AGENDA
SHORELINE PLANNING COMMISSION
REGULAR MEETING

Thursday, September 16, 2004
7:00 P.M.

Shoreline Conference Center
Board Room
18560 – 1st Ave NE

	Estimated Time
1. CALL TO ORDER	**7:00 p.m.**
2. ROLL CALL	**7:02 p.m.**
3. APPROVAL OF AGENDA	**7:04 p.m.**
4. APPROVAL OF MINUTES a. September 2, 2004	**7:06 p.m.**
5. GENERAL PUBLIC COMMENT	**7:10 p.m.**

The Planning Commission will take public testimony on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 5 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and address.

6. STAFF REPORTS A. Update on Development Code Amendments B. Type C Quasi-Judicial Public Hearing on Ronald Place Street Vacation	**7:15 p.m.**
7. REPORTS OF COMMITTEES AND COMMISSIONERS	**9:25 p.m.**
8. UNFINISHED BUSINESS	**9:28 p.m.**
9. NEW BUSINESS	**9:30 p.m.**
10. ANNOUNCEMENTS	**9:32 p.m.**
11. AGENDA FOR SEPTEMBER 28, 29 & 30, 2004 Public Hearing on the Comprehensive Plan Update and Master Plans	**9:34 p.m.**
12. ADJOURNMENT	**9:40 p.m.**

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.

DRAFT

These Minutes Subject to September 16th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

September 2, 2004 — Shoreline Conference Center
7:00 P.M. — Board Room

PRESENT
Chair Harris
Commissioner Sands
Commissioner Hall
Commissioner Kuboi
Commissioner McClelland
Commissioner Phisuthikul
Commissioner MacCully

STAFF PRESENT
Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Paul MacCready, Planner II, Planning & Development Services

ABSENT
Commissioner Doering
Vice Chair Piro

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Harris.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Hall, Sands, Kuboi, McClelland, Phisuthikul and MacCully. Commissioner Doering and Vice Chair Piro were excused.

3. APPROVAL OF AGENDA

The Commission unanimously approved the agenda as written.

4. APPROVAL OF MINUTES

The minutes of August 5, 2004 were approved as amended. The minutes of August 12, 2004 were approved as written. The minutes of August 19, 2004 were approved as amended.

5. GENERAL PUBLIC COMMENT

There was no one in the audience who desired to address the Commission during this portion of the meeting.

6. STAFF REPORTS

a. Type C Quasi-Judicial Public Hearing on Formal Plat at 19021 – 15th Avenue NE

Chair Harris reviewed the rules and procedures for the public hearing. He reminded the Commissioners of the rules regarding the Appearance of Fairness Law. He asked the Commissioners if they had been contacted by anyone concerning the subject of the hearing. None of the Commissioners indicated an ex parte communication.

Mr. MacCready presented the staff report for the Cedar Heights Preliminary Formal Subdivision Application. He explained that a formal subdivision application is a Type C Action, and as such, the proposal requires an open record public hearing before the Planning Commission. When reviewing subdivision applications, Planning Commission must consider certain criteria and development standards. He said that after considering the proposal, the Planning Commission must make a recommendation to the City Council, who would make the final decision. If the applicant, or a party of record, is unhappy with the City Council's decision, they may appeal it to the Superior Court within 21 calendar days after the final decision is issued. The applicant has three years from the date of preliminary approval to record the final plat. He noted that the City received one comment letter regarding the application from James E and Mildred J. Perry.

Mr. MacCready advised that the subject property is long and narrow and adjacent to 15th Avenue NE, which is a principal arterial street. There are single-family homes situated on the ridge west of the site. The site is located between the Ballinger and North City Business Districts, and is currently fenced off because of the four vacant buildings on the property. A Seattle City Light transmission line transects the southern portion of the site. The zoning of the subject property is R-24, which allows 24 units per acre, except for the southern most 50 feet, where the guest parking and sports court is proposed to be located. Single-family attached housing is an allowed use in both zones. The current zoning designation would allow 44 units on the site, and the applicant is proposing 32.

Mr. MacCready said some Planning Commissioners have raised concern about a private access tract that does not end in a turn around or hammer head. He referred to the orange handout that was provided to clarify this issue. He explained that the engineering and development guide allows the proposed design when it is approved by the fire department, and the Shoreline Fire Department has reviewed and approved the applicant's design as submitted.
Mr. MacCready said that after reviewing the application the Planning Commission has the option to deny the application, approve the application or approve the application with modifications or additional

conditions. He said that if the Commission were to deny the application or change the conditions, they must state the purpose for their recommendation based on the review procedures and criteria stated in the development code. The conditions must be equal to or greater than the minimum standards specified in the code.

Mr. MacCready advised that the Comprehensive Plan identifies the subject property as an area for potential mixed-use and high-density development. During the 2001 reconciliation process, the Planning Commission evaluated and recommended rezoning the subject property to R-24 for higher density, and the developer has been working with the City on this project since that time. This infill development would support the Comprehensive Plan's goal to accommodate growth that is compatible with the surrounding environment. The City staff recommends the Planning Commission forward a recommendation of approval to the City Council with the conditions as listed on Page 50 of the Staff Report.

Peter Graves, Architect, Olympic Associates Company, emphasized that this is a preliminary plat application, so the project is only in the early design phase. He referred to the preliminary elevation sketches that were provided to the Commission. He noted that the buildings would be four and two-unit buildings, laid out as attached single-family townhouses. He said the overall height of the buildings would be approximately 33 feet, and the allowable height for the zone is 35 feet. Mr. Graves distributed a site section of the proposal to illustrate how the buildings would be distributed on the site and its relationship to the units across the private driveway. Mr. Graves said the intent of the project is to create a neighborhood streetscape and to preserve as many of the mature trees as possible. There is a stand of trees at the north end of the site, and a hammerhead design at the end of the street would have required the removal of these trees.

Commissioner Hall referred to the higher numbered units along 15th Avenue NE and inquired if the applicant intends to develop these with an entrance towards 15th Avenue NE in addition to the garage, which would face the center of the site. Mr. Graves answered that the intention is to create a front stoop facing the center of the site, and then the back end of the building would be more of a private fenced in area. Commissioner Hall inquired if staff discussed Section 20.50.170 of the Development Code with the applicant. This section talks about providing direct pedestrian access from building entries to public sidewalks, other buildings or site open space. Mr. Graves said he has not had this discussion with the staff.

Commissioner McClelland questioned what the building would look like from 15th Avenue NE. Mr. Graves answered that it would look similar to the front of the building, but it would not have a prominent front door. He added that there would not be a lot of blank wall facing 15th Avenue NE. Commissioner McClelland inquired if the homeowner's association would own and maintain the private driveway and common areas. If so, this should be made clear in the application.

Commissioner MacCully said it is his understanding that there is currently no sidewalk in this location along 15th Avenue NE. Mr. MacCready said there is a sidewalk, but it is substandard and the applicant would be required to replace it. Commissioner MacCully recalled that the Commission has discussed on

numerous occasions the concept of "sidewalks to nowhere." He expressed his concern that this may be another situation of this type. Even if the sidewalk were improved to standard, it would not lead to anywhere. The closest crosswalk is at Perkins Way, but there is no way to safely get there. He questioned how the City could deal with the issue of "sidewalks to nowhere" and ensure pedestrian safety for the large number of citizens living in the area.

Mr. Stewart recalled that the City adopted a provision in the Development Code, which allowed for payment in lieu of for sidewalk projects that both the applicant and the City agreed would provide better benefit at some other location. In this case, 15th Avenue NE is a heavily traveled arterial, and staff recommends that the applicant be required to construct a sidewalk. In the long-range, the staff envisions that all City arterials, especially of this nature, would have some pedestrian facilities on their shoulder. This piece would ultimately be constructed as part of that goal.

Commissioner MacCully said that while he does not disagree with the City's long-term goal, he questioned where the pedestrians would be able to go once they get on the sidewalk. Mr. Hall inquired if the City's right-of-way on 15th Avenue NE has room for a sidewalk between the proposed development and Perkins Way. Mr. MacCready answered that 15th Avenue NE has a very wide right-of-way. Commissioner Hall inquired if an appropriate solution would be to put a condition on the subdivision application that would require the project proponent to pay for the development of a sidewalk extension to connect the development with Perkins Way. Mr. Stewart explained that the Development Code requires frontage improvements on those streets abutting redevelopment, and that is what the applicant is proposing to do. In order to require other improvements beyond that, there would have to be strong evidence showing that there was a nexus between the requirement and the improvement. The Public Works staff reviewed the application and did not include this as part of their recommendation.

Commissioner Phisuthikul inquired if there is an existing sidewalk in front of the subject property along 15th Avenue NE. Mr. MacCready answered affirmatively, but noted that the existing sidewalk does not meet standards because there is no amenity zone between the curb and sidewalk, and the existing sidewalk is 5-feet wide instead of 6-feet wide. Commissioner McClelland questioned if the City requires all developers to replace sidewalks that do not meet the City's current standards. Mr. Stewart said the frontage improvements required by the Development Code include standards for sidewalks and amenity zones, and staff is recommending that the applicant be required to do that level of work. If the existing sidewalk had been up to City standards, this requirement would not have been imposed.

Mr. Stewart referred to the payment in lieu of mechanism, and clarified that the ordinance does not permit the use of the payment in lieu of mechanism for arterial streets. Because 15th Avenue NE is an arterial, the option is not available for this application.

Commissioner Kuboi referred to Condition 9 of the Staff Report, which makes reference to no part of the building lot being allowed to encroach into the utility easement. However, he noted that in Attachment B it appears that one of the units is encroaching. Mr. MacCready said this would have to be revised for final plat approval. Mr. Graves clarified that the property lines have been moved to be

parallel to and on the right-of-way line. The building would not be in the right-of-way. While the property line is currently in the right-of-way, this would be adjusted. Commissioner Phisuthikul referred to Attachment I, which shows the lot line encroaching into the right-of-way, but not the building line. Mr. Graves again stated that this would be corrected before final plat approval.

Commissioner McClelland referred to Condition 2, which states "Homeowners shall be required to establish and maintain in force and effect, a covenant for a homeowner's association. The association is to be held with undivided interest by the 19 zero lot line town home lots." She suggested that the number 19 should be changed to 32. Mr. MacCready concurred. He also noted that the word "eight" should be replaced with "seven" in the first line of Condition 1.

Commissioner Kuboi inquired if the fire sprinkler system in the buildings would be maintained by the homeowner's association. Mr. Graves answered affirmatively.

Commissioner Phisuthikul inquired where the structures for the common area utilities would be located (sprinkler room, etc.). Mr. Graves said he is not sure where this facility would be located at this point. Generally, a facility of this type would be attached to the side of one of the buildings as an appendage.

Commissioner Phisuthikul said even though the hammerhead requirement has been waived in lieu of the fire sprinkler system perhaps it would be possible to have a small turn around at the end by extending the roadway an additional five feet to the north. Mr. Graves said this expansion would protrude into the drip line of a couple of the larger trees. It was the recommendation of a landscape consultant that they stay away from this area in order to preserve the trees.

Bill Stephenson, 19034 – 12th Avenue NE, said his property is Lot 31, which is in the middle on the west side of the development. He noted that most of the people in attendance at the hearing live on 12th Avenue NE, yet they were omitted from the original meetings on the project. He said he does not hear a lot of opposition to the development, and many feel it would be an improvement to what currently exists. Most of the concerns are related to the impact to neighbors during the construction period. He would like more information as to the hours of construction.

Mr. Stephenson noted that the proposed drawing says something about replacing the existing wood fence, as needed, and he would like more information on that. In addition, a retaining wall is shown in the plans, and he questioned if this work would be done in the initial phase. He inquired if there is a plan to put up barriers to minimize the impact on the existing neighborhood. Mr. Stephenson said the existing structures on the site are inhabited by rodents. The developer should take care of this problem before the structures are moved so that the rodents do not find a new place to live on neighboring properties.

Valerie Carnese, 19044 – 12th Avenue NE, said her property is Lot 13, so she would be on the northern most end of the project. She said she finds it interesting that their street was omitted from any of the developer's original discussions and meetings. The notice they just received was the first they have heard about the proposal. Ms. Carnese said she takes the bus to work every day, and she uses the bus

stop that is just south of 15th Avenue NE. She noted that just south of the subject property there is one house that abuts right up to the edge of the property. On the north end of the property, there is grass and a piece of curb that she has to sidle along to get to the bus stop.

Ms. Carnese expressed her concern about traffic at the intersection of Perkins Way and 15th Avenue NE. There is a lot of traffic at this intersection, and people tend to speed. She said that, overall, she is in favor of the project, but she has some concerns about the impacts to the properties located along 12th Avenue NE, such as construction hours, building the retaining wall first, etc. She said she has a fence on her eastern property line, and she is curious about what would happen to it.

Ms. Carnese said her biggest concern is regarding the property that is in front of her property. When she moved into her home, there were a tremendous number of barrels of chemicals, etc. She questioned what type of contamination would be found in the soil when digging starts. She also expressed her concern that it is hard to read the diagrams, and she questioned if the applicant could provide a larger version. She also questioned if the two properties would be elevated or set above each other. Mr. MacCready answered that there appears to be a little bit of a grade separation, but not much. Ms. Carnese said that while the applicant indicated that the roofs would be about 33 feet in height, the code would allow up to 40 feet with a peaked roof. She said it appears, from the drawings, that peaked roofs would be constructed. Mr. Graves clarified that the roofs would be peaked, but the overall height of the structures would be in the range of 33 to 34 feet at the highest point.

Ms. Carnese inquired if speed bumps would be constructed inside the subdivision area. Mr. Graves said they do not anticipate speed bumps at this time. The driveway would not be a very long street. Ms. Carnese said she is not clear about the provisions for the entrance to the property. Would there be a traffic signal? Mr. Graves answered that, at this point, there would not be significant enough traffic to require an additional stop light. Ms. Carnese said it appears there would be a 10-foot yard space on the western property line. She inquired if there would be any kind of tree perimeter along the fence.

Mildred Perry, 19016 – 12th Avenue NE, said she agrees with the issues raised by the previous public speakers. She said the building that is currently located on the subject property directly behind her property is an old garage. She questioned what kind of contamination exists in the soil in this area since the site was previously used for car repair. Ms. Perry said her most significant concern is related to pedestrian access. The children that would live in the new development would go to the school, and there is no way for them to get safely to Perkins Way and North City School. She said a few years ago, a group of four homeowners at the corner of Perkins Way and 15th Avenue NE actually built a stairway down from Perkins Way, but now that a house has been built on the property, this access has been blocked off, too. The City must review this issue before allowing more houses to be built.

Chair Harris inquired regarding the issue of construction impacts. Mr. MacCready explained that the code allows construction to occur between the hours of 7 a.m. and 10 p.m. on weekdays and 9 a.m. to 10 p.m. on the weekends.

Commissioner MacCully asked when the applicant would build the retaining wall. Mr. Graves answered that the retaining wall would be constructed before building excavation would start. It is important to stabilize the site before the buildings are constructed.

Chair Harris inquired regarding the wood fence that currently exists. Mr. MacCready noted that the existing wood fence would be replaced. He pointed out that all of the site issues would be reviewed during the site development permit phase, which would take place between preliminary approval and final plat approval.

Chair Harris asked the applicant to provide input on how the rodent issue would be dealt with. Mr. Graves answered that the rodents would be exterminated before the existing structures would be demolished. He said he would not object to this being recorded as a condition of approval.

Regarding the condition of the soil, Mr. Graves reported that a preliminary soils report was obtained, and there was no record of contamination on the site. Commissioner Hall inquired if samples were taken. Mr. Graves answered that there were six test pits taken on the site. While the study looked more at the capacity of the soil, nothing regarding contamination was identified. Commissioner Phisuthikul pointed out that the study was only related to geotechnical analysis and not environmental testing.

Chair Harris questioned why the people living on 12th Avenue NE were not notified of the proposal earlier. Mr. MacCready explained that it is the applicant's responsibility to notify the neighbors of the preliminary meeting. He said the person responsible for this notification admittedly made a mistake. Since the project has less of an impact and they were all notified of the public hearing, staff made the determination that they would have sufficient opportunity to provide both written and oral comments at the hearing. Commissioner McClelland said that while the notification process for the neighborhood meeting was sloppily done, it was not intentional. She said it is important for the residents living on 12th Avenue NE to understand that they are all parties of record because they live within a 500-foot radius of the subject property.

Commissioner McClelland requested that the applicant address the site line for the houses that abut the back yards of the houses on 12th Avenue NE. Mr. Graves answered that the residents living in the homes along 12th Avenue NE would look at the rear of the proposed structures, which are proposed to be one bedroom on the top floor, a living room on the middle floor, and a bonus/family room on the ground floor. The tops of the buildings would be sloped, composition roofs, with no mechanical equipment. They do not know the exact site lines at this time, since the design is very preliminary.

Commissioner Sands referred to Section 9.2 on Page 33 of the Staff Report, which says, "This height should not block the views of the neighbors to the west because the buildings will situate approximately 20 to 25 feet lower on the slope."
Commissioner Sands clarified that if the buildings are 34 feet in height and they are situated 25 feet below, there would only be 9 feet of building visible from the homes on 12th Avenue NE. The existing homes would be looking at or over the roofs of the new buildings.

Commissioner Sands said he would like the applicant to perform some real environmental testing of the soils in the area of the garage. He did not feel that digging pits for geotechnical testing was sufficient for this site. Mr. Stephenson recalled that, years ago, the Environmental Protection Agency conducted testing on the site. He suggested that the applicant obtain a copy of the results of that test.

Commissioner Hall inquired how long the applicant has owned the subject property. Mr. Graves answered that the applicant has owned the property for three years. Commissioner Hall inquired if the property were owned outright. Mr. Graves answered affirmatively. Commissioner Hall inquired if the construction would be secured by a loan. Mr. Graves answered affirmatively. Commissioner Hall pointed out that any lender would require environmental work before granting a loan for construction to the developer.

THE PUBLIC HEARING WAS CLOSED FOR COMMISSION DELIBERATION.

Commissioner Hall said one of his most significant concerns is related to pedestrian access. While he recognizes the City's hesitance to impose additional conditions on a developer, they must consider the safety of the children and the people who ride buses. He felt the Commission would be shirking their responsibility, as agents of the City, if they did not think very hard about requiring a sidewalk that extends beyond the property to Perkins Way. Because a school and a bus stop are located in the vicinity, he felt this would meet the nexus requirement as discussed by Mr. Stewart. The proposed project would provide 32 units, which is the highest residential density in the entire area. It would, therefore, create a demand for pedestrian amenities that exceeds anything that has previously been developed in the neighborhood.

Commissioners Sands inquired how far it is from the subject property to the corner of Perkins Way. The audience indicated that this distance is about two blocks or about 300 feet. Commissioner Sands asked how much per lineal foot it would cost a developer to put in a sidewalk that would meet the City standards. Commissioner MacCully pointed out that there is a significant slope in the right-of-way where the sidewalk extension would be. To put in a sidewalk that complies with City requirements would likely require a substantial retaining wall on one side. Commissioner Sands said the Commission must know how much money the sidewalk extension would cost before they can decide if this type of condition would be too onerous.

Commissioner Sands said he would also like the staff to comment further on how sidewalks relate to concurrency issues. For example, if a traffic study were done that showed that improvements were needed on 15th Avenue NE, the City would be able to require the applicant to make improvements to the street. He questioned if this same concept would work with sidewalks. If the amount of pedestrian traffic would be increased, would it be appropriate for the City to require the applicant to possibly improve the sidewalks.
Mr. Stewart said that it would, theoretically, be possible for the City to require the sidewalk extension if there were a direct and clear nexus between the impact of the development and the level of service standard that has been established by the City. He explained that the current regulatory mechanism requires that the applicant install sidewalks on the abutting street frontage. It is less clear whether the City has the authority to require extension of the sidewalk off site to make other connections.

Commissioner Hall inquired if there is anything in the law, other than the Constitutional Takings Provision, that would prevent the Planning Commission, as a quasi-judicial body, from attaching a permit condition that goes beyond the minimum requirements in the Development Code. Mr. Stewart answered that the Commission would be exceeding their authority if they were to impose a condition that was not established in the Development Code. There must be a regulatory basis for the Commission's recommendation. Commissioner Hall said he agrees there must be a regulatory basis, but he questioned if the Commission could impose conditions that go beyond the minimum provided in the Development Code. Mr. Stewart said this could only be done if the Development Code authorizes them to do so. However, in this case, he is not sure it does.

Chair Harris noted that the Commission does not have clear evidence that school children would be walking along 15th Avenue NE to get to school. He cautioned that the Commission should not get involved in debating in whether or not children would be bussed to school. He said the district does accommodate and change their routes to where school children are to ensure that they have a safe way to school. Commissioner MacCully said that while this should not necessarily be the Commission's focus, it should be one of the elements of their discussion. Other Commissioners agreed.

Commissioner McClelland said it bothers her that no traffic impact study was required for this project. She said she cannot believe that an additional 32 units would not trigger the need for a traffic analysis. Not only would there be no sidewalk to provide pedestrian safety, but they could also have up to 64 more cars entering and exiting the complex on a daily basis. She suggested that the transportation concerns should be bundled together to find solutions. Perhaps there are options other than forcing a sidewalk in an area where it would not fit. For instance, perhaps there is a way to safely cross the street, and walk on the other side.

Commissioner Hall pointed out that most of the public comments have been in favor of the proposed project. He particularly applauded the applicant's effort to save as many trees as possible. He noted that a turn around could be accommodated on the site if one or two of the units were eliminated. He suggested that some conditions could be added to those proposed by the staff to further address the public's concerns.

Commissioner Sands inquired if the Commission would have another opportunity to review the proposal if the preliminary formal subdivision is approved. Mr. Stewart answered that once the preliminary formal subdivision is approved, the Commission would have no further opportunity to place additional requirements on the project.

Commissioner MacCully referred to the Seattle City Light transition line easement, and said he assumes that no development would be allowed under these lines. Mr. Stewart said the restrictions on the use of this easement rest with Seattle City Light as opposed to any regulatory mechanism of the City. There are certain restrictions placed on the use of the property by the easement. Commissioner MacCully inquired if the easement transcends all along the transmission line route. Mr. Stewart said he does not know if this is the same easement all the way through.

Commissioner MacCully inquired if there are currently any houses located in this easement between the subject property and Perkins Way. Mr. MacCready said he is not aware of any houses located under the easement. Commissioner MacCully questioned if a pedestrian access could be developed through this easement to connect with the sidewalk on Perkins Way. Mr. Stewart said this pedestrian way concept could be considered as part of the Transportation Master Plan, but he does not know of any planned access through this area on the books today. He noted the significant grade change that exist in this area.

COMMISSIONER KUBOI MOVED THAT THE PLANNING COMMISSION FORWARD TO THE CITY COUNCIL A RECOMMENDATION OF APPROVAL FOR THE PRELIMINARY SUBDIVISION APPLICATION, WITH THE CONDITIONS IDENTIFIED IN ATTACHMENT J. COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Hall said he would like to add the following additional conditions to the motion:

1. All units developed on lots adjacent to 15th Avenue NE (Lots 19-32 on Attachment B of the Staff Report), must have an entrance facing 15th Avenue NE, with direct pedestrian access to 15th Avenue NE.
2. In addition to pedestrian access to 15th Avenue NE from along the access road in the proposed development, pedestrian access from the units on Lots 1-18 (the lots opposite 15th Avenue NE and furthest to the west) shall be provided by an additional continuous sidewalk on the north side of Lot 32.
3. Pest control or extermination shall be completed prior to demolition of the existing buildings.
4. The retaining wall and any required stabilization of the slope on the west boundary of the site would be completed prior to excavation of the site.

Commissioner Hall said he does not believe any of the four additional conditions would be particularly cumbersome. Requiring the entrance to be added on the east side of the street is different than the current architectural design, but he feels strongly that it should be considered.

Commissioner Hall said he would also like to add the following condition:

5. To ensure the safety of the residents, the developer must pay for the construction of a sidewalk along 15th Avenue NE from the proposed development to the intersection at Perkins Way to the south, provided that the existing right-of-way is of sufficient width to accommodate the existing arterial street and a sidewalk of minimum dimensions allowed for any sidewalk in the Shoreline Development Code.

Mr. MacCready pointed out that the narrowest sidewalk that would be permitted in the City is 6 feet with a 4-foot amenity zone. However, there is a provision that allows the amenity zone to be placed on the other side of the sidewalk, with the sidewalk being installed right next to the curb. Mr. Stewart said it is possible to obtain an engineering variance to grant an exception from the standards. Mr. MacCready added that the minimum ADA requirement would be 3½-feet wide.

Commissioner Hall asked that his fifth condition be amended to read:

5. Require the developer to fund the minimum ADA compliant sidewalk width on the west side of Perkins Way between the development and the intersection at Perkins Way, provided that the existing right-of-way is sufficiently wide to accommodate the arterial street and the minimum ADA width sidewalk.

Commissioner Hall felt this type of requirement would be better than no sidewalk at all. While the preference would be a 6-foot sidewalk with an amenity zone, they need to provide for pedestrian access as much as possible. He felt that now it was the time to fix the problem. He noted that the length of the additional sidewalk extension would be shorter than the length of the development itself. He said he believes there is sufficient nexus associated with the proposed development to require them to extend the sidewalk an additional 200 feet to Perkins Way.

Commissioner McClelland inquired if Commissioner Hall's fifth condition would require the applicant to extend the sidewalk off site. Commissioner Hall said he is asking the applicant to fund the sidewalk improvement to the corner of Perkins Way through an impact fee. Mr. Stewart clarified that an impact fee is a regulatory or legal system that must be established by the City Council. In order to justify an impact fee, a plan for improvements for a broad area must be developed. Next, the City must calculate how much it would cost to build the infrastructure and adopt it as a plan. Then the cost of the project could be assessed to all of the benefited properties as they redevelop. He further clarified that Commissioner Hall's condition would be the imposition of a requirement on this development to accommodate the impact on the pedestrian system.

Commissioner McClelland referred to the in lieu of fund. Instead of building little chunks of sidewalks, the City would collect in lieu of funds that could be used for larger projects. When discussing this concept, the Commission agreed that the in lieu of funds should be used in the vicinity of the application. She questioned if there is any money in the in lieu of fund in this particular location. Mr. Stewart answered that the City has used this provision on a couple of occasions. Typically, the money will be assigned to a project that is already in the capital improvement project program. The general rule is that if the funds are not used within a six-year period, they must be returned to the applicant. The contributions need to be attached to a real project that is going to be built within that time frame, and he does not know if there is a project that covers the area the Commission is currently concerned about. If the City were to add a project, it would require an amendment to the Capital Improvement Program.

Commissioner McClelland inquired regarding the option of allowing the applicant to have an additional unit on the site in exchange for extending the sidewalk to Perkins Way. Mr. Stewart pointed out that the applicant is not proposing to maximize the density on the site.
Commissioner Phisuthikul suggested that rather than requiring the demolition and replacement of an existing sidewalk to meet City standards, perhaps this money could be used build a sidewalk extension from the existing sidewalk to Perkins Way. Mr. Stewart summarized that Commissioner Phisuthikul is suggesting that the existing sidewalk be preserved in its current condition. In lieu of replacing the existing sidewalk, the sidewalk could be extended off site to Perkins Way. Mr. Stewart said this option

could be presented to the developer as an alternative to meeting the strict standards of the code. However, he suggested that if they were to inspect the current sidewalk, they might find that it is in very bad shape.

Commissioner MacCully said that he supports Conditions 2, 3, 4, and 5 as recommended by Commissioner Hall. However, he referred to Commissioner Hall's Condition 1 and asked why the doors should face 15th Avenue NE rather than each other. Commissioner Hall said he would assume that the entrances facing the center of the development would be retained. But the code requires that the entrances must be visible from 15th Avenue NE. Mr. Stewart said staff reviews this level of detail when the actual plans are submitted for the construction of buildings, which is after the preliminary plat and site development permits have been issued. He said the staff has informed the applicant of the standards, and that they will be looking to enforce the standards when the building plans are submitted. He said the staff has also flagged this as Condition 5 of the Staff Report.

Commissioner Phisuthikul suggested the following condition:

6. Condition 5 in the Staff Report should be replaced with the language found in Section 9.3 on Page 33. This section states that, "The units immediately adjacent to 15th Avenue NE should present a façade toward the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner on Westminster Avenue North and North 150th Street."

Commissioner Phisuthikul felt that while it is important that there be a residential and streetscape character on the 15th Avenue NE side, it does not necessarily have to be the main entrances. He said it would be awkward to have the main entrances facing 15th Avenue NE with access coming to the back door.

Commissioner Hall said that based on the comments provided by Mr. Stewart, he is confident that staff would address this issue when reviewing the building plans for the site. Therefore, he is comfortable dropping his recommended Condition 1. It appears that the City would have no choice but to require an entrance on 15th Avenue NE. The Commission agreed that Commissioner Hall's recommended Condition 1 should be eliminated.

Commissioner Kuboi inquired if it would be appropriate to add a condition that would prohibit satellite dishes and antennas on top of the roofs. Commissioner Sands reminded the Commission that they are charged with deciding whether or not the developer can build his project on the site, but not with designing the project itself. The Commission agreed that this condition should not be part of the Commission's consideration.

Commissioner Phisuthikul recommended that the following condition be added:

7. A Level II environmental soil analysis should be required, particularly for the area where the garage was located.

Commissioner McClelland questioned if this should be added as a condition, since the Commission earlier discussed that a lending agency would require this type of analysis to be done. Commissioner Sands agreed that a lending agency would require an environmental analysis, but if the project were built without borrowed money, the analysis would not be required.

Commissioner Sands referred to Commissioner Hall's recommended Condition 5. He said that although he would like the sidewalk extension to occur, he is uncomfortable requiring this without knowing what it would cost. He did not feel it would be fair to require something of the developer that could, conceivably, destroy the viability of the project. Since they are pushing to get the builder to do off-site improvements, if they make it so onerous that the project is no longer possible, what is the point of the requirement.

Chair Harris said he would not support Commissioner Hall's recommended Condition 5. He said he feels it is too onerous for the Commission to go outside of the current code requirements and try and design something with limited knowledge. Commissioner Hall suggested that perhaps the Commission should postpone their recommendation and see what the staff and applicant can come up with. The cost of the sidewalk would be imposed on the future landowners of the subject property, but it would be for the good of the families that are going to live there.

Chair Harris argued that the sidewalk extension would also provide a benefit for the neighborhood in general, and this may not be the applicant's responsibility. While it would be an improvement for the 32 new homes, it would also benefit the whole community. He questioned if the current code of standards would allow the Commission to impose that upon a developer.

Commissioner Kuboi said he is sensitive to incremental improvements to the overall project that would eventually result in the price of the units being higher. He said he personally feels that the goal of the City is to eventually have a more pedestrian friendly environment. But the reality for this particular location is that most people will come out of the development in their cars and take their children to school. The number of people on the sidewalk would be substantially less than the whole population of the new development. He felt the benefits of the sidewalk extension would be primarily to the community at large and only a small minority of the residents of the new development. Therefore, he said he would not support this condition as a must have.

The Commission agreed that, given how split the Commission is on the proposed new conditions, they should vote on each one separately.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "IN ADDITION TO PEDESTRIAN ACCESS TO 15TH AVENUE NE FROM ALONG THE ACCESS ROAD IN THE PROPOSED DEVELOPMENT, PEDESTRIAN ACCESS FROM UNITS ON LOTS 1-18 (THE LOTS OPPOSITE 15TH AVENUE NE AND FURTHEST TO THE WEST) SHALL BE PROVIDED BY AN ADDITIONAL CONTINUOUS SIDEWALK ON THE NORTH SIDE OF LOT 32."

Commissioner McClelland questioned if the pedestrian path could be whatever is appropriate, rather than requiring a sidewalk. Commissioner Hall agreed that he would be happy with a 3½-foot path instead of requiring a sidewalk. He noted that because it would not be a City sidewalk, it would not have to meet the City standards. Mr. Stewart noted that because of the grade change in this location, stairs would be required. It would not be possible to meet the ADA requirements. Commissioner Hall pointed out that, in order to be sensitive to the trees that are located in this area, he would not want to require that the path be paved.

COMMISSIONER HALL CHANGED HIS AMENDMENT TO REPLACE THE WORD "SIDEWALK" WITH "PEDESTRIAN PATH."

COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED 7-0.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "PEST CONTROL OR EXTERMINATION, TO THE EXTENT NECESSARY, MUST BE COMPLETED PRIOR TO THE DEMOLITION OF THE EXISTING BUILDINGS. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED 6-1, WITH CHAIR HARRIS VOTING IN OPPOSITION.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "THE RETAINING WALL AND ANY REQUIRED STABILIZATION OF THE SLOPE ON THE WEST BOUNDARY OF THE SITE WOULD BE COMPLETED PRIOR TO EXCAVATION OF THE SITE."

COMMISSIONER HALL CHANGED HIS AMENDMENT TO READ, "THE RETAINING WALL AND ANY REQUIRED STABILIZATION OF THE SLOPE ON THE WEST BOUNDARY OF THE SITE SHALL BE COMPLETED PRIOR TO COMMENCEMENT OF BUILDING CONSTRUCTION." COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED 7-0.

COMMISSIONER PHISUTHIKUL MOVED THAT THE MOTION BE AMENDED TO REPLACE CONDITION 5 IN THE STAFF REPORT WITH THE FOLLOWING LANGUAGE FROM ITEM 9.3 ON PAGE 33 OF THE STAFF REPORT: "THE UNITS IMMEDIATELY ADJACENT TO 15TH AVENUE NE SHOULD PRESENT A FAÇADE TOWARDS THE STREET THAT CONTRIBUTES TO THE STREETSCAPE IN A SIMILAR MANNER AS THE SINGLE-FAMILY ATTACHED HOUSING DEVELOPMENT ON THE NORTHWEST CORNER OF WESTMINSTER AVENUE NORTH AND NORTH 150TH STREET." COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED 7-0.

COMMISSIONER PHISUTHIKUL MOVED THAT THE MOTION BE AMENDED TO ADD A CONDITION THAT WOULD REQUIRE A LEVEL II ENVIRONMENTAL ANALYSIS, PARTICULARLY FOR THE AREA WHERE THE GARAGE IS LOCATED.

Mr. Stewart questioned what staff would do with an environmental analysis once they receive it. Commissioner Hall pointed out that once the analysis is filed with the City, it becomes part of the record. Commissioner Phisuthikul said the intent of his recommended condition was that any contamination issues should be brought to the attention of the public and the City, and the City staff could choose how they want to act on the information as part of their SEPA review.

Mr. Stewart read SEPA Checklist Item 7.A, regarding environmental health, which questions if there would be any environmental health hazards, including exposure to toxic chemicals, risk of fire, explosion, spill or hazardous waste that could occur as a result of this proposal. The answer in the SEPA Checklist was "none." Commissioner Hall clarified that the issue of concern is any existing contamination from prior uses rather than contamination that might occur as a result of the development proposal. Mr. Stewart said this issue is typically handled between a property owner and a lending agency.

Commissioner MacCully referred to Item 1.4 on Page 28 of the Staff Report, which states that the property is vacant. He clarified that while there is no one living on the property, there are structures located there. He questioned if the SEPA review took into account the previous uses on the site.

Commissioner McClelland clarified that Commissioner Phisuthikul's recommended condition would require an environmental analysis. Once this report has been completed, the City staff could consider this information as part of their future review of the development proposal. Commissioner Hall pointed out that even if staff were unable to take any specific action as a result of the environmental report, once in the public record, the property owner would have to disclose any environmental contamination that is found on the site.

COMMISSIONER PHISUTHIKUL AGAIN MOVED THAT THE MOTION BE AMENDED TO ADD A CONDITION THAT WOULD REQUIRE A LEVEL II ENVIRONMENTAL ANALYSIS AND THAT STAFF TAKE APPROPRIATE ACTION. COMMISSIONER HALL SECONDED THE MOTION. THE MOTION CARRIED 7-0.

The Commission discussed Commissioner Hall's recommendation that a condition be added that would require the developer to fund a 42-inch ADA compliant sidewalk along 15th Avenue NE from the development to the intersection of Perkins Way, provided that the existing right-of-way is sufficient to accommodate it.

Commissioner Phisuthikul pointed out that even if the sidewalk were required to be 42-inches wide, it would still not be able to meet the ADA requirements because of the significant slope that exists along the street. Commissioner Hall agreed that the condition should not make reference to ADA compatibility. Chair Harris questioned if a sidewalk that is not ADA compliant could be built on public property. Mr. Stewart said he does not know the answer to that question. Commissioner MacCully suggested that they should send it forward and see what the City Council has to say about the issue.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "TO ENSURE THE SAFETY OF THE RESIDENTS, THE DEVELOPER MUST PAY FOR THE CONSTRUCTION OF A 42-INCH WIDE SIDEWALK ALONG 15TH AVENUE NE, FROM THE DEVELOPMENT TO THE INTERSECTION OF PERKINS WAY TO THE SOUTH, PROVIDED THAT THE EXISTING RIGHT-OF-WAY IS OF SUFFICIENT WIDTH TO ACCOMMODATE IT. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION FAILED 2-5, WITH COMMISSIONERS MACCULLY AND HALL VOTING IN FAVOR OF THE MOTION AND CHAIR HARRIS AND COMMISSIONERS MCCLELLAND, PHISUTHIKUL, KUBOI AND SANDS VOTING IN OPPOSITION.

COMMISSIONER KUBOI'S MAIN MOTION TO FORWARD TO THE CITY COUNCIL A RECOMMENDATION OF APPROVAL FOR THE CEDAR HEIGHTS PRELIMINARY FORMAL SUBDIVISION APPLICATION (FILE NO. 201318), WITH THE CONDITIONS IDENTIFIED IN ATTACHMENT J WAS UNANIMOUSLY APPROVED AS AMENDED TO INCLUDE THE ADDITIONAL CONDITIONS PUT FORTH AND APPROVED BY THE PLANNING COMMISSION.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided a report during this portion of the meeting.

8. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

9. NEW BUSINESS

There was no new business scheduled on the agenda.

10. ANNOUNCEMENTS

Ms. Spencer referred the Commissioners to the blue handout that was included in their materials, which provides a summary of the cottage-housing moratorium that was recently approved by the City Council. Staff also provided an updated agenda planner. The public hearings for the Comprehensive Plan update have been scheduled for September 28, 29 and 30, and they will be held in different areas of the City.

Ms. Spencer advised that the Planning Commission Retreat is scheduled for October 22-23, 2004. Commissioner McClelland suggested that rather than holding the retreat in a City building, the Commission could travel to another location. Ms. Spencer advised that the Shoreline Fire Station has been scheduled as the location for the retreat.

Mr. Stewart explained that the cottage-housing moratorium that was adopted by the City Council requires a public hearing to determine whether the action should continue. The recommendation will be

not to change the action on the moratorium, but the public would be given an opportunity to comment. Assuming that the moratorium would be continued for a six-month period, Mr. Stewart said staff anticipates that the Commission will be asked to review the regulations again. Staff anticipates this work program starting in January 2005, after the Comprehensive Plan amendments have been completed. He said staff anticipates replicating the same process that was used when the original cottage housing regulations were created to collect empirical information about how cottage housing developments impact the community.

Commissioner Sands suggested it would be appropriate for the staff to talk to appraisers and brokers about property valuations. Just because people think their property values are going down, doesn't mean they are. Unless a person is in the business, he or she is not really in a position to say whether they are or aren't. The Commission agreed this would be appropriate. The staff should also ask the appraisers to look at the property values of the cottage housing units.

Mr. Stewart said the assumptions for meeting the Growth Management Act targets included about 371 cottage-housing units over the next 20 years. If the cottage housing option were eliminated, there would be a gap in the City's Growth Management Act targets. Another part of the target was to encourage mixed-use development. He recalled that at the public hearing regarding the street vacation of Midvale Avenue, testimony suggested that there was not a market for mixed-use development in the Aurora Corridor. This had a very large target number associated with it, as well. More than 800 units were anticipated for North City, assuming the major capital improvement project would go forward. In addition, he noted that some of the State resource agencies are talking about increasing stream buffers up to 300 feet. If all four of these factors come to pass, the City may have a serious issue with their capacity and ability to meet the growth targets.

Commissioner Sands asked that staff also research how many of the existing cottage houses are currently occupied by renters. Mr. Stewart said the survey might include a study of the actual occupants and what they like and don't like.

Commissioner MacCully recalled in the not too distant past, the City Council took action on a code amendment that had to do with tent cities, and the issue was sent back to the Commission for further review. Mr. Stewart recalled that, after a lot of debate, the City Council adopted all of the Planning Commission's recommended development code amendments, but they asked them to look at three additional issues (tent city, commercial setbacks, and razor wire fencing). These three issues will be coming before the Commission, along with the issue of joint access from Aurora Avenue and the ability to provide an off-site sign.
Staff will be recommending that the tent city and Aurora Avenue amendments be moved forward this year, but that the commercial setback and razor wire fencing issues be addressed in 2005.

Mr. Stewart reported that a review of the City's Critical Areas Ordinance logically falls after the Comprehensive Plan policies have been updated. Staff is working on the ordinance internally, and as the policy elements of the Comprehensive Plan move forward, they will be followed by the draft critical areas ordinance update.

Commissioner McClelland requested further information regarding the cottage-housing moratorium. She inquired if it would be possible for the City Council to rescind the moratorium after the public hearing has been held. Mr. Stewart referred to the staff report that was prepared for the City Council to explain their authority to enact a moratorium. He explained that the City Council can establish a moratorium for a period of up to six months, but they are required to hold a public hearing on the action within 60 days. They must conduct another public hearing for each six-month extension. The City Council also has the ability, at any point, to withdraw or reverse the moratorium.

Commissioner McClelland suggested that City staff take the City Council members on a tour of some of the cottage housing developments prior to the public hearing. Mr. Stewart agreed this would be a good idea. Commissioner MacCully suggested that, if possible, perhaps one or more of the City Council Members should also talk to the developers of the three completed and fully occupied cottage housing developments to obtain their perspective.

Mr. Stewart said there are rumors that the City staff has never rejected a cottage housing project proposal, and that is not true. Many cottage housing projects were never submitted because of the pre-application meetings that were held. The Commission agreed that this should be noted in the staff report to the City Council. They also suggested that it be made clear to the City Council that cottage housing is not intended to be low-income or affordable housing. Mr. Stewart agreed and pointed out that cottage housing is intended to be an alternative form of housing to fill a niche in the market for the purpose of providing acceptable infill in the City.

Chair Harris said he would like staff to provide a brief report on how much money is available in the in-lieu of fund for sidewalks. He would also like to know how many times this option has been utilized. Commissioner Sands said he is surprised that developers actually utilize this option. If they have to spend money for a sidewalk, why wouldn't they improve the aesthetics in front of their own development? Mr. Stewart said he would ask the Public Works staff to put together this information.

Commissioner Hall inquired if the cottage-housing ordinance was ever described as an experimental or pilot program, or was the assumption that the program would be permanent. Mr. Stewart said the assumption was that it was a permanent change. This was a new form of housing that would meet a new niche in the market.

11. AGENDA FOR NEXT MEETING

Chair Harris advised that a public hearing on the Ronald Place Street Vacation Application was scheduled for the September 16th meeting.

12. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

David Harris
Chair, Planning Commission

Lanie Curry
Clerk, Planning Commission

Commission Meeting Date: September 16, 2004 **Agenda Item:** 6.a

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Information Concerning the Remand of Proposed Amendments to the Development Code and an Additional Proposed Amendment to the Sign Code.
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Kim Lehmberg, Planner II

SUMMARY

On March 4, 2004, the Planning Commission held a public hearing and considered numerous proposed amendments to the Development Code. Recommendations for each of the amendments were passed along to the City Council.

The City Council held an additional public hearing and heard public testimony public on a number of the items. On June 14, 2004, the Council adopted Ordinance 352, as recommended by Staff and Planning Commission, and also moved to remand certain of the proposals back to the Planning Commission for further deliberation. The following proposals were chosen to be remanded:

1. Public notice requirements for commercial footprint additions
2. Changing zoning variance criteria
3. Public notice requirements for Tent City
4. High security fencing

Since the Council action, an additional code amendment has been proposed by the Director. This amendment is concerning the prohibition of off-site signs (Code Section 20.50.550) The proposal would add an exception to the prohibition for adjoining properties to be able to enter into a joint sign agreement, as approved by the Director. This proposal would allow signs for businesses that do not have direct frontage on, but are accessed from, a commercial street (such as Aurora), to have signage visible from the street.

RECOMMENDATION

No action is required at this time. Staff recommends scheduling a public hearing for the Tent City amendment (item 3 in the remanded list) and the off-site sign code amendment for October 21, 2004. Staff recommends placing the high security fencing and commercial additions amendments (items 1 and 4) on the docket for the 2005 code amendments. Staff further recommends withdrawing from consideration at this time the amendments to the Zoning Variance Criteria (item 2). The City Council Staff report from April 26, 2004 (without the attachments) is attached to remind Commission what amendments were made.

Council Meeting Date: April 26, 2004 **Agenda Item:** 8-A

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing on Proposed Amendments to the Development Code
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director Kim Lehmberg, Planner II

PROBLEM/ISSUE STATEMENT:

The issue before Council is the consideration of several amendments to the Development Code.

In 2003 the City received three applications to amend the Development Code. Two applications for an amendment were submitted by the public and one was submitted by the City Council in response to a public request. City Staff submitted an additional 25 items, 14 of which are considered to be technical in nature, that is, they clarify the meaning or clear up a typographical error without changing the code's intent.

The Planning Commission held a Public Hearing and has made a recommendation on each amendment for the Council's consideration. Development Code amendments are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

1. The Council could not adopt the amendments to the Development Code.
2. The Council could adopt the amendments as recommended by the Planning Commission and Staff by adopting Ordinance No. 352 (Attachment A)
3. The Council could amend the proposed Planning Commission recommendations

FINANCIAL IMPACTS:

4. There are no direct financial impacts to the City of the amendments proposed by Planning Commission and Staff.

RECOMMENDATION

The Planning Commission and Staff recommend that Council hold a Public Hearing on adoption of Ordinance No. 352, (Attachment A), hear public testimony and seek additional information, but defer the decision to adopt Ordinance #352 until the Council meeting of May 10. Staff also recommends that Council table Amendment #10 for further study, although the Planning Commission had recommended denial.

Approved By: City Manager ____ City Attorney ___

INTRODUCTION

An amendment to the Development Code is a Legislative process that may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code section 20.30.100 states that any person may request that a Development Code amendment be initiated by the Director, Planning Commission, or City Council.

BACKGROUND

PROCESS

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal. Departmental policy has been to collect proposed amendments throughout the year and process them collectively once per year.

All the proposed amendments were considered for inclusion on the official docket. The Director docketed these amendments. At the January 29, 2004 meeting, the Planning Commission was asked to review the amendments and docket any additional amendments for consideration. The Planning Commission did not docket any additional amendments and confirmed the official docket. The Commission discussed and requested research on several of the amendment requests. After the discussion there were comments from the public.

On March 4, 2004, the Planning Commission held a public hearing to hear testimony and make recommendations to the City Council on each of the docketed amendment items. No public testimony was given. A summary of the docketed amendments, with the final Planning Commission and staff recommendation, is attached in matrix form (Attachment B). The minutes of both of the Planning Commission meetings are also attached (Attachments C and D).

PUBLIC COMMENT

The City advertised the availability of the official docket of proposed amendments for review and comment. The written comment period began on January 29, 2004 and ended on February 13, 2004. A Copy of the written comment letter received during the comment period can be found in Attachment E. No letters were received after the close of the comment period or for the public hearing.

SCHEDULE
The following table is a chronology of the proposed Development Code amendment process for the current amendments.

DATE	DESCRIPTION
Ongoing	• Development Code amendments accepted by the Planning and Development Services Department for consideration for docketing.
January 29, 2004	• Planning Commission Workshop introduction to proposed amendments.
January 29, 2004 Notice of Public Hearing and Public Comment Period Advertised	• Proposed Amendments advertised in Seattle Times and Shoreline Enterprise (1/30 for the Enterprise, published on Fridays). • Written comments deadline—February 13, 2004
February 17, 2004 SEPA Threshold Determination	• SEPA Determination of Non Significance Issued
March 4, 2004	• Planning Commission Public Hearing on proposed amendments for docketing. • Planning Commission deliberation and record recommendation to City Council on approval or denial of docketed amendments (unless further meetings are required).
April 26, 2004	• City Council Meeting • City Council Decision

ALTERNATIVES ANALYSIS

NOT ADOPT PROPOSED AMENDMENTS
If Council does not adopt the proposed amendments the Development Code would remain unchanged.

ADOPTION OF AMENDMENTS AS RECOMMENDED BY PLANNING COMMISSION AND STAFF
The Planning Commission amended six of the Staff's original recommendations (amendment #s 3, 4, 6, 8, 9, and 10). The Staff concurs with all of the Planning Commission's changes and recommendations, except for the recommendation to deny Amendment #10. Staff recommends the Council table this amendment for further study. Staff and Planning Commission are in agreement with recommending approval of the amendments as set forth in Ordinance 352 (Attachment A).

AMENDMENTS AND ISSUES

Attachment F includes the original amendment application forms submitted by the applicants and contains a copy of the originally proposed amending language shown in

legislative format. Legislative format uses ~~strikethoughs~~ for proposed text deletions and underlines for proposed text additions. Note that there is no proposed amendment language for Log #3. The Planning Commission suggested changes to several of the proposed amendments. The following is a summary of the proposed amendments, with staff analysis and discussion of Planning Commission input, where applicable.

Amendment #1: 20.20.044, Change definition of right-of-way to clarify that public right-of-way should be used to describe the tract dedicated to public right-of-way uses regardless of the extent of actual improvement, and to eliminate the common "general" definition that does not reflect the public usage definition. Planning Commission and Staff recommend approval.

Amendment #2: 20.20.040 & 046, Clarify that the use of Site Development Permits is not limited to subdivisions. The Summary of "Type A" Actions table currently lists the section on subdivisions as a section reference for "Type A" Site Development Permit. Due to common usage in the trades of the term "Site Development Permit" for actions such as clearing and grading, as well as other activities such as parking lot paving and striping, it should be made clear that this type of permit can be used for projects such as cottage housing and other large-scale phased developments. Also, the City's permit tracking computer system uses this terminology. Site Development Permits are useful for projects when they are to be developed in phases (such as Top Foods), or if the site work is not attached to an individual building permit but rather to the whole site (as in cottage housing projects). It should be noted that for any development subject to SEPA and public notice, the development as a whole is reviewed accordingly prior to any permit, including a site development permit, being issued. Planning Commission and Staff recommend approval.

Amendment #3: In response to citizen concern over the 3952 square foot addition at the Safeway store on Aurora, Council suggested considering requiring public notice for all commercial projects that are increasing building footprint. Currently, the Code requires SEPA, and therefore a neighborhood meeting and public notice, for any addition of 4000 square feet or more. Additions less than this threshold require a building permit and no public notice.

Staff has had difficulty developing specific amendment language that would implement the proposed change. Staff's original recommendation was to defer this proposal for further study. The Commission noted that the existing required setback from commercial development to low density residential zones is sufficient to protect people who purchase residential property that is located next to a commercial zone. The Commission also discussed that if notification were required, it would imply that the public would have some ability to stop the application from being approved. The Planning Commission recommends denial. Staff concurs with the Planning Commission recommendation.

Things to think about:

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** Creating and publishing the public notice adds approximately two weeks to the permit process. Without additional staff resources to

perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to prepare, publish and mail the notices. In addition, a "Type B" application that requires public notice also requires the applicant to have a pre-application meeting with City staff, and a neighborhood meeting with surrounding property owners prior to application. These requirements add another 3 – 4 weeks to the process for the applicant before the application is submitted.

- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process; for a "Type A" permit it would not be.
- **Precedent:** Requiring a notice period for a "Type A" ministerial action would set a precedent that may be counter to the public welfare. If these types of actions become subject to public review, an overall slowdown of essential governmental functions would be expected.
- **Council Goal #6:** Implementing an active economic improvement plan is a City Council goal. This proposal would slow down the permitting process, thus slowing down economic improvement.

Amendment #4: 20.30.280, Clarify and restructure the section of the Code that governs non-conformances. The definition of legal nonconformance needs to be changed to reflect the law; and the sections restructured to make more sense.

The first change, replacing *"this code"* with *"a land use regulation,"* is because the phrase "this code" is too narrow and would exclude moratoria or King County ordinances. A nonconforming use could have become nonconforming as a result of a change in the King County ordinance, prior to Shoreline incorporation. The reason for the second text change is because the way it is currently written may be read to require that the building not be used for any purpose before the nonconforming use can be extinguished.

Changes to the chapter headings and subsections are technical in nature and serve to better organize the regulation. Planning Commission recommends approval with minor text edits from the original proposal. Staff concurs with the Planning Commission action.

Amendment #5: 20.30.310, This proposal is intended to clarify zoning variance criteria and make the Code consistent with case law.

The proposed changes and reasoning are outlined as follows:

- Some of the criteria for approval are actually more of a definition of what a variance is; they are not true approval criteria because an application that did not meet them would not be accepted. For example, a variance to the Development Code is not a variance to the Building Code. Also, any request for a variance from the critical areas standards would not be accepted as an application for a variance. Therefore, these "criteria" (#s 8 and 10) are proposed to be cut from the criteria section and added to the intent section as a description of a variance.

- The addition of "B" clarifies that the decision-making authority has the authority to attach conditions to the variance as necessary to meet the criteria and serve the public interest.
- Clarify the scope of what unique circumstances can contribute to the necessity of a variance.
- Add "or practical difficulties" to second criteria because the word "hardship" is very subjective and difficult to prove (i.e. many think of "hardship" as being hungry or homeless, conditions which would probably not apply to a variance request). "Practical difficulties" relates to the inability to construct something per Code due to an unusual circumstance or physical characteristic of the lot.
- Change criterion #7a: "The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity, adding "*based on existing development in the vicinity or zone, including nonconforming development."* This proposal is based on case law.
- Change criterion (#7b) "The granting of the variance will not be materially detrimental to the public welfare or injurious to *the zone in which the subject property is located* by removing *the zone in which the subject property is located* because taken literally a "zone" cannot be injured. Here the proposal is to add a criterion: *"The variance does not conflict with the purpose of the zone in which the proposal is located,"* which meets the intent of the original language.
- Eliminate the criterion (#11) that the variance is the "minimum necessary" to grant relief. This is very subjective (similar to the word "hardship") and difficult to prove or support either way.

Planning Commission and Staff recommend approval.

Amendment #6: 20.40.060, Eliminate restriction on use of public right-of-way. Public rights-of-way do not necessarily need to be limited to street purposes, they may be used for pedestrian pathways, bikeways, trails, etc. Planning Commission recommends approval with minor text edits from the original proposal. Staff concurs with the Planning Commission action.

Amendment #7: 20.40.120, Add Tent City to use tables; create noticing requirements and additional criteria. This proposal seeks to attach public notice requirements and a 90-day turnaround period to any application for a Temporary Use Permit for the homeless camp Tent City. It also proposes to have Police Department review and provide a recommendation on the application.

Under the current Code, temporary sheltering of the homeless is not listed as a permitted use in the R6 zoning district, and is not included within the Shoreline Municipal Code definition of church use. Anyone proposing to host Tent City must apply for a Temporary Use Permit (TUP). A Temporary Use Permit is a mechanism by which the City may permit a use not otherwise allowed on an interim basis. The proposal would have to meet the criteria for Temporary Use. It is a ministerial decision; no public notice is required.

To date only the cities of Seattle, Tukwila, Shoreline and Burien have hosted Tent City. The Cities of Seattle and Burien require a Temporary Use Permit. Seattle is under court order to allow Tent City. Tukwila did not require a permit. None of these other

jurisdictions went through a public notice procedure, however, in each location where Tent City sets up, the organizers make an effort to notify immediate neighbors and invite them to an informational meeting at the host church.

For more information about Tent City, see Attachment G, which includes the staff report for the Temporary Use Permit, a Tent City Fact Sheet developed by the City, the results of a survey the City sent to neighbors of Tent City after its stay, and a report from the Police Department documenting activity surrounding Tent City during its stay.

Things to think about:

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** A 90-day turn around permit period may not be responsive to the needs of the homeless in Tent City, which is essentially emergency housing.
- **Public Expectation:** A TUP not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process.
- **Precedent:** Requiring a notice period for a Type A ministerial action could set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.

The Planning Commission and Staff do not recommend this proposal for approval. The Planning Commission discussion included statements that *"...the City of Shoreline took a very noble and pioneering step to accommodate the "Tent City" community…"*, and that there wasn't compelling information provided by the citizen who proposed the amendment in terms of issues that were involved with the experience. They indicated that the presentation from staff, which also included reports on police calls, etc, was positive. The Commission went on to clarify that denying the proposed amendment would not prohibit "Tent City" in the future. It would continue the process that was used where the Planning Director has the authority to grant the temporary use permit.

Amendment #8: 20.40.400, Changes some of the criteria for operating a business out of one's home, removes some arbitrary criteria and allows additional square footage to be used for the home occupation. This amendment also strengthens the restriction on emissions. Many of these changes are recommended by American Planning Association publication (*Planning Advisory Service Report #499)*.

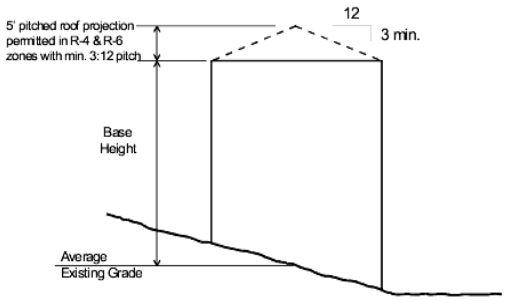
The proposed changes and reasons are briefly summarized as follows:

- Adding intent for clarity of purpose.
- Increase allowed floor area (this provision is somewhat arbitrary but probably should not be eliminated entirely). Increasing the allowed floor area allows a little more flexibility for use of the house. The allowance of 25 percent is fairly standard according to the Planning Advisory Service report.
- Delete reference to "attached" garages. As long as storage is inside it should not matter whether the garage is attached or detached.

- Revise restriction on number of employees to refer only to on-site employees. If employees work off-site, there is no sense in limiting their numbers. Note that limiting the number of on-site employees might preclude such businesses as catering companies, etc. that use a greater number of employees for short lengths of time. It may be worthwhile to discuss provisions for allowing additional employees with certain restrictions. Research into other jurisdiction's codes indicates that most jurisdictions have the same or even greater restrictions on number of employees. Some allow one employee besides the residents, some allow no employees other than residents. See Attachment H for a sampling of language from other codes.
- Eliminate the restriction of storage of building materials for use on other properties. As long as all of the storage for off-site work is indoors, there is no need to prohibit it.
- Clarify that electronic sales are allowed.
- If no adverse effects to the neighbors are felt by a change in fire rating, a change to the rating shouldn't be prohibited, as long as it's approved by the Building Division & Fire Marshall.
- Broadening the limits on emissions serves to further protect the neighbors.
- Day Cares, Community Residential Facilities B & B's and Boarding houses are subject to different criteria than the home occupation criteria.

Planning Commission recommends approval with some changes from the original proposal. Staff concurs with the Planning Commission action.

Amendment #9: 20.50.050, Allows a pitched roof to extend 5 feet over the 35-foot base height limit in high-density residential zones. The single-family zones permit such an extension over the 30-foot base height limit. The Code currently has no such provision for multi-family development. The 35-foot limit tends to encourage flat-roof structures as builders want to maximize allowed area for housing units. Flat-roofed structures are not suitable for northwest weather conditions, and tend to result in monotony of appearance. Following is an example of this type of ordinance, which the City has for R-4 and R-6 zones.



The Planning Commission recommendation is to approve this proposal, with the change the pitch be at least 4:12. Staff concurs with the Planning Commission action.

Amendment #10: 20.40.110 & 210, Allows high security-style fencing for police and essential facilities. This amendment was proposed by the Shoreline Police Department. Barbed wire fencing is specifically prohibited for residential development and security fencing is allowed under certain conditions for commercial development. See the attached code interpretation for more information (Attachment I-1) The purpose of this

amendment would be to clarify that the City or utilities can secure essential facilities, such as sewer pump stations, water towers, etc.

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Staff conducted code research on other jurisdictions in the area, see Attachment I-2. Many jurisdictions allow such fencing, subject to restrictions. Many also prohibit this type of fencing in residential zones. Several jurisdiction's codes have no mention of barbed wire fences at all.

Staff's original recommendation was for approval, however, The Planning Commission recommends denial. The Commission had discussed this proposal at the January 29, 2004 meeting. The majority of the Commission felt there are other ways to provide security treatment besides using wire fences. Staff recommends that this item be studied further in concert with the City's work on its hazard assessment mitigation plan.

Amendment #11: 20.50.410, Updates signage requirements for disabled persons parking, per State Code. Planning Commission and Staff recommend approval. Staff made several changes from the original proposal to comply with updated State requirements.

Amendment #12: Changes to clarify right-of-way regulations and make terminology consistent with Ordinance #339, which moved most of the right-of-way regulations out of the Development Code to another section of the Shoreline Municipal Code. Planning Commission and Staff recommend approval.

Amendment #13: 20.90.025, Requires public rights-of-way for alleys in the North City Business District (instead of easements). The purpose of this is to use uniform terminology for right-of-way that will include all the common law uses such as utilities, pedestrian and vehicular traffic, includes exclusive public possession and control, and a process for vacating. All rights-of-way including alleys that are dedicated by plat or as development standards are easements, but using the right-of-way term is a short hand means of describing what we have more completely.

The word "easement" should be limited to something less than full right-of-way use, such as a slope easement next to a right-of-way which will describe the public use, reserved rights of the owner and procedures for termination within the deed. Planning Commission and Staff recommend approval.

TECHNICAL AMENDMENTS: (Planning Commission and Staff recommend approval of all technical amendments)

Amendment #T1: 20.20.014, Changes "fault" hazard areas to "seismic" hazard areas to include all of the seismic hazards (e.g. liquefaction) in addition to the fault hazards.

Amendment #T2: 20.30.040, Includes Planned Action Determination as a Type A Permit for determining whether a project in the North City Business District meets the criteria for Planned Action review.

Amendment #T3: 20.30.336, Corrects a typographical error from recent Code amendment – geologic hazard area buffers are to be given lower priority than a geologic hazard area.

Amendment #T4: 20.30.460, Clarifies from what point a subdivision is vested.

Amendment #T5: 20.30.680, Clarifies filing procedures for notice of SEPA threshold determination, which may be different from a notice of decision.

Amendment #T6: 20.30.630, Acknowledges that public notice for legislative Type L actions is different than for administrative Type B or quasi-judicial Type C actions.

Amendment #T7: 20.40.120, Eliminates redundant indexed criteria for community residential facilities. The indexed criteria states the same information that is in the Code's Permitted Use Table – it does not list any additional criteria for approval.

Amendment #T8: 20.40.600, Clarifies that the extension allowed to a wireless facility is limited to one such extension.

Amendment #T9: 20.50.040, Clarifies from what point a front yard setback is taken. For some commercial projects, the lot line may be perceived to be different from the property line.

Amendment #T10: Figure 20.50.560 is very confusing. It shows a small pole sign instead of a monument sign, which is what it is supposed to depict. Since the remainder of the picture is also confusing (see Amendment #11, below), the proposal is to eliminate the figure.

Amendment #T11: 20.50.560, Clarifies setback for monument signs in relationship to the right-of-way or sidewalk, as the sidewalk is not always necessarily part of the right-of-way. The figure is also confusing.

Amendment #T12: 20.50.540, Clarifies that a property can have a combination of the different types of signs on the chart, and are not limited to one.

Amendment #T13: 20.70.470, Corrects a couple of typographical errors in the undergrounding ordinance (Ordinance 340).

Amendment #T14: 20.80.240, Cleans up inconsistent terminology; instead of using "Class" and "Type" interchangeably.

ALTERNATIVE AMENDMENT

The Council under its authority in 20.30.100 to initiate Development Code amendments could direct staff to consider an alternative amendment. Noticing requirements in the Development Code would require the City to re-advertise any alternative amendment and would require an additional Public Hearing and Planning Commission recommendation.

RECOMMENDATION

The Planning Commission and Staff recommend that Council hold a Public Hearing on adoption of Ordinance No. 352, (Attachment A), hear public testimony and seek additional information, but defer the decision to adopt Ordinance #352 until the Council meeting of May 10. Staff also recommends that Council table Amendment #10 for further study, although the Planning Commission had recommended denial.

ATTACHMENTS

Attachment A	Ordinance #352
Attachment B	Summary Log of Proposed Amendments to the Development Code
Attachment C	Minutes from Jan. 29, 2004 Planning Commission Meeting
Attachment D	Minutes from March 4, 2004 Planning Commission Public Hearing
Attachment E	Public Comment Letter Received During Comment Period
Attachment F	Original Amendment Application forms and Legislative Language
Attachment G	Tent City Information, including: G-1: Staff Report for Temporary Use Permit G-2: Tent City Fact Sheet G-3: Tent City Neighborhood Survey Results G-4: Police Report on Tent City
Attachment H	Jurisdictional Code Research on Home Occupations
Attachment I	Security Fencing Information, including: I-1 Code Interpretation #5270031902 I-2 Jurisdictional Code Research on Barbed Wire Fence Restrictions

Planning Commission Meeting Date: September 16, 2004 **Agenda Item:** 6B

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Quasi-Judicial Public Hearing to Vacate Ronald Place North between N 175th St and Aurora Ave N.
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Paul Cohen, Senior Planner

PROPOSAL

On August 23, 2004 staff presented to Council a private property owner petition for street vacation of a 1,208-foot by 60 feet wide portion of Ronald Place N. between N. 175th Street and Aurora Avenue N. (Attachment A). The Council passed Resolution 222 to initiate the street vacation process and fix a public hearing date before the Planning Commission.

The petitioners are the property owners along the first approximately 421 feet on the west side and Seattle City Light R-o-W along the entire east side. Their intent is to vacate Ronald Place N. in order to widen the redevelopment potential of the "Wedge", use the vacation area and some of Seattle City Light R-o-W as parking, and then to site the Interurban Trail to front along Midvale Ave N. The Council is required to act on a public street vacation upon a traffic investigation.

The process for reviewing street vacations is described in Chapter 12.17 of the Shoreline Municipal Code and through State law (Chapter 35.79 RCW). State law requires a resolution fixing the time for a public hearing on the vacation before the Planning Commission upon submittal of a petition with a majority of property owners abutting the street to be vacated. Planning Commission is the body required to hold an open record hearing, enter findings and make a recommendation based on the merits of the proposal and the decision criteria. The Council then holds a closed record meeting. No new testimony on the merits of the proposal will be taken by the Council in evaluation of the proposal. The City Council will then utilize your recommendation when they take final action on the application October 11, 2004 in a closed record hearing.

RECOMMENDATION

Staff recommends that the Planning Commission enter Findings of Fact and Conclusions (Attachment B) to recommend approval of the vacation of Ronald Place N. from N. 175th Street approximately 421 feet to the north property line of Aurora Cold Storage at 17532 Aurora Ave N.

Conditions

1. All uses currently in the Seattle City Light R-o- W for the entire length of Ronald Place N. shall have the existing vehicular access or alternative access until those uses are vacated by order of Seattle City Light.
2. Any redevelop that proposes to remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to reuse the brick to commemorate the history of the red brick road.
3. All existing encroachments in City of Shoreline right-of-way shall be removed.
4. Construction of the Interurban Trail must be completed from N. 175th approximately 421 feet north per City approved design.
5. Easements for each utility currently using the vacated right-of-way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers prior to redevelopment.
6. All utility facilities relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.

DISCUSSION

Background

At the August 23, 2004 meeting Council adopted a resolution to authorize the Planning Commission to hold a public hearing on a proposed vacation of Ronald Place N. A public hearing notice and request for written comments on the street vacation was advertised and posted on September 2, 2004. The comment period closes on September 15, 2004. Any comments received after the publishing of this report will be forwarded to the Planning Commission the night of the public hearing.

Proposal Benefits

The petitioner is requesting that the City vacate a Ronald Place N. to allow private use within the Ronald Place N. R-o-W so that the properties in the "Wedge" increase the depth of their lots to create greater redevelopment potential. This is especially relevant in light of the future widening of Aurora Avenue N., which would decrease the lot dimension on their west sides. However, staff recommends modifying the vacation to leave the north 787-foot portion in R-o-W so that the future Aurora improvement plan for street widening can be accommodated and N. 178th Street to extend through. Once those improvements are decided upon the remaining portions of Ronald Place N can be vacated through a separate action. In addition, the property owners in the north portion have not signed the petition to vacate.

The vacation is also an opportunity to reduce cut-through traffic on Ronald Place N. to Aurora Avenue N. It is also an opportunity to reduce turning movement conflicts at Ronald Place N. / N. 175th Street, and shift northbound right turns at Aurora Avenue N./ Ronald Place N. to the signal at Aurora / N. 175th Street.

Although the Central Shoreline Subarea Plan has not been formally adopted, it has served as guidance for Council and staff in planning for this section of Shoreline. In the subarea plan the "Wedge" is identified for redevelopment with a 5-year and 25-year vision. In either vision, the plan proposes a ped/bike trail in place of Ronald Place (Attachment C).

Shoreline's historic red brick road exists in the portion of Ronald Place N. that is proposed for vacation. Please see Attachment D for the complete history and response letters from the Shoreline Historical Museum regarding the brick road.

Traffic Analysis
On N. 175th Street the signalized intersection of Midvale Avenue N. and Aurora Avenue N. are only 200 feet apart. This close spacing makes it difficult to synchronize the two signals and therefore increases delay to traffic. The intersection of Ronald Place N. is located between these signals, which introduces more turning movements to N. 175th Street creating additional delay. Removal of this intersection would improve traffic flow on N. 175th Street.

At the intersection of Aurora Avenue N. and Ronald Place N, northbound right-turns from Aurora Avenue N. to Ronald Place N. are prohibited due to the sharp angle of the turn. Northbound vehicles on Ronald Place N. must turn right (northbound) onto Aurora Avenue N. because the angle that these streets intersect make it difficult to see gaps in oncoming, Aurora traffic. Reducing the volume of northbound traffic on Ronald Place N. will reduce the number of turning movements at Aurora Avenue N. and Ronald Place N.

Process
The process for reviewing street vacations is described in the Shoreline Municipal Code 12.17 and RCW Chapter 35.79. Part of the process includes a public hearing conducted by the Planning Commission.

The Council is scheduled to hold a closed record meeting on October 11, 2004 to consider the proposed street vacation of Ronald Place N. If the street vacation is approved, the necessary utility easements to be retained would be recorded concurrently with the vacation.

A street vacation would transfer the ownership and control of the right-of-way to those adjacent properties which originally dedicated the street, with continuing public needs, such as utility easements, reserved as a condition of vacation.

Per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC), SEPA review is not required as part of this proposal. WAC Section 197-11-800(2)(h) specifically indicates that the vacation of streets or roads is exempt.

CRITERIA FOR STREET VACATION APPROVAL
The criteria for approving Street Vacations is described in Shoreline Municipal Code 12.17.050, and the Planning Commission may recommend approval of the Street Vacation if the following criteria are met:

CRITERIA 1
The vacation will benefit the public interest.

The vacation of Ronald Place N. will benefit the public interest because of the confusion the street creates in the area and lack of use. Vacation will encourage redevelopment by increasing lot area and dimensions. However, it will not be beneficial to vacate the northern portion (787 feet) because of the future widening and improvement planned for Aurora Avenue N. and possible use of this are as a plaza using the red brick. With the amended vacation of Ronald Place N., the public health, safety and welfare will not be endangered and will likely be improved by clarifying the area circulation system and fostering economic development without jeopardizing future needs related to Aurora Avenue N.

The proposed vacation meets Criteria 1, as modified, by providing the following public benefits:

1) The vacation is an opportunity to reroute traffic to reduce turning movements and improve safety and traffic circulation on and off N. 175th Street between Aurora Ave N. and Midvale Avenue N.
2) The street vacation would facilitate economic redevelopment of the "Wedge" properties, construct a section of the Interurban trail, and accommodate future improvements to Aurora Avenue N.

CRITERIA 2
The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.

The long-range circulation plan, ped/bike plan, and street improvement plan do not address this street section and are unaffected by the realignment.

Businesses in the Seattle City Light transmission corridor, such as Olympic Boat, the costume shop, wheel rim shop and roofing business use Ronald Place N. for access. Removal or hampering of access by the street vacation would be detrimental to traffic access for these businesses. Staff recommends the street vacation be conditioned so that these businesses can continue to have access until they are required to vacate their sites.

Further, the proposed vacation meets Criteria 2, as conditioned, by vacating Ronald Place N. with review and input of applicable utility and emergency service providers. Utility facilities will be maintained in the current location with access rights remaining. Applicable utilities have provided the City with comments and the conditions necessary to ensure the proposed street vacation will not be detrimental to their facilities. The following is a synopsis of the individual utility comments and conditions:

Seattle City Light (SCL)
SCL owns a 100 foot wide R-o-W between the Ronald Place N and Midvale Avenue N. SCL primarily uses this property for power transmission lines. SCL allows for other uses to be permitted through their real property department.

The City has an agreement with SCL, which allows for the City use of SCL property. Based upon this agreement, the City is pursuing the development of the Interurban Trail on the SCL right-of-way, which will be constructed by the adjacent property owners when the properties are redeveloped.

Seattle Water Department
There is no water main in Ronald Place N.

City of Shoreline Storm Water Utility

The existing public storm drainage shall be placed in a storm drainage easement. If during redevelopment of a site, the storm drainage needs to be relocated, a new public storm drainage easement shall be required. The easement shall be a minimum 10 feet wide with a 5-foot building setback line.

Sanitary Sewer
The existing Ronald Place N. includes an eight- (8) inch sewer main. This needs to remain to serve the adjacent properties and appropriate easements will need to be recorded. As conditioned, any relocation of the sewer main may occur with a 10-foot utility easement.

CRITERIA 3
The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.

The proposed vacation meets Criteria 3, in that the pedestrian/bicycle plan does not include Ronald Place N. as a part of its long-range plan. However, the construction of the Interurban Trail is part of the City's long range pedestrian and bicycle plan. Therefore, the proposed vacation, as conditioned, to construct the adjacent portion of the Interurban Trail fulfills the long-range circulation plan for this area.

CRITERIA 4
The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

There are no policies in the Comprehensive Plan that specifically address street vacations. The following policies do have application to the proposed vacation:

Goal LU VIII: To direct the changes in the Aurora Corridor from a commercial strip to distinctive centers with variety, activity, and interest by:

- Balancing vehicular, transit and pedestrian needs
- Creating a "sense of place" and improving image
- Protecting neighborhoods
- Encouraging businesses to thrive

LU51: Initiate opportunities to build a showcase development as an example and template for future development.

LU56: Negotiate with Seattle City Light and work with City Light R-o-W leaseholders to obtain an easement to develop a non-motorized Interurban Trail and other public amenities from N. 145th to N. 200th streets.

LU60: Assist with land assembly, redesign rights-of-way to improve intersections and assemble property for redevelopment.

Analysis
Under Goal LU VIII, the proposed street vacation helps direct changes in the Aurora Corridor to other redevelopment potential by:

- encouraging businesses to thrive with greater lot sizes,
- improving its image and place by accommodating the Interurban Trail as well as Aurora Avenue improvements, and
- clarifying and reducing the clutter of unnecessary streets and visually undefined areas.

Under LU51, Increasing the "Wedge" land area will facilitate redevelopment and an opportunity for the City to implement new design and development standards.

Under Policy LU56, the proposed street vacation is conditioned to require the construction of the Interurban Trail between N. 175th and N. 178th streets.

Under Policy LU60, the proposed street vacation provides substantial land area and dimension to assist the narrow "Wedge" properties in their redevelopment and to remove the confusion of the intersections at N. 175th Street and Aurora Avenue N.

Since the entire width of the right-of-way is to be vacated there is no conflict with street standards.

CONCLUSION

1. The vacation is an opportunity to reduce unsafe turning movements on to and off of Ronald Place N. by shifting traffic to intersections and arterials designed for greater traffic volume.

2. The vacation will also provide the opportunity to construct the Interurban Trail.

3. The street vacation would widen the narrow "Wedge" properties and therefore facilitate economic redevelopment with more flexible and usable sites.

4. The street vacation meets the necessary criteria and therefore should be approved as conditioned.

5. The vacation will require the reuse of the red brick to commemorate its history.

PLANNING COMMISSION OPTIONS

1. Adopt the Draft Findings of Fact and Conclusions to recommend approval for the vacation of Ronald Place N. from N. 175th Street north approximately 421 feet, with the conditions contained within this report.
2. Adopt the Draft Findings of Fact and Conclusions to recommend approval for the vacation of Ronald Place N. from N. 175th Street north approximately 421 feet, as amended by Planning Commission.
3. Adopt the Draft Findings of Fact and Conclusions to recommend denial for the vacation of Ronald Place N. from N. 175th Street north approximately 421 feet.

RECOMMENDATION

Staff recommends that the Planning Commission enter Findings of Fact and Conclusions (Attachment B) to recommend approval of the vacation of Ronald Place N. from N. 175th Street approximately 421 feet to the north property line of Aurora Cold Storage at 17532 Aurora Ave N.

ATTACHMENTS

Attachment A: Proposed Vacation Site Map
Attachment B: Draft Findings of Fact and Conclusions
Attachment C: Comment Letters
Attachment D: Draft Central Shoreline Subarea Plan
Attachment E: History of Red Brick Road

BECAUSE OF THEIR FILE SIZE THE ATTACHMENTS HAVE NOT BEEN INCLUDED IN THE EMAIL DISTRIBUTION LIST.

FOR COPIES OF THE ATTACHMENTS PLEASE CONTACT THE PROJECT MANAGER PAUL COHEN AT 206.546.6915