

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF PUBLIC HEARING MEETING

April 4, 2019
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

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

Staff Present

Paul Cohen, Planning Manager, Planning and Community Development
Julie Ainsworth-Taylor, Assistant City Attorney
Miranda Redinger, Senior Planner, Planning and Community Development
Kate Skone, Associate Planner, Planning and Community Development
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of March 21, 2019 were approved as submitted.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING: PERIODIC REVIEW OF SHORELINE MASTER PROGRAM (SMP)

Chair Montero reviewed the rules and procedures for the public hearing and then opened the hearing.

Ms. Redinger advised that this is a joint Planning Commission/Department of Ecology (DOE) public hearing on the periodic review of the City's Shoreline Master Program (SMP). She reviewed that the City adopted its first SMP in August 2013. Prior to that, the City utilized King County's SMP. The City is required to perform a periodic review of the SMP by June 30, 2019. She recalled that the Commission discussed the purpose of and process for the current periodic review on December 6, 2018, and reviewed the proposed amendments on January 17 and February 21, 2019. She emphasized that all of the updates are based on State requirements and City recommendations and include revisions to Development Code regulations (Attachment B, Appendix C) and Comprehensive Plan policies (Attachment D).

Ms. Redinger recalled that in their previous discussions, staff reviewed what the Shoreline Management Act (SMA) is and where it applies. They discussed that the SMA regulates all land use activities within the shoreline jurisdictions (200 feet of the ordinary high-water mark), regardless of the type of shoreline permit required. This includes over-water structures, new buildings and structures, filling, grading and clearing.

Ms. Redinger reviewed that on January 17th, the Commission discussed the State-required amendments, as described in the DOE's Periodic Review Checklist (Attachment B, Appendix A). These updates include:

- Revise the cost threshold for substantial development.
- Update the definition of "Development."
- Clarify exceptions to local review.
- Clarify permit filing procedures.
- Clarify scope and process for periodic reviews.
- Establish an optional SMP amendment process.
- Cite Revised Code of Washington (RCW) and Washington Administrative Code (WAC) exemptions rather than listing them in the SMP.
- Repeal existing wetland sections and replace them with new guidance.
- Establish a target for local review of Washington State Department of Transportation (WSDOT) projects.

Ms. Redinger further reviewed that on February 21st, the Commission reviewed the City-recommended amendments. These changes include:

- Chapter 20.200 – Shoreline Master Plan. Remove references to the 2006 Critical Areas Ordinance (CAO) and minor amendments for housekeeping and clarification.
- Chapter 20.210 – Definitions and Chapter 20.220 – Administrative Procedures. Minor amendments for housekeeping and clarification.
- Chapter 20.230 – General Policies and Regulations. Remove references to environmentally sensitive areas that will be addressed in new Chapter 20.240 and clarify that existing bulkheads and retaining walls are considered engineered and abated hazards.
- Chapter 20.240 – SMP Critical Area Regulations. Integrate the 2015 CAO into this new chapter and remove any regulations that conflict with the SMA (i.e. reasonable use exceptions, administrative exceptions and waivers).

- Chapter 13.12 – Floodplain Management. Change “Floodplain Administrator” from the Public Works Director to Planning Director to consolidate administrative authority.
- Chapter 20.80 – Critical Areas. Reference the new SMP Critical Areas Regulations in Chapter 20.240.

Ms. Redinger provided a map that shows how the critical areas would be added to include the environment designations that were established in the 2013 Comprehensive SMP update.

Ms. Redinger said staff is also proposing revisions to the Comprehensive Plan to move the SMP from the Appendix to its own element in the Comprehensive Plan. The element will include goals and policies, as well as supporting analysis. She explained that the goals and policies will be added into the introduction to match the other Comprehensive Plan elements, and the Table of Contents will be updated accordingly. In addition, the 2011 Inventory and Characterization Report, the 2012 Cumulative Impacts Analysis, and the 2019 Cumulative Impacts Analysis Technical Addendum will be added to the element as supporting analysis.

Ms. Redinger summarized that the Commission’s packet includes all of the materials to date, and the only new materials are the Determination of Non-Significance (DNS) (Attachment A), the State Environmental Policy Act (SEPA) Checklist (Attachment B), the 2019 Cumulative Impacts Analysis Technical Addendum (Attachment B, Appendix B), and Noticing (Attachment C).

Ms. Redinger advised that the periodic review process has included both public and stakeholder outreach. In addition, staff has had frequent communication with the residents of 27th Avenue NW (Apple Tree Lane), developed a webpage and a Frequently Asked Questions sheet, forwarded the DNS and SEPA Checklist to neighboring jurisdictions and tribes, and conducted an open house prior to the public hearing. The public hearing was also noticed by the DOE.

Ms. Redinger announced that a City Council study session on the proposed amendments is scheduled for May 6th, and it is anticipated that the City Council will take final action on the amendments (Ordinance No. 856) on June 3rd.

Commissioner Malek asked what constitutes an administrative exception. Ms. Skone explained that the exceptions are exemptions that were included in the CAO and apply throughout the rest of the City. Because the SMA has authority within that area, it has its own exemption process and there were some conflicts between the authority of the City to exempt these types of actions versus what’s in the Shoreline area. The exceptions were pulled out of the CAO and everything will now be consolidated under the SMP.

No one in the audience indicated a desire to participate in the public hearing.

Vice Chair Mork said she is impressed with the level of detail and attention that staff applied to the ordinance. She thanked them for putting together such an impressive program that is very clearly written. The remainder of the Commissioners concurred.

VICE CHAIR MORK MOVED THAT THE COMMISSION FORWARD ORDINANCE NO. 856 (SMP PERIODIC UPDATE) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Chair Montero closed the public hearing.

DIRECTOR'S REPORT

Ms. Redinger announced that, on April 1st, the City Council adopted Ordinance No. 839 expanding both the Deep Green Incentive Program and the Green Building Mandate as recommended by the Commission. She briefly reviewed the changes as follows:

- The Deep Green Incentive Program was changed to add a 4th tier that includes both Passive House International United States (PHIUS) and 4-Star. In addition, Tier 3 was updated to add PHIUS+ Source Zero and Salmon Safe as a potential option.
- The Green Building Mandate (SMC 20.40.046.D) was updated to require that construction in MUR zones must achieve green building certification through either Built Green 4-Star or PHIUS. It also clarifies that the City would not require dual certification if affordable housing and school projects are required to certify through the Evergreen Sustainable Development Standard. In addition, it makes it clear that projects that use a more stringent certification through the Deep Green Incentive Program will also fulfill the Green Building Mandate requirement.

Ms. Redinger summarized that the City Council understood the Commission's recommendation to expand the incentive program rather than the mandate, and they felt that the tier structure made sense. They also supported the addition of PHIUS throughout both programs. However, they did have some concerns with the Commission's recommendation relative to the proposed parking reductions. Staff presented several options for their consideration. The Council ended up adopting a provision that allows projects to combine the Deep Green Program parking reduction with the parking reduction based on proximity to light rail, but developers will have to step up the level of green beyond the minimum to at least Tier 3. Under Tier 3, a developer will be allowed to combine the 20% reduction with the 25% reduction for proximity to light rail. This change will encourage projects in the station areas to be greener. She said the City Council also decided that parking reductions for affordable housing and proximity to high-capacity transit stops and other criteria listed in SMC 20.50.400(A) may not be combined.

Ms. Redinger shared a graph to illustrate Built Green's project registrations for 2018, noting that there were zero projects in Shoreline from 2010 to 2015, 5 in 2016, 7 in 2017 and 168 in 2018. She emphasized that the City's 2018 numbers are significantly higher than other jurisdictions in the area. Using the Built Green equivalencies, staff estimates that the 168 projects resulted in 216 Built Green registered units, annual water savings of 1,314,360 gallons and annual energy savings of 219.9 megawatts. In total, the projects equate to a reduction of almost 80,000 pounds of CO2 emissions, which equals the production of nearly 2,332 solar panels, a 12-watt LED light running for 252 years or 281 Nissan Leafs driving for a year. The estimated annual savings to the homeowners is about \$87,696. She summarized that the work the Commission is doing is having real world implications in reducing carbon emissions.

Ms. Redinger advised that the City had an open house on April 2nd for the 185th Street Multi-Modal Corridor Strategy, and she encouraged the Commissioners to visit the website for that project. An on-line open house will run from April 5th through May 28th. The focus is on three segments (185th and 10th and 180th) to connect Aurora Avenue North to North City. There are multiple options for the cross sections, and the intent is to continue to solicit public input. The goal is to create a hybrid option to present to the City Council in July. The City does not currently have capital funding to make the improvements, but the cross sections need to be established so that developers can start incremental improvements associated with development while the City continues to look for funding to complete the network. She briefly described some of the options that are being considered for each of the cross sections and said staff is seeking feedback from the public and a variety of stakeholders about which options and elements they favor and why.

Ms. Redinger invited Commissioners to attend an event on April 22nd at the Sculpture Park in Downtown Seattle from 8:30 to 10:30 a.m. where she will receive a Building Leader Award.

UNFINISHED BUSINESS

Vice Chair Mork asked the Assistant City Attorney for an update on the Commission's By-Laws. Ms. Ainsworth-Taylor responded that she sent the subcommittee members a draft copy of the updated By-Laws on March 15th via their City email accounts.

NEW BUSINESS

Election of Chair and Vice Chair

Ms. Hoekzema briefly reviewed the procedure for electing officers and then opened the floor for nominations for Planning Commission Chair.

COMMISSIONER MORK NOMINATED COMMISSIONER MONTERO TO SERVE AS PLANNING COMMISSION CHAIR. THERE WERE NO OTHER NOMINATIONS AND NOMINATIONS WERE CLOSED. THE COMMISSION UNANIMOUSLY ELECTED COMMISSIONER MONTERO AS CHAIR OF THE PLANNING COMMISSION.

Chair Montero opened the floor for nominations for Planning Commission Vice Chair.

COMMISSIONER MONTERO NOMINATED COMMISSIONER MORK TO SERVE AS PLANNING COMMISSION VICE CHAIR. THERE WERE NO OTHER NOMINATIONS AND NOMINATIONS WERE CLOSED. THE COMMISSION UNANIMOUSLY ELECTED COMMISSIONER MORK AS VICE CHAIR OF THE PLANNING COMMISSION.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no committee or Commissioner reports or announcements.

AGENDA FOR NEXT MEETING

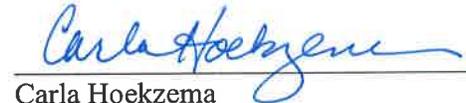
Mr. Cohen advised that the April 18th agenda will include a presentation and discussion on the Shoreline Place Development Agreement. A public hearing on the agreement is slated for May 16th, and a minor amendment related to the Community Renewal Area will come before the Commission on May 2nd. He recalled that the agreement was initially introduced on March 7th, and he encouraged the Commissioners who were not in attendance to watch the video recording prior to the April 18th meeting. He emphasized the quick timeline for the project and said the City is closing in on negotiations for the Development Agreement and some of the detailed site issues are being sorted out. He asked Commissioners to notify staff if they are unable to attend the next three meetings since failure to have a quorum present could delay the project.

ADJOURNMENT

The meeting was adjourned at 7:35 p.m.



William Montero
Chair, Planning Commission



Carla Hoekzema
Clerk, Planning Commission