and it is important to think of them as natural features of the environment. They are connected to the natural water system with streams or shorelines and provide habitat for fish and wildlife. They also serve important functions such as slowing runoff by providing a place for water to go, and in that process, they filter and improve water quality.

Mr. Bauer displayed a graphic showing the different parts of a floodplain. The floodway (middle) is the stream channel and the adjacent area needed to move water during a flood. Development in the floodway is typically prohibited or regulated so that only minimal improvement is allowed. The flood fringes are the areas outside of the floodway where development is allowed. However, development is subject to flood protection requirements such as being elevated above the base flood level. The Base Flood Elevation (BFE) is the level that floodwaters are anticipated to rise. The BFE is typically determined on the FIRMS, and sets the elevation at which new development must be built to. In Shoreline, the regulations require that certain types of development, such as residential structures, be at least 1 foot above the BFE.

Mr. Bauer emphasized that any development in the floodplain must meet flood protection requirements. This includes flood proofing all structures. He shared examples of how the requirements would be applied in Shoreline. A zones are associated with streams or ponds. In A Zones, the finished living areas must be designed and built to be at least 1 foot above the BFE. Non-living areas, such as garages and storage areas, can be located below the BFE but must be designed so that floodwaters can freely flow through without impacting the structure's integrity. V and VE Zones are the coastal flood zones such as along the Puget Sound shoreline. Development in these zones requires that wave and wind action be taken into consideration. Most, if not all, of the residential structures on the Puget Sound in Shoreline are outside of the floodplain.

Mr. Bauer advised that the proposed updates are part of a countywide map update process that FEMA has been leading since 2013. The focus of the updates has been on the coastal areas, and the preliminary maps were shared with affected property owners in 2013-2014. During that time, outreach was conducted by FEMA with both the City and Department of Ecology (DOE) involved as partners. The coastal mapping areas were refined based on input from the City and affected property owners.

Again, Mr. Bauer advised that the updated FEMA maps will take effect on August 19th. FEMA issued a Final Letter of Final Determination in February, along with the pending maps. This initiated a 6-month timeline for cities to adopt new maps and compliant floodplain regulations.

Mr. Bauer shared the FIRM for the Puget Sound shoreline, noting that the VE zone is broken into smaller sections, and showing the BFEs for these areas is the most significant change to the maps. Previous to this update, there was no flood elevation information for the shoreline. Property owners wishing to develop in these areas had to hire a professional to determine the BFE and then build above that. Having clear BFEs will be beneficial to the City and the property owners, and provide an additional level of clarity.

Mr. Bauer referred to the Ronald Bog, Thornton Creek Watershed and Boeing Creek areas, which would remain unchanged on the map. Ronald Bog and Thornton Creek are identified as AE zones, with BFEs determined. There are a few existing structures in areas within Ronald Bog that would be subject to the more stringent floodplain development requirements, but he is not aware of any impacts to structures in the Boeing Creek area.

Mr. Bauer also referred to the Richmond Beach area, which was the focus of the 2013-2014 study. The mapping reflects the analysis and study that went into the area and incorporates the changes that were requested by the City and property owners. He noted that the yellow areas along the coastline would not be subject to the floodplain development permit, but the blue areas would be. All the houses are located outside of the floodplain areas. He reviewed that the proposed amendments:

- Would adopt the new flood maps (FIRMS).
- Would apply the regulations everywhere within the flood hazard areas.
- Would adopt the minimum standards from the statewide model ordinance that was developed by FEMA and the DOE. The minimum standards ensure continued membership in the NFIP.
- Would continue to require development in flood hazard areas to be elevated to at least 1 foot above the BFE.
- Would not change the existing floodplain development permit process.

- Would clarify when a habitat assessment is required to ensure compliance with the Endangered Species Act.
- Would fix existing inconsistencies and clarify the permit process for applicants.

Mr. Bauer said it is important to note that, in many instances, the regulations overlap with other environmental protections, such as the Critical Areas Regulations and Shoreline Management Act, which both require development to stay outside of flood hazard areas. Again, he said most structures in Shoreline are located outside of the flood hazard areas.

Mr. Bauer observed that a lot of time has passed since the stakeholder outreach the City participated in with FEMA and the DOE in 2013-2014. The City is now in the process of adopting the maps and updating its regulations, and a broader notification of the changes was sent to all properties that have a mapped flood hazard area. A separate notification will be provided for the public hearing, which is tentatively set for June 4th. The Commission could potentially issue a recommendation to the City Council on June 4th, as well. The amendments could then be presented to the City Council for final action in July. It is important that the amendments are adopted before the August deadline to ensure that property owners in the City can continue to purchase flood insurance.

Commissioner Lin asked if the BFE would be set at the 100-year-flood level regardless of whether the flood hazard area is a stream, pond or coastal shoreline. Mr. Bauer answered affirmatively. Commissioner Lin observed that the flood risk area was adjusted on the new map. She asked if the City would be required to update the buffer zones, as well. Mr. Bauer answered that floodplains don't have any buffer or setback requirements. However, the Shoreline Management Act and Critical Areas Regulations would still apply. If a floodplain exists within a stream buffer, the Critical Area Regulations would prohibit structures within that buffer. Commissioner Lin asked if the City has data on how many property owners currently purchase flood insurance. Mr. Bauer answered that he doesn't have that information, but he is sure that FEMA does.

Commissioner Rwamashongye voiced concern about using elevation as a parameter since elevation can be changed by adding backfill. Mr. Bauer agreed there may be circumstances within the regulations where backfill might be allowed. However, when filling within a floodplain, developers are often required to provide compensatory flood capacity storage elsewhere. In addition, overlapping regulations would likely restrict backfill in buffer areas. Commissioner Rwamashongye asked if the City requires developers to provide contour maps. Mr. Bauer answered that elevation information is required as part of a Floodplain Development Permit. Commissioner Rwamashongye said his interpretation of the 100-year-flood is that if such an event were to occur, it would create a lot of damage to the area.

Commissioner Callahan asked if current property owners in affected areas are required to disclose that a property is located in a floodplain at the time it is sold. Mr. Bauer said the FIRMS are used by lenders and insurers to identify risk and insurance requirements. In addition, he would hope that floodplain information would come up during the purchase and sale process, as well as part of a buyer's due diligence. Sellers also fill out disclosure forms.

Commissioner Galuska asked if any of the proposed amendments vary greatly from the FEMA model ordinance. Mr. Bauer said the proposed amendments closely align with the model ordinance. The most

significant change is clarifying inconsistencies with the habitat assessment requirement, which was likely an oversight when the regulations were initially adopted.

Commissioner Sager asked if any of the 110 properties impacted by the amendment are currently undeveloped or have the potential for subdividing. Mr. Bauer said he didn't do that level of analysis on the properties, but it is likely that some are undeveloped. However, he emphasized that the Critical Areas Regulations and Shoreline Management Act requirements would place constraints on development.

Commissioner Sager suggested that additional clarification should be provided for the term "mean sea level." Mr. Bauer agreed to research the matter and provide clarification as needed.

Vice Chair Malek observed that there is a fair amount of topography and other development constraints on the properties near Twin Ponds and the 145th Street Station, yet that is where a lot of the density for the station area is intended to occur. He requested feedback about how many of the floodplain parcels are located in the MUR-70', MUR-45' and MUR-35' zones. He also observed that Point Wells is located within the mean tide area, which is one of the issues the judge took with Blue Square Real Estate's proposed project. If the Town of Woodway decides not to annex the Point Wells property, there was talk that Shoreline may do so. Mr. Bauer agreed to overlay the two station areas with the FIRM to ensure the regulations do not conflict with the City's land use vision for concentrating growth. He also agreed to check whether the Snohomish County maps have been published by FEMA, noting that the maps would go into effect regardless of whether Snohomish County or Woodway is participating in the NFIP.

Chair Mork asked if the property owners within the 500-year-flood area have been notified by the City. Mr. Bauer said he thought that notification was sent out, but he agreed to double check to make sure. Chair Mork asked if the City has a stance on climate change in relationship to the FIRM. Mr. Bauer said his understanding is that the modeling and analysis that goes into developing the BFEs, specifically along the coastline, takes sea level rise into consideration. He agreed to seek additional information from FEMA and report back at the next meeting.

Chair Mork summarized that the next step is a public hearing before the Planning Commission on June 4th. Mr. Bauer advised that staff would bring back a formal recommendation on the amendments as currently drafted. Following the public hearing, the Planning Commission will be asked to issue a recommendation to the City Council.

STUDY ITEM: PLANNING COMMISSION'S ANNUAL REPORT TO CITY COUNCIL

Mr. Szafran explained that, every year, the Planning Commission submits an annual letter to inform the City Council of its previous year's achievements and accomplishments. It also provides an outline of the Commission's anticipated 2020 Work Plan. Typically, the Commission meets jointly with the City Council. The joint meeting is tentatively scheduled for June 8th, and will likely be held via zoom.

Mr. Szafran reviewed that the Commission last met with the City Council in February 2019. Since that time, the Commission has accomplished a number of projects, including the 2019 Comprehensive Plan Amendments, Townhome Design Standards, Shoreline Place Development Agreement, Shoreline

Management Plan Update, and Master Development Plan/Special Use Permit Development Code Amendments.

Mr. Szafran reviewed that the Commission's 2020 Workplan includes the Housing Action Plan, Ground-Floor Commercial Development Code Amendments, 2020 Batch of General Development Code Amendments and Floodplain Amendments. He reminded them that there was not a batch of 2019 General Development Code Amendments, so the 2020 list will be quite large. While most will be small administrative fixes and clarifications, there will be a few big policy questions, as well.

Mr. Szafran referred to the draft letter and invited the Commissioners to provide feedback. Staff will update the letter and bring it back to the Commission for final review on June 4th prior to the joint meeting with the City Council on June 8th.

Vice Chair Malek commented that the Commission also worked on some Development Code amendments in 2019. Mr. Szafran said the Commission worked on amendments related to Professional Office Uses and Master Development Plan Special Use Permits. However, there wasn't a batch of general Development Code amendments. Vice Chair Malek recalled that the Commission spent substantial time on the Professional Office amendment, and it should be included on the list of 2019 accomplishments. Mr. Szafran suggested it could also be included in the 2020 Workplan since the Commission hasn't yet conducted a public hearing and forwarded a recommendation to the City Council. The Commissioners agreed to include the Professional Office Use amendments on both lists.

Chair Mork advised that the Commission amended its bylaws in 2019 at the request of the City Council.

Commissioner Lin asked what happened to the items that were included on the Commission's 2019 Workplan but were not accomplished. Mr. Szafran said they could be added to the 2020 Workplan as appropriate. He reminded them that the City Council will look at the 2020 Workplan and provide feedback on what they view as priorities.

Commissioner Rwamashongye acknowledged Ms. Gierloff for providing a link to the class related to housing. Ms. Gierloff advised that the class leads into the Housing Action Plan, which the Commission will be working on in 2020.

Ms. Gierloff suggested that the Community Redevelopment Area Sign Code Update should be added to the 2020 Workplan. She reminded them that a placeholder sign code was adopted when Shoreline Place was designated a Community Redevelopment Area. As staff has worked with the developer, it has become apparent that the sign code doesn't address all of the different types of buildings they hope to see on the site. Staff will continue to work with property owners to create a more defined sign code that will better meet the needs of the businesses and residential units.

Ms. Gierloff said the Landscape Conservation and Local Infrastructure Program (LCLIP) is a tax-incentive program that enables local jurisdictions to potentially recoup part of the County's portion of property taxes. The program involves the Transfer of Development Rights (TDR) where the City accepts greater density and sells the density units to developers. In exchange the County uses the money to purchase conservation easements on lands beyond the development boundary. The intent is to concentrate

development where infrastructure already exists, and the program allows local jurisdictions to recoup some of the County's property tax revenue to enhance infrastructure in the area receiving additional growth. If the City Council decides to pursue the option, it may come before the Commission for consideration. Mr. Szafran added that participating in the LCLIP will require a cumbersome process, and the City may need to provide incentives for developers to take advantage of it.

Ms. Gierloff advised that staff is currently reviewing to determine whether the City's current regulations meet the new Federal Communication Commission's new requirements for cell towers. If tweaks are needed, they will be brought before the Commission for review and a recommendation to the City Council.

Commissioner Callahan requested an update on the City's sidewalk program. Ms. Gierloff responded that the City issued a bond to implement a list of sidewalk improvements, which are still in progress. The Transportation Improvement Program also addresses sidewalks. Whether there will be additional funding for sidewalks is an open question at this time.

Vice Chair Malek questioned what impact the Covid-19 pandemic will have on funding for transportation improvements and commercial construction. He suggested that, throughout 2020, the Commission should communicate more actively with the Economic Development Manager and Public Works Director to identify and discuss the impacts. Chair Mork agreed.

Chair Mork noted that the City of Seattle recently closed down 20 miles of streets to enhance pedestrian and bicycle access, and Bellevue is also closing streets. She noted that the Commission had previously requested a discussion and/or study about walkability, neighborhood design and neighborhood character. It was on the 2019 Workplan but was not accomplished, and she suggested it should be added to the 2020 Workplan. Ms. Gierloff said the Economic Development Manager is currently working on a project with students from the Evans School to look at a narrower focus of walkability and street connectivity in the station areas. The students are preparing a set of recommendations for creating a better street grid and improving walkability as larger properties are redeveloped. She suggested that perhaps it would be helpful for the Economic Development Manager to report on their progress. Chair Mork agreed it is important to address walkability and street connectivity in the station areas, but they should also have a citywide discussion. She asked that it be added to the 2020 Workplan. Vice Chair Malek agreed. If a plan is in place, whether it is funded or not, it could become a topic of discussion with development agreements as some of the larger projects start to emerge.

Commissioner Lin recalled that including a discussion about walkability, neighborhood design and neighborhood character in the 2019 Workplan was based on the idea of creating communities that directly relate to healthy communities. She expressed her belief that the issue has become a lot more urgent as a result of the current Covid-19 pandemic. She agreed it should be added to the 2020 Workplan.

Mr. Szafran agreed to update the letter to the City Council based on the Commission's feedback. The Commissioners agreed that the letter, once updated, could be signed by Chair Mork and forwarded to the City Council.

DIRECTOR'S REPORT

Ms. Gierloff provided a brief update on how the City is reacting to issues related to the Covid-19 pandemic. The City is doing its best to follow the Governor's orders and the recommendations of the Center for Disease Control (CDC) and King County Health Department. At the same time, they are working to identify the services the City can provide in a safe manner. City Hall is closed to the public, with a lobby attendant during the day. Anyone who enters the work place is required to fill out a daily health check. Staff is primarily working from home, and they are trying to minimize the number of interactions. Most of the summer events have been cancelled, but the Parks Department is researching creative alternatives that create community spirit. There will be a much-reduced summer program, as they know that emergency workers and first responders need the childcare that is provided. They are now considering what Phase 2 of the Governor's plan might look like for the City.

Ms. Gierloff said the Planning and Community Development Department has been processing permits and doing what it can to keep projects going behind the scenes, and they are considering options for making that broader. The Governor recently allowed more construction to take place, so projects that existed before the order was in place can move forward as long as there is a plan in place for doing so safely. The department has been performing inspections throughout the lockdown, as some essential projects have continued. There are protocols in place and personal protective equipment is provided for inspectors to ensure employee safety. Contractors are asked to pull their workers out of the area the inspector will be visiting, and inspectors can refuse if the necessary protocols are not in place. The department will not be inspecting inhabited spaces, but they have asked for video inspections in some cases. Staff will continue to adjust as they learn more.

Ms. Gierloff reported that the City Manager issued a proclamation which tolls some of the expiration dates associated with permits. The days associated with the lockdown will be tacked on to the permit timeline, and this has satisfied many of the concerns raised by the development community. While City Hall is closed to the public, they are accepting smaller applications and drawings electronically, and they also accept applications via the mail. For large projects that require significant paperwork, they are allowing people to drop information off by appointment. So far, they have been able to come up with ways to keep business going.

Ms. Gierloff announced that a 200 to 500-unit apartment complex across the street from the 145th Street Station is in the pipeline, but no application has been submitted to date. A pre-application meeting for a 115-unit apartment complex at 152nd Street is also scheduled. Permits are coming in for the Vale II Project north of City Hall, which is a 215-unit apartment complex that will be a Deep Green Incentive Program contract. The 315-unit apartment complex project at 188th and Aurora Avenue North is also coming in for permits, as is a 227-unit apartment complex of all affordable housing on Ballinger.

Ms. Gierloff recalled the proposed Comprehensive Plan Amendment to require ground floor commercial development, and reminded them that the City Council decided to jump right into the issue of Development Agreements as a way to foster more ground floor commercial development. Mr. Szafran reviewed that the City Council determined that Phase I would look at certain high-impact nodes within the North City and Ridgecrest Neighborhoods where commercial uses could be incentivized and/or required when properties are redeveloped with multi-family residential buildings. Staff has set up a project page on the City's website and created a Survey Monkey survey. In addition, postcards were sent

to developers and residents in the North City and Ridgecrest Neighborhoods. Ms. Gierloff added that the survey is open until May 17th.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Chair Mork observed that, from time to time, the Commissioners receive questions from members of the public. As discussed previously by the Commission, she suggested it would be helpful if City staff could provide quarterly reports to the Planning Commission on issues such as the Sound Transit station development, planning-related economic development programs and projects, public works projects and studies, parks projects, and impacts and changes associated with the Covid-19 pandemic.

Vice Chair Malek suggested that quarterly reports could be added as a goal on the 2020 Workplan. The reports would help the Commissioners become better informed and align their efforts with the City Council's broader goals for Shoreline. The mission, vision and values of the Planning Commission and the City Council are the same. The more information they get, the more in tune the Commission can be in terms making recommendations. There will be budgetary issues related to the Covid-19 pandemic that the Commission needs to be aware of, and improving walkability in the City is also a big item.

Commissioner Lin agreed that adding quarterly reports as a goal on the 2020 Workplan would be appropriate. Commissioner Sager agreed that regular updates on a variety of topics are important. People in her neighborhood know she is a Planning Commissioner, and the quarterly report would provide her with information to respond to their questions and concerns.

Mr. Szafran agreed to add the quarterly progress reports to the letter as a goal in the 2020 Workplan. However, he asked for more guidance on how the reports would be presented to the Commission. Chair Mork observed that presentations take longer and may not always be the best use of the Commission's time. Written information would be another option. She suggested that the method of presentation could be decided on a case-by-case basis, depending on the type and amount of information that needs to be shared.

Vice Chair Malek suggested that staff could be invited to attend a Commission meeting to provide information and answer questions when there is overlap between the Planning and Community Development, Public Works and Economic Development Departments. Another option would be to form a subcommittee of Commissioners to gather information from staff and report back to the Commission.

Commissioner Rwamashongye agreed that regular updates would be helpful. However, in the interest of time, presentations should be short or even written reports with the exception of large project. For example, the Sound Transit project is a huge topic that involves not only station development, but plans for walkability, transit intersections, multimodal facilities, etc. The Commissioners need this added knowledge and the ability to see things from a complete perspective when providing recommendations to the City Council.

Chair Mork requested an update on the 137 trees that were initially proposed to be removed at Shoreline Place. Ms. Gierloff said the developer continues to look at alternative sidewalk designs, and the number of trees removed keeps going down.

Chair Mork observed that the Planning Commission has gotten off to a slow start in 2020, with the unexpected pandemic. She asked if staff is concerned that the Commission won't be able to accomplish everything on the schedule. Ms. Gierloff agreed that they are behind where they had hoped to be on a number of items, and there is a lot of interest in moving items forward. Staff is working to adjust the schedule to give the Commission enough time to do good work, but their agendas may be fuller in the future. Staff may even request an extra meeting to help clear the backlog.

Ms. Gierloff explained that for the Zoom meetings, staff tries to make information available to the public, but it isn't the same as an open public hearing. The Open Public Meetings Act requires that the public be physically able to attend meetings. While Governor Inslee has granted an exception to allow meetings via zoom, the topics must be limited to necessary and routine items. She is hoping that the Commission can start discussing more substantive topics and conducting public hearings again in June.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

There were no committee reports or Commissioner announcements.

AGENDA FOR NEXT MEETING

Ms. Gierloff suggested that the May 21st meeting should be cancelled as there were no items for the agenda.

ADJOURNMENT

The meeting was adjourned at 8:42 p.m.

Laura Mork
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission