

**DRAFT**  
**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION**  
**MINUTES OF PUBLIC HEARING MEETING**  
*(Via Zoom)*

April 1, 2021  
7:00 P.M.

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**Commissioners Present**

Chair Mork  
Vice Chair Malek  
Commissioner Callahan  
Commissioner Rwamashongye  
Commissioner Sager

**Staff Present**

Rachael Markle, Planning Director  
Steve Szafran, Senior Planner  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

**Commissioners Absent**

Commissioner Galuska  
Commissioner Lin

**CALL TO ORDER**

Chair Mork called the Public Hearing 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, Rwamashongye and Sager. Commissioners Galuska and Lin were absent with notice.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of March 18, 2021 were accepted as presented.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**PUBLIC HEARING: 2021 DEVELOPMENT CODE AMENDMENTS – BATCH #1**

Chair Mork reviewed the rules and procedures and then opened the public hearing.

Mr. Szafran reviewed that Development Code amendments are collected throughout the year, and anyone can submit one for consideration. Most of the amendments included in Batch #1 come from staff and are a mixture of housekeeping and/or time-sensitive amendments that have the potential to affect upcoming projects. He reviewed the 14 proposed amendments as follows:

- **Amendment 1 – SMC 20.20.010(A).** This amendment would change the definition of “Adult Family Home” to be consistent with Washington State Law. Since the last meeting, some changes were made to the language to clarify that Adult Family Homes can provide services for up to six adults, or up to eight adults with State approval. The following sentence was added, “*An adult family home may provide services up to eight adults upon approval of the State under RCW 70.128.006, as amended.*”
- **Amendment 2 – SMC 20.20.012(B).** This is a housekeeping amendment to update the definition of “Best Available Science” to be consistent with Washington Administrative Code (WAC) 365-195, which is the section of the Growth Management Act (GMA) that lists the background, purpose and criteria for establishing Best Available Science.
- **Amendment 3 – SMC 20.30.100.** This amendment would allow public agencies, like the City or Sound Transit, to apply for land use permits without the requirement of the property owner’s signature for property they do not currently own but are in the process of acquiring for public projects within the City.
- **Amendment 4 – SMC 20.30.297.** This amendment would clarify that single-family attached development is eligible for design departures via administrative design review. It also clarifies that landscaping regulations are also eligible for design departures. The amendment will make it possible for applicants to submit alternative landscape designs that meet the purpose and intent of the City’s landscaping code. Many new developments, especially those in the station areas, are having a difficult time meeting the landscaping requirements because of site constraints and a multitude of other regulations that apply to the site. The amendment would not waive the landscaping requirement, but it would allow an alternative design if it meets the purpose and intent of the Development Code.
- **Amendment 5 – SMC 20.40.140.** This amendment would add “parking areas” as a use in the Land Use Table. It clarifies that parking areas are considered accessory uses to the primary uses allowed in the zone. As proposed, The City would not allow standalone parking areas when not associated with an approved use such as a residential dwelling unit, commercial business, transit park-and-ride, etc.
- **Amendment 6 – SMC 20.40.467.** This section is new and is related to Amendment 5. The City has received inquiries about standalone pay parking areas on land around the stations, and this

amendment would further clarify that parking areas are only allowed as accessory to the primary uses allowed in the zone.

- **Amendment 7 – SMC 20.50.020(1).** This is a privately-initiated amendment that is related to Amendment 9. The amendment seeks to clarify how density is calculated when one parcel has multiple zoning categories. Currently, if a parcel has more than one zone, the area of each is calculated separately and rounded by the zoning area. Examples were provided in the Staff Report showing how density would be calculated.
- **Amendment 8 – SMC 20.50.020(2).** This amendment would reduce the front yard setback requirement in the MUR-70' zone to zero, regardless of the street classification. When the light rail station subarea plans were adopted, there was concern that large buildings in the MUR-70' zone with zero setback would create a canyon effect. However, the Development Code has provisions that guard against this such as step backs, pedestrian street front amenities, weather protection, and windows and glazing. Reducing the front yard setback to zero would treat the MUR-70' zone like all of the other commercial zones and help foster new development within the station subareas.
- **Amendment 9 – SMC 20.50.020(B).** This is a privately-initiated amendment related to Amendment 7. It clarifies that the density for a parcel with multiple zoning districts will be rounded after the density of each zone is calculated. Examples of current and proposed density rounding was provided in the Staff Report.
- **Amendment 10 – SMC 20.50.390.** This amendment would allow the Director to determine parking requirements for uses that are not listed in the City's Development Code. The Director's decision would be based on expert analysis by a professional transportation engineer or other qualified professional. Currently, when an application is submitted for development for a use that is not listed in the City's Land Use Table, staff tries to find the closest match and base the parking standards on that. The amendment would allow an applicant to submit a parking demand study for a proposed use that is not listed in the code, and the Director could approve it based on the professional analysis.
- **Amendment 11 – SMC 20.50.400.** This amendment clarifies when staff can approve a 25% parking reduction when a new development is proposed within ¼ mile of either of the two light rail station areas and other high-capacity transit facilities. Staff believes it is necessary to have the flexibility to approve parking reductions before the light rail is fully operational. Buildings constructed a year or two before the opening of the stations should still qualify for the parking reduction so that developers do not have to construct excess parking and incur unnecessary expenses. If approved, the applicant would have to provide a Parking Management Plan that addresses how parking would be managed between the time the building is constructed and when the station opens for regular service.
- **Amendment 12 – SMC 20.50.410.** This amendment would strike the last sentence, "*Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the director.*" The code has been amended numerous times over the years, and

currently, the parking requirement for studios and one-bedroom residential units is .75 spaces per unit. If a building were all studios and one-bedroom units, it would not be possible to assign one parking space per unit.

- **Amendment 13 – SMC 20.50.457.** This amendment is related to Amendment 4 and makes it possible for an applicant to submit an alternative landscape design that meets the purpose and intent of the City’s landscaping code.
- **Amendment 14 – SMC 20.50.630.** This amendment revises the incentives for buildings developed under the Deep Green incentive Program. Expedited review is a major incentive for developers and can come at a significant cost to the City if projects need to be sent out for consultant review. The City has limited capacity to offer this incentive when there are high levels of development activity. Expedited permit review should be reserved for projects with a higher level of environmental achievement, especially since green building is already required in the MUR zones. The amendment would raise the threshold to allow expedited permit review for Tier 1, 2 and 3 projects under the Deep Green Incentive Program.

Mr. Szafran said staff recommends approval of all 14 of the amendments as presented in the Staff Report, as well as the revision to Amendment 1 (Definition of Adult Family Homes) as noted earlier by staff.

Vice Chair Malek referred to Amendment 3 and said it is important to make sure the current owner of a property is given notice that the public agency is applying for permits or design plans. Mr. Szafran answered that notice would be given to the property owner.

Commissioner Callahan said she was happy to see Amendment 11, which refines the parking requirement for development in the MUR zones. While they don’t want to overbuild parking, they also don’t want to create problems in the neighborhoods. She asked what type of information an applicant would be required to provide in a Parking Management Plan. Mr. Szafran responded that staff is also concerned about the gap between when a building is constructed and when the light rail station comes on line. The Parking Management Plan would include measures to address this gap such as on-street parking, shared parking, a garage attendant to direct traffic, etc. Commissioner Callahan summarized that the Parking Management Plan could include a wide variety of measures. Mr. Szafran said Parking Management Plans would be reviewed by the City’s Transportation Engineer to ensure that the proposed measures would sufficiently mitigate traffic and parking.

Commissioner Callahan said she reviewed the City’s website regarding parking, which provides information about the parking study that was done for the light rail station areas. She asked if there will be an opportunity to update the study at some point in the future so that all of the parking issues can be addressed holistically. Mr. Szafran said he isn’t sure about the schedule for updating the study, but the last time he reviewed was about a year ago, the capacity for on-street parking in the light rail station areas was substantial. Commissioner Callahan noted that the current study is dated October 28, 2019, and one of the recommendations is that the 2022 budget include a dedicated position for parking enforcement, which will be important given all of the changes that are happening in the station areas. Another recommendation is the need for more restricted parking zones around the stations to prevent people who live in the nearby residential units, who aren’t intended to have cars, from using the on-street parking. Mr.

Szafran agreed and said that restricted parking zones can also help address overflow commuter parking when the light rail station opens and the parking garages start to fill up.

Chair Mork referred to Amendment 14, which raises the threshold of eligibility for expedited review. She asked if development in other parts of the City that are not in the light-rail station areas would be eligible for expedited review if they achieve Tier 4. Mr. Szafran answered no and explained that Tier 4 is basically 4-Star Built Green, which is low and easy to obtain. Staff doesn't believe it should warrant expedited permitting, as the incentive is costly for the City to implement.

Chair Mork opened the public comment period, but no one indicated a desire to participate. She closed the public hearing.

Vice Chair Malek asked if the kiss-and-drop, non-motorized bridge, and walk-over to the woonerf are still part of Sound Transit's plan. Assistant City Attorney Ainsworth-Taylor answered that the bridge is partially funded via Sound Transit and plans are well underway. The Public Works staff is doing its best to obtain grant funding, as well.

**VICE CHAIR MALEK MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT BATCH 1 OF THE 2021 DEVELOPMENT CODE AMENDMENTS, AS PRESENTED IN THE STAFF REPORT AND WITH THE CHANGE TO AMENDMENT 1 AS FOLLOWS:**

*“Adult Family Home: A residential home in which a person or persons provide personal care, special care, room and board to more than one but no more than six adults who are not related by blood or marriage to the person or persons providing the services and licensed by the State pursuant to Chapter 70.128, as amended. An adult family home may provide services to up to eight adults upon approval from the State under RCW 70.128.066, as amended.”*

**COMMISSIONER RWAMASHONGYE SECONDED THE MOTION.**

Vice Chair Malek expressed his belief that the proposed amendments are necessary, and he appreciates the succinct way they were put together and delivered. He said he is especially grateful for the amendments that change the design standards for the MUR zones, which he believes are much needed. Commissioner Rwamashongye concurred.

Commissioner Callahan again said she would like an update on the parking study that was done for the light rail station areas. Mr. Szafran agreed to provide the update, as requested.

Commissioner Sager said she is also very pleased with how the proposed amendments were presented. She commented that all of the justification provided by staff for each amendment was very clear and thorough and helped her a lot.

Chair Mork also commended staff for a very clear report. She said she would be interested in learning how many Tier 4 projects have been done or are in progress outside of the light rail station areas. Depending on the numbers, she suggested it might not be that onerous on staff for the City to offer

expedited permitting for these projects. While she isn't interested in delaying the vote on the Batch 1 amendments until this information is available, she would like the idea to be considered further in the future. The City should do everything possible to encourage deep green development.

**THE MOTION CARRIED UNANIMOUSLY.**

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**Election of Chair and Vice Chair**

Ms. Hoekzema reviewed the rules and procedures for electing Commission Chair and Vice Chair and opened the floor for nominations for Chair.

**COMMISSIONER RWAMASHONGYE NOMINATED COMMISSIONER MORK TO SERVE AS CHAIR OF THE COMMISSION.**

**VICE CHAIR MALEK NOMINATED HIMSELF TO SERVE AS CHAIR OF THE COMMISSION.**

There were no other nominations, and Ms. Hoekzema closed the nominations and requested a vote by the Commissioners.

**THE MAJORITY OF COMMISSIONERS (MORK, CALLAHAN, RWAMASHONGYE AND SAGER) VOTED IN FAVOR OF COMMISSIONER MORK TO SERVE AS CHAIR OF THE COMMISSION.**

Chair Mork opened the floor for nominations for Vice Chair.

**COMMISSIONER CALLAHAN NOMINATED COMMISSIONER SAGER TO SERVE A VICE CHAIR OF THE COMMISSION.**

**COMMISSIONER MALEK NOMINATED COMMISSIONER RWAMASHONGYE TO SERVE AS VICE CHAIR.**

**COMMISSIONER RWAMASHONGYE NOMINATED COMMISSIONER MALEK TO SERVE AS VICE CHAIR.**

There were no other nominations, and Chair Mork closed the nominations and requested a vote by the Commissioners.

**THE MAJORITY OF COMMISSIONERS (MORK, CALLAHAN AND SAGER) VOTED IN FAVOR OF COMMISSIONER SAGER TO SERVE AS CHAIR OF THE COMMISSION.**

**REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

Chair Mork asked staff to provide an update on a proposed Comprehensive Plan amendment and concurrent rezone request that the City Council recently considered for property on 192<sup>nd</sup> Street. Mr. Szafran reported that at their March 29<sup>th</sup> meeting, the City Council considered adding a private amendment to the 2021 Docket to change the Comprehensive Plan land-use designation from Public Facility to High-Density Residential and concurrently rezone the property from R-18 to R-48. A lot of public comment letters were received, and there were numerous public comments at the meeting. The City Council ultimately decided against adding the amendment to the docket, so the Public Facility land-use designation and R-18 zoning will remain unchanged.

Mr. Szafran further advised that staff has been engaged with King County Metro for the park-and-ride lot at the corner of 192<sup>nd</sup> Street and Aurora Avenue N and there was a request to put that parcel on the docket to change the land-use designation from Public Facility to Mixed-Use 1. As one third of the park-and-ride lot is zoned R-18 and the rest is zoned Mixed Business, a concurrent request would be to rezone the entire property to Mixed Business. King County Metro is looking to locate transit-oriented development on the site. The City Council decided to add this amendment to the 2021 Comprehensive Plan Amendment Docket.

Vice Chair Malek requested an update on the Point Wells development. Assistant City Attorney Ainsworth-Taylor advised that she participated in the appeal hearing before the Snohomish County Council on BSRE's resubmittal of the application that the Hearing Examiner denied. The Council voted unanimously to uphold the Hearing Examiner's decision. The ball goes back into BSRE's court as to whether they will appeal the decision to the King County Superior Court.

Vice Chair Malek asked if the applicant could escalate the matter from the Superior Court to the Supreme Court. Assistant City Attorney Ainsworth-Taylor answered that the Superior Court would have to make a ruling on it, and then the applicant would have to ask for direct review before the Supreme Court. The Supreme Court will only take direct review if it is an issue of statewide concern that would be able to bypass the Court of Appeals review. She felt it would be unlikely that the Superior Court would take the case on directly, without requiring it to step through the Superior Court and Court of Appeals.

Commissioner Rwamashongye acknowledged the efforts of Chair Mork and Vice Chair Malek in leading the Commission over the past year. He said he appreciated how they worked well as a team, and he learned a lot from them.

**AGENDA FOR NEXT MEETING**

Mr. Szafran announced that Nora Daley-Peng, Senior Transportation Planner, will provide a progress report on the City's Transportation Master Plan Update at the Commission's April 15<sup>th</sup> meeting.

Commissioner Malek said it would be interesting to hear what kind of monies have accrued from the traffic impacts fees associated with recent development, as well as how the funds will be used. He would also be interested in an update on the City's progress with regard to sidewalk improvements. Mr. Szafran agreed to forward this request to Ms. Daley-Peng.

**ADJOURNMENT**

The meeting was adjourned at 7:48 p.m.

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Laura Mork  
Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission