

Attachment A

Ordinance No. 321 and Exhibit A

ORDINANCE NO. 321

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE DEVELOPMENT CODE TO FURTHER CLARIFY AND ADD REGULATIONS FOR COTTAGE HOUSING INCLUDING AMENDING SHORELINE MUNICIPAL CODE CHAPTER 20.40.300.

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000; and

WHEREAS, the City has completed a review of its development regulations in accordance with the Washington State Growth Management Act (GMA), RCW36.70A.130, which states “ Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them”; and

WHEREAS, the Planning Commission developed a recommendation on the amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code cottage housing regulations including:

- Cottage neighbor survey mailed to residents within 500 feet of the three constructed cottage housing developments on August 7, 2002.
- Developers of the cottage housing developments interviewed on August 28, 2002.
- Planning Commission tour of the cottage housing developments on October 3, 2002.
- Staff conducted a workshop on potential amendments at the Planning Commission on October 17, 2002.
- Staff presented the Planning Commission with a copy of proposed amendments at the December 5, 2002 Planning Commission meeting for review.
- A public comment period was advertised from January 1, 2003 to January 15, 2003.
- The proposed amendments were available for review and comment at the Planning and Development Services Department, Shoreline and Richmond Beach Libraries and the East and West Side Neighborhood Police Centers.
- The Planning Commission held a Public Hearing on the proposed amendments on January 16, 2003.
- The Planning Commission formulated its recommendation to Council on the proposed amendments on February 6, 2003; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on December 23, 2002 in reference to the proposed amendments to the Development Code; and

WHEREAS, the City Council conducted a Public Hearing on March 24, 2003 to review the Planning Commission recommendation on the proposed amendments; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW ; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Chapter 20.40.300 is amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON MARCH 24, 2003.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: March 27, 2003
Effective Date: April 1, 2003

20.40.300

Cottage Housing

A. For the definition of Cottage Housing see 20.20.014. The intent of Cottage Housing is to:

- Support the growth management goal of more efficient use of urban residential land;
- Support development of diverse housing in accordance with Framework Goal 3 of the Shoreline Comprehensive Plan;
- Increase the variety of housing types available for smaller households;
- Provide opportunities for small, detached dwelling units within an existing neighborhood;
- Provide opportunities for creative, diverse, and high quality infill development;
- Provide development compatible with existing neighborhoods with less overall bulk and scale than standard sized single family detached dwellings; and
- Encourage the creation of usable open space for residents through flexibility in density and design.

A-B. The total floor area of each cottage unit shall not exceed 1,000 square feet. Total floor area is the area included within the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet. The maximum ~~first floor or~~ main floor area for an individual cottage housing unit shall be as follows:

- For at least 50 percent of the units in a cluster, total floor area shall not exceed 650 square feet;
- For no more than 50 percent of the units in a cluster, the total floor area may be up to 800 square feet.

B-C. The following number of cottage housing units shall be allowed in place of each single family home allowed by the base density of the zone:

- If all units do not exceed 650 square feet on main floor:
2.00
- If any unit is between 651 and 800 square feet on main floor:
1.75

C-D. ~~Cottage homes~~ housing units shall be developed in clusters of a minimum of 4 units to a maximum of 12 ~~homes~~ units.

D-E. The height limit for all structures shall not exceed 18 feet. ~~The ridge of Cottages or amenity buildings~~ having pitched roofs with a minimum slope of 6 and 12 may extend up to 25 feet at the ridge of the roof. All parts of the roof above 18 feet shall be pitched.

E-F. ~~Cottage home~~ housing units shall be oriented around and have the covered porches or main entry from the common open space. The common open space must be at least 250 square feet per cottage home housing unit. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space.

G. Each cottage housing unit shall be provided with a private use open space of 250 square feet with no dimension of less than 10 feet on one side. It should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented toward the common open space.

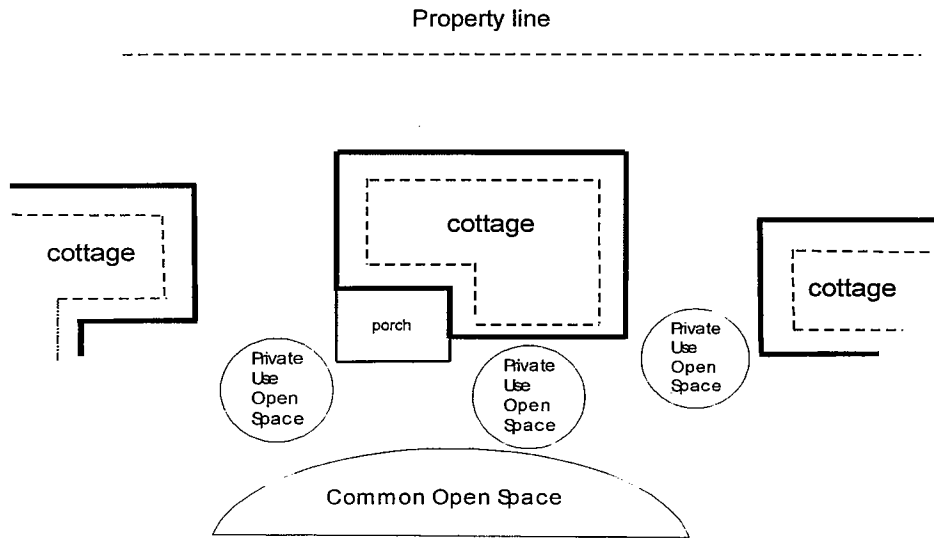


Figure 20.40.300(G): Private Use Open Space should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented towards the common open space.

F.H. Cottage homes housing units shall have a covered porch or entry at least 60 square feet in size with a minimum dimension of 6 feet on any side.

G.I. All structures shall maintain no less than 10 feet of separation within the cluster. Projections may extend into the required separation as follows:

- Eaves may extend up to 12 inches;
- Gutters may extend up to 4 inches;
- Fixtures not exceeding three square feet in area (e.g. overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
- On site drainage systems.

H.J. Parking for each cottage home housing unit shall be provided as follows:

- Units that do not exceed 650 square feet on main floor:
1.5
- Units that exceed 650 square feet on main floor:
2.0

I.K. Parking shall be:

- Clustered and separated from the common area by landscaping and/or architectural screen. No solid board fencing allowed as architectural screen.
- Screened from public streets and adjacent residential uses by landscaping and/or architectural screen. No solid board fencing allowed as architectural screen.

- Set back a minimum of 40 feet from a public street, except for an area which is a maximum of (1) 50 feet wide; or (2) 50 percent of the lot width along the public street frontage, whichever is less, where parking shall have a minimum setback of 15 feet from a public street.
- Located in clusters of not more than five abutting spaces.

J.L. Setbacks for all structures from the property lines shall be an average of 10 feet, but not less than 5 feet, except 15 feet from a public street.

M. All fences on the interior of a lot shall be no more than 36" in height. Fences along the property line may be up to 6 feet in height subject to the site clearance provisions of SMC 20.70.170, 20.70.180, and 20.70.190(C). No chain link fences allowed.

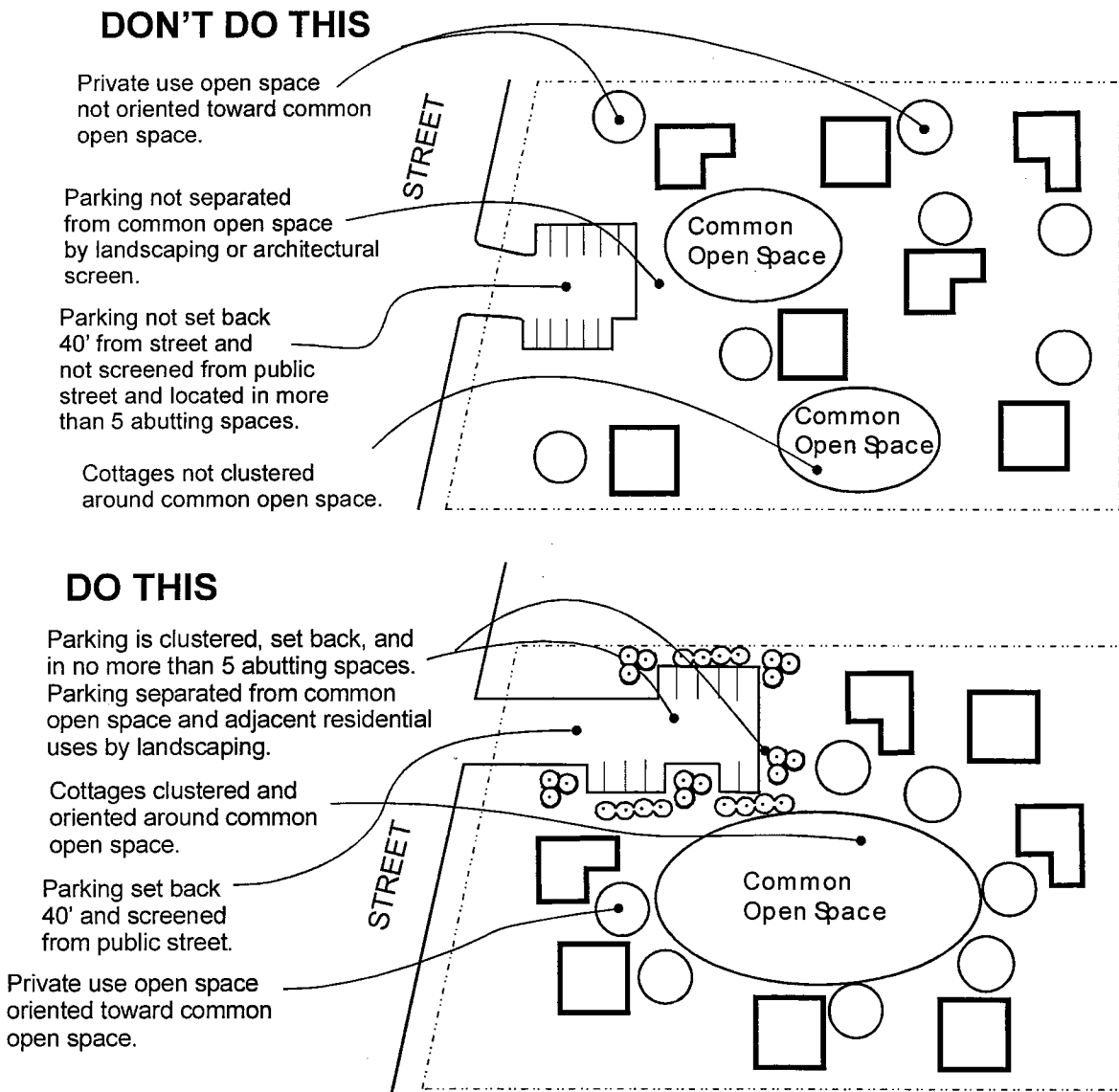


Figure 20.40.300: Avoid large clusters of parking, set back parking from the street, create functional common and private use open space, provide for screening of parking from cottages and common open space. The site should be designed with a coherent concept in mind.

Attachment B

**Planning Commission Meeting Minutes:
October 17, 2002; December 5, 2002; January 16,
2003; and February 6, 2003**

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

October 17, 2002
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris
Commissioner Kuboi
Commissioner MacCully
Commissioner Piro
Commissioner Sands
Commissioner Doering

STAFF PRESENT

Rachael Markle-Oleson, Planning Mgr., Planning & Development Services
Brian Krueger, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Gabbert

1. CALL TO ORDER

The regular meeting was called to order at 7:15 p.m. by Chair Doennebrink.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

COMMISSIONER PIRO MOVED TO APPROVE THE AGENDA AS PROPOSED.
COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER SANDS MOVED TO ACCEPT THE MINUTES OF SEPTEMBER 19, 2002 AS AMENDED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER KUBOI MOVED TO ACCEPT THE MINUTES OF SEPTEMBER 26, 2002 AS AMENDED. COMMISSIONER DOERING SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

Patricia Peckol, 19144 – 8th Ave NW, said that she lives next door to property that was approved by the City as a long plat (Hillwood Estates). It has been enlightening to observe how one particular group seems to be at odds with the main developer of the project. This individual has been able to push the limits of everything all the time. She particularly noted the new construction at 19204 – 6th Place NW, which has been able to flaunt and skirt just about every regulation the City has. She said she would hope that as future regulations are set up, the City would be diligent in closing the loopholes before the developers find them.

Ms. Peckol explained that the house that is being built is not in keeping with the forward-looking vision that she perceived the Commission wanted to encourage because the development has grandfather rights. It is a plain split-level house and will be surrounded by development that will look a great deal better. The house takes up almost every bit of the lot. The neighbors have expressed concern about water control because there are a lot of springs in the area. Right now, they want to relocate a power pole right in the middle of her private drive, within the right-of-way in anticipation of the new road that will be developed. However, construction is moving very slowly, and they are concerned that the road will not be able to be constructed soon because of weather conditions.

Commissioner McClelland inquired how many houses would be part of the new development. Mr. Peckol answered that there would be 10 houses, all on lots that are about 5,000 square feet in size. She pointed out that these lots were grandfathered.

Commissioner Kuboi requested that Ms. Peckol provide some examples of what she sees as loopholes. Ms. Peckol said she perceives a loophole as a split-level house that looks like a duplex. Because they have allowed mother-in-law apartments, the development can get away from being called a duplex. But it is really two floors, each a separate apartment. There is a side entry downstairs and then the front door is upstairs. Commissioner Kuboi said that is how all split-level homes are designed. Ms. Peckol said the front door actually enters on the second level.

Commissioner Doering asked if Ms. Peckol is referencing the design standards when she states that the developer has been pushing the limits. Ms. Peckol answered affirmatively. Ms. Doering inquired if there are natural springs on the site that would have sediment or further disruption as a result of the development.

Ms. Peckol said the water table is very close to the surface, and she never has to water her backyard. She said she would like something in writing from the main developer and the City as to what types of improvements would be provided for the community. She said it is unfortunate that the developer has not worked with the neighborhood.

Commissioner McClelland inquired if any of the neighbors have visited City Hall to review the application for the development and read the conditions. Ms. Peckol answered that she has. Commissioner McClelland said that in order for the Commission to fully understand Ms. Peckol's concerns, they would have to review the development application, as well.

Mr. Krueger explained that this plat was originally called the Dohner Plat, which received preliminary approval in 1998. Therefore, it was vested under the codes in place in 1998 (a 5,000 square foot lot size and significantly smaller setbacks). The plat fairly recently came in for final approval, and he processed the permit through the City Council for final approval. A site development permit was required before the plat could receive final approval, and this was done. The engineering and storm water designs were all subject to the King County standards in place at the time of the original plat. There is an existing house on one lot, and a total of nine building lots created. A public road is being dedicated, with sidewalks lighting, etc. The house that Ms. Peckol is talking about is being constructed under a building permit that came in before the other permits were submitted. The plat was sold to a developer, and one of the conditions of the sale was that the original owner of the property was going to retain one of the lots to build a house for his daughter. That house was issued a development permit and is going up before some of the site development improvements have been made. The site development permit is good for one year, and it was issued two or three months ago. The other eight building permits are being reviewed by staff at this time. The house that is currently being built does not have a mother-in-law apartment. Ms. Peckol said that she visited the house, and there is a kitchen and dining room on both floors.

Commissioner Harris inquired about the proposed design for the other eight houses that will be developed. Mr. Krueger said he believes they are fairly standard design. However, he doesn't know if they are one or two stories. Ms. Peckol said they are two-story designs with porches, stone and shingles. Commissioner Piro inquired if the proposed designs for the other homes would meet the new development code standards. Mr. Krueger said that King County did not have any specific single-family design standards at the time the original applications were submitted. But the designs will result in fairly nice, high-end houses.

Commissioner McClelland thanked Ms. Peckol for reminding the Commission that when a development of this magnitude is being proposed, it is incumbent upon the developer to talk with the neighbors and help them understand the proposed changes. While this is not something that the City requires, she would hope that both the Commission and the staff will recommend that developers hold neighborhood meetings.

6. REPORTS OF COMMISSIONERS

Commissioner Doering said she attended the Wallingford/Greenwood/Fremont Joint Chamber of Commerce Meeting at which Referendum 51, the Aurora Corridor Project and the Monorail Project were discussed. More discussions will be forthcoming. She noted that the City of Shoreline was brought up quite often in the discussion because the City received most of the money for their Aurora Corridor Project from the Department of Transportation. While this is true, it is a result of not having a regional decision making body.

Commissioner Piro reported that he attended a symposium in Oxford, England in September, at which he presented a paper on integrating land use into transportation decision making and planning. He said he collected a few other papers at the conference and would let the Commission know of the topics that are available for their review.

Commissioner McClelland reported that she attended the American Planning Association Conference recently. She noted that a Planning Commissioner Reception was held on Sunday following the Short Course on Planning session. She said she attended a few of the environmental sessions—in particular a session on best available science. There was also an excellent presentation on stream restoration. The presenter described how they converted a ditch along a pathway back into a stream. She also attended a session on critical areas updates. Three people spoke about Bellevue's model critical areas ordinance, which was adopted before the Growth Management Act. Another session she attended was related to the One Percent for the Arts Program, and was put on by the King County Arts Commission. One particular term that she found interesting was "artist in materials" which is a way of incorporating art in architectural materials so that the faces of buildings have some type of artistic element. This can become part of the One Percent for the Art Program. The presenter said it is important to have a catalogue of the art within a jurisdiction identifying the location, the donor and the value. Commissioner McClelland said she attended the visioning session, as well.

Commissioner MacCully said he would provide his report of the APA conference sessions he attended at the November 7 meeting.

Chair Doennebrink announced that the City Council discussed the Aegis Project at their last meeting, but no decisions were made regarding the Hearing Examiner's recommendation. The discussion will continue at the meeting next Monday.

Chair Doennebrink advised that last evening the City sponsored a North City Sub Area Planning Meeting, and there were about 100 people in attendance. Ms. Markle advised that the purpose of the meeting was to remind the interested parties about the vision for the North City Sub Area Plan and inform them of the schedule for improvements in North City and along 15th Ave NE. There were information stations set up to identify the changes that could be expected in the near future, and people were allowed to draw on the board to indicate where problem areas exist.

Commissioner Piro requested further information about the Hearing Examiner's recommendation to the City Council related to the Aegis Project. Ms. Markle advised that she would provide this information in Commissioner Piro's next packet.

7. STAFF REPORTS

a. Continued Review of the Cottage Housing Regulations

Chair Doennebrink introduced Brian Krueger, who would present the background information and issues related to cottage housing, and briefly reviewed his qualifications.

Mr. Krueger explained that the staff initiated the review of the cottage housing program in response to comments from the public, the City Council, and staff members regarding the cottage housing developments that have been permitted in Shoreline. Some of these developments have been completed and are occupied. In response to the comments provided, staff initiated a program to have the Planning Commission review and evaluate the current cottage housing regulations and the projects that have been permitted under the regulations to see if they are consistent with the original ordinance.

Mr. Krueger reviewed that in 1998 the City was working on its first Comprehensive Plan for the community. At that time, several of the Commissioners visited a development of cottage homes on Whidbey Island (Third Ave Cottages). After further review, they recommended that cottage housing would be an appropriate form of development for Shoreline to assist them in meeting the requirements of the Growth Management Act. It would also help create sustainable future development in the City. When the Comprehensive Plan was adopted in 1998, there was a section on cottage housing included. From that, the City adopted its first unified Shoreline Development Code in 2000, which contained the implementing regulations of the Comprehensive Plan policies, including those related to cottage housing. Now that projects have been developed using the regulations, staff feels it is important to evaluate whether or not they meet the original vision for cottage housing.

Mr. Krueger advised that staff sent a survey to the neighbors living within 500 feet of the cottage housing projects to elicit their feedback now that the developments have been completed. They have received a very good response, and the comments were included in the October 3 packet. They also invited the developers to respond to questions created by the staff to solicit their opinions of and experience with the regulations. If the Commission determines that changes to the ordinance are appropriate, a public hearing would be held to allow the public to comment. The Commission would then make a recommendation to the City Council. He emphasized that the City Council will make the final decision regarding any proposed changes.

Mr. Krueger advised that on October 3, the Commission toured two of the three cottage housing developments that are located in the City, the Meridian Park and Greenwood Ave Projects. He said he would review the Madrona Cottage Project now, using a slide presentation, since the Commission was unable to visit the project on October 3. He advised that this project is being built on a one-acre site located on Dayton Ave North. The line that snakes through the project is a pedestrian access that connects to the frontage improvement sidewalk.

The project was reviewed under SEPA, and the final threshold determination decision required that the developer set aside some stands of trees that would be protected as native growth protection easements. He pointed out where these stands of trees are located. He also pointed out the entrance location, as well as the location of the parking garage. Porches that are oriented around the common open space were also required.

Mr. Krueger pointed out that the current cottage housing regulations have an averaging setback system of 10 feet. As long as all of the setbacks average 10 feet, the project would meet the setback requirements. Some of the cottages have been moved around to protect trees. Mr. Krueger advised that the cottages would be fairly close to the height limit allowed in the cottage housing regulations (25-feet). The porches are larger than required, with a minimum dimension of 5 feet. The units are two-story, but they do not have the impact of the full two-stories in the front because of the step back of the porch and living area under the projected roof.

Mr. Krueger said that each cottage provides 250 square feet to a common open space, which is measured from the front façade, across the front line of the buildings. When staff reviewed the application, they considered the entire area as common open space. They did not subtract the width of the pedestrian pathway. He noted that the distance across the open space is about 20 feet.

Mr. Krueger noted that while all of the cottages have the same floor plan on the inside, the outside of the façades have been altered to accommodate a mix of building types. He pointed out the fence that is located around the perimeter of the cottage housing project, and said the parking garages are very similar to the garages found at the Greenwood Ave site.

Mr. Krueger pointed out that the utilities are still wrestling with cottage housing and trying to figure out if it is more like single-family or multi-family development. Some of the comments made by the developers regarded the intense cost of the utility decisions made on site. One demonstration of that is the clustering panels of electrical meters on one of the cottages at the Meridian Park Cottage Project (185th and Stone Ave North). The utilities usually do their own design work and engineering, and the developer pays for the work.

Mr. Krueger said that when staff conducted the neighborhood survey and sat down with the developers to obtain feedback, certain issues were consistently raised. Staff also raised some issues where the code isn't entirely specific, and where they have had a difficult time interpreting some of the standards. He said that in the October 3 staff report he highlighted some of the issues the Commission might want to consider. The first topic is related to density, which is based upon the underlying density of the zone. If the cottages are under 650 square feet, the developer can potentially get a two-for-one increase on the density if the development meets all of the other cottage housing regulations. If the units are between 650 and 800 square feet, there is the potential of allowing a 1.75 to one increase in the density. He noted that the square footage is measured only on the ground floor for the density calculation. He said the original intent was that if the ground floor of a cottage was 650 square feet, the bulk and scale of the building would be smaller since the maximum square footage allowed per unit is 1,000 square feet.

Mr. Krueger said another issue that is directly tied to density is the amount of common open space that each unit must provide. The current code states that the cottage units should be oriented and have the covered porches or main entry from the common open space. The amount of common open space must be at least 250 square feet per cottage, and this could be directly tied to density because it is another site constraint that could effect the amount of density allowed. For example, if the amount of common open space per unit were 500 square feet, in many circumstances it would limit the maximum density allowed on a parcel. All of the cottage regulations (the square footage of the porches, the setbacks, open space) are all tied together on the site.

Mr. Krueger provided slides depicting the Greenwood Ave Cottages Project, which is developed on an approximately 33,000 square foot site that is zoned R-6. A conditional use permit was required. The maximum density is 12 units per acre. There are only eight cottages, so it is developed at about ten units per acre. There is a commons building that provides amenities to the owners of the individual units.

Next, Mr. Krueger reviewed the Meridian Park Project, which is zoned R-8 and did not require a conditional use permit. The project is just shy of an acre in size, and was developed at 16 units/acre. All of the units were under 650 square feet on the ground floor. He particularly noted the area that is designated as common open space. The units are clustered into two groups of four and one group of eight in order to meet the minimum requirement of four units and maximum of twelve units per cluster.

Mr. Krueger said that the Madrona Project is about an acre, as well. It is zoned R-6 and is developed at 12 units per acre. The open space requirements are met with 250 square feet per cottage, but there are additional open space areas on site. At the current standards for open space, density bonus, etc. the project does not cover the maximum amount of lot that would be allowed in the zone.

Mr. Krueger showed a picture illustrating what the density looks like on all three of the projects. He particular noted the area of common open space. He said the current code does not have a minimum dimensional requirement for the common open space, and this may be something the Commission should consider. The Greenwood Ave Project provides private yards for each cottage, as well as common open space.

Mr. Krueger recalled that prior to the October 3 tour of the sites, he provided a list of questions for the Commission to consider as they visited each site. He said he had originally intended his report to focus on the issues that were identified on the list, and the purpose of the meeting was to identify those things that might need to be changed in the code. Staff will take notes on the issues that are discussed, as well as offer language for code changes to bring back before the Commission for their review and a public hearing if necessary.

Commissioner Kuboi said he is still unclear as to what the goals of the Cottage Housing Program are. Until he knows what the original goal was supposed to be, he cannot determine whether the program is working or not. Mr. Krueger said he was not involved directly during the Comprehensive Plan process, and he wished Chair Gabbert were present to provide more information about the intent of the cottage housing regulations.

However, he knows that cottage housing is an innovative form of development in the region, and if we go back and look at the policies in the Comprehensive Plan and Growth Management Act, we will find a lot of comments from the public related to large houses being built on small lots, the lack of community spaces, and the lack of pedestrian spaces. The cottage housing ordinance was a response to some of these issues. He suggested that it would be helpful to defer this question to someone who was involved in the Comprehensive Plan process from the beginning.

Commissioner Doering said she was involved in the Comprehensive Plan and neighborhood planning process, and a lot of discussion took place on the issue of whether the City should require 7,200 square foot lots or 5,000 square foot lots. The community indicated that they wanted the minimum lot size to be 7,200 square feet. In order to meet that requirement, the City had to come up with new ways to increase the density to meet the Growth Management Act. They considered all of the design alternatives that could be used to meet the density requirements without building huge apartment houses and other large scale multiple housing. Cottage housing was a new idea that was presented to the Commission, and Shoreline was progressive in adopting the concept into their Comprehensive Plan. While this program will not meet everyone's needs, it is one method of meeting the Growth Management Act requirements.

Commissioner Piro said he would like the Commission to take a step back and identify what the City's overall housing goals are. They have talked about meeting the Growth Management Act (GMA) requirements, and he understands that the City has a specific target given to them that requires them to accommodate a certain amount of housing opportunities. He said he would like to have a better understanding about the numbers the City was given previously as a target and what the implications of the new target numbers will be. He said that he has heard that the City, as a community, is seriously lagging in terms of achieving the target number. He would like to discuss the cottage housing issue in this same context.

Mr. Krueger advised that Mr. Stewart, the Planning and Development Services Director, is the City's representative at the Growth Management Planning Commission, and he works on all of the regional developments related to this issue. He said that he knows that the planning horizon has been extended recently, and new numbers have been allocated. However, he does not believe these numbers have been codified or accepted by the City yet. He has heard that the new numbers will be very close to those that were allotted the first time. The City will not be burdened with significantly new numbers. He noted that the City has been permitting about 100 dwelling units per year, which would bring the City very close to the target number of 2,400 to 2,800 over a 20-year period. However, things have changed in the City, and the 100 dwelling units that were developed each year were done under the old development codes and lot sizes. Many units were constructed on 5,000 square foot lots, but the planning activity has slowed down since the minimum lot size was increased. Now they are seeing more development in other areas instead. The strategies the City has implemented to accommodate the density have allowed them to meet many of the other goals.

Commissioner Piro said that in addition to cottage housing, it is also important to know how the affordable housing component will impact the entire mix of housing and the City's ability to meet the GMA mandated targets. Mr. Krueger recalled that a couple of the reports focused on affordable housing, and he agreed that this needs to be part of the discussion, as well.

Commissioner Sands said that, obviously, cottage housing was set up to address the density issues. He inquired if the affordability concept was included in this discussion, as well. Mr. Krueger said that, originally, he did not believe affordable housing was part of the issue. It was discussed that just because cottage housing units are smaller and cute, does not mean that they will be affordable. He said affordability was not the initial intent of the cottage housing regulations. The issue was more related to density.

Commissioner McClelland said her understanding was that the cottage housing option was to be an alternative to multi-family housing. One of the strong features of cottage housing is that they would be located in urban settings—similar to the Meridian Project. This location is ideal because it is near the envisioned City center. She questioned how the City decided to allow cottage housing developments in outlying single-family neighborhoods where the objective of a transit oriented development is impossible to comply with. She said that when a 2 to 1 ratio is allowed, there would be twice as many dwelling units as what would be allowed by the underlying zone.

Commissioner McClelland questioned whether or not automobiles are restricted in these developments. Mr. Krueger said the current cottage housing ordinance states that the parking is to be calculated based on the size of the units that are being constructed. For units that are 650 square feet or smaller, 1.5 parking spaces per unit are required. The larger units are calculated at 2 per unit. The City requires two parking spaces for a single-family house. He said he did not think it would be possible for the City restrict the ownership of vehicles, etc. However, when they meet with developers, they are finding that the cottage housing market attracts a lot of singles and couples. They are seeing less cars at these developments than might be on sight in a traditional platted development. One of the residents at the Greenwood Ave Cottages indicated that three of the people that live in the development are daily bus riders because there is bus service on Greenwood. He suggested that cottage housing could be located anywhere as good infill development.

Commissioner McClelland said that because they are small and cute, the City allows twice as many cottage housing units on a site. The potential is to almost quadruple the traffic impacts. She questioned how the potential traffic impacts are calculated. Mr. Krueger said the reality is that they are seeing less trips from the cottage housing developments. Most of them, because of their size, do not trigger traffic studies. He emphasized that cottage housing projects are single-family detached developments with very specific criteria that other single-family developments do not have to meet.

Commissioner Sands suggested that as they consider the issue of parking and auto uses, it may be appropriate to question whether all of the parking needs to be provided on site, or if on-street parking can satisfy part of the parking requirement for cottage housing. Mr. Krueger answered that all of the parking is currently required to be on site.

Commissioner MacCully noted that there are provisions being advanced in the new Regional Transportation Plan and other policies that are calling for on-street parking to be factored into the parking requirements. Perhaps this is something the City should consider, as well.

In response to Commissioner McClelland's comments regarding trips that are generated, Commissioner MacCully said that because of the size of the units, the household size tends to be a lot smaller and there is not as much tendency to have multiple cars. He said he does not believe, at least in the Greenwood Ave Project, there are any teenagers. Automatically, this drops the number of cars.

Secondly, Commissioner MacCully said the Commission must be careful about how much they legislate the location of these projects. One of the questions the Commission asked the developers was what they look for when considering a cottage type development. One of the developers said they need to have at least $\frac{1}{2}$ to $\frac{2}{3}$ of an acre in order to make the numbers pencil out. They also indicated that the opportunities for doing this type of infill development are not as numerous as they would like them to be. Lastly, Commissioner MacCully said that communities develop as a result of a project design. He cautioned that the Commission should not get into social engineering.

Commissioner Kuboi said he feels that in the absence of knowing what the goals are, he cannot make constructive comments. If density is the number one goal, the Meridian Park Development is the best. He said that until the Commission decides upon their goals, it is non-productive to continue to talk about what each Commissioner feels is good or bad about the present ordinance. He said he would prefer not to talk about the items in the staff report at this time, because they relate to whether or not the City is meeting the target.

Commissioner Kuboi said he has a list of things that might factor into whether or not the City has a successful cottage housing ordinance, such as density, diversity of housing stock, affordability, structure of the code to make it attractive to developers, environmental issues, etc. He said the first step should be for the Commission to decide, as a group, what the goals should be.

Commissioner McClelland agreed that it is important for the staff to clarify the intent of the Cottage Housing Regulations and to teach the staff how to interpret the code. It is also important that the regulations do not make cottage housing cost prohibitive. If the housing goal is so much greater than density and the City wants to be innovative with their housing policies and housing types, they need to make that perfectly clear in the code.

Commissioner Kuboi said his sense is that density will be addressed as part of the Commission's review. But when he is not sure where the more nebulous concepts like sustainable development, environmental factors and creating community fit in. He noted that the City does not legislate communities elsewhere. For example, they don't try to make residents in single-family developments talk to each other, so why would they want to do so with cottage housing.

Mr. Krueger explained that the current cottage housing ordinance is being used on a daily basis. The regulations have been brought before the Commission so that they could review the cottage housing projects that have been constructed to date to see if the regulations meet the Commissioners vision for the community. He agreed that the intent of the cottage housing regulations could be more clearly stated. He noted that there are purpose statements in the present code for multi-family, single-family and attached residential developments. An appropriate response to the Commission's concerns would be to develop a purpose statement to identify what the City is trying to achieve with this form of development.

Mr. Krueger said that the remainder of his slides center around the issues that have been extracted from surveys by the neighbors, developers, etc. The issues include fences, screening, density, whether or not the current developments have functional common open spaces, and whether or not the developments are compatible with the neighborhood. He said that his original intent was to address each of these topics and then give the Commission an opportunity for discussion. Staff is seeking direction from the Commission on how to address the comments and concerns expressed by the public, the Commission, the developers and the staff.

Rather than continuing with the staff report, the Commission agreed that they would accept public comment. They agreed that it is important to understand how the cottage housing communities are interacting with the existing community.

Angela R. Horl, 665 North 165th Street, said that she lives just around the corner from a proposed cottage housing complex. She thanked the Commission for recognizing that the current code needs to be amended. Cottage housing is drastically changing neighborhoods. She suggested the following revisions to the cottage housing code:

- Only allow a certain number of cottage housing complexes to be built in a neighborhood. There should not be more than three complexes built within a certain number of miles. As it stands now, cottage housing does not fit into the existing character of neighborhoods.
- More trees need to be preserved when a developer is allowed to build—especially older trees and trees that would separate the cottage housing property from residential properties—even if this means that fewer cottages could be built. Huge trees taken out of neighborhoods that have a lot of trees clearly alters the character.
- Guidelines should be in place to ensure that the existing neighborhoods have more opportunities to review the development plans. Neighbors should be allowed to submit changes to the plans proposed by developers after the developer has fulfilled all of the legal requirements of a proposed cottage housing project.
- A substantial bond should be paid by the developer in case the upkeep of cottage housing starts to falter.
- If a developer has not complied with all of the provisions of the code or any other governing laws, they should have to start the process of applying over again and not be vested in the regulations that were in place at the time the original application was made.
- If traffic is an issue for a neighborhood where cottage housing is proposed, cottage housing should not be allowed.

- Parking is a problem because there are already too many people. It is not safe to let children play in the front yards. Cottage housing would contribute to that problem by putting more cars on the roads and more cars parked on the street. Cars parked along the street are eyesores—especially for a street that has neighbors who park their cars in the driveways and garages. There are no guarantees that the occupants of cottage housing will only have one car.
- Cottage housing should not be allowed within a certain number of miles from schools. If a school is in a residential neighborhood, cottage housing only creates safety issues for the children by putting more cars on the road.
- If cottage housing is allowed to be built, certain restrictions on when construction can take place should be made. No construction should be allowed on the weekends and should not start before 8 a.m. It should end by 5 p.m. during the week. Any construction done outside these time parameters would severely disrupt people's lives, causing unnecessary stress and unhappiness. No one person should be allowed to cause such upheaval to a neighborhood that strives to be quiet and peaceful.

Ms. Horl concluded by stating that she opposes cottage housing. It only serves the purpose of making money for the developer and the City, to some extent. There are so many people that this type of housing effects negatively. She chose to be a homeowner in Shoreline for many reasons, and she believes that her rights, as a homeowner, are being negated because of the cottage housing code that is presently in place.

Commissioner McClelland inquired if the City's nuisance law would address the issue of construction hours. Commissioner Doering said the current ordinance allows construction to occur from 7 a.m. to 10 p.m. on weekdays and from 9 a.m. to 10 p.m. on weekends.

Mike Widman, 16333 Fremont Ave North, said he feels the traffic issue is very unclear, and no study has been done for the cottage housing developments to date. He referred to the special meeting notes from October 3rd and noted that a lot of the neighbors did complain about an increase in traffic. Mr. Widman said he has read a copy of the plan, and while it does meet the density requirements, it does not meet a lot of the other goals in the Comprehensive Plan such as tree preservation, affordable housing, etc. Mr. Widman pointed out that not all of the cottages houses have been sold. There is one that is for rent, and some are not finished. He also noted that out of the 43 responses from the neighbors, only eight were positive.

Mr. Widman said he lives right across the street from a proposed cottage housing project. He said that he is also a member of Neighbors for Responsible Development, which is a group that is opposed to the project because they feel it does not meet the current code requirements. They believe the developer has tried to circumvent the intent of the cottage housing ordinance. He suggested that the City needs to be much more specific and prescriptive in their cottage housing language so the developers can understand the intent of the law and are not able to manipulate projects for their gain at the expense of neighborhoods. It is important that the staff understands the intent, as well, and that they are given specific tools to implement the regulations the way they were intended.

Mr. Widman said that while he prefers conventional zoning, he is not against the concept of cottage housing. The concept, as he understands it, is a way of providing compact, smaller, less-expensive homes for single people and small families in communal settings while increasing density in neighborhoods that have room for infill housing. It is important that the developers and the City understand that this should be done in a way to enhance the neighborhood and not just for the personal gain of the developer or the City's tax revenue.

Mr. Widman said that of the three projects under construction so far, he believes that only the Greenwood Cottages appear to meet all of the criteria. The Greenwood Project did not seem to push the maximum limits of the code for maximum profit. The Greenwood developers seemed to consider other factors, such as privacy, residential quality, tree preservation, visibility, etc. While there are still many issues around the Greenwood Project and many of the neighbors are still opposed to it, they seem to have worked out the problems much better. He encouraged the Commission to carefully consider this.

Mr. Widman said he read through Jim Soules' responses to the questionnaire that was handed out. He said he was impressed by his answers, and he was surprised that he agreed so closely with a developer of one of the projects. He said he agrees with all of Mr. Soules' recommendations and asked that the City try to incorporate them. Most developers will do what they can to push the limits, and therefore, the limits must be as clearly defined as possible and implemented by staff to reflect the City's intent. He said he especially agrees with Mr. Soules' recommendation related to the density issue. Allowing only two cottages to replace a single-family residence is very important. No further adjustments and variances should be allowed. No rounding up of plots should be allowed. The density should be calculated using only buildable areas, excluding the walkways, preserved, trees, etc.

Mr. Widman said he also feels that the porches on each of the units should be larger so that people can walk on them. Additional yard and common space should be required for each cottage. Also, the cottages should be one and a half stories rather than two story skinny houses. He supports the concept of a 25-foot setback from all existing residences on adjacent properties. In addition, two parking spaces per unit should be required. He said that traffic and on-street parking are significant issues. The neighborhoods should not have to bear the brunt of both reduced parking and increased safety problems that come with tighter streets. The ordinance should specify how many cars are allowed per cluster of parking, and this should be limited to five, with a ten-foot architectural landscaped buffer. Language needs to be added to limit the expanse of cement on the parking structures. The City should try to provide language that would control the layout of the parking structures so that developers are required to find ways to break them up.

Mr. Widman suggested that the onus should be on the developer to come up with a plan that works with the neighborhood. Because there are no clear definitions now, the onus is on the neighborhoods to try and convince the City that the parking lot layout is not compatible with the character of the existing development. Screening and tree preservation is also very important and should be stressed. There should be provisions to maintain as many trees as possible, and the City should require that those that are cut down be replaced with one or more trees of comparable or at least reasonable size. Clear and heavy sanctions should also be placed on developers who accidentally cut down or intentionally damage trees.

A comprehensive landscape plan should be required so that the City and the neighborhood knows what will be added as screening in place of the trees. Design review for each of the houses should be required, even though some of the developers are adamant that this is not necessary.

Mr. Widman pointed out that the cottage housing concept is new, and two out of three developers who built in Shoreline are doing so for the first time. It is probably safe to say that there will be other first time cottage housing developers trying to build in Shoreline, and he hoped that in the future, staff would better understand the issues and history related to cottage housing design. Hopefully, the public feedback will help the developers understand the design issues such as color, roof composition, privacy, fencing, noise, etc. These projects need to be overseen by people in the City who know the issues.

Lastly, Mr. Widman said the City must find some way to control the developers and prevent them from using the ordinance to circumvent the intent of the law and establish multi-family rental units in single-family residential neighborhoods. He said he does not have a problem with renters in his neighborhood, but he does have a problem with a developer using this ordinance to develop what amounts to an apartment complex in an area zoned for single-family residential housing. That is not the intent of the law, and it shouldn't be allowed. The City should limit the number of cottage housing developments they will allow or they could find themselves overwhelmed by developers. Perhaps they could limit the developer or his representative to ownership of no more than 25 percent of the cottage homes in a project. This would dissuade developers from building solely rental projects. He suggested that resolving the rental issue is one of the most complicated and important. The City must be clear and strict with developers of cottage housing. The language in the ordinance must be clear and the staff must clearly understand the intent of the ordinance in order to restrain developers who want to maximize profit at the expense of neighborhoods. The City must ensure that the projects are well thought out and responsible, not overly dense, have good architectural and landscape screening, have sufficient open space and are designed in a way that is compatible with the existing development in the neighborhood. The City must be clear and tough on the developer to come up with something that works for the neighborhood. The onus must be on the developer. If not, the City will end up with bad projects that turn people against the concept, as has already happened. In the long run, they may inadvertently end up supporting the very projects that destroy vibrant neighborhoods, bring down the City's property values and result in small tenement homes and slum pockets in the future.

Mr. Widman said that until the City Council has made a decision on the ordinance and the City can ensure that the ordinance correctly represents the City's vision for cottage housing, there should be a moratorium on cottage housing projects. He said he would hope the Commission would make this recommendation to the City Council immediately.

Marvin Morris, 16342 Fremont Ave North, said he is also part of the group, Neighbors Responsible for Development. He said he agrees with everything that was stated by Mr. Widman. He said he believes that if the other cottage housing developments had been similar to that of the Greenwood Project, the concept would be workable. He said that when discussing cottage housing for the City, the Commission should consider why the citizens have chosen to buy and live in homes in a particular neighborhood.

If they searched out and moved into an area that is zoned and developed as single-family homes, they expected to be able to live in that kind of community setting with confidence that the City leaders would honor the codes. Multiple housing developments are needed in the City, and there are areas and zoning that allows for such development. Cottage housing is just another form of multiple housing and could be a viable option for people who seek this type and style of living. However, he did not purchase a home to live in a neighborhood where multiple housing is present. The rules were changed after the fact, without giving any notification. The City's own Comprehensive Plan states over and over how it wants to keep the neighborhoods attractive to residents.

Mr. Morris said that when the City decides to change the code to allow something like cottage housing, it causes a great deal of stress and frustration. People put a very high percentage of their income into their homes. They put a lot of planning into where and how they want to live. Many would never have purchased their homes knowing that the neighborhood would be altered in this manner. He is now limited in the sale of his home because people who feel like him will not have any interest in purchasing a home in his neighborhood. He said that zoning changes should allow a lot of public input to help protect the character of the surrounding community.

Carolyn Morris, 16342 Fremont Ave North, said she lives next door to a proposed cottage home project. The developer is building the project for rental privileges. There is a quiet, side street, single-family residential neighborhood. It is not zoned for apartments, yet there is a loophole in the cottage housing code that allows what amounts to an apartment complex to be built in their neighborhood. She asked that the Commission consider changes that would close this loophole as soon as possible. She said these projects do not belong on quiet, residential side streets. Fremont Ave is a side street, and the developments are not taking place on infill property, but on land that borders up to the street. A site plan that has three or four 25-foot tall buildings along someone's backyard fence with a five-foot setback takes away privacy and greatly impacts the value and salability of the property. Throughout the Comprehensive Plan, housing options are addressed. The City envisioned affordability and compatibility with the character of the neighborhoods. The Comprehensive Plan makes reference to housing for the growing number of seniors who are downsizing, as well as singles and new couples starting out. The Madrona Cottages on Dayton Ave are selling for \$250,000 and up for only 1,000 square feet of living space, and their children cannot afford this amount starting out, and they cannot do so when they retire. She urged the Commission to address these issues as they revise the cottage housing regulations.

Scott Kinniston, 16336 Fremont Place North, said he lives approximately one block west of where the newest cottage project would be built. He said that he lives in a residential area that is not appropriate for apartments. This would encroach further into the residential area. They already have apartment buildings to the south of them and towards Highway 99. He said that, apparently, the City has been given a directive from another governmental source to increase the density in the City. He said he understands that the City must follow this directive and try to make some movement in that direction. However, he questioned who gave the Commission the ability to move in that direction—certainly not the citizens of Shoreline. He doubted that any person in his neighborhood area would have agreed to allow cottage housing near them.

Commissioner McClelland inquired if Mr. Kinniston is familiar with the Growth Management Act, which requires the City to meet certain housing goals. It is not a matter of having been given permission, but a matter of trying to comply with a State planning law. Whether or not cottage housing is an appropriate method of going about this is something they can talk about, but the City is under State mandate to provide housing for the population growth that Shoreline is expected to absorb over the next several years. Cottage housing is supposed to be a preferable alternative to either big apartment buildings or sprawl. They do not yet know whether or not this is working. But the City must provide enough housing to meet the population targets, and the Planning Commission is responsible to help figure out how to do this. Chair Doennebrink emphasized that the Planning Commission reviewed the options and made recommendations to the City Council. The City Council ultimately made the decision.

Devin Denny, 16341 Fremont Ave North, said he lives directly across from where the proposed Fremont Cottages are to be built. He stressed that the Commission has a chance to do something to correct this situation. They are a neighborhood of people who help each other and talk to each other all the time. They chose their neighborhood and want to continue to live there. But he doesn't want to stay while his house decreases in value because a rental project is built across the street from him. They have all seen this type of development become run down. The developer who is proposing the project is Harry Bogadan, President of Samora Property Management. He is the largest property manager in the north end. He intends to rent the units out. He does not really care about the neighborhood or the City's goals. He just wants to make money off his property. Mr. Denny urged the Commission not to let this be an experiment that breaks up their neighborhood.

Mr. Denny suggested that the Commission read the requirements for applying for a conditional use permit. The proposed project does not even come close to meeting the character of the neighborhood. He does not want this project on his street. This type of development should be stopped by changing the policies.

Patricia Peckol inquired if there is any way to give incentives to "good" developers that construct developments that meet the standards the City would like to see go forward. Commissioner McClelland said the City could make the regulations so tough and so tight that only the best developers will want to deal with them. If they want top notch developers, the City has to create an environment where top notch projects are not going to be distilled by a shanty project next door. The regulations have to be tight to get people who are willing to pay what it costs to do construction well.

Chair Doennebrink explained that the Commission has discussed the issue of design standards in the past, and perhaps they should revisit this in the near future. Perhaps the sentiment has changed. He noted that no one on the Commission, with the exception of Commissioner Gabbert who is absent, was on the Commission when the regulations were created.

Chair Doennebrink suggested that one option would be for the Commission to fine tune the existing regulations now, with the option of revisiting the entire ordinance at another time. Another option would be to review the entire cottage housing ordinance now rather than just fine tuning certain sections.

He questioned whether it is within the Commission's realm of responsibility to recommend a moratorium to the City Council. The Commission agreed that they can recommend a moratorium, but they cannot put one in place, themselves.

Commissioner Piro suggested that staff work on answering some of the questions that have been raised and present more contextual information related to the cottage housing issue. He clarified that the purpose of tonight's discussion was to assess the situation to determine whether or not changes need to be made. However, the Commission has agreed that until they have more background information, they cannot make these decisions.

Commissioner Piro recalled that the Commission is interested in learning more about the initial objectives and performance goals that put the cottage housing ordinance in place to begin with. He said it is also important for the Commission to know what penalties or sanctions may await the City if they do not meet their target for population. Secondly, the Commission needs to have further information to determine whether or not the cottage housing ordinance is being used as a way to get rental housing into neighborhoods that tend to be more owner occupied. He would like more information on the developments that have been completed to identify what percentage of the units are owner occupied verses rental units and how that compares to single-family housing in general. Lastly, Commissioner Piro said that, while it might not be possible, he would like staff to provide more information about traffic issues and auto ownership as they relate to cottage housing verses traditional multi-family housing. He said he suspects that because the density is tighter in cottage housing developments, they will generate more traffic than a normal single-family neighborhood would, but it is probably less than that of a traditional multi-family development.

Commissioner MacCully concurred with Commissioner Kuboi's comment that the Commission must start the review process by identifying the intent of cottage housing as identified in the Comprehensive Plan. As he listened to the public comments, he was struck about how many paralleled the questions provided by the staff in the Commission's packet. These questions, as well as the transcripts from the public comment, should be used as a starting place for the Commission's discussion. He said he is interested in knowing if there are any restrictions on the construction of rental properties, or if the City has the ability to do this. Commissioner MacCully recalled that the developer of the Meridian Park Project said that he was restricted to no more than four rental units in the complex. Commissioner MacCully said that he is interested in having additional discussion amongst the Commission as soon as possible. He suggested that because there are so many issues to consider, it would likely take more than one meeting.

If the Commission were to take additional time to review the cottage housing regulations, Commissioner Doering inquired what the impact would be to the proposed project. Mr. Krueger said that a conditional use permit application has been submitted, and the public comment period has expired. Staff is now working to formulate the decision on the conditional use permit, but it has not been issued yet.

The Commission discussed whether or not they should do incremental changes first, or if they should take the time now to review the entire ordinance. Another option would be to suggest a moratorium on cottage housing development.

Commissioner McClelland said she does not think the City Council would approve a moratorium on cottage housing at this time. She said she would like to review the cottage housing ordinances from Langley and Redmond, since these can provide helpful background information to the Commission.

Commissioner Sands said he did not hear any one from the neighborhood say that they were totally opposed to cottage housing. What he heard was that if it is done properly, they would have no strong feelings against the concept. He suggested that rather than starting all over again at the beginning, they should consider how they could improve the existing ordinance. He suggested that they review the matrix which covers many of the issues that were raised. The Commission can attempt to make recommendations to fix the ordinance so that it works better for everyone. While they do not know exactly what the original intent of the cottage housing concept was, they do know what things do and do not work and where adjustments can be made.

Vice Chair Harris disagreed with Commissioner Sands. He said some of the members of the audience indicated that they do not want cottage housing in their neighborhoods at all. While they said that one may be a little better than the rest, the surrounding property owners do not like them. However, cottage housing is a total success for people who want to purchase the units. He said he is at a total loss as to which direction to go. But all of the comments he has heard from the public, even on the Greenwood Project, have been negative.

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. AGENDA FOR NEXT MEETING


Ms. Markle advised that a public hearing on the Draft Gateway Master Plan is scheduled for November 7, 2002. The document is available to the Commissioners and the public for review now. A public hearing on the amendments to the Development Code is scheduled for November 21. Because both of the November agendas are full, she questioned when the Commission would like to schedule further discussion on the cottage housing regulations. The Commission directed the staff to schedule this discussion for the first meeting in December.

11. ADJOURNMENT

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



Brian Doennebrink
Chair, Planning Commission



Lanie Curry
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

December 5, 2002
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris
Commissioner Gabbert
Commissioner Kuboi
Commissioner MacCully
Commissioner Piro (arrived at 7:03)
Commissioner Sands
Commissioner Doering
Commissioner McClelland

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Planning Manager, Planning & Development Services
Brian Krueger, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Doennebrink, Vice Chair Harris, Commissioners Gabbert, Kuboi, MacCully, Doering, McClelland and Sands. Commissioner Piro arrived at 7:03 p.m.

3. APPROVAL OF AGENDA

COMMISSIONER GABBERT MOVED TO APPROVE THE AGENDA AS PROPOSED.
COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.

4. APPROVAL OF MINUTES

Commissioner McClelland inquired if a conditional use permit would be required for professional offices to occupy the old Richmond Beach Library building. Mr. Krueger said the proposal would not require a conditional use permit but would be restricted to only former public library facilities. Mr. Stewart added that the Commission could suggest that a conditional use permit might be appropriate in this case.

Commissioner McClelland noted that the owner of the old Richmond Beach Library site indicated at the last meeting that using the site for professional offices would actually be a down zone. However, she noted that there is no zoning change taking place. Mr. Stewart agreed that there would be no change to the zoning map, but there would be a change to the text of the Development Code, to add professional offices as a permissible use for the property.

Commissioner McClelland suggested that it would make more sense to allow public library properties to convert to private property as a conditional use without changing the zoning. Mr. Stewart said the proposed language would address any and all properties that were once former libraries and allow them to be used for professional offices. However, there is only one of these sites in Shoreline. Staff believes this type of allowance would result in an asset to the community.

THE MINUTES WERE APPROVED AS AMENDED.

5. PUBLIC COMMENT

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

6. REPORTS OF COMMISSIONERS

Commissioner MacCully briefly reported on the American Planning Association Conference he attended a few months ago. He said he attended the Short Course on Planning and enjoyed the social afterwards. Phil Olbrechts from Ogden, Murphy and Wallace made the presentation at the Short Course. He distributed a memorandum related to the Washington State Open Public Meetings Act as it pertains to e-mail exchanges. He encouraged the Commissioners to read this document. It states that any time a quorum of Commissioners exchange e-mails, it constitutes a public meeting. The only way to avoid this is to funnel all e-mail correspondence through staff.

Commissioner MacCully said he also attended a session on the Planned Action Case Studies. He publicly commended Mr. Stewart for the great job he did in presenting the information related to North City. He said he was particularly taken by the concept of planned action as being one of the tools available to cities to deal with development. Mr. Stewart did a good job of presenting both the pros and the cons.

Lastly, Commissioner MacCully said that Glen Hymstra, the futurist, provided a class as well. He did a masterful job of presenting the material. He noted that much of the focus for the conference was on the environment and impacts to the environment. He predicted that they would see a lot more of that in the future. He said he appreciated the opportunity of being able to attend the conference.

7. STAFF REPORTS

a. Announcements

Ms. Markle advised that staff had no announcements to provide during this portion of the meeting.

b. Cottage Housing Review Continued

Mr. Stewart said the notion of cottage housing came out of the Comprehensive Plan debate that was conducted from 1995 to 1998. A huge debate was raised about minimum lot size—particularly whether it should be 5,000, which is what the City adopted from King County or whether they should go back to the 7,200 square foot minimum lot size. This issue related to the Growth Management Act (GMA) requirements for accepting urban growth in urban areas and being consistent with the King County planning policies. King County set a target for the City of Shoreline of 1,600 to 2,400 units over the planning period and this was ultimately adopted in the Comprehensive Plan. The City was asked to figure out a land use plan that would accommodate this level of growth. Mr. Stewart recalled that during the debate, there was significant rebellion from the neighborhoods about the 5,000 square foot lot size—in particular the size of the houses that were being built on the small lots.

Mr. Stewart advised that the Commission struggled with many issues when considering the Comprehensive Plan. They concluded that higher density housing is appropriate in places such as North City, and the Comprehensive Plan included this mechanism. Secondly, they concluded that infill in the existing neighborhoods should be done in a manner consistent with the neighborhood character. That meant going back to the 7,200 square foot minimum lot sizes, as well as looking at other types of housing opportunities such as cottage housing and accessory dwelling units.

Mr. Stewart said that during the Comprehensive Plan process there was strong consensus that cottage housing should be an option the City could use to accommodate additional growth. The participants of the Shoreline Planning Academy discussed exactly what cottage housing should look like. The model that came up in discussions as a good example was The Langley Cottages which were developed by Jim Soule's. Mr. Soule participated in hearings by working with the various community groups to help them better understand the issues. Through the public hearing process, the Commission was able to build a consensus about what they wanted cottage housing to be. The Commission's recommendation was not changed when the City Council adopted it as ordinance.

Mr. Stewart said they have now seen the products that have resulted from the ordinance, and staff feels it is time for the Commission to consider some of the little changes that could be made to make the ordinance a little bit better.

Mr. Stewart explained that, right now, the King County Council is in the process of considering the new growth targets that came out of the Growth Management Planning Council. For the next ten-year period, Shoreline's target is about 1,000 new units. Staff is confident that the existing land use plan and existing Development Code have the capacity to accommodate that level of growth through the North City Plan, accessory dwelling units, cottage housing, etc. Therefore, staff does not feel there is a need to reopen the land use plan when the Comprehensive Plan is reconsidered in 2004. Unless they make changes that would reduce the capacity or reduce the density in some areas, the existing land use plan has the capacity to accommodate the level of growth that has been allocated in the County-wide planning policies for the next 20 years.

Mr. Stewart advised that as the Commission reviews the Cottage Housing Ordinance, they should keep in mind what the impacts of an alternative type of development would be. Cottage housing offers an alternative housing type that is typically low density, which is much different than larger homes.

Mr. Krueger clarified that the original background and objectives of the cottage housing review program were to:

- Provide an up close look at cottage housing projects in Shoreline, which has been accomplished by the cottage housing tour.
- Identify problems with administering cottage housing regulations. This has been accomplished by talking with staff and developers to identify problems in understanding and explaining the ordinance.
- Clarify the community vision for cottage housing. This was done through neighborhood surveys and listening to public comment at the Planning Commission meetings.
- Provide clear and complete standards that are easy for the development community and public to understand.
- To have regulations that produce projects on the ground that capture the community vision.

Mr. Krueger advised that staff has proposed a list of amendments to the ordinance. The first change is to add an intent statement explaining the purpose and intent of cottage housing. In addition to referencing the definition for cottage housing, which can be found in the definition section of the code, staff came up with the following bullets:

- Increase the variety of housing types available for smaller households.
- Provide opportunities for small detached dwellings in existing neighborhoods.
- Provide opportunities for creative, diverse, and high quality infill.
- Provide development compatible with existing neighborhoods with less overall bulk and scale than standard size single-family detached homes.
- Encourage the creation of more useable open space for residents through flexibility in density and design.
- Support the Growth Management Goal of more efficient use of urban residential land.

Mr. Krueger provided illustrations and reviewed each of the following proposed amendments to the cottage housing ordinance:

- **Clarify the definition of “total floor area”.** This issue was derived from a code interpretation that staff made while administering the ordinance for the three projects. They used the definition included in the building code, but also include a reference from “gross floor area.” The definition they are proposing for total floor area is “Any floor area included within the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet.” He noted that examples of heights under six feet are basements, crawl spaces for storage, storage closets behind knee walls, etc.
- **Clarify the density calculation for cottage housing.** The proposed change would clarify that the number of cottage housing units would be based upon the base density of the zone. This means that a density calculation would be done to determine how many single-family homes could be accommodated on a parcel. The intent of the cottage housing ordinance is to allow cottages in place of each single-family home allowed in the zone.
- **Add a minimum dimension for the common open space required for each unit.** Staff proposes that a 20-foot minimum dimension be required for inclusion in the common open space calculation. This would not preclude a developer from providing open space that is under the 20-foot dimension, so there would still be flexibility in siting the units. He provided an example of the Meridian Park Cottage Housing development to illustrate the intent of this proposed change.
- **Add a new provision to require 250 square feet of private open space for each cottage unit, with a minimum dimension of 10 feet.** The private open space would be for the exclusive use of the cottage residents, and would double the amount of open space required for a cottage development. This space would provide a transition between the cottage and the public open area. This site requirement may have an impact on the density of the site.
- **Add a requirement of six feet as the minimum inside dimension for porches.** The ordinance currently requires a 60 square foot porch, but no minimum dimension is specified. No change is proposed for the total square footage requirement for porches.
- **Clarify that no projections are allowed into the ten-foot separation requirement between cottages.** Staff has made an interpretation that projections within the 10-foot space would not be allowed. He noted that projections might include bay windows, downspouts, eaves, fireplaces, mechanical equipment, etc.
- **Not allow solid board fencing as an architectural screen.** He said the Commissioners might have noticed that at the Meridian Park Project, solid fencing was used to screen the parking areas from the cottages. Oftentimes, these solid walls can create dead, unsafe places. The code allows for the use of a combination of trellis, landscaping, rock walls, fencing, etc.

- **Clarify the cluster parking provisions.** The cottage housing ordinance requires that the parking be clustered within the development, but the City does not currently have a requirement related to how many spaces can be connected together or how the parking must be laid out. The proposed change would preclude more than five abutting spaces. This will break up the impact of the large parking areas. Developers will be forced to lay out the parking in smaller groupings.
- **Add setbacks from existing residents on abutting property.** This is in direct response to public comment and the survey of neighbors living close to the new cottage housing developments. Many expressed that they felt the cottages were too close to the property line. The current ordinance allows an averaging of ten feet of cottage setbacks from the property line. Cottages can go as close as five feet from the property line, as long as the total averages out to ten feet. In the proposed addition, cottage or amenity buildings may not be located within 20 feet of an existing residence on an abutting property. If there is a primary existing residence on an abutting property that was a legal non-conforming use and close to the property line, any cottage would have to be at least 20 feet from that primary residence.
- **Add regulations for fences.** Currently, the ordinance does not regulate fencing on cottage projects other than the perimeter of the property, which is regulated the same as single-family detached development. The proposed amendment would limit the fences on the exterior of the lot to no greater than six feet, subject to the site clearance provisions. All fences on the interior of the lot would be limited to no more than 32 inches in height. No chain link fences would be allowed.

Michael Widman, 16333 Fremont Ave North, Representative for Citizens for Responsible Development, requested further clarification about the method the City uses to calculate the base density. Mr. Stewart said the method for calculating the number of units that will fit on a piece of property is found on Page 129 of the Development Code. Section 20.50.020 states that "the base density for an individual site shall be calculated by multiplying the site area in acres by the applicable number of dwellings. When a calculation results in a fraction, the fraction shall be rounded to the nearest whole number." The cottage housing ordinance would apply a multiplier to that number.

Mr. Widman applauded the amendments proposed by the staff. All of them seem to be very good and meet many of the requirements his group feels are important. The one thing that is still lacking is related to a developer's ability to come in and develop on speculation. While rentals are important, he does not think the cottage housing regulations should be used as a way of speculating in single-family neighborhoods. He encouraged the Commission to support the proposed amendments because they would make the code much more effective and efficient.

Mr. Widman said the only other issue he would like the Commission to consider is the opportunity for restricting the height and dimensions of the parking structures so that developers are not able to use the parking structures for storage by raising the height. He said he appreciates that the staff has taken the citizen concerns into consideration and attempted to address their issues. He pointed out that it is difficult for a neighborhood to get organized, and he would hope that in the future the staff would take this into consideration when planning cottage housing projects.

Commissioner Gabbert clarified that Mr. Widman's concern is that cottage housing projects are being developed as rental units only. Mr. Widman said that in the case of the project located in his neighborhood, that is correct. Commissioner Sands inquired if Mr. Widman is suggesting that once the cottage units are sold to individuals that the individuals could not rent them out. Mr. Widman said he is not opposed to this, but he does not want developers to use the cottage housing regulations to build rental units in single family neighborhoods.

Devin Denney, 16341 Fremont Ave North, applauded the proposed changes. He said he finds most of them positive. He specifically referenced the six-foot wall height in the square footage calculations. He expressed his concern that this would allow a lot of square footage on the second story that would not be included in the calculations. Also, he said he has been in a lot of houses in the Queen Anne and Greenlake areas where basements are less than six feet in height. There is a lot of living going on in these spaces, and this should be carefully reconsidered.

Mr. Denny noted that the 32-inch fence height with a 15-foot setback for the Fremont Cottage development would do nothing to buffer the height of the cottages. The huge evergreen trees will be removed, and the 2½-foot fence would not screen the cottages from his view.

THERE BEING NO FURTHER PUBLIC COMMENTS, THE PUBLIC HEARING WAS CLOSED.

Commissioner Doering suggested that the term "cluster" is too vague. She referred to proposed amendment to **Section 20.40.300.F** on Page 22 of the Staff Report, which states that "each cottage home shall be provided with a private open space of 250 square feet with no dimension of less than 10 feet on one side. It should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented towards the common open space." She asked staff to show examples of how this principle would be applied to cottage housing projects.

Mr. Krueger used a slide illustrating the Greenwood Cottage Project, and pointed out the common open space that is contiguous and provides about 250 square feet of private open space for the use of the residents of the cottages. He then provided another slide showing the cottages having open walkways onto the common open space, with no private yard separation. The goal of Item F is to provide a transition between the private living space and the common open space.

Vice Chair Harris inquired if the private open space has to be provided in one piece. Mr. Krueger said that the proposed amendment would require that the private open space be contiguous and touching the cottage unit, with a minimum dimension on one side of ten feet. Using backyard space or space completely between units would not fulfill this requirement. Vice Chair Harris suggested that this be clarified. Mr. Stewart said the intent is to require larger pieces of property that are usable open space. The impact of this requirement is that it would double the requirement for open space, which seems to be one of the big differences between the desirable and less desirable developments.

Commissioner Doering referred to the proposed amendment for **Section 20.40.300.K** on Page 23 of the Staff Report. She inquired if this would be in conflict with the second bullet of the proposed amendment to **Section 20.40.300.I** which states that no solid board fencing would be allowed as architectural screen. Mr. Krueger said the intent of the provision to cluster and separate the parking with architectural screen or landscaping that is something other than solid fencing. He said he does not see a conflict between the two.

Commissioner MacCully said it sounds as though the intent of requiring more open space is to create more undeveloped space. None of the proposed amendments would preclude a developer from providing open space behind the units, but this space cannot be counted as part of the open space. Mr. Krueger agreed, and added that there would still be requirements for separation between cottages of ten feet and for setbacks from the property line.

Commissioner Gabbert clarified that the required setbacks could not be used to meet the required open space provision. Mr. Krueger answered affirmatively. He added that the definition of cottage housing includes a provision for "functional, common open space with coherent concept and design." Functional common open space is contiguous open space, and cottages would be clustered around the open space. The common open space would be calculated together. He noted that the proposed amendment would require that the private open space should be oriented towards the common open space, but there is some opportunity for flexibility as to location. Mr. Stewart said the reason staff recommends the word "should" instead of "shall" in this case is that there may be individual site features that would merit preservation for things such as very significant trees. The intent is to provide as clear of guidance as they can without destroying opportunities that come along.

Commissioner MacCully inquired if any of the three existing cottage housing developments would meet the requirements found in the recommended amendments. Mr. Krueger answered that the Greenwood Avenue Cottages would meet the new code requirement.

Commissioner McClelland said that when a developer builds and sells cottage housing, it is done in the same manner as a condominium type of ownership. The developer would sell the houses but would retain ownership of the land. Mr. Krueger answered affirmatively. Commissioner McClelland noted that the "private open space" would not actually be owned by the cottage owner, but would be exclusive to the cottage owner's use. She inquired if the property would be governed by the association rules. Mr. Stewart answered affirmatively. Commissioner McClelland suggested that the confusion surrounding ownership of the private open space needs to be addressed. She questioned who would be in charge of governing this open space. Mr. Stewart answered that if there were a violation of this provision, someone could contact the City and ask for an enforcement action. The City would investigate and could require compliance.

Commissioner McClelland suggested that the open space available to all of the residents be called "shared open space." The open space that is contiguous to the cottage, itself, should be called "exclusive open space." The Commission pointed out that the term "common" is a legal term that is used in these particular types of situations. Changing this term might make it more difficult to understand.

Chair Doennebrink suggested that the Commission focus their attention on discussing each of the proposed staff amendments separately. Then the Commission can discuss any additional amendments they would like to consider.

Chair Doennebrink noted that the first proposed amendment is related to the definition of cottage housing.

COMMISSIONER SANDS MOVED TO SEND PROPOSED AMENDMENT 1 TO THE DEFINITION AND INTENT OF COTTAGE HOUSING (SECTION 20.40.300) FORWARD FOR PUBLIC HEARING AS WRITTEN. COMMISSIONER MacCULLY SECONDED THE MOTION.

Commissioner McClelland suggested that the first bullet item be changed by deleting “e.g. retirees, small families, and single-person households.” She did not think these added words were necessary. Other than that, she would support the staff’s recommendation.

Commissioner Kuboi referred to the second to the last bulleted item, and inquired regarding the intent of the phrase “encourage the creation of more usable open space. . .” Does this mean more open space than traditional single-family development? Commissioner McClelland said her interpretation is more open space than what they had before the additional 250-foot open space requirement. Commissioner Gabbert said that either interpretation would be appropriate since it is important to encourage the creation of useable open space. The Commission agreed that the word “more” should be deleted from this sentence.

Commissioner Doering suggested the following sentence be added as the first bullet to clarify and show the relationship to the Comprehensive Plan: “To affect development of diverse housing in accordance with Framework Goal 3 of the Shoreline Comprehensive Plan.” She noted that Framework Goal 3 speaks about affordable housing, and she said she does not view cottage housing as affordable housing, but rather diverse housing for a diverse population.

COMMISSIONERS SANDS AND MacCULLY AGREED TO THE FOLLOWING CHANGES TO THEIR MOTION:

- **ADD THE ADDITIONAL SENTENCE TO THE FIRST BULLETED ITEM AS RECOMMENDED BY COMMISSIONER DOERING**
- **DELETE “E.G. RETIREES, SMALL FAMILIES, AND SINGLE PERSON HOUSEHOLDS” IN THE SECOND BULLETED ITEM.**
- **ELIMINATE THE WORD “MORE” IN THE SECOND TO THE LAST BULLETED ITEM.**

THE MOTION CARRIED UNANIMOUSLY.

VICE CHAIR HARRIS MOVED TO ACCEPT PROPOSED AMENDMENT 2 (SECTION 20.40.300.A) AS WRITTEN AND FORWARD IT TO THE PUBLIC HEARING PROCESS. COMMISSIONER PIRO SECONDED THE MOTION.

Vice Chair Harris noted that the exclusion of space that is less than six feet in height has already been established in the Unified Building Code.

Commissioner McClelland suggested that the two bullets in Proposed Amendment A are confusing to her. Mr. Stewart replied that this has not been an issue or problem as the City reviews the site plans. Everyone seems to understand these provisions. He clarified that staff has been applying the exclusion for living space that is less than six feet in height, and they are now seeking confirmation of their interpretation. He noted that this provision is also consistent with the Unified Building Code.

Commissioner Gabbert requested further information regarding the purpose of requiring at least 50 percent of the units in a cluster to have a total floor area of not more than 650 square feet. Mr. Stewart answered that when the cottage housing ordinance was first created, this issue was discussed at length by a developer representative and the Concerned Citizens for Shoreline representatives to identify the acceptable mix. The intent of this provision is to provide limitations on massing, and no issues have been raised to date by the developers or the citizens.

VICE CHAIR HARRIS AND COMMISSIONER PIRO AGREED TO AMEND THE MOTION TO CHANGE "FIRST FLOOR OR MAIN FLOOR AREA" TO "GROUND FLOOR AREA" IN THE FOURTH LINE OF PROPOSED AMENDMENT A.

Commissioner Kuboi inquired regarding the impact of changing the exception for spaces that are less than 6 feet in height to something less. Mr. Stewart answered that the gross area of the units would decrease slightly. Commissioner Gabbert noted that the building code does not allow any living within the areas that are less than 6 feet high. While this space could be used for storage, etc., it is not really considered functional living space. Mr. Stewart agreed that the building code states that any space that is less than 6 feet high is not habitable. He suggested that the cottage housing ordinance be consistent with the building code. Commissioner Kuboi said that although any space that is less than 6 feet high is not supposed to be officially inhabited, it is still possible. Vice Chair Harris said it is up to the homeowners association to govern these types of situation, but the use would be in violation of the building code.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MacCULLY MOVED THAT THE COMMISSION FORWARD PROPOSED AMENDMENT 3 (SECTION 20.40.300.B) TO A PUBLIC HEARING AS WRITTEN. VICE CHAIR HARRIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER SANDS MOVED TO FORWARD PROPOSED AMENDMENT 4 (SECTION 20.40.300.E) TO A PUBLIC HEARING AS WRITTEN. COMMISSIONER McCLELLAND SECONDED THE MOTION.

Commissioner Sands referred to the picture that was shown to illustrate the Meridian Park Project open space. He noted that the reason why there was a 15-foot differential between the houses was because the developer was trying to save a tree in the back of one of the houses.

He suggested that it is not fair to force a developer to save a tree in the back and then not count the open space provided in the front because the dimension is not sufficient. He said he understands the intent of the amendment, but he can see some problems, depending upon the type of configuration available to a developer.

Commissioner Piro said his understanding is that the amendment would not establish a uniform buffer, but it clarifies what type of open space can be included in the calculations. Mr. Stewart said the intent is to make sure the open space has a minimum width of at least 20 feet. Open space areas that are less than 20 feet can be provided, but this area would be excluded from the calculations of the 250 square foot open space requirement per cottage.

Commissioner Sands suggested that as plans come forward to the City, perhaps adjustments could be made to accommodate particular situations that do not quite fit the exact requirement. Mr. Stewart replied that if the proposed amendment is approved, this provision would be mandatory and the staff would be required to enforce it. They could preserve some flexibility in Section F, which talks about the orientation of private open space. Mr. Krueger said that, generally, with the complexity of the cottage housing developments, staff holds pre-application meetings with the applicants very early in the site planning process. At that time, staff goes through each of the provisions and makes suggestions. This provision would be clearly articulated to the applicant.

Commissioner Piro said he sees this provision as related to the second to the last bullet in the definition section. It is fine to squeeze and tighten the open space configuration, but it is important to create usable open space, as well.

Vice Chair Harris referred to Commissioner Sands' comment related to tree preservation and said that if the City requires a developer to set aside a native growth protection easement that takes up a large percentage of the property, it can significantly reduce the number and size of units allowed. He pointed out all of the native growth protection easement area associated with the Madrona Cottage Housing Project. He said staff did point out that this provision could result in the loss of units, which would have an impact on the developer.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER McCLELLAND MOVED THAT THE COMMISSION ACCEPT **PROPOSED AMENDMENT 5 (SECTION 20.40.300.F)** AS WRITTEN AND FORWARD IT TO THE PUBLIC HEARING PROCESS. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Piro suggested that R-8 zoning signifies a higher residential density, and therefore, he said he does not understand why the same setbacks and open space should apply. He suspects that with the proposed amendment, the Meridian Park Project would have lost units. Mr. Krueger pointed out that Meridian Park was developed at exactly twice the density of the zone.

Mr. Stewart suggested that prior to the public hearing staff could apply the proposed amendment to the existing cottage housing developments to determine what the impacts would be.

Commissioner Sands inquired if it is possible for a side yard that is 10 feet wide and then comes forward to the common open space to be considered part of the 250 feet of private open space. Mr. Stewart answered affirmatively. Commissioner Sands inquired how far back the side yard could go before it stops being a side yard. Mr. Stewart said the intent is to prohibit a back yard patio. They want the private open space to be generally in the common area. Therefore, it should be oriented towards the common open space. He summarized that the intent of the amendment is to discourage the fragmentation of the private and common open space.

Commissioner MacCully said that while he understands that, to a certain extent, the philosophy of cottage housing is a group dynamic as opposed to a privacy dynamic, there is only so much group anyone can stand. At some point, people will make an effort to create a truly private space in the rear of their house. He said he would like to make sure ordinance would not preclude the ability of people to have an outside private space.

Commissioner Piro suggested that the proposed amendment would not preclude residents of a cottage housing development from creating private space in the back of their unit, but it would have to be in addition to the private open space required in the front. Secondly, Commissioner Piro suggested that the words "and oriented towards" be added after the words "contiguous to." This would clarify the connection issue further. The Commission agreed that staff should work with the wording of this amendment to clarify the intent. They also agreed that pictures illustrating the intent would be helpful.

Commissioner MacCully suggested that the term "private open space" be changed to "private use open space." The Commission agreed.

THE MOTION CARRIED 8-1, WITH VICE CHAIR HARRIS VOTING IN OPPOSITION.

COMMISSIONER MacCULLY MOVED TO FORWARD **PROPOSED AMENDMENT 6 (SECTION 20.40.300.G)** FOR A PUBLIC HEARING AS WRITTEN. COMMISSIONER GABBERT SECONDED THE MOTION.

Instead of having a definite foot dimension, Commissioner Doering inquired if they could simply state that the length shall not be less than half of the width, or the width shall not be greater than half of the length. This would allow more flexibility, but would still provide for the full usage of the area. Chair Doennebrink pointed out that if this item were forwarded for public hearing, the Commission would have an opportunity to make changes. At this point they are just deciding whether or not to forward the issue to a public hearing.

Vice Chair Harris said that he would like the provision to be 6 feet, including the railing because most things are built in even measurements. Commissioner Sands agreed, and suggested that they need to create a definition for the inside dimension.

THE MEETING WAS EXTENDED UNTIL 9:30 P.M.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER GABBERT MOVED THAT **PROPOSED AMENDMENT 7 (SECTION 20.40.300.H)** BE FORWARDED TO A PUBLIC HEARING AS PROPOSED. COMMISSIONER MacCULLY SECONDED THE MOTION.

The Commission discussed what would be considered a projection. Mr. Krueger said that no projections like eaves, bay windows, etc. would be allowed into the setbacks if the proposed amendment is approved. Commissioner Gabbert suggested that this be clarified when the amendment is discussed again at the public hearing.

Vice Chair Harris said that if the staff followed the proposed provisions in the code for projections gutters, utility meters, and storm drains would not be allowed within the setback area. He felt that these three items should be allowed to protrude into the setbacks. He said he would also like to allow eaves to protrude into the setbacks. The Commission agreed.

THE MOTION WAS APPROVED UNANIMOUSLY.

COMMISSIONER GABBERT MOVED THAT **PROPOSED AMENDMENT 8 (SECTION 20.40.300.J)** BE FORWARDED TO A PUBLIC HEARING AS PROPOSED. COMMISSIONER McCLELLAND SECONDED THE MOTION.

Vice Chair Harris said he does not believe that separating the parking into clusters of five would be an efficient way to park. In addition, it would spread out the parking, increase the amount of impervious surface and cause more disruption to adjoining properties. He said he believes the parking should be kept as close to the access point as possible and clustered as tightly as possible. He suggested that the illustration that was provided in the staff report is not a good example.

Commissioner Kuboi inquired how much space is required between the clusters of five parking spaces. Mr. Krueger said staff's intent was to refer to a standard spaced landscape in between (8' by 20') to provide a walkway through the parking. Commissioner Kuboi inquired if this separation would be clear to developers. Mr. Krueger said this could be further defined, but the way it is written allows for more flexibility for parking configuration.

Commissioner Sands said he has concerns about the recommended last bullet item, as well. He suggested that when all of the changes are taken into consideration, the only time anyone will ever be able to develop cottage housing is if they have a rectangular site. He said he cannot see an applicant being able to meet all of the requirements with an L or narrow shaped lot.

Commissioner McClelland inquired if the preferable cottage location would be near the carport or as far away from the parking area as possible. The Commission agreed that would depend upon the situation. Commissioner McClelland said one argument for not having a long strip of parking is the pleasure of the residents living in the cottage housing development.

Commissioner Piro said he sees the potential value of the proposed amendment, but he suggested that it needs further work. If the real intent is to break up the asphalt, the provisions in the amendment would not necessarily accomplish that goal. He suggested that staff work this proposed amendment further to address some of the concerns raised by the Commission prior to the public hearing. The Commission agreed that this amendment should be remanded back to the staff for further review.

Mr. Stewart said staff would advertise for the public hearing that this section is proposed for amendment. The Commission could then accept testimony from the public and make any changes they feel are appropriate.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER GABBERT MOVED TO INCLUDE **PROPOSED AMENDMENT 9 (SECTION 20.40.300.K)** IN THE PUBLIC HEARING. COMMISSIONER DOERING SECONDED THE MOTION.

Commissioner McClelland suggested that the last sentence in this section be changed to read: "Neither a cottage nor an amenity building shall be constructed within 20 feet of an existing primary residence on an abutting property." She clarified that this references the property next door, not the cottage housing property. Chair Doennebrink reminded the Commission that they would have the opportunity to tweak the wording of the proposed amendments after the public hearing.

Commissioner McClelland inquired if the setback would protect existing primary residences on abutting properties. Chair Doennebrink noted that setback averaging would allow the cottages to be placed within five feet of a fence because other buildings would be further than five feet. Commissioner McClelland said she agrees with Commissioner Sands that no one would want to build cottage housing in Shoreline again given all of the new regulations.

Commissioner Sands said it seems that if the abutting house is only one or two feet away from the property line, there is no reason why that person should expect that something built on the property next door should be 20 feet away from them. It is very unfair for a developer of cottage housing to have to pick up 19 of the 20 feet on his side because the abutting property owner built one foot away from his lot line. He suggested that if a residence on an abutting property is five feet away, there should only be a five-foot setback required on the other side.

Commissioner Gabbert agreed that there are a lot of issues that need to be discussed further. The Commission discussed whether or not additional changes are necessary before the amendment is presented to the public for comment. Commissioner Kuboi suggested that if they throw something out that is a little bit egregious, which this amendment is, they are more likely to receive public comments. The proposed amendment is sufficient to solicit input. They don't necessarily have to spend time now to tweak the language.

COMMISSIONER PIRO MOVED THAT THE MOTION BE AMENDED TO CHANGE THE PROPOSED AMENDMENT FROM 20 FEET TO 10 FEET. THE MOTION FAILED FOR LACK OF A SECOND.

THE MAIN MOTION FAILED 5-4, WITH COMMISSIONERS SANDS, GABBERT, DOERING, KUBOI AND CHAIR DOENNEBRINK VOTING IN FAVOR AND VICE CHAIR HARRIS AND COMMISSIONERS MacCULLY, McCLELLAND, AND PIRO VOTING IN OPPOSITION.

Chair Doennebrink said that while he does not necessarily like the language proposed by staff at this time, he felt the Commission needs to review the section and make changes after a public hearing.

Commissioner MacCully inquired if the non-underlined language for Section 20.40.300.K would go to the public hearing. Chair Doennebrink said the motion was to take the whole thing to the public hearing.

COMMISSIONER MacCULLY MOVED THAT THE NON-UNDERLINED PORTIONS GO FORWARD FOR A PUBLIC HEARING. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner McClelland said she would like cottage housing to be the term used through the document. Where it is not underlined, she would like it to be changed to "cottage housing" because "home" is not an appropriate term.

Commissioner MacCully clarified that the intent of his motion was that all of the language in Section 20.40.300 that is not underlined will all go forward to the public hearing and not just Section K.

Mr. Stewart explained that the public hearing would be advertised to consider amendments to Section 20.40.300. A description of the amendments would be provided and specific amendments would be presented to the Commission for their consideration. He suggested that it would be beneficial to make the advertisement fairly broad in case the Commission wants to revise some of the other language, as well.

Commissioner MacCully expressed his opinion that the entire Section 20.40.300 should be considered at the public hearing in its whole context. While he appreciates the underlining to identify the changes, the other language needs to be reviewed, as well, to determine whether or not it is still appropriate.

COMMISSIONERS MacCULLY WITHDREW HIS MOTION.

Mr. Krueger explained that, typically, when amendments are presented for a public hearing, the entire body of the section is provided. Mr. Stewart said staff will clearly articulate what the proposed changes are, but the public hearing could be advertised in such a manner that would permit other changes to be made that might be appropriate.

The Commission clarified that the intent of the previously approved motion was to delete the last sentence of **Section 20.40.300.K** so that it is not brought forward as part of the public hearing.

COMMISSIONER GABBERT MOVED TO ADD **PROPOSED AMENDMENT 10 (SECTION 20.40.300.L)** TO THE PUBLIC HEARING AGENDA. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED 8-0 (COMMISSIONER KUBOI STEPPED OUT OF THE ROOM).

8. PUBLIC COMMENT

There were no public comments during this portion of the meeting.

9. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

10. NEW BUSINESS

There was no new business scheduled on the agenda.

11. AGENDA FOR NEXT MEETING

Chair Doennebrink announced that at the next meeting, the Commission would be holding a public hearing on the docketed Development Code amendments. In addition, Metro Transit would be bringing forward their proposed routing revision suggestions.

12. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.



Brian Doennebrink
Chair, Planning Commission



Lanie Curry
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

January 16, 2003
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris
Commissioner Gabbert
Commissioner Kuboi
Commissioner MacCully
Commissioner Piro
Commissioner Sands
Commissioner McClelland

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Planning Manager, Planning & Development Services
Brian Krueger, Planner, Planning & Development Services
Andrea Spencer, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Doering

CALL TO ORDER

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

2. ROLL CALL

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

3. APPROVAL OF AGENDA

COMMISSIONER MacCULLY MOVED TO APPROVE THE AGENDA AS PROPOSED. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER SANDS MOVED TO ACCEPT THE MINUTES OF DECEMBER 19, 2002 AS AMENDED. COMMISSIONER MacCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

Felicia Schwindt, 2209 NE 177th Street, said it was her understanding that the City had a regulation for fences in front of houses. She referred to the north side of 175th Street, between 15th and 25th NE. She noted that there is an outbuilding located near the street with a fence around it. She questioned how close out buildings can be to the road. Secondly, Ms. Schwindt said that at the bottom of 177th Street at 25th NE, a bunch of trees were taken down to accommodate a driveway. The City had already determined that some of the trees were supposed to remain, and Ms. Schwindt inquired what consequences would apply in this situation. Ms. Schwindt said she is concerned about the safety of leaving the huge Douglas Firs that remain on the adjacent property. The roots are almost exposed and the trees could fall down at any time. She questioned who would be responsible for taking care of this dangerous situation.

Ms. Schwindt said that in reading the newspaper, she noted that \$100,000 was earmarked for the Gateway Plan. She said she would like this money to be used for improving the traffic situation instead. She said her greatest fear as she walks is being hit by a car. Lastly, she expressed her concern about the North City Plan and questioned if there would be additional opportunities for public input on the project.

Chair Doennebrink announced that on January 27, 2003 the City Council would be taking action on the Gateway Project, and that would be the appropriate time for Ms. Schwindt to voice her concerns to the City Council.

Mr. Stewart said that both of the first two issues presented by Ms. Schwindt are related to code enforcement actions. He suggested that Ms. Schwindt contact the City's Customer Response Team regarding her concerns. He briefly described the three-step process the Customer Response Team would follow.

Mr. Stewart advised that there would still be opportunities for the public to comment regarding the North City Plan. Commissioner Gabbert advised that there would be a North City Plan information meeting on Tuesday, January 21, 2003 at the Bethel Shoreline Church.

Mr. Stewart referred to Ms. Schwindt's concern about the dangerous trees, and said the resolution to the situation would depend upon a lot of different factors, including whose property the trees are located on. The general rule is that trees are the responsibility of the property owner. However, the situation can be more complex if a tree preservation plan was incorporated as part of a permit, etc.

6. REPORTS OF COMMISSIONERS

Commissioner Gabbert reported that the Shoreline/Lake Forest Park Cultural Arts Council, in conjunction with the two rotary clubs and the Shoreline Parks Department, has been looking at an outdoor theater site. Over the past summer they leased a portable band shell from the City of Seattle, and are now considering the option of purchasing one. They have applied for a Murdock Grant for this purpose, and one of the requirements is that of community support. One option to fulfill this requirement would be to obtain a letter from the Planning Commission stating that they support the grant application.

The Commission agreed and authorized Commissioner Gabbert and representatives of the Arts Council to prepare a letter for the Commission Chair's signature.

7. STAFF REPORTS

a. Announcements

Chair Doennebrink announced that the Commission's recommendation related to the proposed Development Code amendments was considered by the City Council on January 14, 2003. The proposed amendments were pulled off the consent agenda for a short discussion on the amendment related to the Richmond Beach Library. They briefly discussed the parking availability at this site and then approved the proposed Development Code amendments as recommended by the Commission.

Mr. Stewart reported that a lawsuit has been filed on the Aurora Corridor Project, and the City staff is currently analyzing the issue. The initial hearing is next month. Another lawsuit was also filed related to the Gaston Project and the lot line adjustment that was approved by the City back in 1997. The judge found that the situation was a self-created hardship, which precluded the granting of a variance. City staff is in the process of determining the appropriate steps to take in light of the judge's decision. Mr. Stewart said he would prefer to send the Commissioners a copy of the decision so that they could read the details for themselves.

Ms. Markle reported that the EIS for the Brightwater Project was released in November and the City has until January 21, 2003 to make comments on the document. She recalled that the conveyance system and outfall are proposed to go in Shoreline. Staff has completed their response letter and it would be mailed to King County on January 17. The letter contains about 25 pages of comments and proposed mitigation for issues related to the environment, takings of property of residence, obtaining easements, and general nuisances.

b. Quasi Judicial Public Hearing to Rezone Two Parcels in the Vicinity of 1440 NW Richmond Beach Road from R-12 to NB

Chair Doennebrink reviewed the public hearing procedures and the rules that apply to the Appearance of Fairness Law. He requested that the Commissioners disclose any ex parte communications they might have received about the subject of the hearing outside of the hearing. None of the Commissioners identified an ex parte communication.

Andrea Spencer presented the staff report. She said the action before the Commission is a rezone request in the vicinity of 1440 NW Richmond Beach Road. She pointed out the location of the two parcels, and reminded the Commission that the Shoreline Municipal Code requires that the Planning Commission conduct a public hearing on the rezone. Utilizing the information presented during the public hearing, the Planning Commission will formulate a recommendation for the City Council to consider before taking final action on the application. Ms. Spencer presented two photographs of the subject property to illustrate the types of commercial activity taking place in the vicinity of the site.

Ms. Spencer advised that the Commission have two options. First, they could recommend approval of the rezone from R-12 to NB based on the findings presented in the report or they could recommend denial of the rezone application and that R-12 zoning remain based on specific findings made by the Commission.

Ms. Spencer reviewed that in order to recommend approval of a rezone, the staff had to determine whether the proposal would meet the following five criteria.

- **The rezone is consistent with the Comprehensive Plan.** She said the area is identified in the Comprehensive Plan as mixed use. There is commercial development across the street from the subject property and both low and high-density residential within the project vicinity. Currently, the site is developed with two single-family homes at a net density of four dwelling units per acre. When the staff conducted an EIS in 1998 to study the impacts of the Comprehensive Plan, mixed-use areas were studied. It was determined that they could accommodate anywhere between 8 and 15 units per acre or some type of commercial square footage. The current development of the site indicates that it is underutilized because it is not developed at this density.

In addition, Ms. Spencer pointed out that the proposal would help the City achieve their growth targets, encourage innovative use of land designated for residential/commercial use, encourage infill development on underutilized parcels, increase the City's job base, recognize the potential for smaller commercial districts, and encourage a mix of businesses.

- **The rezone will not adversely affect the public health, safety or general welfare.** Ms. Spencer said that at the time of permit application, a project is reviewed for compliance with the Development Code, which was written to make sure that the public health, safety and general welfare was promoted. Using an excerpt from the Development Code, Ms. Spencer briefly reviewed what the setbacks would be for Multi-Family NB development, Commercial NB development and R-12 development. She noted that if the site were to be developed with either multi-family or commercial zoning, the setbacks would be increased depending on the impact to the adjacent property owners.
- **The rezone is warranted in order to achieve consistency with the Comprehensive Plan.** Ms. Spencer explained that in the Comprehensive Plan there are several zoning districts that are consistent with mixed-use. Both the existing R-12 and the proposed NB would be consistent.
- **The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.** In addition to the increased setback requirements if the property is rezoned, Ms. Spencer pointed out that there is great access to an arterial street so the traffic and circulation is good. There is availability of water and sewer to the site and a tree retention program would be applied.
- **The rezone has merit and value for the community.** Ms. Spencer advised that, currently, the site is underutilized. Redevelopment could help contribute to either an increase in housing units and/or employment stock. She noted that one of the policies in the plan is to preserve environmental quality by directing intense development away from natural hazards and important natural resources. It is logical to encourage redevelopment and intensification of uses on parcels such as the subject site.

Ms. Spencer said the staff's conclusion is that the proposal is consistent with the Comprehensive Plan, compatible with the neighborhood, helps the City meet their housing and employment targets, and is located within a good proximity to infrastructure. Therefore, staff is recommending that NB zoning be adopted for the subject parcels.

Commissioner Sands noted an error on Page 18 of the staff report. The highest elevation in the northeast corner should be 245 feet instead of 445 feet.

Ken Lyons, 19207 Firlands Ave North, said he is one of the owners of the Richmond Beach Coffee Company. He is also co-owner of Lighthouse Projects, which owns the land that Richmond Beach Coffee Company sits on, as well as the two lots that are currently part of the recommended action. He said that when Lighthouse Projects put together their development objectives, their intent was to build projects to enhance the character of the community. That was the sole reason for putting the project together. He said staff's comment that the sites are currently underutilized is an understatement. Junk vehicles and other garbage have been accumulating for many years. This is one of the last few areas in Richmond Beach that is still under transition.

THERE WAS NO ONE IN THE AUDIENCE WHO DESIRED TO PARTICIPATE IN THE PUBLIC HEARING.

Commissioner McClelland recalled that within the last year the Commission recommended approval of a rezone to NB for a parcel at NE 155th and 15th NE. This allowed for the development of an office or residential use. The result of the rezone is a structure that appears to have 98 percent lot coverage. She said that when the bulk and density is as large as it can be in an NB zone, the additional 5-foot setback would not make much difference at all in regard to impact. While she is not opposed to the rezone request, she pointed out that it would allow a significant amount of lot coverage and the possibility of a massive development compared to what is currently on the site.

Commissioner McClelland referred to the slides illustrating the zoning and the Comprehensive Plan designation, and inquired where R-6 zoning is located. Chair Doennebrink clarified that R-6 zoning is adjacent to the north side of the subject property. Commissioner McClelland inquired how the R-6 zoned property is currently being used. Mr. Lyons answered that the property directly to the north is about 16,000 square feet in size and is currently occupied with a single-family use and an old kind of shop in the back that directly abuts the property line. On the other side, there is an even larger piece of property that has a ton of trees on it to provide a stable buffer.

With regards to lot coverage, Mr. Lyons noted that the current zoning allows up to 75 percent for lot coverage and the proposed zone would allow for 85 percent lot coverage. The tradeoff would be 5 feet more setback in exchange for 10 percent more possible bulk. Commissioner McClelland suggested that when people drive by the site, the bulk is the most visible issue. She concluded that the R-6 zones that are adjacent to the subject property are still used as single-family residential. Mr. Lyons noted that when these properties are redevelop, there would be a required buffer to help mitigate the impact on adjacent residences.

Since Lighthouse Projects owns all three parcels, Commissioner Sands inquired about the possibility of shared parking. He inquired if the homes that are located on the subject property can be seen from Richmond Beach Road or if they placed back so far in the access that they are not visible. Mr. Lyons said that one house falls right on the property line and can be seen from Richmond Beach Road, the other cannot. A fence was put up when the coffeehouse was built to provide a separation.

Commissioner Gabbert said he visited the site and found that Lighthouse Projects did a nice job with the coffeehouse. The only concern he has is the access to Richmond Beach Road. He questioned if the Commission could require that the applicant work with the neighbors to make the entrance to Richmond Beach Road perpendicular. Mr. Lyons said he has been in contact with the owner of the bowling alley, and they have reached a tentative easement agreement in which they would share access.

Vice Chair Harris said he is also familiar with the subject property, and he finds the proposal very appropriate for the site. It is tucked back behind the bowling alley and most of the impacts would hardly be seen from Richmond Beach Road. The difference from R-12 to NB is not very significant.

Commissioner MacCully said he is in support of the proposal, but he is a little concerned about the traffic access. Even now, access onto Richmond Beach Road from the bowling alley is a challenge—especially at certain times of the day. He realizes that a traffic study has been done that included an additional access when the coffeehouse was redeveloped. However, he asked that access be reviewed carefully during development application review. He applauded Lighthouse Projects for cleaning up the site.

Commissioner McClelland agreed that the proposal is in character with the bowling alley, but she questioned regarding the impact to properties that are stilled zoned residential on the northeast side of the subject property. Mr. Lyons said the parcel directly to the north has a huge shop that separates the house from the subject property. The property directly to the east has a very large tree buffer. The single-family house that is further to the east cannot be seen through the trees. He pointed out that this issue was addressed at the community meeting, which was attended by both of these residential property owners. They were quite satisfied that there would not be much of an impact from the coffee house—especially since the Development Code requires landscape buffers to augment what already exists and that the project site is significantly lower in elevation than the surrounding residential parcels.

THE PUBLIC HEARING WAS CLOSED.

COMMISSIONER GABBERT MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE REZONE PROPOSAL AS PRESENTED. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

c. **Legislative Public Hearing on Docketed Amendments to Section 20.40.300 of the Development Code Regarding Cottage Housing**

Chair Doennebrink reviewed the rules and procedures for the public hearing.

Mr. Krueger presented the staff report. He reminded the Commission that on December 5, 2002 staff introduced the Commission to the proposed amendments to the Development Code—specifically the cottage housing regulations (Section 20.40.300). At that time, the staff received direction from the Commission to incorporate some changes into the amendments and move them on to a public hearing. The purpose of tonight's agenda item is to hold the public hearing. He explained that amendments to the Development Code are processed as legislative decisions. The Planning Commission is the review authority and responsible for holding a public hearing and making a recommendation to the City Council, the decision making authority.

Mr. Krueger pointed out that amendments to the Development Code must meet the following criteria in Section 20.30.350:

- **The amendment must be in accordance with the Comprehensive Plan.**
- **The amendment will not adversely affect the public health, safety or general welfare.**
- **The amendment is not contrary to the best interest of the citizens or property owners of Shoreline.**

Mr. Krueger advised that staff has advertised the amendments for a public comment period. One written public comment was received and included in the Commission's folder. He also advised that the Growth Management Act requires that the City send notice to State agencies about all proposed development code regulations and plan changes. The City did receive a comment back from the State of Washington Office of Community Development, and this letter was faxed to the Commissioners prior to the meeting.

Mr. Krueger referred the Commission to the proposed amendments. He noted that Page 32 of the Packet identifies the changes that the Commission directed staff to make. He reviewed each as follows:

- Add an intent statement that states "Support development of diverse housing in accordance with Framework Goal 3 of the Shoreline Comprehensive Plan."
- In Section 20.40.300(A) the words "first floor on main floor" were replaced with "ground floor."
- The term "cottage home" was replaced with "cottage housing unit" throughout the document.
- In Section 20.40.300(F) the term "private open space" was changed to "private use open space." In addition, a figure illustration was added to demonstrate the provision.
- In Section 20.40.300(G) the term "6-foot minimum inside dimension" for covered porches was changed to "6 feet on any side."
- Section 20.40.300(H) was changed to add projections allowed into separation to include gutters, certain fixtures and on-site drainage systems.
- Figure illustrations were added to Page 34 using a "do this" and "don't do this" format.

Mr. Krueger said staff recommends the amendments be forwarded to the City Council for adoption as proposed. The proposed amendments were advertised for public comment and review. The Planning Commission does have the authority to propose alternative amendments, but to be considered in the current process, they must be within the scope of the proposal that was advertised. Minor corrections or provisions that are less restrictive than advertised could be made.

Felicia Schwindt, 2209 NE 177th Street, applauded the Commission for considering the proposed amendments. There are currently three cottage housing projects in Shoreline. The Greenwood Project is a very nice design, but the one on 185th is not. She is glad they are considering design and setbacks regulations. It is important to consider how the cottage housing developments affect the surrounding residences. The proposed regulations work towards preserving and improving the quality of life in the City. Issues such as noise pollution, environment and aesthetics are important. The more vegetation that is provided for buffers instead of fences the better. Anything the Commission can do to continue the trend and improve the quality of life for the Shoreline residence is appropriate.

Mike Widman, 16333 Fremont Ave North, said he represents the group Neighbors for Responsible Development. He applauded the proposed changes and encouraged the Commission to recommend their approval. However, he does have some concerns with the "do this" and "don't do this" illustration related to parking. The residents in his area are still struggling with the parking situation on the development being built near their neighborhood. The Dayton Project provides a wide access off an arterial, with parking structures located along it, which is adequate. But when the access road is narrower and garages for each unit are provided, the character of the neighborhood is changed. They are trying to work with the developer to provide some type of curve in the road or landscaping to block off the initial appearance of the driveway so that it does not look like a large multi-family project. Perhaps the illustration could show more of a curved access with vegetation and landscaping. It is important that these developments be screened as much as possible.

Mr. Widman inquired who would be responsible to maintain the private use open space at the back of each of the cottage housing units. This needs to be better defined.

Richard Johnsen, 16730 Meridian Ave North, said he is opposed to any further cottage housing developments in Shoreline until the citizens are fully versed, educated and have a complete understanding of what is going on with the cottage housing industry. The Meridian Park Cottage Housing Development is a dump. It is poorly designed and should never have been built. The Greenwood Cottage Housing Development has a good open common area, but the houses are too small. He said he just visited the Madrona Cottage Housing Development. It is an improvement over the Meridian Park Cottages, but it does not really satisfy him. If a few of the units had not been built, it would have improved the common ground area. He suggested that staff needs to take a look at one of the trees by the maroon-colored unit. This tree is stripped of all branches and is leaning. If it is not taken down, someone will be liable for it, and it should not be the homeowner.

Mr. Johnsen said he believes the cottage housing industry is being driven by outside forces, and their values are not shared by the citizens of Shoreline. He also does not like the idea of Shoreline being an experimental location for cottage housing. If the cottage housing industry is so great, why haven't they seen it in Edmonds, Lynnwood and Seattle?

Kathy Fewel, 18523 Stone Ave North, said she lives near the Meridian Park Cottage Housing Development, and there will likely be future cottage housing developed in her area. She said she would prefer the City to require two off-street parking spots per unit. The Meridian Park Cottage Housing Development does not provide enough off-street parking for visitors. She said she would also like the ordinance to more clearly state how an architectural screen is different than landscaping.

Felicia Schwindt, 2209 NE 177th Street, inquired how far along the City is in achieving their growth targets. The citizens are being told that the City must reach the growth targets by expanding and developing, but they have not been presented with any figures.

Commissioner Gabbert inquired if overhangs would be allowed in the setbacks. Mr. Krueger answered that overhangs and eaves are not currently permitted within the ten-foot separation. Staff felt allowing eaves to project into this area could result in only seven feet between cottages. Staff felt this would be too close.

Vice Chair Harris inquired if they could stipulate an eave of 16 inches (12-inch eave with a 4-inch gutter). This would prevent a developer from building a large two-foot overhang. The Commission agreed that this should be considered.

Commissioner Gabbert asked staff to explain the rationale for not having the private use open space in the side and rear yards. Mr. Krueger said the intent of the private use open space is to provide an increase in general open space required. The cottage housing would still be required to have side setbacks and separation in between cottages. Under the condominium rules, that area may be allocated for the cottage resident. The amendment related to private use open space would stipulate that there be a semi-private space that is a transition from the common public open space to the cottage.

Commissioner Sands referred to the "Do This" figure illustration and noted that the one cottage is greater than 20-feet, but there is another cottage diagonally that does not appear to be 20 feet. It is unclear whether a cottage housing only has to be 20 feet away if it somehow fits within the width of the house next door, in which case the house to the right could be 2 feet away as long as it is just outside the width of the house. Chair Doennebrink said his understanding is that the Planning & Development Services Director would have to make that call.

Mr. Stewart said that it should be 20-feet from the closest point of the house. Commissioner Sands expressed his concern about allowing a regular house to have a potential zero lot line, while requiring that cottage houses have a minimum gap of 20 feet.

Commissioner McClelland requested clarification of Item H, on Page 33—specifically the reference to air duct termination such as dryer, bathroom and kitchens. Mr. Krueger said that this is related to the typical air duct vents from dryers and bathrooms, etc. Commissioner McClelland suggested that this section be clarified.

Chair Doennebrink requested that staff describe the effect that the proposed amendments would have had on the existing cottage housing developments. Mr. Krueger answered that the Greenwood Cottages would have met the requirements of the proposed amendments, and the Madrona Cottages could have with just a few changes. They would have needed a different layout for parking and the open space would have needed to be increased. There is a large area of native growth protection, and this area may have provided some open space as a trade off. All the cottage projects are very unique and specific to the site conditions on each parcel. The Meridian Park Cottage Project is zoned different than the other two projects. With some reconfiguration of the actual size of the units and significant changes to the parking layout, the project would have met the requirements of the proposed ordinance, but the density would obviously be less.

Commissioner Sands inquired if it is possible for a cottage housing development to meet all of the proposed requirements and still obtain the maximum density. Mr. Krueger answered that staff believes it is possible. He pointed out that in addition to the two-for-one density bonus, the code also allows for a density bonus of 1.75 per unit based upon the base density of the zone. Every development that has come in so far has pursued the two-for-one density bonus. With the proposed amendments, the City may see more projects being developed under the 1.75 density. He said he does not expect this to be a problem.

Commissioner McClelland expressed her concern that the developers of the Meridian Park Project managed to squeeze the code to get as many units as they could onto the property, and they got away with it. She said it seems as though the City lost control over what they were trying to achieve with the cottage housing provisions. Mr. Stewart answered that the important thing is interpreting the code in a manner that is consistent with community values. That is what staff tries to do, and they continually seek ways to improve when mistakes are identified. For instance, staff has initiated a peer review process by which teams of staff members review application together. He said that if the proposed amendments are adopted, the ordinance would be improved. However, it may be necessary to review the ordinance again next year.

Commissioner Kuboi pointed out that if a cottage housing development proposal meets the requirements of the code, the City staff must approve the project. Mr. Stewart agreed and said the City's challenge is to make sure the entire staff is applying the rules and interpreting the codes consistently with community values. The idea is to develop a culture amongst the staff so that they all agree on specific code interpretations. Issues that need to be resolved collectively can be addressed during the peer review.

Commissioner McClelland inquired if the City ever refers applicants to both good and bad examples before they begin their design work. Mr. Krueger said that in the early stages, staff referred some of the developers to other cottage housing project in the region. When the Greenwood Avenue Cottages were constructed, developers visited this site. Now there are cottages being developed in other jurisdictions all over the region. Along with the proposed amendments, staff is working to develop guidelines and handouts related to the cottage-housing ordinance. They currently have an intern working on this project to develop a visual example that includes many more illustrations and colored photographs than would be placed in the ordinance.

Vice Chair Harris emphasized that the Meridian Park Project is located in an R-8 zone, where cottages are permitted outright. In an R-6 zone, they are a conditional use. Therefore, staff does not have the same level of control over a cottage housing development in an R-8 zone. He questioned whether density should be greater in an R-8 zone, or perhaps cottage housing is not appropriate for an R-8 zone and single-family development would be better. He said he does not believe there will be developers rushing to build the larger units with lower density. The two-for-one density is what holds the appeal. He concluded that there was really no other way to the design the project and still obtains 16-units on the site.

Commissioner Kuboi noted that the language which describes the 20-foot separation from the abutting property does not list parking structures. He inquired if this was specifically excluded. He pointed out that some of the Greenwood Cottages are less than 20 feet from the backside of the parking structure. Since this structure is enclosed, it should be considered part of the house. Mr. Krueger said the intent behind the exclusion of parking garages is that there is no living space or windows that could be conflicting with the privacy of an abutting owner. Most likely, parking areas would either be a garage structure to block headlight impacts or a carport structure with an architectural screen or landscaping that would block any impacts from the headlights. Some of the comments staff received were that the cottages were being constructed without consideration of the windows and open space on the abutting properties. Mr. Kuboi clarified that the rationale for the exclusion is related to privacy impacts. Mr. Krueger said shadowing, light and air is another reason for increased setbacks.

Commissioner Kuboi inquired how high the roofline on a parking structure could be. Mr. Krueger replied that the code states that the maximum height per structure shall be 18 feet, with a provision for a pitched roof up to 25 feet. There may be a scenario where a developer could construct attic space above a parking garage, and that would be exempt from the 20-foot rule, as written.

Commissioner Kuboi said that if the rationale for the setback requirements is to prohibit physical bulk close to the adjacent properties, garages and carport structures should be considered as part of the unit or an amenity building. He also questioned if there is a basis for the 250 square foot number for the private individual open space that is proposed in the amendments. Mr. Krueger answered that a lot of the comments received from the public indicated a need for a lot more open space. Staff feels that a ten-foot dimension is necessary, and that 250 square feet would feel comfortable and be a good transition, but there is no specific data that this number was based upon. Commissioner Kuboi inquired how the 250 square foot number relates to the private open space that was provided at the Greenwood Cottages development. Mr. Krueger answered that the Greenwood Cottages have at least 250 square feet behind the fences. The ordinance would not require the developer to fence the private use open space, but fences could go all the way around. When reviewing a project site plan, staff would look for a demonstration of where the open space is, how it relates to the cottage, how it would be used by the residence, where the ten-foot dimension is, and how it functions as an overall coherent site.

Chair Doennebrink directed some questions towards Mike Widman. He recalled that Mr. Widman indicated that his neighborhood is struggling with parking issues. Mr. Widman said he was referring to the Fremont Cottage Housing Development. Their concern is that Fremont is a much smaller road than what is found at the other cottage housing developments. The Greenwood Cottages provide a large access road that curves, so the cottages are not actually seen from the main road. That would be ideal, but the access from Fremont is much more limited. Therefore, they would like to see some kind of curved access or split parking structure so that the "ocean of concrete" would not be visible while driving down Fremont. They would like to have screening and landscaping more thoroughly defined so that the landscaping would block out the parking structure. The way it is set up, he would be looking right into the parking lot from the second floor of his home. He said that if they were able to make the access road a little narrower than 20 feet, it would have an impact on the appearance of the parking structure. Also, they could split the parking space, with landscaping on either side.

Commissioner McClelland inquired how far along the Fremont Cottage Housing designs are now. Mr. Widman said the design was presented for public comment, and staff has responded to the public comments that were received. The developer is in the process of meeting certain conditions and making changes to his design. Commissioner McClelland emphasized that cottage housing is experimental and Shoreline is being incredibly bold to experiment with alternative forms of infill development. The intent is to come up with new ways of accommodating housing. She questioned if the developer would have any interest in participating in a design charette since he is in the forefront of a movement that could have a huge impact to the community. Mr. Widman said that the developer is dealing with the neighborhood to address mitigating circumstances that are related to the developer's self interest. He pointed out that the developer can meet the code. However, it is very important, especially in experimental situations, to consider the intent of the code, the community and unique situations the developer is faced with.

Commissioner McClelland said it is important that the City attract developers who understand the extenuating circumstances associated with cottage housing and the long-term impacts on the community.

The ordinances should be tight and interpretive to the extent that they get what they want from it and the developer goes away happy, but she would not be opposed to discouraging people who are not going to do it well. Mr. Widman suggested that the language needs to be very clear and prescriptive so that they don't end up with projects that significantly impacts the neighborhoods.

Vice Chair Harris pointed out that the Fremont Cottage Project was originally proposed to be five units, and it was reduced to four because of requirements placed on the project by the City. Mr. Widman agreed that the City has done a good job to ensure that the impacts to the existing neighborhood are minimal.

Commissioner Sands suggested that the best way to get what they want is to allow the staff the flexibility to review the plans to make sure they meet the "nebulous" community standards. He said it is almost impossible to get exactly what you want when you try to draft something that is narrow and prescriptive. There is always going to be someone who tries to get past the requirements. As long as the staff is going to be involved in the process, it is important to craft the ordinance to make sure they get what they want.

Commissioner Sands recalled that one member of the public inquired how close the City is to meeting their Growth Management Act requirements. He said it is his understanding that over the next ten years the City must come up with about 1,000 units, which is about 100 units per year. That is a lot considering that Shoreline is already built out.

Chair Doennebrink asked the staff to briefly explain who would be responsible for the private use open space. Mr. Krueger said the proposed ordinance states that the open space should be for the exclusive use of the residents. It also requires that all the cottages be developed on one common parcel. If sold, it would be done through a condominium association agreement. Most condominium setups have a board that manages the property. He noted that the Greenwood Cottages were sold without any landscaping inside the private open space area and each resident was allowed to either plant grass, plant a garden, etc. The City did not regulate what had to take place in this space.

Joe Fewel, 18523 Stone Ave North, said the Commission needs to remember, when considering the purpose of a setback between a cottage house and a regular house, that cottage houses are not houses in the normal sense. They are about as welcome in most neighborhoods as a trailer park would be. They are distinctly different than a house, and they need to be distinctly built away from houses a little more than traditional. He questioned what the setback from the street would be.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED AT 9:23.

The Commission discussed the option of continuing their discussion to the next meeting. The Commission agreed to continue their deliberation and discussion at the February 6, 2003 meeting. Commissioner Kuboi suggested that the Commission provide input to the staff regarding specific issues for which they would like to have more substantive discussion. Commissioner Piro suggested that they review each of the items to indicate those they would like to address further. The Commission agreed.

The following items were identified for further discussion: The Definition Section, and the Diagram Section, and Sections C, D, F, H, I, J, K, L.

8. PUBLIC COMMENT

Richard Johnsen, 16730 Meridian Ave North, said he does not like what he has seen so far. Developers are going into areas that already have good old established quality residences. When these smaller units are shoved in, he becomes concerned about the quality of the neighborhood. He is concerned about the retail value of the old homes and the impact this would have on the neighborhoods and the City. He said he is also curious about the resale of the individual cottage housing units. He said he does not like that the developer can present plans to the Planning Department, and they can approve a project without discussing it with the Planning Commission. He felt there should be more oversight. Due to the sensitivity of the existing cottage housing development, residential values in the effected area should be considered. Developers should be required to sit down and negotiate with the residents. The Meridian Park Development is a dump and should have never been approved. When the developer switched to a cottage housing project, the permit should have been pulled and the City should have renegotiated with the developer. This was never done, and the result is a spoiled neighborhood.

Vice Chair Harris noted that 1,000 square feet at \$269,000 is the highest priced single family real estate in Shoreline short of waterfront. Even at \$200,000 like Meridian Park, the real estate is high priced and not a dump. Mr. Johnsen said they are more interested in the quality and design of the neighborhood.

Kathy Fewel, 18523 Stone Ave North, referred to the questions raised about the twenty-foot separation requirement. She has been a long-term resident, and she would prefer to have the neighboring house abutting her property line to be 20 feet because cottages are denser types of development.

Mike Widman, 16333 Fremont Ave North, said he it would be helpful to have additional language related to the garages and parking. They should also define the language that is being changed. If the language is not specific anything could be interpreted. He agreed with the comments made about the 20-foot separation requirement. Perhaps 20 feet is too much, but it should be more than the normal 10 feet because the density would be greater.

9. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

10. NEW BUSINESS

There was no new business scheduled on the agenda.

11. AGENDA FOR NEXT MEETING

Ms. Markle reviewed that a quasi-judicial public hearing is scheduled on February 6, 2003 to consider a special use permit and variance to construct a monopole. In addition, the Commission will continue their discussion on cottage housing. The February 20, 2003 meeting agenda has not been confirmed.

12. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.



Brian Doennebrink
Chair, Planning Commission



Lanie Curry
Clerk, Planning Commission

CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING**

February 6, 2003
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris
Commissioner Doering
Commissioner Kuboi
Commissioner MacCully
Commissioner Piro
Commissioner McClelland

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Planning Manager, Planning & Development Services
Brian Krueger, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Gabbert
Commissioner Sands

1. CALL TO ORDER

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

2. ROLL CALL

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

3. APPROVAL OF AGENDA

COMMISSIONER PIRO MOVED TO APPROVE THE AGENDA AS PROPOSED. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

THE MINUTES OF JANUARY 16, 2003 WERE UNANIMOUSLY APPROVED.

5. PUBLIC COMMENT

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

6. REPORTS OF COMMISSIONERS

Commissioner Piro reminded the Commission that there are a few bills related to planning and growth management on the legislative agenda, and he encouraged the Commissioners to learn more about them. Several are dealing with issues around the hearings board, but there is also a bill being considered for introduction dealing with the siting of housing for sexual offenders. Mr. Stewart advised that there are a whole series of amendments to the State law being proposed regarding the siting of Secure Community Transitional Facilities (SCTFs). Staff is keeping their eye on these bills to determine their impact to Shoreline.

Commissioner Piro said there is also a proposal to consolidate various transportation planning functions into a new agency. As proposed, this would shift the planning of Sound Transit, the Monorail and other groups into a new agency that would have an elected board.

Vice Chair Harris said he attended a meeting regarding a sexual offender who was going to be released to a neighborhood. He said that according to the sexual offender detective, Shoreline has as many sexual offenders in their City limits as the rest of King County combined. He also indicated that this has something to do with the City's lax codes related to group housing. Mr. Stewart said the City has wrestled with the issue of group housing both in community residential facilities and group homes that are of eight individuals or less. The staff, in conjunction with the Police Chief, are considering additional regulations that can be put in place.

Chair Doennebrink said he read two interesting articles in *THE SEATTLE TIMES*, one had to do with the Aurora Corridor area south of the City of Shoreline. The proposal from Mayor Nickels is to use some of the on-street parking space between 105th and 72nd for transit access during the peak traffic hours. This has stirred up a lot of controversy. Another article compared a house in 1970 to a house today and was very interesting. In the *PARADE* section of the Sunday *SEATTLE TIMES* there was an article titled, "*A Tale of Three Cities.*" This article compared Vancouver, Portland and Seattle. It appears to present the exact same information that was provided at the APA Conference last September. He said he would provide copies to each of the Commissioners.

7. STAFF REPORTS

a. Announcements

Ms. Markle advised that there is nothing scheduled on the February 20, 2002 meeting agenda. Therefore, the meeting may be cancelled.

Ms. Markle said staff is in the process of planning for the Commission Retreat. She requested feedback as to when the Commission would like to hold the retreat. The Commission agreed that staff should try to schedule the retreat for either the third week of April or the first two weeks of June.

Ms. Markle announced that there would be a joint City Council/Planning Commission Meeting on March 3, 2003 regarding the 2004 Update of the Comprehensive Plan. The workshop will start at 6:30 p.m. She also announced that the Commission's recommendation on the rezone application for the Richmond Beach Library property would be going before the City Council on February 10, 2003.

Ms. Markle referred the Commission to a copy of the Gaston judgment that was provided as promised by staff, as well as comments from Commissioner Sands regarding the cottage housing regulations since he was unable to attend the meeting.

Commissioner McClelland referred to a copy of the APA Newsletter that she downloaded from her computer. She pointed out an article entitled "*Smart Growth?*" This article is written by a woman from the area who questions the viability of small lot detached housing. She encouraged the Commissioners to read this article.

b. Develop Recommendation on Docketed Amendments to the Development Code in Regards to Cottage Housing

Mr. Krueger briefly commented on the memorandum and discussion sheet he prepared for the meeting. The matrix represents all the amendments the Commission made mention of at the last meeting. On the left hand side of the worksheet is the original staff recommended amendment. The right hand side indicates alternative language for the Commission to consider. Where there are no comments on the right hand side, he did not have enough information to propose alternative language. Mr. Krueger noted that the Commission did not voice any comments at the last meeting regarding **Sections A, B, E, G and I.**

COMMISSIONER PIRO MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE AMENDMENTS TO **SECTIONS A, B, E AND G** AS PROPOSED BY STAFF. COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner Kuboi referred to **Section A** and recalled that the Commission discussed the issue of "main floor" verses "ground floor." He questioned if it is the Commission's intent to exclude configurations where the main floor is really the second floor, such as a daylight basement design.

Mr. Krueger said the original intent of limiting the square footage of the footprint was for the impact on the floor that occupies the most space. Commissioner Kuboi clarified that ground floor does not necessarily mean first floor. Since there are many sloped properties in the City, there could be situations where a daylight basement configuration could be used. The upper floor could be larger than the lower floor, which would not fit the definition. He questioned if they should substitute "main floor" for "ground floor."

COMMISSIONER PIRO AMENDED HIS MOTION TO SUBSTITUTE "MAIN FLOOR" FOR "GROUND FLOOR" IN **SECTION A**. COMMISSIONER MACCULLY, THE SECONDER OF THE MOTION, AGREED WITH THE AMENDMENT.

The Commission discussed whether or not there should be a limit for the minimum porch size. Mr. Krueger explained that the porch size would not be calculated as any type of open space and the separations between cottages would not be considered common open space, either. Cottage housing is required to have a covered porch or entry of at least 60 square feet. Vice Chair Harris noted that because there is no limit on the size, a cottage home could have a very large porch. Mr. Stewart agreed, but noted that open space, parking and required pedestrian connections would still have to be provided.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE **ALTERNATIVE INTENT SEGMENT** AS PROPOSED BY STAFF. COMMISSIONER DOERING SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

The Commission discussed **Section C** and inquired if there is a definition for the term "cluster." Mr. Krueger said staff generally uses the accepted definition of cluster which is "to group." In addition, the code definition of cottage housing talks about units being oriented around common open space.

COMMISSIONER DOERING MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE **ALTERNATIVE AMENDMENT TO SECTION C**. THE MOTION DIED FOR LACK OF A SECOND.

COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE **ALTERNATIVE AMENDMENT TO SECTION C**, WITH THE EXCEPTION THAT THEY KEEP THE WORD DEVELOPED INSTEAD OF CONSTRUCTED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Piro referred to **Section D** and inquired if there is an official definition for the term "amenity building." Mr. Krueger said that amenity buildings are not specifically defined in the code, but in the definition for cottage housing it talks about amenities that could be provided, such as tool sheds and commons buildings. Staff would interpret an amenity building as being a shed, a common party room or meeting room, etc.

A parking garage would not be considered an amenity building. Commissioner Piro said his largest concern is making it clear that a parking structure would not be considered an amenity. Mr. Krueger said that staff is currently working with an intern to create a set of guidelines that is much more illustrative than what could be put into an ordinance. It would be appropriate to provide pictures and illustrations to address this issue. He believed staff would be able to provide good materials to the applicant to convey the correct information.

Commissioner Piro suggested that this section could be worded better to make it clear that an amenity building would not include a parking garage. Commissioner MacCully suggested that the Commission place parentheses after the words “amenities buildings” and list the types of amenities stated by Mr. Krueger. Mr. Krueger encouraged the Commission not to restrict the creativity of the developer by providing a specific list for amenity buildings.

Commissioner McClelland suggested that the first and second sentences in the **alternative language for Section D** appear to be in direct conflict with each other. Commissioner Piro agreed. Commissioner McClelland clarified that for structures with flat roofs, the height limit is 18 feet. If the roof is pitched, it can be up to 25 feet high. She summarized that the Commission appears to be comfortable with these height regulations for structures, with the exception of garages. Vice Chair Harris agreed that this section seems contradictory, but the building code has always dealt with building height in this manner. He said the proposed language makes sense to him.

The Commission discussed whether or not a limitation of 18 feet in height for garages is appropriate, especially given that the setback requirements are not as stringent for garage structures. Vice Chair Harris said that they would need to allow a height of at least 16 feet to accommodate a garage and a pitched roof. Since the Commission has expressed a desire that garages and carports not be allowed to exceed 18 feet in height, this section should specifically exclude those uses from extending up to 25 feet in height with a pitched roof. Mr. Krueger emphasized that when staff administers this provision, they would use the definition for an amenity building. They would not consider a garage or carport an amenity building.

COMMISSIONER PIRO MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE **ALTERNATIVE AMENDMENT TO SECTION D** AS PROPOSED BY STAFF. VICE CHAIR HARRIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Chair Doennebrink recalled that Commissioner Gabbert and Vice Chair Harris both expressed concern about **Section H** at a previous meeting. Vice Chair Harris said that Commissioner Gabbert is in favor of eaves. Therefore, he offered the compromise of allowing a smaller, 12-inch eave.

COMMISSIONER MACCULLY MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE **ALTERNATIVE AMENDMENT TO SECTION H**, AS PROPOSED BY STAFF. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Kuboi suggested that the words “no less than” be inserted before “10 feet.”

COMMISSIONERS MACCULLY AND PIRO ACCEPTED COMMISSIONER KUBOI'S RECOMMENDED CHANGE OF ADDING THE WORDS "NO LESS THAN" BEFORE "10 FEET." THE MOTION CARRIED UNANIMOUSLY.

Commissioner Piro referred to Figure 20.40.300.F (**Proposed Amendment F**), which is a very good diagram. However, the terms "here" and "not here" could be misunderstood. He clarified that the Commission's intent was that private open space that is factored into the total 250 square feet be adjacent to common open spaces. In other words, it is allowable to have private open space beyond that.

The Commission discussed options for making the language accompanying the diagram clearer. They agreed to eliminate all of the "not here" circles and just show the private open space clustered around the common open space. They agreed that the words "here" and "not here," as well as the arrows, should be eliminated.

Commissioner Kuboi said he would not vote for this amendment because he is trying to balance the buildability of these types of projects. In looking at all of the requirements from a cumulative and individual perspective, they need to draw the line between provisions that need to be built in and ones that are largely discretionary. He said he would like to see more cottage housing projects built in Shoreline. He felt it would be possible to build an attractive project without having the 250-foot private open space requirement. Therefore, he cannot personally support this being a mandate because it would mean higher prices for those buying the units and some people would be priced out of the market. While some of the things they are considering will make the finished projects better, he considers **Amendment F** to be too much of a luxury. Also, he said it is not clear to him that it would yield a better final product.

Mr. Krueger said that the Madrona Cottages would not meet the private open space requirements. But they do have a large native growth protection area that was required as part of the SEPA process. If that area were reduced or eliminated or there was some trade off to allow more open space for the cottages, they would potentially meet this provision.

Commissioner Piro said the idea of having private open space is a critical component of a cottage housing community. Without having that in place, the development would look more like a townhouse. He pointed out that 250 square feet is just a little less than 16' by 16'.

Commissioner Doering agreed with Commissioner Piro. She said she thinks of cottage housing as a specific type of alternative housing, and if they are not specific, it will get watered down to look like something else.

Vice Chair Harris suggested that if native growth area is set aside in its natural state, perhaps they could back off on the private use open space requirements. Mr. Krueger said they would currently only allow this through a zoning variance that would have to be applied for. In this case, an applicant would have to meet the listed criteria.

Commissioner Kuboi emphasized that not having private use open space as a requirement does not mean that a developer cannot offer a private use area in order to appeal to a higher market. It is a trade off of whether you can sell more units at a lower price or fewer units at a higher price. He said he does not have a problem with the concept of private open space, but he has a problem with making it a mandated requirement.

Commissioner McClelland inquired if it would be possible to have a choice, under the conditional use permit, to substitute the private open space requirement with a native growth protection area. She said the whole reason they are belaboring every single point of the ordinance is to provide some level of certainty to the neighborhoods that surround the cottage housing developments. Allowing variances would defeat the purpose of the regulations. Mr. Stewart emphasized that the variance standards are extremely difficult to meet. Commissioner McClelland said the objective is to make sure that each resident has some space for privacy. Commissioner Kuboi disagreed, the intent of this amendment is to address a concern raised by surrounding property owners that cottage houses were being "shoe horned in" on lots. However, he noted that none of the developers have had a difficult time selling the units, even those without private open space. Mr. Krueger referred to the neighborhood survey, and noted that neighbors of the Meridian Park Project specifically questioned where the common open space was located. In addition, one developer specifically requested that this be a requirement. When the City of Redmond reviewed their cottage housing ordinance, private open space was something they felt was very important. In total, the comments from most of the parties involved were supportive of having a situation where cottages were designed with the characteristics of a single-family home such as private yard space. Adding a private area for the cottage resident's use provides an additional transition area from the very public area commons area to the semi-public porch and then into the privacy of the cottage.

Mr. Stewart said there is one provision in the code that is not a variance but does provide for some variations of the open space requirement when there is additional tree protection in place. This would allow a developer, in certain cases, to reduce some of the private open space if there is an increased tree protection plan. A developer would be able to use additional tree protection area to meet some of the open space requirements. This would apply to both private and common open space.

COMMISSIONER PIRO MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF **AMENDMENT F** AS PROPOSED WITH THE REVISIONS TO THE DIAGRAM AS DISCUSSED. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED 5-2, WITH COMMISSIONER KUBOI AND VICE CHAIR HARRIS VOTING IN OPPOSITION.

Chair Doennebrink recalled that at the last meeting a member of the audience made a comment related to proposed **Amendment I**. Commissioner Kuboi also expressed his concern.

Realizing that there is spill over of parking onto adjacent streets from this higher density use, Commissioner Kuboi suggested they should consider a 2.0 parking ratio for all uses rather than segregate them by a square foot threshold.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF AMENDMENT I AS PROPOSED, WITH THE EXCEPTION THAT PARKING SHOULD BE PROVIDED AT THE RATE OF 2 PER UNIT. THE MOTION DIED FOR LACK OF A SECOND.

Commissioner McClelland said that while it is out of the purview of the Commission to discuss the cost of the cottage housing units, the intent for infill housing in this situation was to build something as an alternative to the typical suburban split level houses, apartments or townhomes. Assuming that in the little cottages there are fewer individuals, it is unlikely that you would have numerous cars for each. She said the assumption is that there would be fewer or no more than a typical house.

Commissioner Kuboi said that neither he nor Commissioner McClelland have enough facts to substantiate their position. However, he looked back to see if the concept of cottage housing, as it relates to Shoreline, plays into some sort of transit friendly type of development. But there has never been any reference to the two working together. Given that they are in a suburban environment that is still auto oriented, people living in the cottages would quite possibly have two cars. He agrees with the concerns expressed by the community about there not being enough parking spaces for the residents. He also noted that there is no requirement for guest parking, so the parking impact would be exacerbated.

Commissioner Doering said she supports the parking numbers that have been proposed by staff. She recalled that one of the principal goals of cottage housing is to develop them around areas where services are available. The way that homes are developed in Shoreline, no guest parking spaces are provided. Because they are not on a grid system, they have a lot of easements that do not provide for a lot of parking.

Mr. Krueger advised that staff has received some comments from citizens regarding the parking. However, they did not propose any changes because they believe the current parking regulations are working well. The City's transportation planner has suggested that at some point, staff might want to do a traffic survey to see how much traffic is really being generated by these projects.

Vice Chair Harris referred to the drawing that was provided to illustrate clustered parking. He said the drawing needs to be accurate in showing the separated cluster. Because there are only five spaces, separation would not be required. A sixth space needs to be added in order for the drawing to be accurate.

Commissioner Piro questioned whether the proposed parking requirement would actually result in more off-street parking than is needed. He has had discomfort throughout the cottage housing discussions that perhaps they are placing an undo burden on the developers to accommodate on-site parking for a project like this when they don't necessarily have that expectation in a traditional single-family neighborhood. He suggested that it would be viable for the City to allow a developer to use on-street parking as part of the mix for accommodating parking—particularly guest parking.

Commissioner MacCully agreed that the parking requirement should be greater. If he is going to spend \$275,000 for a house, he would like to have off-street parking that is reasonably close by.

However, if they were to increase the parking requirement they would be placing yet another burden on the developer, forcing them to squeeze the available area to make the project work. Because staff has indicated there has not been a huge problem, perhaps the parking requirement does not need to be changed.

COMMISSIONER DOERING MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF **AMENDMENT I** AS PROPOSED. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF **AMENDMENT J** AS WRITTEN. COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner Kuboi inquired how tandem parking spaces would relate to the provision that "parking shall be located in clusters of not more than five abutting spaces." Mr. Krueger said that tandem parking would be allowed and would be considered two abutting spaces.

Vice Chair Harris said that this section is where the parking diagram needs to be corrected. He asked that the corrections be accepted as a friendly amendment to the motion.

COMMISSIONERS MCCLELLAND AND MACCULLY AGREED TO AMEND THEIR MOTION AS REQUESTED BY VICE CHAIR HARRIS TO REVISE THE DIAGRAM.

Commissioner MacCully recalled that some of the concerns expressed by the public were related to the ability of a developer to create a road straight into the development to parking areas. He suggested that a diagram be provided to illustrate a curved entrance road. While this would probably require more pavement, it would automatically screen parking from the road. Mr. Krueger inquired if it would be acceptable if the staff were to include this in their guideline document for applicants. Commissioner MacCully agreed that would be an appropriate place to address his concern. He said that if guidelines and examples are used, there would be more flexibility for the developer to be creative to meet the intent. Mr. Krueger said he would attempt to find a good example of this for inclusion in the guidelines.

Vice Chair Harris commented that parking is very site specific, and curves in the road must meet the radius standards. This could take up a lot more space. He suggested that they could address some of the screening issues by landscaping, etc. Commissioner MacCully suggested that the large expanse of pavement at the entrance to the development could be broken up by some form of a small island, and this would further define the entrance.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER PIRO MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE FIRST SENTENCE OF **AMENDMENT K**, BUT THAT THE SECOND SENTENCE BE DELETED. VICE CHAIR HARRIS SECONDED THE MOTION.

Commissioner Piro referred to a memorandum the Commissioners received from Commissioner Sands, who was unable to attend the meeting. He did an excellent job of outlining his concerns about proposed **Amendment K**. Commissioner Piro said he also agrees that the Commission should be hesitant to put additional undue burdens on cottage housing development that do not apply to other single-family development. He felt the setback requirements that are expressed in the first sentence are adequate.

THE MOTION CARRIED UNANIMOUSLY.

Commissioner McClelland recalled that the Commission agreed to disallow solid fences around the parking areas and they are going to try to disallow chain link fences around the perimeter. She inquired if the Commission would be in favor of allowing solid wood fences around the perimeter of the development.

Commissioner Doering described a situation in her neighborhood where solid cedar fencing was built surrounding each of the properties. She did not feel it would be appropriate to allow 6-foot solid wood fences around each of the properties.

Vice Chair Harris pointed out that if a fence is not put around the perimeter of the cottage housing development, it is likely that the adjacent property owner would construct one on his property.

Vice Chair Harris suggested that perhaps a height limit of 32 inches for fences on the interior of a lot, is not sufficient for the fence to serve its intended purpose. He suggested that the height limit be at least 36 inches. The Commission agreed.

COMMISSIONER PIRO MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF **AMENDMENT L** AS PROPOSED, BUT WITH "32 INCHES" BEING CHANGED TO "36 INCHES." COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Chair Doennebrink inquired if there are other items related to cottage housing that the Commission would like the staff to look into in the future. The Commission identified the following issues:

- Limiting the number of cottage housing developments that can be located within a specific geographic area.
- Mandating differences in facades (design standards that would require different exterior treatments).
- The number of retired people occupying the cottage housing units, and how cottage housing can be more appealing to these residents such as building units that are one story.
- What percentage of the overall housing supply is cottage housing, and how is this option helping the City meet their housing targets.
- Parking issues.

The Commission discussed the need to consider housing affordability in the future. Mr. Stewart explained that in 2004 the City would be updating their Comprehensive Plan. The driving force in the Comprehensive Plan is accommodating the level of growth that is anticipated and mandated through the Growth Management Planning Council. Once these allocations are adopted, the City's will be required to adapt their Comprehensive Plan. The City has determined that the 1,000 additional units that Shoreline will have to absorb can be accommodated under the current land use plan because of new provisions for cottage housing, accessory dwelling units, and the plans for the mixed use areas along major arterials. He agreed that it would be beneficial for staff to hold a workshop with the Commission when the numbers are available to identify what is happening around the region, as well as Shoreline's strategies for addressing the targets. Staff does not anticipate that the City will have to adjust their land uses to add new high-density residential zones.

Chair Doennebrink said staff has recommended that another public hearing be held on the cottage housing regulations before the City Council on March 24, 2003.

8. PUBLIC COMMENTS

Kathy Fewel, 18523 Stone Ave North, said that she has visited the Meridian Park Cottages, and they are quite lovely. However, they were not necessarily built to attract retired couples. She said she would love to see more retired couples moving into these cottages. Secondly, Ms. Fewel referred to proposed **Amendment I** and said she does not understand how the parking requirement of 1.5 spaces per unit is calculated. Lastly, Ms. Fewel referred to proposed **Amendment H** and said she does not like a provision that would allow the eaves to extend into the setback areas. The houses should be ten-feet apart, with the eaves.

Carolyn Morris, 16342 Fremont Ave North, said that as the Fremont Project has progressed, the adjacent property owners have become aware of issues related to parking. The parking is much easier to accommodate on larger streets, but when the project is coming off a small street, there is little space for on-street parking. She asked that this be considered as projects are being reviewed to make sure the existing streets can accommodate the on-street parking.

9. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

10. NEW BUSINESS

Commissioner Piro suggested that when public hearings are scheduled on the agenda, the Commission should make every effort to get to the public testimony portion more quickly. Perhaps they should consider reordering the items on the agenda. Staff report and Commission reports could be deferred to the end of the meeting. Commissioner Kuboi suggested that the Commissioner reports should be placed at the end of the agenda for every meeting, and not just those that include a public hearing.

Commissioner Doering expressed her concern that the signage issue has not been scheduled on the Commission's agenda yet. She suggested that perhaps this item could be placed on the February 20 agenda. Ms. Markle advised that this is a huge work program, and was shifted to a low priority since the Brightwater and Cottage Housing issues have taken longer than anticipated. Mr. Stewart said that given the slow down of the economy, they have not been able to fill a planning position and they are in the process of restructuring priorities.

Chair Doennebrink recalled that Shoreline Community College held a Master Plan Scoping Meeting on February 5th. At some point this item will come before the Commission. Ms. Markle explained that they are in the process of preparing an environmental impact statement, and this was their first scoping meeting and task force meeting. The scoping notice is out and they are taking comments through February 12th.

11. AGENDA FOR NEXT MEETING

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

12. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Brian Doennebrink
Chair, Planning Commission

Lanie Curry
Clerk, Planning Commission

Attachment C

Public Comment Letter

Martin Král
1317 N 183rd St.
Shoreline, WA 98133

January 12, 2003

Brian Krueger
Shoreline Planning & Devpt. Svcs.
17544 Midvale Avenue N
Shoreline, WA 98133

Dear Mr. Krueger

The Department staff is proposing amendments to the Comp Plan provisions related to cottage housing. The upcoming Planning Commission hearing will consider these amendments - and hear from citizens who may want to raise additional points or propose amendments.

We have been impacted by the design and consequences of having such a cottage housing project in our immediate neighborhood. The experience with Meridian Park Cottage Homes has not endeared the approach to the long-term residents along Stone Avenue N. Despite pleas to place fewer cottages on that L-shaped lot, the maximum allowable were built, leading to a dense residential appearance that is quite out of character for this single-family neighborhood. Despite promising to design traffic routes so that residents would enter and leave from 185th N., the developer placed the access on Stone Avenue N., a neighborhood street. In both instances the developer put the blame on City staff who supposedly required him to redesign the project to maximize density. Of course, despite promising to maintain as many of the significant tree and vegetation landscape, only the required 20% of trees were allowed to stand, markedly changing the appearance of this area.

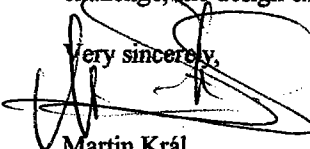
With two other cottage projects now standing in Shoreline, Meridian Park Cottage Homes provides the worst-case example of what cottage housing can look like: a jumble of tiny houses on a narrow lot with a large parking area dominating the view from the street. It looks nothing like Grandma's cottage; rather, it's a poor excuse for apartment living in a single family area. Perfunctory, useless front porches merely accentuate the paucity of creative thought expended in meeting the code. Admittedly, the other projects are largely successful in presenting good, social design. However, their homes' price tag outstrips the ability of many buyers to consider cottage housing, when they can get more house for the money in other neighborhoods.

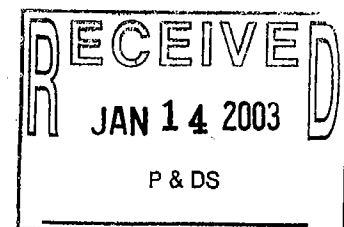
The cottage housing idea was sold to us residents as an alternative to the 'large homes on small lots' approach we have experienced at close hand. It was supposed to provide affordable home ownership to a broad segment of our population while retaining the residential character of the neighborhood.

Instead we learn that a number of these cottages are merely rentals, owner-occupancy not having been required as a covenant for purchasing. The lack of open space (apart from the paved parking lot), failure to provide a play or common recreation area as promised, and good buffering or landscaping from the street and adjoining properties is in contradiction to the promised benefits. Add to that the fact that such cottage housing design requires stairs, and so has little appeal to older persons or those with physical limitations.

I urge you to present to the Planning Commission well-reasoned arguments to support cottage housing projects that *do not* require a minimum of 4 cottages, yet adhere to the standards of "high quality infill development." Such designs should take into consideration the need for attracting older citizens and persons with disabilities or limited income. Where larger lots allow development of up to 12 cottage homes, particular attention should be given to proper screening, good landscaping and retention of existing vegetation, so far as possible. While home design with these considerable restrictions is a challenge, the design examples along Dayton and Greenwood N. illustrate that this challenge can be met.

Very sincerely,


Martin Král
206-546-9692



Attachment D

Agency Comment Letter



STATE OF WASHINGTON
OFFICE OF COMMUNITY DEVELOPMENT

906 Columbia St. SW • PO Box 48350 • Olympia, Washington 98504-8350 • (360) 725-2800

January 8, 2003

Mr. Brian Doennebrink
Chair, City of Shoreline Planning Commission
17544 Midvale Avenue North
Shoreline, Washington 98133

Dear Mr. Doennebrink:

We appreciate that your staff sent the Washington State Office of Community Development (OCD) your proposed amendments to the City of Shoreline cottage housing regulations. We recognize the substantial investment of time, energy, and resources that this amendment represents.

We especially like the following:

- You are continuing to provide for cottage housing. You have looked at your regulations and are refining them to ensure that future developments are more in line with your city's vision of cottage housing, particularly in regard to private and common open space, fencing, and parking.
- Your proposed amendments include diagrams of what to do and what not to do when designing cottage housing. This provides developers with a much clearer picture of what you expect in this type of development and should help the city to evaluate proposals.

Congratulations to you and your staff for the good work these amendments embody. If you have any questions or concerns about our comments or any other growth management issues, please call me at (360) 725-3064 or Ike Nwankwo at (360) 725-3056. We extend our continued support to the City of Shoreline in achieving the goals of growth management.

Sincerely,

Anne Aurelia Fritzel
Growth Management Planner
Growth Management Services

AAF:lw

cc: The Honorable Scott Jepson, Mayor, City of Shoreline
Tim Stewart, Director of Planning and Development Service, City of Shoreline
Brian Krueger, Planner, City of Shoreline
Ike Nwankwo, Manager, Technical and Financial Assistance, OCD

