

**CITY COUNCIL AGENDA ITEM**

**CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Town Center Subarea Plan
<b>DEPARTMENT:</b>	Planning and Development Services Department
<b>PRESENTED BY:</b>	Joseph W. Tovar, FAICP, Director Paul Cohen, Senior Planner - Project Manager
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion

**PROBLEM/ISSUE STATEMENT:**

In 2007 the City Council directed staff to work with the community and Planning Commission to initiate, develop, and publicly process a Town Center Subarea Plan that reflects Council goals and policies and the City Vision. The creation of a Town Center Plan is a component of the 2011-2012 City Council Goal No. 1 and will help implement the City's Vision 2029. It also provides the policy direction to the accompanying proposed Town Center Business District amendments to the Development Code. The Town Center development regulations are still under deliberation by the Planning Commission.

After holding a series of study meetings and public hearings (Attachment A and B), on June 16 the Planning Commission deliberated and recommended that the City Council adopt the Town Center Subarea Plan (Attachment C). The Planning Commission will hold an additional meeting on June 30, 2011 to complete their deliberations regarding the Town Center development regulations.

At the July 5, 2011 City Council Study Session, the staff will present and respond to questions about the following items: (1) the Planning Commission recommended Town Center Subarea Plan (Attachment D); (2) the Supplemental Environmental Impact Statement for the Town Center Subarea Plan (Attachment E); and (3) computer-animated videos illustrating how the building forms might look if future projects are developed consistent with the Town Center Subarea Plan and District regulations.

Staff expects to return to the Council's July 11, 2011 Study Session with a presentation of the Planning Commission's recommended Town Center development regulations. This is dependent on the Planning Commission making their recommendations at their June 30 meeting. The Town Center regulations implement the subarea plan through regulation of land uses, review process, setbacks, building heights, and development standards regarding street frontage, site, building, and sign design. Council is scheduled to take action on both the Town Center Subarea Plan and Development Code amendments for the District on July 25, 2011.

## RESOURCE/FINANCIAL IMPACT:


The adoption of the plan and Code amendments themselves do not have direct and immediate financial impacts. The transportation and capital facilities elements of the Comprehensive Plan should support changes in the land use element of the Plan including subarea land uses. As addressed in the SEIS, the Plan and development regulations do not require changes in these elements, including the CIP or TIP, since the impacts from the existing Comprehensive Plan and Development Code for properties within the subarea are not significantly different than those expected under the amendments. The major improvement of Aurora Avenue is expected to be completed in September of this year to 185<sup>th</sup> and is funded for completion to 192<sup>nd</sup> by January of 2012.

As part of the subarea plan implementation, future Councils may decide to direct city resources to projects in the Town Center District such as a park, gateway features, and walkways connecting adjacent neighborhoods to the services and transit in Town Center.

As new development is drawn to the area, increased revenue to the City will be generated from development permits and property, sales, real estate excise and utility taxes. If adopted, proposed traffic impact fees will fund a portion of the cost of future street improvements in the subarea.

## RECOMMENDATION

No action is required at this time. The agenda item is for discussion only. The City Council has additional meetings scheduled for July 11 and 25 to continue discussion and take action on the proposed subarea plan, Development Code amendments.

Approved By: City Manager  City Attorney

## **INTRODUCTION**

The overall objective is to create an attractive, compact, walkable, and mixed-use center that furthers the City's goals for economic vitality, environmental sustainability, and housing opportunity. The geographic limits of Town Center were set by a prior Council decision to be bound on the south by N. 170<sup>th</sup>, on the north by N. 187<sup>th</sup>, on the west by Linden Ave. N. and on the east by Stone Ave. N.

The Subarea Plan will capitalize on the Town Center's close-in regional location and good transit service to create a focal point for much of the City's future commercial and residential growth. At the same time, the Subarea Plan provides policy direction to connect, respect, and protect the single family neighborhoods that adjoin Town Center immediately to the east and west.

While the Town Center Subarea Plan was being developed, staff coordinated with other related projects such as the middle mile of the Aurora Project, the Transportation Master Plan, the proposed park at Town Center design, and the Aurora banner project.

## **DISCUSSION**

The history and much of the rationale for the Town Center Subarea Plan is included in the Planning Commission transmittal memo (Attachment C).

### **SEPA and Planned Action**

The proposed Town Center Subarea Plan (Attachment D) and subarea plan district regulations were reviewed pursuant to the requirements of the State Environmental Policy Act (SEPA), RCW 43.21C. The City prepared a Draft EIS (DSEIS) to evaluate the likely environmental consequences of the Town Center Subarea Plan and Town Center development regulations (Attachment E). The Final SEIS will be completed and be made available to Council prior to the July 5<sup>th</sup> meeting. The City proposes to adopt these documents as a SEPA planned action, under RCW 43.21C.031. The purpose of a planned action is to complete the environmental review for all of Town Center prior to the application for individual development permits. SEPA compliance through the planned action process was used in the North City Business District.

As part of a planned action area, future development proposals within the Town Center boundaries must comply with the development regulations of the subarea would be exempt from SEPA. Those regulations assume up to 1,200 residential units, 200,000 square feet of office and 200,000 square feet of commercial/ retail uses within the Town Center District.

The staff report transmitting the DSEIS provides an explanation of the methodology used to prepare the document, as well as the mechanics of how the planned action would be incorporated with the design review and building permit reviews described in the proposed Town Center District development regulations.

## **COUNCIL GOAL ADDRESSED**

The development of a Town Center Subarea Plan has been a part of the Council goals since 2007. The City Council, in its Goals for 2010-2011, identified as a major priority adoption of amendments to the Comprehensive Plan such as the Town Center Subarea Plan, as well as creating permit processes that are more timely and predictable. The specific goal and overview are as follows:

**Goal 1: Implement the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods, and businesses.**

**Goal Overview:** To implement the adopted Community Vision, which integrates the Environmental Sustainability, Housing and Economic Development Strategies with citizen input received at the City's vision and values workshops conducted in 2008. This will be accomplished through drafting various elements of the Comprehensive Plan, Town Center Subarea Plan, amended tree regulations and development regulation adjustments.

### **Major Objectives:**

- Adopt amendments to the City's development regulations to make the permit process more timely, clear and predictable, e.g., administrative design review, planned actions, subarea plans, and other appropriate planning tools.
- Adopt amendments to the tree regulations, adopt a policy of increasing tree canopy through voluntary programs, and become a Tree City USA
- Amend the citywide Comprehensive Plan to make it consistent with the adopted 2029 Vision and Framework Goals while also reducing its length and complexity
- Adopt the Town Center Subarea Plan and code

## **RECOMMENDATION**

No action is required at this time. The agenda item is for discussion only. The City Council has additional meetings scheduled for July 11 and 25 to continue discussion and take action on the proposed subarea plan and development code amendments.

## **ATTACHMENTS**

Attachment A - Public Hearing Notice  
Attachment B - Commission Minutes  
Attachment C - Planning Commission Transmittal Memorandum to the City Council  
Attachment D - Recommended Town Center Subarea Plan  
Attachment E – Planned Action Draft SEIS (Final SEIS will be distributed prior to meeting)  
Attachment F - List of Exhibits

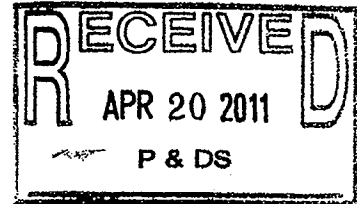
# The Seattle Times

Attachment A

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KIM SULLIVAN/PLANNING DEPT  
17500 MIDVALE AVE N  
SHORELINE, WA 981334905



Re: Advertiser Account #6391000  
Ad #: 796682900

## Affidavit of Publication

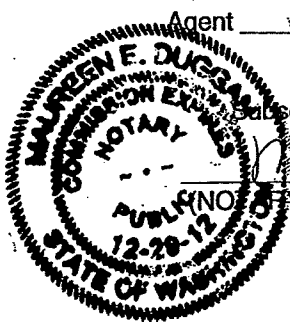
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STATE OF WASHINGTON  
Counties of King and Snohomish

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The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	04/18/11



Agent Debbie Collantes Signature Debbie Collantes

Subscribed and sworn to before me on April 19, 2011  
(DATE)

Maureen E. Duggan Notary Public in and for the State of Washington, residing at Seattle  
(NOTARY SIGNATURE)



seattletimes.com

Advertiser Account #6391000

Ad # 796682900

**Ad TEXT:** Notice of Public Hearing  
of the Planning Commission  
for the Town Center Subarea  
Plan and Development Code  
Amendments

The City is proposing the  
creation of a Town  
Center plan that is located  
between N. 188th and  
N. 170th and between Fremont  
Ave N. and Stone  
Ave N. The plan is to guide  
development into a  
distinctive district that  
encourages public  
services, retail services,  
improved design  
standards, residences, a park,  
single-family  
protections, and a walkable  
environment that is  
served by Bus Rapid Transit.

The City expects to issue a  
Draft EIS which may  
include mitigation measures  
under applicable  
codes, and the project review  
process may  
incorporate or require  
mitigation measures. The  
Draft EIS and its comment  
period will be  
publicly noticed when  
completed.

Interested persons are  
encouraged to provide  
oral and/or written comments  
regarding the above  
project at an open record public  
hearing. The  
hearing is scheduled for May 5,  
2011 at 7 PM in  
the City Council Chambers, City  
Hall at 17500  
Midvale Ave N., Shoreline, WA.

Copies of the proposed subarea  
plan and  
development code  
amendments, and SEPA  
Checklist  
are available for review at the  
City Hall, 17500  
Midvale Avenue North.

Questions or More Information:  
Please contact  
Paul Cohen, Planning and  
Development Services at  
(206) 801-2551.

Any person

requiring a disability  
accommodation  
should contact the City Clerk at  
(206) 801-2230  
in advance for more  
information. For TTY  
telephone service call (206)  
546-0457. Each  
request will be considered  
individually  
according to the type of  
request, the  
availability of resources, and  
the financial  
ability of the City to provide the  
requested  
services or equipment.

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Newspaper	Publication Date
The Seattle Times	05/12/11

Marilyn Peredo

Signature

*Marilyn Peredo*

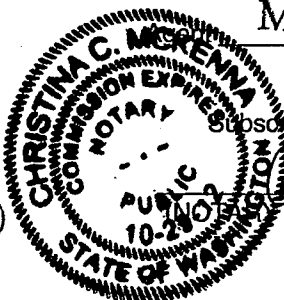
Subscribed and sworn to before me on

*May 12, 2011*  
(DATE)

(SIGNATURE)

Notary Public in and for the State of Washington, residing at Seattle

Christina C. McKenna



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Re Advertiser Account #6391000

Ad # 797146300

**Ad TEXT:** City of Shoreline Notice of 2nd Public Hearing of the Planning Commission for the Town Center Subarea Plan and Development Code Amendments

The City is proposing the creation of a Town Center plan that is located between N 170th and N 188th Streets and between Fremont Ave N and Stone Ave N. The plan is to guide development into a distinctive district that encourages public services, retail services, improved design standards, residences, a park, adjoining single-family protections, and a walkable environment that is serviced by Bus Rapid Transit.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for June 2, 2011 at 7 pm in the City Council Chambers, City Hall at 17500 Midvale Ave N, Shoreline, WA.

The Draft SEIS has been noticed and written comments will be received until June 9, 2011 at 5 pm. Public comments on the Draft SEIS will also be accepted during the June 2 Planning Commission public hearing.

Copies of the proposed subarea plan and development code amendments, and Draft SEIS are available for review at the City Hall, 17500 Midvale Avenue North.

Questions or More Information: Please contact Paul Cohen, Planning and Development Services at (206) 801-2551.

Any person requiring a

disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

**APPROVAL OF MINUTES**

No minutes were available for Commission's approval.

**GENERAL PUBLIC COMMENT**

**Ken Howe, Shoreline**, said he has participated on numerous citizen committees and has lived in the City for 30 years. He expressed concern that the Transportation Master Plan proposes amendments that would change his neighborhood into a series of arterials, yet the changes were never discussed by either the neighborhood transportation committee or the citywide pedestrian bicycle committee, both of which he participated on. He said it is critical that Linden Avenue between 175<sup>th</sup> and 185<sup>th</sup> Streets be classified as a neighborhood street, and the City has given assurance that this would be the case throughout the entire Town Center Subarea process. He suggested that either the Transportation Master Plan work was never coordinated with the Town Center Subarea Plan work or there has always been a plan to ignore the input from the citizens. He asked the Commission to remember that this portion of Linden Avenue is the dividing line between neighborhoods and commercial properties. Forcing this portion of the street to become an arterial would have a significant impact on the neighborhood.

**LEGISLATIVE PUBLIC HEARING ON TOWN CENTER SUBAREA PLAN AND DEVELOPMENT CODE**

Vice Chair Perkowski reviewed the rules and procedures for the legislative public hearing. He emphasized that the hearing would be continued to June 2<sup>nd</sup>, and most likely to June 16<sup>th</sup>, as well. However, the Commission may choose to limit new testimony on those dates to specific items or issues. He explained that at the conclusion of tonight's hearing, the Commission would decide what limits, if any, they would place on the written or oral testimony that would be accepted following the hearings. He opened the public hearing.

**Staff Overview**

Mr. Tovar referred to the Staff Report and briefly reviewed the process that has taken place over the past four years to reach the point of a public hearing before the Commission on the proposed Town Center Subarea Plan and Development Code. He reported that a draft Environmental Impact Statement (EIS) was completed and staff would spend the next few days editing the document. It would then be posted on the City's webpage and forwarded to the Commissioners. It would be entered into the record when the public hearing continues on June 2<sup>nd</sup>. He informed the Commission that the next edition of *CURRENTS* incorrectly states that the hearing would be continued to May 19<sup>th</sup>. A new notice would be published to announce the correct date for the June 2<sup>nd</sup> continued hearing.

Mr. Tovar advised that, aside from providing a map to identify the boundaries of the Town Center Subarea as requested by the Commission, no substantive changes have been made to the subarea plan since the last time it was reviewed. Therefore, staff would not spend a significant amount of time reviewing the document prior to the hearing. Instead, Mr. Cohen would focus most of his presentation on the changes made to the Development Code.

Mr. Cohen, Project Manager, reminded the Commission of the City Council's Goal 1, which calls for implementing the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods and businesses. He also referred to the criteria for adopting Comprehensive Plan amendments and pointed out that the Growth Management Act, the county's planning policies, and the City's Comprehensive Plan all support the concept of city centers (urban centers) that condense sprawl, encourage efficient use of transportation, and incorporate transportation-oriented design. The City's newly adopted Vision Statement and Framework Goals also support the city center criteria. The criteria for Development Code amendments talk about consistency with the Comprehensive Plan.

Mr. Cohen reported that the Town Center Development Code proposal has not changed since it was last presented, but a number of issues were raised by the Commission. He reviewed each one as follows:

- Transition Overlay – Mr. Cohen explained that the overlay is applied to the Town Center where adjacent property is zoned R-4 or R-6. The purpose of the overlay is to provide buffers and transitions between Town Center and the adjoining single-family neighborhoods by modifying building bulk, landscaping requirements, access, etc. He recalled that the Commission raised the issue of how the transition overlay would remain applicable if adjoining parcels were to be rezoned. To answer this question, staff is recommending a section be added to the transition overlay (20.92.040.B) that states that “the transition overlay shall be applied to all Town Center zones that abut or that are directly across the streets from R-4 or R-6 zoning. . .” He explained that, as proposed, the transition overlay would change if a rezone occurs.

Mr. Cohen said the Commission also raised a concern about the few isolated parcels on Midvale Avenue that are zoned R-6, even though the majority of the area is zoned R-8. He explained that these two lots are access easements tracts and cannot be developed as single-family. He suggested they keep the transition overlay intact no matter how small the adjacent parcels are.

Commissioner Behrens asked if the transition overlay would provide protection to the four, single-family lots that abut a three-story commercial building (dentist's office) at the corner of 188<sup>th</sup> Street and Firlands Way if redevelopment were to occur. Mr. Cohen answered affirmatively.

Commissioner Kaje asked staff to display Figure 1 (20.92.020) on the overhead screen. He noted that the copy provided in the Staff Report is in black and white, and it is difficult to see the transition overlay. Commissioner Moss said that while she understands the maps are available to view online, it would be helpful for staff to provide copies of colored maps to the Commissioners so they can have a clear understanding of the scale. Mr. Cohen used the map to point out the location of the single-family properties referenced earlier by Commissioner Behrens. He commented that the transition overlay has been applied wherever there is single-family zoning across the street or adjacent to the subarea. He said the transition area standards would also apply to the TC-4 portion of the subarea, which has mostly R-8 zoning across the street, to designate it as a zone that only allows residential types of development.

Commissioner Moss used Figure 1.20.92.020 to identify the location of the R-6 parcels along Midvale Avenue north of North 185<sup>th</sup> Street that are actually access easement tracts. She asked for further clarification about how the transition overlay would be applied to these very small parcels. Mr. Cohen acknowledged that the situation would be awkward. The proposed language would apply the transition overlay to all zones that abut or are directly across the street from R-4 and R-6 or have residential development potential, and these two small tracts do not have residential development potential. Commissioner Moss suggested there is at least some residential development potential if and when adjacent properties are redeveloped at some point in the future. Mr. Cohen noted the developments are fairly new, and the tracts are essential to provide access to the houses at the far end of the development. He acknowledged that far off into the future the properties could redevelop and the lots could be reconfigured, but the transition overlay would be applied directly to the portion of the subarea that is located across the street from the isolated R-6 lots.

Commissioner Kaje suggested that, because neither of the access easement tracts has homes located on them, perhaps the zoning could be changed to match the zoning of the single-family development for which they provide access. This would avoid a potential future complication. He noted that the transition overlay would not provide protection to the single-family homes, just the two small access easements. Mr. Tovar agreed this situation could become a problem, and no purpose is served by having single-family zoning on parcels that can never be developed as such. He suggested the Commission could recommend the City Council add rezoning the subject property to match the adjacent single-family zoning to their long-term work program.

- Parking Standards – Mr. Cohen said the Commission noted that the proposed parking requirement is less than the current requirement in the Mixed-Use Zone (MUZ). For example, the proposed parking ratio of .75 stalls per bedroom is half the requirement of studio and one-bedroom units in the MUZ zone, but is equivalent for 2 and 3 bedroom units in MUZ. In addition, the proposed parking requirement for commercial space is between 25% and 40% less than the current requirements. He noted that more one-bedroom apartments are being constructed now than any other size. He recommended the parking standards revert to the current standards but keep the proposed criteria to reduce the parking requirements as incentive to reduce traffic and encourage other forms of transportation.

Mr. Cohen said the Commission also noted that the criteria allows the parking standard to be reduced for development located within ¼ mile of a transit stop. The Commission raised concern because a ¼-mile radius would be measured by a straight line and rarely is there a straight line between where someone lives and a transit stop. He noted that the width of the Town Center Subarea from Linden Avenue to Stone Avenue is just over ¼ mile. That means anything within Town Center would have access to transit along Aurora Avenue North, and would therefore, meet the criteria. He recommended the standard be changed to use a more standard practice of calculation based on the ratio of straight-line distance divided by the actual walking-route distance. He suggested another option would be to remove the radius and require that the transit access must be within a certain walkable distance using approved surfaces.

Commissioner Kaje commented that being located near a transit stop should not be considered a legitimate incentive for reducing parking standards when it applies to every property within the Town Center Subarea. He suggested that some of the incentives seem appropriate for residential development, but not for commercial. He recalled that at their last meeting he expressed concern that if they reduce the amount of parking required for multi-family development because there is a commercial parking lot nearby, residents could end up parking in the commercial parking areas for days at a time. He said he hopes the Commission can improve upon the incentive concept as the public hearings move forward. He said he is not opposed to well-thought-out incentives for reducing parking, but they need to be matched to commercial and residential development. They should eliminate those criteria that all properties can meet.

Commissioner Behrens observed that, as currently worded, all properties within the subarea would meet the criteria of being located within ¼ mile radius of a transit stop. That means a developer would only need to meet one additional criterion in order to obtain a reduction in the parking requirement. He agreed with Commissioner Kaje that the incentives that qualify a developer for a parking reduction should be meaningful and provide an actual benefit to the community. He said he is not sure the proposed incentives are enough to outweigh the potential burden to the community of having insufficient parking places.

Commissioner Behrens recalled that at a previous meeting, he suggested that impacts be one topic of discussion at the required neighborhood meetings. However, staff did not provide a response. He said he would like Section 20.92.060.E.1.h to be stringently reviewed at the public meeting to ensure there are no negative impacts to the neighborhood. He recalled there are several situations in the City where development has resulted in overspill parking. Mr. Cohen noted that Item 4 on Page 10 of the Staff Report address traffic impact studies for individual developments. Commissioner Behrens said it only speaks about neighborhood traffic, which is a legitimate issue that needs to be addressed. However, his concern is more specifically oriented towards what happens to neighborhood streets when adjacent large residential developments do not provide enough parking and people end up parking on the streets. Mr. Cohen said he understands Commissioner Behrens' point.

Commissioner Moss said it does not appear that most of the information in the proposed Town Center Development Code (Exhibit 4) has changed since the last time it was reviewed by the Commission. Mr. Cohen clarified that the Staff Report is intended to provide an overview of proposed changes, but no changes have been made yet. The proposed language would be adjusted once the Commission has provided further direction to staff. The next Staff Report would clearly identify the changes. Mr. Tovar encouraged the Commissioners to share their suggestions and concerns and request additional clarification, but he emphasized no final judgment or conclusion about the proposed language would be made by the Commission until after the public hearings have concluded.

Commissioner Moss said she believes there is value in the Commission discussing the parking standards and the radius distance index that gives a value as to how walkable it is. However, she questioned how "walkability" would be measured. For example, if multi-family housing is built

along Stone Avenue, would the City determine that the north end of the complex would meet the criteria but the south would not?

Commissioner Moss referred to the map in Section 20.92.030, which identifies street types and pedestrian circulation. There are several through connections identified on the west side of Aurora Avenue North, but none on the east side. Mr. Cohen explained that North 178<sup>th</sup>, North 180<sup>th</sup>, and North 183<sup>rd</sup> would continue the through connections identified on the west side of Aurora, but they would be located on actual streets where there would be ample pedestrian facilities to connect the neighborhoods to the Town Center Subarea. Mr. Tovar suggested that perhaps it would be helpful to carry the brown lines all the way from Linden Avenue to Stone Avenue. Commissioner Moss agreed. She summarized that the circulation would extend all the way from Stone Avenue to Linden Avenue. However, the connections on the east side would be storefront streets, and the connections on the west would have a more residential feel. Mr. Cohen advised that Stone Avenue would have Green Link Street Standards, which would continue up the side streets until they blend into the storefront street standards. All will have pedestrian facilities. Mr. Tovar suggested they come up with some other type of symbol to identify the Green Link Streets.

- Full Site Improvements Threshold – Mr. Cohen explained that when a proposal is of large enough scale or value, the City needs clear thresholds to identify when full site improvements are required. He specifically referred to one of the thresholds in Section 20.92.015 (expand the square footage of an existing structure by 20%, as long as the original building footprint is a minimum size of 4,000 square feet). He said staff is proposing to remove this criterion in Town Center because it does not take into consideration the size of the entire lot and the proportionality of required full site improvements. For example, a minimal 800 square foot addition (20% of 4,000 square feet) on a 130,000 square foot site would require full site improvements. He reminded the Commission that the intent of this threshold is to prevent incremental development from avoiding full site improvements. However, staff is not convinced of this threshold's standard or effectiveness.

Vice Chair Perkowski expressed concern that the language in Section 20.92.015 is vague and offers an opportunity for developers to find loopholes. He asked if staff has solicited information about how other jurisdictions handle site improvement thresholds for town center type developments. He noted the proposed language does not identify a time frame. In addition, the word "completely" could offer a loophole. Mr. Cohen said the 50% valuation is used widely, but he agreed to conduct a small survey of other jurisdictions. He suggested it would be helpful for him to provide three examples, using the proposed criterion. Staff agreed to provide examples of what other jurisdictions do in their town centers to provide a range of choices for the Commission to consider.

- Traffic Impact Study – Mr. Cohen referred to the Commission's earlier suggestion that the proposed language should provide more clarity about when a traffic study would be required. He agreed that the language in Item E (Traffic Impacts) in Section 20.92.040 (Neighborhood Protection Standards) does seem vague. He explained that the Transportation Master Plan and

EIS would analyze the impacts of traffic for the Town Center Subarea overall. In addition, all individual developments that generate more than 20 vehicle trips during the PM peak hour would be required to submit a traffic study. The intent of the required traffic study is to analyze whether additional traffic is projected to flow onto non-arterial streets, in which case mitigating measures can be required by the City Engineer. He suggested the language be changed to clearly articulate this intent.

Commissioner Behrens commented that parking should be considered when identifying traffic impacts. He specifically referred to the parcel on 192<sup>nd</sup> Street adjacent to the Echo Lake development. He pointed out that the street has been narrowed due to the addition of a sidewalk and the string of cars that park along the street on busy Saturdays. There is one section where the road is literally down to one lane, and the Interurban Trail crosses right in the middle of this section. There is also an access out of the back end of Sky Nursery. The trucks, pedestrian traffic, parking, additional traffic, and a street light create a very difficult situation. He has noticed that the majority of houses on one side of 192<sup>nd</sup> Street have all been sold since the Echo Lake development went in. He recalled a written comment from a gentleman about a traffic plan for that particular street. He suggested it is important to make sure the small streets that connect Stone and Midvale Avenues and potentially Meridian Avenue are not made too narrow because cars are allowed to park on both sides. A traffic/parking plan could identify where cars should and should not park so that traffic and parking problems are not compounded.

- Property Tax Exemption – Mr. Cohen recalled the Commission raised the question about whether property tax exemptions would be applied before or after development. The answer is that the property tax exemptions would apply to the assessed value of the new development. Commissioner Kaje said the question was actually if it would be to the increment of increased property value or to the total new property value. He said he has seen it handled in different ways. A property owner may be eligible for an exemption for the increased value of a property, but they would continue to pay the tax on the value they started with. Mr. Tovar said the City's only experience with the property tax exemption is in North City. He agreed to request additional information from the Economic Development Manager and provide a response to the Commission.
- Subarea Plan Area Map – Mr. Cohen reported that, as requested by the Commission, a map was inserted into the Town Center Subarea Plan to identify the subarea's boundaries and streets.
- Land Use Table – Mr. Cohen said the Commission asked that specific uses be listed under each of the land use categories. Staff suggests the land use chart should directly refer to the Development Code General Land Use Table 20.40.120, with the exception that conditional and special-use permits would not be required. Mr. Tovar explained that the only reason to go to Table 20.40.120 would be to look at the use listing, and not to determine if a use on the table would require a conditional or special-use permit.

Vice Chair Perkowski announced that since the Staff Report was prepared, the City received a comment letter from Janet Way, President of the Shoreline Preservation Society, dated May 5, 2011. The letter was identified as Exhibit 7.

### **Questions by the Commission to Staff**

Commissioner Broili referred to Item B.1.g of the State Environmental Policy Act (SEPA) Environmental Checklist (Exhibit 5), which refers to the entire subarea as urban and developed and nearly 100% impervious. He reminded the Commission of the information they received at their last meeting regarding the City's current tree canopy and the comment he made at the joint City Council/Commission meeting about the 10% increase in impervious surface since 1992. While the proposed language addresses a lot of issues, it does not address the reduction of impervious surfaces. He suggested language be added to address this issue as part of the design and building standards in the proposed Town Center Development Code. Mr. Tovar observed there is a lot of language in the subarea plan that talks about sustainability and natural systems, but the proposed Development Code language does not include similar standards. Staff recently became aware of work that is being done in Seattle that could be used as a model. He suggested staff bring back additional language to address the Commission's concerns related to impervious surfaces. The public could be invited to comment on this new language at the continued hearing on June 2<sup>nd</sup>.

### **Public Testimony**

**Vicki Westburg, Shoreline**, said she was present to comment on the historical aspects of Town Center. She suggested that Town Center needs to be a destination for residents and tourists, and many things will make it just that. The red brick road will turn 100 years old in 2012, and the idea of a centennial walk over historical bricks would enhance the system of walking trails in the City by adding a unique dimension. In addition, Firlands Way could have a special designation, such as a pedestrian/bicycle only street with amenities such as informational signage that would point out historic sites of interest, shops, and other businesses. She observed that this would involve the uncovering of the old red brick road and extending it in each direction from where it appears now at 175<sup>th</sup> Street. She explained that the point is to revitalize the area, and surely they can do this; but not at the expense of the historical elements, a sense of pride in our past, or future income through the business of heritage tourism.

Ms. Westburg reminded the Commission that there are many historic sites, and their irretrievable loss would be devastating. She summarized that the exact boundaries of the Town Center are from 170<sup>th</sup> Street to 188<sup>th</sup> Street and from Stone Avenue to Linden Avenue. Although the Ronald School Building, the Historical Museum and the Masonic Lodge are some examples of what is not officially a part of the Town Center Subarea Plan, they are right at the edge of it and would have a visual and physical presence within easy reach. They should, therefore, be kept in mind as plans are drawn. She said the presence of such sites lends a great deal to the overall essence and purpose of a town center where visitors can be informed and residents can be truly proud of.

**Boni Biery, Shoreline**, referred to a letter she submitted previously to the Commission, which is her best attempt to address her concerns about the residential properties located northwest of 185<sup>th</sup> Street

and Aurora Avenue North. She expressed her belief that the transition overlay is wonderful, but she is very concerned about the potential of a 70-foot high building in this location, which is what is currently allowed. She noted that this happens to be her fence line, and she lives in a single-story home. She proposed that the Commission go back to their original proposal of five zones, with a separate zone for this unique area. She noted that the properties adjacent to the dentist office are single-family homes that are primarily one story in height. Ms. Biery referred to the idea raised by Ms. Westburg about lifting the pavement and exposing the brick on Firlands Way. She said that putting in 70-foot buildings in this location would compromise the historic scale of the street. Again, she proposed that a separate zone be created that allows the same uses as the TC-3 zone, as well as the protections that are afforded the residential properties on Stone Avenue.

**Ken Howe, Shoreline**, referred to the Fred Meyer remodel, which had a horrendous impact to the surrounding residential properties. They violated the noise regulations every night. The most offensive was that the City allowed them to use semi-truck containers along the back side of the building for storage, and stuff was even stacked on top of the containers. He said it is important to tighten the standards for remodel projects so they are not offensive to adjacent residential property owners.

**Scott Becker, Shoreline**, underscored the comments made by Commissioner Broili about the need to implement sustainability goals. The new Shoreline City Hall made a statement in terms of sustainability, and this came about through community awareness and participation. He suggested that part of sustainability is finding a more systemic way of looking at the transportation system within the urban ecology of Town Center they are working to create. He commented that the Sketch Up Models are a good step towards helping the City get beyond the traditional way of planning. However, it is also important to show public places and connective tissue, as well as pedestrian walkways, etc.

### **Discussion and Final Questions by the Commission**

Commissioner Esselman asked if some of the east/west connections would be pedestrian only. She pointed out that Aurora Avenue splits the Town Center Subarea. Therefore, it is important to have activity on either side by providing good connections and attractive facades. They could also create activity pockets (sculpture, benches, kiosk, etc.) to draw people in either direction.

Commissioner Moss referred to Item B.8.i of the SEPA Checklist (Exhibit 5) on Page 85 of the Staff Report, which states that approximately 1,200 new jobs would be added to the subarea over the next 20 years. She noted that while a fair amount of attention has been given to housing issues, the proposed language does not specifically talk about how the additional jobs would be created. She asked staff to provide clarification about how the City would accomplish this goal. Mr. Tovar responded that some of the information about the types of jobs could be contained in the EIS, which will be available next week. Staff could also provide more information at the continued hearing if it is not adequately addressed in the EIS. Mr. Tovar explained that it is much easier to answer the question of how many people would work on the site if there is a real project. But this is a non-project action subarea plan and code for a large area that they are not sure what actually is going to be built. He emphasized that the EIS is not intended to be a forecast of what the City expects to happen or can force to happen. Instead it is

intended to describe the maximum impact that might occur given what is allowed by the proposed action.

Commissioner Moss noted that the Town Center vision talks about being a good place to work, live and play. If that is the case, there needs to be a mix of services and jobs. She agreed it would be helpful to have more information about what staff envisions the jobs would be. Mr. Tovar said they could describe possibilities and provide some numbers. However, he recalled that one philosophy of this type of form-based code is to let the market decide what the uses will be. The proposed code language is permissive in many ways and does not presume that the City can predict what the balance will be. The bookend of 1,200 jobs and 1,200 households is intended to represent a maximum impact scenario. Commissioner Moss recognized that the staff cannot provide this precise information, but she is looking for a sense of types of businesses that would be allowed.

Commissioner Broili requested clarification of how Section 20.91.040 would be applicable to the Town Center Subarea. He also asked who would be responsible for design review. Mr. Tovar answered that the proposed design review process is outlined in Section 20.30.297. Sections 20.91.021 and 20.91.040 attempts to make design review consistent everywhere, whether a property is located in the MUZ zone, the Ridgecrest Planned Area, etc.

Commissioner Kaje asked the width of the transition overlay. Mr. Cohen explained that a transition overlay's depth is determined by requirements on building bulk and step backs. By the time you can get to the full development potential of 70 feet, the transition overlay would be 80 feet. Commissioner Kaje said Ms. Biery's letter points out some interesting factors about how the north edge is fundamentally different from other places where the transition overlay would be applied. For their next hearing, he asked staff to provide a mock up of what development in this overlay zone could look like. He said he appreciates Ms. Biery's concern about potential height. However, he hesitates to put too much weight on the fact that the homes there are primarily one-story today because the single-family zones allow development up to 35 feet in height. Because there would be no street between potential developments and the existing single-family homes in this area, he felt it would be appropriate for the Commission to discuss Ms. Biery's suggestion that these properties should have a zoning designation that is fundamentally different, with perhaps lower height limits. Mr. Cohen agreed to provide a mock up drawing. He pointed out that the setbacks for the transition area from single-family creates the same 20-foot backyard dimension that is required of single-family. He also pointed out that the height of the building would initially start at 35 feet, which matches the potential height of the single-family zone. The height could increase for the portion of the building that is further back into the site. Commissioner Kaje expressed his belief that the step back requirement would make a huge difference in terms of solar exposure and sight line.

Commissioner Behrens pointed out that while there would be a 20-foot buffer between the residential property and the potential commercial development, the back of the building, as it abuts the residential lot, could reach a height of 70 feet because there is no street setback. Mr. Cohen clarified that the height of the commercial development would start at 35 feet, and taper up as you move away from the residential properties. Commissioner Behrens suggested this is not clear in the proposed language.

Because Ms. Biery's property is a corner lot, Commissioner Broili questioned which would be considered the backyard. He also asked staff to refresh his memory as to why this area was changed from TC-5 to TC-3. Mr. Cohen agreed to check his notes. Commissioner Broili said Ms. Biery raised a good point, especially about the historical aspects of Firlands Way. This is a unique area, and he is not clear that it mimics the Midvale Avenue scenario. He suggested perhaps they should consider the option of going back to five Town Center zones. Mr. Tovar said staff would come back to the next meeting with an answer to the setback questions with respect to Ms. Biery's property. They could also work with Ms. Biery to prepare a proposal of what a TC-5 zone might look like. The Commission could consider this as an alternative at the next hearing.

Commissioner Behrens pointed out that Policy TC-23 (Page 27 of the Staff Report) states that the City should "celebrate the heritage of the community through preservation, education and interpretation of artifacts and places in or near the Town Center." He said he had a conversation with Mr. Cohen via Plancom regarding the potential of designating the red brick road as historic. He said he would be interested in knowing if a historic road designation would aid the City in obtaining funding to expose the bricks and remodel the road. He observed that one thing he finds missing in the plan is a community center; and the Masonic Temple, which is located directly across the street from the Historical Museum and adjacent to Town Center, seems to be a custom-made location for this type of use. There is potential for grant funding to remodel the building because it is historic. He suggested that, at some point, they should have a discussion about whether it would be appropriate to recommend the City Council consider the red brick road and the Masonic Lodge in their long-term plans.

Mr. Tovar explained that none of the discussion or proposed language has included the historic properties that are next to town center. However, he recognized there is a relationship between the historic properties and Town Center, and the properties could be included as part of a heritage walk. But that does not mean the properties are part of Town Center, and expanding the land use area to include the historic properties could cause confusion and delay. He recommended the Commission be careful about acknowledging or talking about properties that are located outside of the Town Center other than referencing their obvious relationship. He cautioned against conveying to the public that the Town Center Subarea Plan would regulate what can and cannot happen on properties that are outside of the subarea. They could forward a recommendation to the City Council to consider the concept of a community center in the Masonic Lodge, but this discussion should take place outside of the Town Center Subarea Plan discussion.

In response to Commissioner Behren's comment, Mr. Cohen said there is a provision in the proposed language that requires that the brick road underneath Firlands Way be exposed and restored when the area is improved. If restoration of the brick road is unfeasible and/or cannot meet City road standards, the City would design a slow-traffic street where pedestrians and cars could mix. Mr. Cohen further explained that actual funding to do the work would not be addressed as part of the Development Code. However, the City could take this on as a project. Commissioner Behrens said he did not intend for the brick road and Masonic Lodge to be included as part of the Town Center Subarea Plan. However, the plan does refer to the historical context of adjacent properties. His intent was to point towards a potential source of income or revenue for the City to actually restore or improve these sites by designating them as historic. Mr. Tovar agreed that adding language regarding the brick road underneath

Firlands Way would be appropriate for inclusion in the Development Code language because it is located within the Town Center Subarea.

Commissioner Broili suggested that if they do not want to include anything related to historic structures outside of the Town Center Subarea, they may want to strike the words "or near" from Policy TC-23. Mr. Tovar explained that the current language allows the City to acknowledge that there are adjacent historic buildings that may be related to the identity of the Town Center. His concern is that the City not convey that the land use would change on these properties as a result of the subarea plan. He suggested that if Policy TC-23 is eventually adopted, the Commission could forward a recommendation to the City Council regarding the future adjacent historic properties.

Commissioner Esselman pointed out that Section 20.92.060.B.1.b states that 60% of the ground floor facade on storefront streets must be transparent window. Green Link Streets require that 15% of the entire facade must be transparent window. Boulevard Streets allow a developer to use either Storefront or Green Link Street Standards. Mr. Cohen agreed that is what the language says, but he is not sure that is the intent. He agreed to review this issue further and report back.

Commissioner Kaje recalled that throughout the Commission's discussions about the Town Center Subarea Plan over the past two years, the properties along Firlands Way have jumped out to him as having great potential. He said he finds the idea of creating a type of pedestrian/bicycle boulevard with businesses on both sides appealing. However, he cautioned that this would likely require developing the entire square as part of one vision as opposed to a property-by-property approach. He said he is leaning towards at least exploring the option of bringing back the TC-5 zone. He asked if it would be possible to include language that would allow the City to entertain this possibility should there be the opportunity in the future. Mr. Tovar agreed that staff could propose language to accomplish this goal. He referred to a policy statement that talks about the potential future relocation of the intersection at 182<sup>nd</sup> Street to 180<sup>th</sup> Street, contingent upon property owner assembling property and wanting to do it. This same type of language could be composed for Firlands Way. Mr. Cohen observed that the City has control of this street right-of-way, which is larger than a typical right-of-way. Commissioner Kaje said he understands that the City has the ability to designate the type of street. However, if the properties are owned and redeveloped parcel-by-parcel, it would be difficult to implement the concept and still provide adequate access to the properties. Again, he said it would be difficult to implement a pedestrian/bicycle vision absent of a larger scale comprehensive development plan for the corner. Mr. Tovar agreed that a policy statement that talks about the possibility would be appropriate, but it would not be necessary to add a lot of additional language to the development code language if the TC-5 zone is reinstated.

Vice Chair Perkowski pointed out that Policy TC-15 talks about considering the creation of new rights-of-way or the vacation of other rights-of-way in order to facilitate better vehicular and pedestrian circulation. It also encourages parcel aggregation and more comprehensive site development designs. This is consistent with the concept brought forward by Commissioner Kaje. He asked if there is language in the proposed development code that encourages parcel aggregation. Mr. Tovar explained that, typically, the City has used increased development intensity to encourage developers to do certain things. However, because much of the philosophy of the Town Center Development Code language is to describe the building envelope and step backs and then let the market do what it wants, increased

density would not really be considered an incentive. He explained that another option would be to offer a right-of-way vacation as a potential incentive to encourage the aggregation of private parcels.

Commissioner Moss referenced Section 20.92.070.B.4, which would require buildings that exceed 150 feet in length along the street front to have a minimum 30-foot wide section that is offset at least by 20 feet through all floors. While this requirement appears to make perfect sense, she questioned how it would be applied to buildings that are very long. Mr. Tovar clarified that an offset would be required for every 150 feet of building façade. A 450-foot long building would require three offsets. Commissioner Moss expressed concern that the intent is not clear in the proposed language. Mr. Tovar agreed to insert “for each 150 feet” at the end of the sentence.

Commissioner Moss noted that Section 20.92.070.B.5 talks about window trim that is of a color that contrasts with the façade color. She questioned if the City has the ability to enforce a mechanism about painting after the original development. Mr. Tovar agreed that it is very difficult to control these situations because the City does not require permits for painting. The City would only be able to enforce the standard when a building is remodeled or developed. Commissioner Moss questioned if it would be appropriate to create code language that provides the desired façade articulation upfront so the City does not have to rely on color in the future. Mr. Cohen said he also noted this concern. Because the City cannot control color into the future, he agreed they should look for other ways to get the articulation. Mr. Tovar recommended they delete “or a color that contrasts with the façade color,” recognizing a developer could suggest a design departure and make a case using paint to provide the articulation. This would require the developer to sign a covenant that that the contrast would continue when the building is painted in the future.

Commissioner Broili said that while he understands Commission Moss’ concern about enforcement, using paint to provide the contrast would model good behavior. He recognized that a property owner would have the ability to change the paint and eliminate the contrast, but at least there would be a clear example of what it could and should be.

Commissioner Esselman pointed out that buildings less than 60-feet wide would be exempt from the façade articulation requirements. Mr. Cohen said the idea is that these buildings would be small enough that their impact on the overall street front would be minimal. Commissioner Esselman questioned if the impact to the overall street front would be impacted more significantly if two or more small buildings were constructed next to each other. Mr. Cohen said the exemption would only apply to small buildings on separate lots. Two small buildings on a single lot would require the developer(s) to work together as one development.

## **2<sup>nd</sup> Public Hearing on June 2, 2011**

Vice Chair Perkowski reminded the Commissioners and the public that another public hearing would be held on June 2<sup>nd</sup>.

Commissioner Kaje noted that the Commission raised a lot of issues and perhaps some interesting ideas will come forth at the next hearing. Therefore, he did not believe it would be appropriate to limit the

scope or comments provided by the public at the hearing on June 2<sup>nd</sup>. The remainder of the Commission concurred that it would be appropriate to invite the public to comment on any item related to the proposed Town Center Subarea and Development Code.

### **DIRECTOR'S REPORT**

Mr. Tovar recalled that at the last meeting he reported that the May issue of *CURRENTS* would include many articles related to planning activities, including a picture and article about the Planning Commission, as well the Aldercrest Master Development Program, Town Center Subarea Plan, Point Wells, Tree Canopy Study, how to interact with the City and the Planning Commission on various land use matters, and public notice signs.

Mr. Tovar clarified that while *THE SEATTLE TIMES* indicated that Snohomish County has issued a permit for the Point Wells Development, it is not true. He explained that a permit application has been made by the developer, and it is currently being processed. The Growth Hearings Board decision invalidated the County's urban center plan designation for Point Wells for numerous reasons. The Board concluded that Point Wells is not the proper location for an urban center under the County's own definition and the Puget Sound Regional Council's definition for a regional growth center. They also noted the amount of traffic that would be generated from the property into the City's road network. The Board emphasized that allowing the property to be developed as an urban center would make the City of Shoreline's capital facilities element non-conforming with the Growth Management Act (GMA) because the level of service standard would be exceeded.

Mr. Tovar further announced that the Growth Hearings Board found that Snohomish County's Urban Center code was compliant with the requirements of the GMA but noncompliant with the goals of the GMA. He said he found it interesting that the Board could find the code regulations compliant with GMA when they are based on a plan that has been invalidated for noncompliance with the requirements of the GMA goals. He announced that today the City and the group, Save Richmond Beach, have filed a petition asking the Growth Hearings Board to reconsider their findings. The motion would be posted on the City's webpage. He explained that language stating that local codes must be consistent with their comprehensive plans is repeated three times in Section .040 of the GMA. However, the petition filed by the City of Shoreline, the Town of Woodway and Save Richmond Beach used an incorrect citation. The request for reconsideration suggests that this is a harsh and extreme outcome given that the error was marginal and technical. He said the group also reasserted their request that the Board invalidate the urban center code since they previously concluded that it does not comply with the goals. Mr. Tovar explained that if the Board rules in favor of the motion for reconsideration, Snohomish County and/or the developer may file an appeal, which would be forwarded to the judicial system. He cautioned the Commission against making any public pronouncements about the entire issue. At some point in the future, they may be asked to consider amendments to the City's policies which describe what can and cannot happen at Point Wells.

Mr. Tovar announced that on May 9<sup>th</sup> the City Council would conduct a study session on the tree regulations. He recalled that at their joint meeting with the Council, some Commissioners questioned if the 31% tree cover identified by the study is accurate as a flat trend line. He summarized that the City

Vice Chair Perkowski questioned how the document would be used. Mr. Tovar answered that at their recent retreat, the City Council talked about how to make the vision statement and framework goals more evident to the citizens. They agreed to reformat the document and distribute in a number of ways. It will be available on the City's webpage, and copies will be provided at each of the Commission meetings. Staff is also developing a large poster format, including graphics, which can be used as a prominent display at City Hall. Also at their retreat, the City Council members each read a section of the document, which helped them focus on the balance of the subjects at their retreat. This exercise was so useful that they discussed the idea of creating a video involving a reading of the document. He concluded that the goal is to put the document out into the the public so they have a clear understanding of the vision statement and Comprehensive Plan update. He invited the Commissioners to share their ideas, as well.

### **GENERAL PUBLIC COMMENT**

**Laethan Wene, Shoreline**, said he and his neighbors are tired of being kept awake at night as a result of the Aurora Corridor Project. He suggested it is time for the City to establish a noise ordinance to prevent these situations in the future.

### **LEGISLATIVE PUBLIC HEARING ON TOWN CENTER SUBAREA PLAN AND DEVELOPMENT CODE**

Chair Wagner reviewed the rules and procedures for the legislative public hearing and noted that at the conclusion of tonight's meeting, the hearing would be continued to June 16<sup>th</sup>. She then opened the hearing.

### **Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the Commission to Staff**

Mr. Tovar advised that Paul Cohen, project manager, would walk the Commission through the materials contained in their Commission packet, as well as the desk packet they received just prior to the meeting. David Levitan, project manager for the preparation of the draft Environmental Impact Statement (EIS) on the Town Center Subarea Plan Development Code, was also present to answer the Commission's questions about the draft EIS. He noted that written comments related to the draft EIS can be submitted until June 9<sup>th</sup>. He emphasized that the Planning Commission and City Council will use the Draft EIS and Final EIS as a tool in making decisions about the Town Center Subarea Plan Development Code. He noted that the responses to comments on the EIS would be available for Commission review at the continued hearing on June 16<sup>th</sup>. If necessary, the Commission could continue the public hearing/Commission deliberations to their regular meeting on July 7<sup>th</sup>. Another option would be to schedule an extra Commission meeting on June 30<sup>th</sup>. He advised that the City Council would like to receive the Commission's recommendation sometime in July so they could potentially take final action before their break in August.

Because the Commission has spent a fair amount of time reviewing the proposal on previous occasions, Mr. Tovar suggested they focus their comments on new items and perhaps provide some preliminary direction to staff in preparation for the continued public hearing on June 16<sup>th</sup>. He suggested that rather

than crafting specific language now, the Commission could provide direction for staff to compose the appropriate language for their future review. He invited Commissioners to also meet or talk individually with staff to prepare draft language, as well.

Mr. Tovar referred to a letter from Carter Subaru dated June 1<sup>st</sup>, requesting an opportunity to meet with staff to discuss their concerns and consider some options. They may also address the Commission during the hearing; however staff is not prepared to provide a response tonight about what they are asking the Commission to consider. They will provide this response on June 16<sup>th</sup>.

Mr. Cohen referred to the feedback and questions presented by the Commission on May 5<sup>th</sup> and provided the following response:

1. Computer Videos.

Mr. Cohen presented two, short-animated videos that staff prepared for the Van Guard/Interurban Building and Fred Meyer/Ice Arena sites. He noted that the computer models were presented previously to the Commission, but they have been refined. He cautioned that neither rendering represents actual proposals by the property owners to develop the sites. Rather, they represent two of multiple possibilities assembled by staff using the proposed development code. Mr. Tovar added that the purpose of the videos is to illustrate form and possibilities under the standards of the draft code. The uses within the building envelopes are speculative. The form-based concept would leave use decisions to the market. Mr. Cohen noted that both videos are available for the public to view on the City's website.

2. Green Factor

Mr. Cohen recalled that at their May 5<sup>th</sup> meeting, staff raised the possibility of using a concept similar to that used by the City of Seattle called the "Green Factor." It uses a scoring system to grade a development on the types of sustainable development techniques that are implemented. After further research staff concluded that it is not advisable for Shoreline to implement a program of this type. He reminded the Commission that the City's goal is to streamline their review processes, and implementing this concept would be complicated. In addition, staff believes it would be redundant in light of the fact that the City has or will soon have code standards that address many sustainability issues such as:

- The Town Center Development Code proposes a tree preservation requirement. Currently, there are no tree preservation requirements in any commercial zones.
- The City's Storm and Surface Water Comprehensive Plan has been updated to include an emphasis on low-impact development, higher standards, and more flexibility. The standards will likely be updated again in the future to require that stormwater be dealt with on site.
- The Commission discussed the parking standard for the Town Center subarea, specifically the provision that would allow the director to reduce the parking requirement up to 50% if a developer can meet specific criteria. This is another way to support sustainable development by encouraging fewer cars whenever possible.
- Town Center Policy TC-18 directs the City to support adoption of the International Green Building Code, which should occur in 2012.
- The bus rapid transit program will be implemented in 2013.

Mr. Cohen said staff is recommending the City pursue the above mentioned provisions, but not necessarily the Green Factor program that is used by the City of Seattle.

Commissioner Broili asked staff to share examples of how implementing the Green Factor program would be complicated. Mr. Tovar answered out that the program is outlined in an extensive amount of text, maps and charts, and it would take a significant amount of effort to review and implement a similar program in Shoreline. Mr. Cohen clarified that implementing this program would be another layer on top of all the other processes and code requirements.

### 3. Survey of Development Thresholds

Mr. Cohen recalled that staff is proposing a development threshold that would require full site improvements in the Town Center Subarea for any completely new development and any development where the construction valuation is greater than 50% of the assessed property and buildings. The Commission asked staff to research how this issue is addressed in other jurisdictions. He reported that Mill Creek, Redmond, Edmonds, Lynnwood and Covington, Kirkland, Mountlake Terrace and Bothell all indicated that they do not have specific development thresholds for when full site improvements are required. Staff has concluded that the City is likely ahead of other cities in developing this concept, and they are confident that the City's existing provision has worked well.

Commissioner Kaje asked if these other jurisdictions require site improvements automatically for all development. Mr. Levitan said some cities automatically require site improvements and others allow the City the discretion to discuss the requirement with developers but have no specific requirement on the books. Many indicated that site improvements have not been an issue because redevelopment has occurred wholesale, requiring the developer to redo everything. Commissioner Behrens questioned how cities can apply the site improvement requirements fairly if they have no established standards and decisions are made on an informal basis. Mr. Tovar agreed this would be staff's concern, as well. Mr. Tovar said it is always good to look at what others do; but just because Shoreline's provision is unique, does not mean it is wrong. Staff recommends they maintain the current provision for site improvement requirements.

### 4. Transition Overlay

Mr. Cohen recalled that at their last meeting, the Commission raised questions about the proposed transition overlay between commercial and single-family residential zones. They requested additional information to help them decide whether the current proposal is equitable and provides enough protection for the two different scenarios in the transition areas. Staff is now recommending two types of transition overlays that have different yet equitable standards:

- **Transition Area 1** would apply to all properties within the subarea that directly abut single-family residential properties such as Firlands Way and behind City Hall. As currently proposed, the overall transition width would be 100 feet. Type I landscaping would be required in the first 20 feet adjacent to the single-family residential properties. The first edge of the building could be located 20 feet from the property line and permit a height of up to 35 feet. The building

height would be allowed to increase by 10 feet for every additional 20 feet a portion of the building is stepped back from the property line.

- **Transition Area 2** would apply to all properties within the subarea that are located across the street from single-family residential properties such as Linden Avenue and south of Top Foods. A 15-foot setback would be required. The building height at the setback line would be limited to 35-feet, and additional 10 feet of height would be allowed for every additional 10 feet that a portion of the building is stepped back from the property line.

Commissioner Behrens said he visited the site that is currently being designated as Transition Area 1, and he is concerned that future development could result in a massive building that would cover about two-thirds of the length of Firlands Way. Even without acquiring adjacent properties, the building on the existing lot within the triangle could be much larger than what is illustrated in the drawing. Chair Wagner noted that the current code language would already allow the building to be significantly larger than what currently exists. She asked staff to identify the delta between what is currently allowed and what is proposed to be allowed. Mr. Cohen answered that the property is currently zoned Office, with Mixed Use zoning on the southern end of Firlands Way. The current height limit is 35 feet for office uses, but in a mixed use building, residential development would be allowed a height of up to 50 feet. While there would be some setback requirements, it would not be as substantial as the proposed 20-foot landscaped setback area. No step back would be required under the current code. He summarized that the current zoning would allow for a taller building with a larger building envelope than what currently exists.

Commissioner Behrens asked staff to prepare a mock up drawing of what the lot would look like under maximum development based on the current and proposed code requirements. Chair Wagner suggested that because the geography of this particular scenario is unique, the mock up should broadly take grade changes into consideration. Commissioner Broili specific asked that the mock up identify the sharp elevation change along the west to east property line of properties 0045, 0040, 0035 and 0030 that are noted in the drawing.

Mr. Cohen shared a cross section drawing to illustrate the property line that separates the single-family zone from Town Center. The drawing identifies the potential size and height of what could be built on the single-family lot. It also identifies the potential height and size of a building that could be constructed on the Town Center side and the required landscape buffer. He noted that the building height would be limited to 35 feet at the 20-foot setback line, with the potential of increased height the further the building is setback from the property line. The portion of the property located outside the transition area allows for building heights of up to 70 feet. The intent of the transition zone is to mirror the type of development that is allowed in the abutting single-family residential zone.

Commissioner Broili noted that the triangular property on Firlands Way is a corner lot. He recalled that at the last meeting there was some confusion about which property line would be considered the rear and which would be the side. Mr. Cohen said the property along Firlands Way would be the front yard, and the code allows the director to determine the rear yard on odd shaped lots. Everything else would be considered a side yard. Commissioner Moss requested clarification about how the front, side and rear yard setbacks would be defined in the transition areas. Mr. Cohen pointed out that the proposed dimensional standards treat the side and rear setbacks within transition areas the same (20 feet). Mr.

Tovar added that there is flexibility in the code to administratively allow setback averaging to address unique situations. He observed that the 20-foot landscape requirement on the north side of the triangular property would effectively be a "front yard" that has trees in it.

Commissioner Behrens pointed out that the location of the access to the triangular property can have a significant impact on the abutting single-family residential properties. If the driveway is established along the northern border, the impact to the residential properties would be much greater than if the access were provided on the southern end. The same would be true for parking, garbage enclosures, etc. They should try to move these impacts as far away from the single-family residential development as possible. Mr. Tovar recalled that when discussing zoning for the Aldercrest site, the Commission talked about the notion of requiring the driveways to be placed a certain distance from the single-family residential property line. Mr. Cohen pointed out that the driveway would not be allowed within the 20-foot landscape buffer.

Mr. Cohen provided two drawings to illustrate there would be 115 feet between the maximum height allowed in the single-family residential zones (35 feet) and the maximum height allowed in the proposed Transition Overlay 1 zone in the Town Center Subarea. The distance would be 125 feet for the proposed Transition Overlay 2 zone. He summarized that the separation and height are quite similar in both overlay zones. However, in Transition Overlay 2, the buildings would be separated by approximately 60 feet of right-of-way with traffic. The separation in Transition Overlay 1 would be less, but there would be a 20-foot landscaped area with no traffic. The step back requirement in Transition Overlay 1 would be 20 feet compared to 10 feet in Transition Overlay 2. That means the height would increase more gradually in Transition Overlay 1.

Commissioner Kaje said he supports staff's argument that the step back requirement should be different in the two proposed transition overlay zones because of the right-of-way presence in Transition Overlay 2. He observed that the Seattle City Light right-of-way is actually 100 feet instead of 60 feet, so the separation would be even greater in this one location. However, staff is still recommending a 10-foot step back requirement. Mr. Cohen concurred.

Vice Chair Perkowski asked where the step back requirements for the two transition overlay zones is covered in the text of the proposed Development Code language. Mr. Cohen answered that staff is seeking feedback from the Commission before incorporating the Transition Overlay 2 concept into the proposed language. Table 20.92.020(B) describes the Transition Overlay 1 zone, and another column would be added for the Transition Overlay 2 zone.

Commissioner Esselman said she supports the concept of requiring a greater setback in transition areas that immediately abut single-family residential zones. As a result of the required step backs, the maximum 70-foot height of buildings within the transition area would not be visible from the single-family residential properties.

Commissioner Kaje observed that the concept outlined in Transition Overlay 1 is consistent with the transition overlay identified in the Aldercrest zoning, which provides 125 feet from the single-family residential property line before a proposed building can reach its maximum height of up to 65 feet. He

said he would prefer to use a similar approach as opposed to creating a new and perhaps biased approach for different parts of the City.

Chair Wagner suggested that the residential properties on Linden Avenue might expect a slightly more intense use, particularly since there is already commercial development located across the street. She said it seems almost flip to her that someone who is already living across from commercial development would have a further distance to go before the maximum height is reached.

##### 5. Creation of a TC-5 Zone and Firlands Way Policies

Mr. Cohen recalled that at their May 5<sup>th</sup> meeting, the Commission heard a proposal to create a TC-5 zone for the area around Firlands Way that would have a 35-foot height limit throughout. The Commission asked staff to explain why they decided to eliminate the TC-5 zone from their proposal. After further review, he clarified that the original proposal never identified a TC-5 zone for Firlands Way. Instead, it identified a TC-5 zone for properties on Stone Avenue and a TC-4 zone for properties on Linden Avenue. Upon further review, staff did not feel a separate zone was needed for the properties on Linden Avenue because of the proposed transition area. The TC-4 zoning designation was removed from Linden Avenue and placed on Stone Avenue. The TC-5 zoning designation was eliminated.

Chair Wagner asked if staff believes the creation of Transition Overlay 2 would adequately respond to the concerns that were raised specific to the Firlands Way properties. Mr. Cohen said the rationale for proposing a TC-5 zone for these properties was to respect the historic heights of buildings that used to exist in the area and improve views of area trees. He also recalled that a Commissioner commented that the greater building height would diminish pedestrian activity at the street level. Staff recommends against creating a TC-5 zone with limited heights because they believe pedestrian activity is determined by what is happening at the ground floor, and not what is happening above. They also believe that having a residential population in the area would actually feed the street activity and help the businesses to thrive. He suggested that more activity on the street level would draw even more people. However, he cautioned that pedestrian activity also depends on how you treat the first floor level, and many of the street and frontage improvement requirements proposed for both Midvale Avenue and Firlands Way (TC-3 zone) are oriented towards this goal (i.e. sidewalks, commercial standard spaces, slower traffic, back-in parking). He specifically noted that Policy TC-17 talks about Midvale Avenue being a slower street, and he suggested they include Firlands Way in this policy, as well. Regarding the desire to respect what historically was located on the site, it is important to keep in mind that the original development consisted of one and two-story buildings that were farm houses and some commercial buildings. He noted that the proposed design standards would have to be changed in order to be consistent with how the site was historically developed.

Commissioner Broili said that while he understands staff's point regarding height and historic aspect, he would support the creation of a TC-5 zone for the property on Firlands Way to address the issues listed under Item 5 on Page 11 of the Staff Report that are unrelated to height and historic issues. Mr. Cohen said if the Commission recommends a TC-5 zone, it would be helpful to identify specifically how the standards would differ from the other proposed zones. Commissioner Broili expressed his belief that the potential opportunities for redevelopment of properties along Firlands Way are much different than the Midvale Avenue area. He pointed out that Firlands Way is an unusual diagonal street, and the access coming from Aurora Avenue North and 185<sup>th</sup> Street is strange, as well. In addition, there may be

opportunities to create incentives to achieve a more walkable area in this location that serves the City's long-term goals and opportunities much better.

Commissioner Broili referred to the last sentence in Item 5 on Page 11 of the Staff Report in which staff states their belief that an incentive approach would "deter future development rather than encourage it." He said he is not sure he agrees with this statement, and he has a concern about development being given precedent over the long-term goals, interests and services that might be engendered from a different approach to the area. He recalled that staff earlier stated that it would be a disincentive to envelop this property under the Green Factor, as well. He cautioned against having a blanket policy of not considering standards or requirements that deter development of any kind. He said he is opposed to giving away something just to get a property developed without considering the full weight of the potential opportunity that may exist. He would like this property to be zoned separately to allow the City more flexibility to deal with this unique area.

Mr. Tovar clarified that staff is suggesting two different ways to articulate the uniqueness of the properties on Firlands Way. They could talk about the City's aspirations for this area explicitly in the subarea plan, or they could address the area's unique circumstances in the Development Code language. If the Commission supports the concept of creating a TC-5 zone, they must identify specifically how the TC-5 zoning standards would be different than the TC-3 zoning standards. He agreed that the diagonal location of Firlands Way offers an interesting place-making opportunity. If the Commission believes this opportunity would primarily take place within the right-of-way by way of pedestrian improvements, street furniture, or special marketing for the history of the bricks, they could address this goal as a policy statement in the subarea plan rather than creating a separate TC-5 zone. Commissioner Broili said he would support this approach, as long as the opportunities are protected. Staff agreed to propose policy language for the Commission's consideration at the continued hearing.

Mr. Cohen pointed out that in Item 5 on Page 11 of the Staff Report, staff recommends that Policy TC-23 be amended to include a list of things they consider historic in this general area. In addition, the proposed language in Section 20.92.050 talks about street frontages and includes a specific provision that the City should try to expose the old brick road on Firlands Way where feasible and possible. Staff is hoping that both of these changes would further emphasize that Firlands Way is a historic area.

Commissioner Broili said he would like to pursue the concept of developing incentives to aggregate properties along Firlands Way. He recalled that at a previous meeting, a Commissioner articulated the vision of this area being a walkable, open street fair area, which he supports. He felt this concept is embraced by the Town Center goals and policies, as well.

Commissioner Kaje said that while the proposed new Transition Overlay 2 zone addresses some of his concerns related to the Firlands Way properties, he also shares Commissioner Broili's concern about protecting the unique attributes of these properties. He said he would support the staff's recommendation that the vision for this area can be accomplished using the code language proposed for the TC-3 zone. However, he felt the proposed policy statement revision is insufficient. He recommended an additional policy statement be created to specifically focus on the uniqueness of the setting and the opportunities that exist. For example, he would not want a future City Council or Commission to alter the right-of-way in such a way that they lose some of the dynamic opportunity.

Mr. Tovar agreed to work with staff to create additional policy language to address the Commission's concerns. He cautioned that the policy statement should use modest action verbs such as consider, examine, and promote as opposed to dictating that the City allocate significant funding to redo Firlands Way. Commissioner Behrens suggested staff research what the City of Bothell has done to recognize the historic nature of their downtown. Chair Wagner suggested the street front standards for Firlands Way should be consistent with the historic charm of the area.

#### 6. Industrial Uses

Mr. Cohen recalled that at their last meeting, the Commission asked if the prohibition on industrial uses in the Town Center Subarea would also prohibit non-polluting manufacturing uses such as software development or small computer hardware assembly. He explained that the City uses the North American Industry Classification System (NAICS) Manual, which uses the term "manufacturing" instead of "industrial" uses. Manufacturing uses can range from heavy, polluting types to light, non-polluting types. Staff is recommending that the land use chart be amended to either specify the types of exempt manufacturing or be more general and exempt light manufacturing that is non-polluting and requires no outdoor storage. He said would prefer the latter approach, and the proposed code language was actually changed to implement this concept. Commissioner Moss said she supports the idea of being more general. The code language could remain in place for many years. Using a more specific approach would require frequent updates since the types of industrial uses will change over time.

Chair Wagner suggested that light industrial should be identified as a permitted use, so it is explicit that the use is allowed in all of the Town Center zones. Commissioner Kaje said that to be consistent, perhaps light industrial uses should be allowed in the TC-1, TC-2 and TC-3 zones, but not in the TC-4 zone. He noted that the proposed language already lists uses that are prohibited in the TC-4 zone. The majority of the Commission concurred. The majority also concurred with the more general approach that was recommended by staff.

#### Public Testimony

**Boni Biery, Shoreline**, recalled that the concept of having a separate zoning designation for the Firlands Way area was eliminated at the design charette when someone suggested that Midvale Avenue and Firlands Way were the same and should not have separate zoning designations. The change was made immediately with no opportunity for further comment and she remembers because she was furious. Ms. Biery noted that, as per the proposed code language, a building on Firlands Way could be 0 to 10 feet from the front property line. She asked if the maximum building height of 70 feet would apply from the front of the property, with step backs as the building gets closer to the single-family residential development. She said she would like clear information about what a potential building could look like compared to what currently exists and what would be allowed by the current code.

Ms. Biery asked if the code addresses the issue of balconies. She said her property is about one story below the ground level of nearby business properties. The back yards of her home and those of her neighbors are currently entertainment for the people that use the building, which is very disquieting. She agreed that Firlands Way has always been a combination of mixed-uses, and the pictures she submitted provide evidence that there were storefronts and small homes that were setback from the

property line. Nothing was over two stories. She said it would be worthwhile to keep the height limit at 35 feet.

Chair Wagner suggested that Ms. Biery speak with Mr. Cohen regarding the potential size of a proposed building and what the setbacks would be. She said she also appreciated the comments Ms. Biery made about the origin of the TC-5 zone and how it was eliminated. However, rather than merely suggesting there needs to be a specific zone for the Firlands Way area, the Commission would appreciate information about how the new zone should be different than the proposed TC-3 zone. She invited Ms. Biery to submit these comments in writing.

**Kristine Wilson, Perkins Coie**, said she represented Carter Subaru. She expressed appreciation for staff's willingness to talk to them and address their questions, and they look forward to meeting with staff again soon. She referred to a letter that was submitted yesterday on behalf of Carter Subaru, which was included in the Commission's desk packet. She summarized that Carter Subaru is very pleased to be part of the City's Town Center. However, they do have some concerns about how some of the design standards would be applied to existing uses going forward. They believe design review is an appropriate process to take into account the specifics of the design code as it is applied to particular uses, but they want the Director to have sufficient authority to consider specific impacts. As requests for design departures are made, it is important that the purpose and intent of allowing the use as a permitted use is considered. Ms. Wilson emphasized that outdoor vehicle display is important to successful vehicle sales and leasing uses, so they are particularly concerned with respect to how the proposed street frontage, lighting, parking and circulation standards would be applied to their permitted use. She said they look forward to continuing to work with the City staff in the coming weeks, and they support continuing the open public hearing to allow these discussions to move forward.

**Laethan Wene, Shoreline**, disagreed with Mr. Cohen's comments about pedestrian-friendly access on Linden Avenue. He felt that Linden Avenue should be included because it is used by pedestrians.

#### **Continued Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the Commission to Staff and Applicant**

The staff and Commission reviewed the proposed Development Code language as follows:

- Mr. Cohen advised that **Table 20.92.020(A)** was amended to add "shipping containers" as a prohibited use. While shipping containers are allowed in commercial areas with a conditional use permit, staff is recommending they be prohibited throughout Town Center.

Chair Wagner asked how prevalent the shipping container problem is. She suggested that if they are currently in use by a business, there may be a reason to allow them for at least a short period of time. Mr. Cohen said that shipping containers that are legally located would be allowed to remain as legal non-conforming uses, but no new shipping containers would be allowed. Mr. Tovar asked for an opportunity to discuss this issue further amongst staff before making a final recommendation. He explained that Mr. Cohen's recommendation is in response to concerns and complaints the City has received from the residential neighborhood on the west side of Linden Avenue related to noise, aesthetics, etc. Their issues are legitimate, but he has also heard from property owners who need the containers and would like other options for dealing with the concerns without actually prohibiting the