

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING (Via Zoom)

December 2, 2021  
7:00 P.M.

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### **Commissioners Present**

Chair Mork  
Vice Chair Sager  
Commissioner Callahan  
Commissioner Galuska  
Commissioner Lin

### **Staff Present**

Rachel Markle, Planning Director  
Andrew Bauer, Planning Manager  
Steve Szafran, Senior Planner  
Carla Hoekzema, Planning Commission Clerk  
Julie Ainsworth-Taylor, Assistant City Attorney

### **Commissioners Absent**

Commissioner Malek (excused)  
Commissioner Rwamashongye (excused)

### **CALL TO ORDER**

Chair Mork called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

### **ROLL CALL**

Ms. Hoekzema called the roll.

### **APPROVAL OF AGENDA**

The agenda was accepted as presented.

### **APPROVAL OF MINUTES**

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

### **GENERAL PUBLIC COMMENT**

There were no general public comments.

**STUDY ITEM: 2021 DEVELOPMENT CODE AMENDMENTS – BATCH #2 – TREE AMENDMENTS**

Staff Presentation:

Senior Planner Szafran explained this was a continuation of the Development Code Amendments discussion from the November 18 meeting.

Public Comment:

Isis Charest, Shoreline, Tree Preservation Code Team member, thanked everyone for their work on this Tree Code. She expressed concern about the climate crisis and the impact of the focus on monetary wealth over trees, the environment, and human health.

Rebecca Jones, Seattle, Tree Preservation Code Team member, spoke regarding Amendment #2, definition of Landmark Tree. With increasing development there are significant numbers of trees that have been and will be lost. She spoke in support of the Landmark Tree definition as proposed by the Code Team with the measurement of 24” Diameter at Breast Height (DBH).

Gayle Janzen, North Seattle, Tree Preservation Code Team member, spoke in support of Amendment #8 and reiterated a request for the Planning Commission to ask staff to work on appropriate incentives to accompany this code revision.

Martha Diesner, Shoreline, Tree Preservation Code Team member, urged the Planning Commission to balance development with greater protection of the urban tree canopy.

Melody Fosmore, Shoreline, Tree Preservation Code Team member, spoke regarding Amendment #10, Tree Replacement. The current code allows the Director to reduce the number of replacement trees. She encouraged a more equitable approach to the tree replacement policy. On behalf of the Code Team, she asked the Planning Commission to support Amendment #10.

Wally Fosmore, Shoreline, Tree Preservation Code Team member, spoke regarding Amendment #6, General Requirements. This amendment pertains to the protection of significant trees on development sites including stop work orders and penalties if trees are injured or destroyed in construction. The Code Team agrees with deleting the words “and vegetation.” For clarification, items L1, M1, and M2 do not apply to single property owners but to new multifamily residential and developments on MUR35 and MUR 45 zones. The penalties proposed for impacts to significant and non-significant trees as included in the proposed code are already in city code. The Code Team has asked staff to work on acceptable language for L1, M1, and M2.

Barbara Johnstone, Shoreline, Tree Preservation Code Team member, spoke in support of Amendment #7, Exemptions from Permit, in order to preserve the urban tree canopy. The Code Team concurs with staff regarding equitable treatment of Shoreline property owners and urged the Planning Commission to recommend Amendment #7.

Kathleen Russell, Shoreline, Tree Preservation Code Team member, spoke regarding Amendment #9, which has been recommended by staff. This amendment regarding tree retention asks that the word “waive” be included in this code. The Planning Department already has authority to “allow reduction in the minimum significant tree retention.” Staff has tied this amendment to the approval of Amendment #8, the proposed tree retention of 25%. The Code Team respectfully asks that the terms “waive” and “reduce” be eliminated to provide equity among property owners.

Bill Turner, Shoreline, Tree Preservation Code Team member, spoke in support of Amendment #2, item 6, Significant Tree definition which they believe should be any healthy tree 6” DBH or greater excluding trees that qualify for complete exemptions. This would bring Shoreline into agreement with most of the region by providing protection for more conifer and native trees.

Susanne Tsoming, Shoreline, Tree Preservation Code Team member, commented that the Code Team’s recommendations are not drastic and do not apply to seven zones where major construction is taking place and developers can currently remove all the trees with no replacements required. The Code Team’s proposals only apply to construction on residential zones MUR 35 and MUR 45. She spoke in support of the amendments proposed by the Code Team to the City Council.

Staff Presentation: Senior Planner Szafran made a PowerPoint presentation regarding the remaining amendments:

- Amendment #2 – Landmark Tree definition.

Commissioner Lin asked if there are excessive black locust trees and if they need to be excluded like some other cities do. Senior Planner Szafran replied that staff does not have that information. Commissioner Lin expressed support for moving forward given staff’s comfort level with this.

Commissioner Callahan asked if further review of the Significant Tree topic would also include looking into the Heritage Trees. Senior Planner Szafran explained that the applicant had originally proposed adding the definition of Heritage Tree. Staff’s attempt was to meld that into the existing definition of Landmark Tree instead of having a new definition of Heritage Tree. Commissioner Callahan asked what would be involved with further study of this. Senior Planner Szafran explained that the only portion of this amendment staff disagrees with is the diameter. Staff recommends leaving the measurement at 30” DBH.

Commissioner Galuska asked for clarification of the difference between the current definition and the proposed definition of Landmark Tree. He noted that this is a significant policy question of when a tree can be removed. He commented he was not clear about what the policy would entail to designate a Landmark Tree. Senior Planner Szafran reviewed what the current process is.

Chair Mork asked how many Landmark Trees the City of Shoreline has registered. Senior Planner Szafran replied that he has never processed one in 17 years. Director Markle added that no one has ever nominated a tree for a Landmark Tree which is why there have been none approved.

- Amendment #6: General Requirements – This would add a couple sections into the general requirements for tree conservation including Best Management Practices, unauthorized development site violations, Requirement for Restoration Plan, Site Investigation, Penalties, and Financial Guarantee Requirements. Staff is in some agreement with the language proposed but believes the proposed language regarding Penalties and Financial Guarantee Requirements may be unduly burdensome to the property owners. The language originated in the Critical Areas code where penalties are warranted. Staff does not support applying those penalties to removing small trees, shrubs or landscaping on a typical single-family lot. Additionally, there is some conflict with other areas of the code. Staff needs more time to review this and recommends that the amendment moves forward without those two sections (L and M).

Vice Chair Sager asked what would happen next if they were to move forward without items L and M. Senior Planner Szafran stated that at the Public Hearing the Commission could request that staff study L (Penalties) and M (Financial Guarantee Requirements) and possibly add it to staff's future work plan.

Chair Mork asked if item M2, the Maintenance Agreement, should be included. Senior Planner Szafran replied that staff's recommendation is that all of L and all of M be excluded. The maintenance agreement is very involved. It is typical in critical areas situations but is not recommended to be included for every property in Shoreline. Chair Mork requested that Ms. Russell forward staff a picture of a particular retained tree in an MUR45 zone which was in poor condition and demonstrated their concern.

- Amendment # 7 – Exempt from Permit – This is a proposal to change the way the City handles trees that would be exempt from permit.

Commissioner Galuska asked the current level of exemption. Staff reviewed this. This proposal would put a cap on bigger properties.

Vice Chair Sager spoke in support of the change in diameter to 24 inches DBH in B2.

- Amendment #9 – Significant Tree Retention – This is a staff-proposed amendment which would allow the Director to waive or reduce significant tree percentage.

Chair Mork noted there was interest in what kind of circumstance would warrant this kind of situation and if an allowance for that could just be written in. Senior Planner Szafran explained that it would apply if *the provisions of the Code would jeopardize reasonable use of the property such as damage to a foundation, sewer, or power lines*. Chair Mork wondered if it could be more specifically defined in order to minimize the number of times that it would be done for unknown reasons. Senior Planner Szafran replied that the justification is stated on the permit, and this is available to anyone in the public.

Commissioner Lin asked if this has ever been used to maximize a building footprint. Senior Planner Szafran recalled two requests and both had been denied by the Director. Commissioner

Lin spoke in support of flexibility and of spelling out the conditions more clearly when this could be used.

Director Markle provided examples of situations when it makes sense to waive or reduce retention of trees. She also spoke in support of putting in a bullet related to trees' impact on utilities. Commissioner Lin asked if developers are required to do fee-in-lieu if the number of trees is reduced. Staff replied that the developer must supply the replacement trees on site, but sometimes there are issues associated with this.

Commissioner Callahan noted that Redmond requires the applicant to request the exemption in writing. She wondered if that would be something Shoreline could do to provide more transparency. Director Markle noted that the applicant already is required to provide the request in writing. She clarified that staff may give some direction, but the action is always initiated by the applicant.

Commissioner Galuska recommended staff tweak the criteria in the first bullet point to make sure they match the situations that this code would address.

- Amendment #10 – Replacement trees on site – This would allow fee-in-lieu of tree replacement at the discretion of the Director. Staff is recommending not to adopt this. Staff believes the Director should have the ability to reduce the number of trees on site. After reduction, the applicant would still have to pay for the ones that couldn't be replaced. He clarified that the 2020 update requires the fee-in-lieu, but this wasn't the case prior to that update.

Chair Mork asked for clarification about what the applicant is requesting regarding incentives. Senior Planner Szafran explained the Planning Commission could ask Council to put that into an upcoming work plan to create incentives for increased tree retention standards. Chair Mork expressed support for incentives.

Commissioner Lin asked about the applicant's suggestion that the Planning Commission could forward all of this to the Council to decide since there are time constraints. Senior Planner Szafran affirmed that following the public hearing, the Planning Commission can accept all the changes that the applicant recommended or what staff recommended or any combination of the two.

Next steps will be a final discussion on the entire Batch #2 in January, 2022 and then the Public Hearing in February 2022.

## **STUDY ITEM: MUR 70' ZONE DEVELOPMENT REGULATIONS DISCUSSION**

Planning Manager Bauer reviewed background on this item which was discussed at the joint Council/Planning Commission meeting and upcoming actions. Takeaways from that meeting include:

- Parking reductions should have conditions to offset the impacts
- Elimination of parking minimums should not be considered as a potential option
- If impact fee waivers are considered, then further analysis should be provided to understand impacts

- If additional height over 70 feet is considered without a development agreement, then the most meaningful development standards should be included as requirements and the development agreement process should be revised to be no longer required to achieve that additional height.
- Any amendments should continue to align with the core goals of both the city and the subarea plans.

Next steps included the development of draft amendments to the MUR70 zone, outreach to get feedback on amendments, and returning to Planning Commission in the first part of 2022

#### Discussion:

Commissioner Callahan commented that it appears clear that parking reduction would be a good first step to talk about and work on. It is also the big thing that has been mentioned regarding affordable housing and one of the biggest issues that has been raised by third party assessment. She suggested linking a reduction in parking requirements with having a car share program on site.

Commissioner Lin noted the overall development parcel size is something that should be considered when looking at allowing increased heights so that it is proportional. She suggested providing more open space and possible linkage with other parcels as mitigation for the increased height.

Commissioner Galuska commented it is premature to make any changes in the development code in that area because they haven't seen any development there yet. He suggested looking at a larger parking discussion including Aurora and other areas where they expect to see large amounts of multifamily.

Chair Mork echoed Commissioner Callahan's support for looking at ride-share programs. She also agreed that the parking discussion should not only be limited to the MUR70 zone. She referred to the mobility hubs which had been previously discussed and suggested that those could possibly be worked into the property.

Planning Manager Bauer explained that catalyst development incentives are a way to encourage early developments. It is looking likely that even if they adopt an amendment with a catalyst development incentive there would already be one to three developments underway by the time it is adopted. Given that they are seeing continued interest in the MUR70 zone, he asked if the Planning Commission is interested in looking at some of those development incentives.

Commissioner Lin suggested starting with parking and heights. Commissioner Callahan concurred. Commissioner Galuska agreed. He doesn't think development is stuck because of regulations, but that it will just take time for people to come develop. Vice Chair Sager agreed; parking is her highest priority.

Planning Manager Bauer then asked if there is interest in exploring increased heights above 70 feet without a development agreement.

Commissioner Lim hoped there would be flexibility for heights because those higher density areas are where they are lacking trees and open space. If they allow more height there may be some hope for increased open space in those zones.

Vice Chair Sager stated she would not support anything over 70 feet. She doesn't believe it would fit aesthetically in Shoreline.

Commissioner Galuska commented that in general, he prefers to let the regular zoning stand, but he would consider a discussion about increased heights and development agreements.

Chair Mork asked about height limits for CLT (Cross Laminated Timber) construction. Planning Manager Bauer thought from a zoning standpoint CLT is the same height limit. Since it is a relatively newer construction technique, it is still cost prohibitive to go above 70 feet whether it is CLT or steel frame. Chair Mork expressed an interest in finding out more about that. She summarized the Planning Commission's desire to focus on parking as the first priority with height being the second priority and catalyst incentives way down on the list. Staff will look at different ways to offer more parking and height flexibility.

Commissioner Callahan referred to development examples that had been provided by staff showing ground floor commercial and asked if ground floor commercial was required. Planning Manager Bauer replied that it is not required now, but it is required to be built to a height that would allow the ground floor to be converted at some point in the future. One building that is being proposed is right at the light rail station where commercial should be able to be supported. The other is at 145<sup>th</sup>.

### **UNFINISHED BUSINESS**

None.

### **NEW BUSINESS**

None.

### **REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

Chair Mork announced that she attended the City of Shoreline's Climate Change event which was online on Tuesday night. It was interesting to hear what Shoreline is working on regarding this topic. She reported that she will be resigning before the end of the year, and that she has enjoyed working with everyone.

### **AGENDA FOR NEXT MEETING**

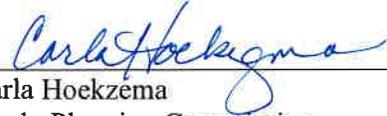
The next meeting is scheduled for December 16, 2021. The topic will be permanent outdoor seating regulations to replace interim regulations that were put in place during the pandemic.

### **ADJOURNMENT**

The meeting was adjourned at 8:53 p.m.



Laura Mork  
Chair, Planning Commission



Carla Hoekzema  
Clerk, Planning Commission