

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Reconsideration of the City's Development Code Transition Area Setback for Commercial Zone Development Across Streets From Single Family Zones		
<b>DEPARTMENT:</b>	Planning and Community Development		
<b>PRESENTED BY:</b>	Rachael Markle, Director Paul Cohen, Planning Manager		
<b>ACTION:</b>	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

**PROBLEM/ISSUE STATEMENT:**

The purpose of tonight's meeting is to discuss the reconsideration of a portion of Ordinance No. 654 pertaining to building setbacks in all commercial zones in transition areas (SMC 20.50.021(a)) when across streets from R-4, R-6, and R-8 zones.

The Planning Commission met September 23 and held a public hearing October 3 (Attachment A) before making their unanimous recommendation (Attachment B) to amend the code to require a 15-foot front setback for commercial development in transition areas. Planning Commission minutes are in Attachment C and D to this staff report. See Attachment E for a diagram comparing the Planning Commission's recommendation and the current regulations adopted by the City Council on March 18, 2013. Staff is also providing Council an alternative that would provide a varied setback based on the width of the right-of-way.

**RESOURCE/FINANCIAL IMPACT:**

No financial impacts are anticipated.

**RECOMMENDATION**

Staff has implemented the current regulation of 0-foot front setback as adopted in Ordinance No. 654. If Council desires to change the current regulation then Council should direct staff to prepare an ordinance to amend the Development Code to adopt a greater setback for commercial development in transition areas. If so directed by Council then the ordinance will be brought back to Council for adoption on January 6, 2014.

Approved By:        Acting City Manager **DT**    City Attorney **IS**

## **BACKGROUND**

On March 18, 2013 the Shoreline City Council adopted commercial design standards and zoning consolidation amendments. In those amendments, the Planning Commission recommended transition area amendments that the Council discussed, moved to change, and approved regarding the initial building setback from the front property line when across the street from single family zones (R-4, R-6, R-8). The Commission's recommendation was a 15-foot setback which was consistent with the adopted Town Center District standards. However, the Council adopted a minimum 0-foot front setback in transition areas when across the street from single family zones (R-4, R-6, or R-8 zones).

On April 22, 2013 the City Council was advised by the City Attorney not to change their March 18 decision without remanding the amendment back to the Planning Commission. The City Council moved to remand the amendment to the Planning Commission.

The Planning Commission met September 23 and held a public hearing October 3 before making their unanimous recommendation to amend the code to require a 15-foot front setback for commercial builds in transition areas.

### **Adopted Code Language**

1. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional ten feet in height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet up to the maximum height of the zone. *From across street rights-of-way, a 35-foot maximum building height for ten feet horizontally from the required building setback (as adopted in the dimensional chart SMC 20.50.020(2)), then an additional ten feet of height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet, up to the maximum height allowed in the zone.*

## **DISCUSSION**

### **Survey of Affected Properties**

Staff has reviewed the City's parcel maps to identify how many parcels this provision will affect. Staff found 85 parcels of R-6, R-4, and R-8 zoned property that each average about 100 lineal feet of frontage and which are across streets from commercial zoned property. While many of these parcels are scattered throughout the City, a significant amount of them are on Linden Avenue N adjacent to Town Center and on 160<sup>th</sup> and Dayton Avenue N across from the Washington State Department of Transportation property.

### **Citizen Concerns**

Since the code amendment adoption, some citizens who live in Town Center have expressed concerns regarding the change. Some of these same citizens are also concerned about the proposed Ronald Commons project, which is an affordable housing, food bank and community service development proposed on Linden Avenue N on the north side of the Ronald Methodist Church. Although there is no construction

application for this project yet, the Planning and Community Development Department has approved the binding site plan application to subdivide the property. The complete application of the Binding Site Plan vests any construction on the site with the adopted 0-foot front setback. The approval has been appealed. The Applicant has filed a motion to dismiss the appeal in its entirety and the City has filed a motion to dismiss a portion of the appeal. The Hearing Examiner anticipates making a decision on the motions to dismiss on December 16. If the Hearing Examiner does not dismiss the appeal in its entirety, then the potential date for the hearing and decision by the Hearing Examiner on the merits of the appeal would be January 9. Attachment F to this staff report includes the written public comments received during the remand.

### Effects of Setbacks

Both the Planning Commission and the City Council have asked for the effects of different setbacks on both the single family residents across the street and the development potential of the commercial property. This issue is a good, illustrative example of where residential neighborhood protections interface with the City's goal for economic development. Staff has researched the topic and compared the same standards in other jurisdictions.

Generally, if the development market for greater density exists in Shoreline, then reduced setbacks make for a greater incentive to redevelop property. This greater potential means more people can live here and draw and sustain commercial services and choices. Though the City has ample commercial property to redevelop the potential for each property is based on its own requirements.

Greater setbacks could accommodate plazas, landscaping, public art, etc. The current Code requires plazas that are accessible from the sidewalk at a ratio of 1,000 square feet per acre of land. From the neighborhood perspective, even with a typical 60-foot right-of-way in between the commercial areas and residential parcels, the buildings will "loom" more with no setback and have no space to soften the ground level and its activities. Ultimately, there is no research that uses setback measurements to answer these issues.

### Other Cities

Staff also researched if other cities in the area have enacted similar regulations. Most cities rely on less intense zoning for transition but do not have transition area regulations. No city surveyed had transition area requirements across a right-of-way. Mill Creek has greater multifamily setbacks from arterials and collector streets. Kirkland requires neighborhood business abutting low density zones to not exceed 15 feet in height above the abutting average building height. Bellevue has a 30-foot setback from property line when multifamily and commercial zones abut single family zones. In addition to these cities, staff reviewed regulations in the cities of Seattle, Lynnwood, Burien, Bothell, and Edmonds with no results. Based on this research, Shoreline has the least restrictive setback standards where business and multifamily zones abut single family zones.

## **ALTERNATIVE**

Both the Planning Commission and City Council have raised the question of the rights-of-way (ROW) width as a possible factor in the impact of setbacks in transition areas. Below are the ROW widths affected by this code section:

<b>Street Section</b>	<b>ROW Width</b>
Dayton Avenue N (@WSDOT)	106 feet
N 160 <sup>th</sup> Street (@WSDOT)	60 feet
Westminster Avenue (@ Aurora Square)	110 feet
N 155 <sup>th</sup> Street (@Denny triangle)	116 to 213 feet
Linden Avenue N (@Town Center)	60 feet
Midvale Avenue N (@Sky Nursery)	50 feet
12 <sup>th</sup> Avenue NE (@145 <sup>th</sup> )	60 feet
15 <sup>th</sup> Avenue NE (169 <sup>th</sup> to 171st)	60 feet
NE 163 <sup>rd</sup> Street (@ 5 <sup>th</sup> Ave)	60 feet
8 <sup>th</sup> Avenue NW (@Richmond Highlands)	60 feet

The Council may consider allowing building setbacks to be reduced along ROW greater than 60 feet in width. The simplest reduction would be at a 1:1 ratio with a 1-foot setback reduction from 15 feet for every 1-foot of right-of-way width over 60 feet down to 0 feet at the back of the sidewalk/property line. For example, if the ROW is 65 feet wide, then the building setback would be 10 feet (the stepback requirement of upper stories would move with the change of setback.)

This means that on ROW with 60 feet of width or less a 15-foot setback would be required and, for example, could be used for landscaping and patios for multifamily uses in commercial zones. If these developments have commercial uses and become busier with more retail and pedestrian activity then the setback may have urban uses such as plazas, bike racks, outdoor tables, etc. The Development Code would still require some plaza space and not allow parking between the sidewalk and the building no matter the setback dimension.

### Alternative Amended Code Language

If Council is interested in pursuing this alternative code concept, staff's suggested proposed code language for the alternative is as follows:

SMC 20.50.020(2) – Dimensions for Development in Commercial Zones.

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) (see Transition Area setback, SMC )	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	65 ft	70 ft
Hardscape	85%	85%	95%	95%

Exceptions to Table 20.50.020(2):

- (1) Front yards may be used for outdoor display of vehicles to be sold or leased.
- (2) Front yard setbacks, when in transition areas (20.50.021.a) and across right-of-ways that are 60 feet in width or less, shall be 15 feet. This 15-foot setback minimum shall be reduced by the same amount of right-of-way width over 60 feet down to 0 feet.
- (3) The following structures may be erected above the height limits in all commercial zones:

- a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC [20.40.600](#)) are not included in this exception.
- b. Parapets, firewalls, and railings shall be limited to four feet in height.
- c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.
- d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.
- e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.

#### **RESOURCE/FINANCIAL IMPACT**

No financial impacts are anticipated.

#### **RECOMMENDATION**

Staff has implemented the current regulation of 0-foot front setback as adopted in Ordinance No. 654. If Council desires to change the current regulation then Council should direct staff to prepare an ordinance to amend the Development Code to adopt a greater setback for commercial development in transition areas. If so directed by Council then the ordinance will be brought back to Council for adoption on January 6, 2014.

#### **ATTACHMENTS:**

- Attachment A – Planning Commission Transmittal Letter
- Attachment B – Public Hearing Notice
- Attachment C – September 5<sup>th</sup> Planning Commission Draft Minutes
- Attachment D – October 3<sup>rd</sup> Planning Commission Draft Minutes
- Attachment E – Diagram Comparing Recommendation and Adoption
- Attachment F – Public Comments



## Memorandum

**DATE:** October 30, 2013

**TO:** Shoreline City Council

**FROM:** Donna Moss, Shoreline Planning Commission Chair

**RE:** Commission Recommendation for Code Amendment to Commercial Zones for Front Setbacks in Transition Areas

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The Planning Commission held a study session and a public hearing on an amendment to the Development Code regarding commercial zone transition area standards for building front setback. The Commission voted to recommend the attached development regulations.

The Commission concluded its public hearing on October 3, 2013 regarding Development Code regulations regarding transition zones (SMC 20.50.021.A) for front building setbacks for commercial zone development when a across R-o-Ws from R-4, R-6, or R-8 zones and forwarded the attached recommendations.

On March 18, 2013 the City Council gave staff direction to reconsider this code amendment to support Council Goal 1: Strengthen Shoreline's economic base-

1. Improve and streamline the City's development regulations for commercial zones

The Commission believes the Council's 0-foot building front setback adopted March 18, 2013 does not meet the applicable criteria set forth in the City's Code; and does not honor the three year review and adoption process for the Town Center Subarea Plan that included substantial participation and support by residents. The Town Center Subarea Plan adopted a 15-foot setback for front building setbacks for commercial zone development when a across R-o-Ws from R-4, R-6, or R-8 zones and should replace the adopted 0-foot setback.

### A. Public Outreach Chronology

- June 20, 2012: Open house to kick-off the public process and receive input from Shoreline residents and commercial property owners on proposed changes to consolidate commercial zones using the core design standards of Town Center. Notice of this open house was published in the June 2012 Currents newsletter and

posted on the City webpage. Additionally, all commercial zoned properties and the surrounding 500 feet of residential properties were mailed a notice of this process.

- June 21, 2012: SE Shoreline Subarea – follow-up related to commercial development discussions in the subarea planning process.
- June 27, 2012: Chamber of Commerce Government Affairs Committee - representing Shoreline business interests
- September 5, 2012: Council of Neighborhoods – representing all neighborhood associations
- October 29, 2012: Commercial Developers focus group – sampling of area developers
- Group email list updates – people participating in the above meetings
- January 17, 2013: Planning Commission held a public hearing on commercial development standards and zone consolidation code amendments.
- March 18, 2013: City Council adopted commercial development standards and zone consolidation code amendments, changing the Commissions recommended 15-foot front setback to 0-feet in the development code standard for commercial zoned areas in transition areas across the street from low density residential property.
- April 22, 2013: City Council reconsidered their decision of their March 18<sup>th</sup> adoption of a 0-foot front building setback, and directed the Planning Commission to study and hold a public hearing.
- Staff mailed notice of this reconsidered amendment to all commercial zoned property and R-4, R-6, and R-8 zoned property when across a street R-o-W from each other.
- Staff mailed notice of this reconsidered amendment to all corresponding neighbors along Linden Avenue N. concerned with the Ronald Methodist Church development.
- Notice posted on the City webpage regarding this reconsidered amendment.
- September 5, 2013: Planning Commission held a study session regarding revision of the 0-foot setback.
- October 3, 2013: Planning Commission held a public hearing, and upheld their previous recommendation of a 15-foot setback.

## **B. Development Code Amendment Criteria – 20.30.350**

SMC 20.30.350 establishes the following criteria for approval of a Development Code amendment:

1. *The amendment is in accordance with the Comprehensive Plan;*

The following 2012 Comprehensive Plan Land Use, Economic Development, and Community Design goals and policies provide guidance and support for building front setbacks.



## **Land Use**

**Goal LU V:** Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

**Goal LU VI:** Encourage pedestrian-scale design in commercial and mixed use areas.

**Goal LU VII:** Plan for commercial areas that serve the community, are attractive, and have long-term economic vitality.

**Goal LU VIII:** Encourage redevelopment of the Aurora corridor from a commercial strip to distinct centers with variety, activity, and interest.

**Policy LU10:** The Mixed Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions.

**Policy LU11:** The Mixed Use 2 (MU2) designation is similar to the MU1 designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise or odor that may be incompatible with existing and proposed land uses. The Mixed Use 2 (MU2) designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low density residential designations, and promotes pedestrian connections, transit, and amenities.

## **Community Design**

**Goal CD I:** Promote community development and redevelopment that is aesthetically pleasing, functional, and consistent with the City's vision.

**Policy CD2:** Refine design standards so new projects enhance the livability and the aesthetic appeal of the community.

**Policy CD4:** Buffer the visual impact on residential areas of commercial, office, industrial, and institutional development.

**Policy CD35:** Encourage buildings to be sited at or near the public sidewalk.

## **Economic Development**

**Goal ED I:** Maintain and improve the quality of life in the community by: Complementing community character; and maximizing opportunities along Bus Rapid Transit corridors and areas to be served by light rail.

**Goal ED VII:** Encourage multi-story buildings for efficient land use.

**Policy ED1:** Improve economic vitality by encouraging increased housing density around commercial districts, especially those served by high capacity rapid transit, to expand customer base; and developing design guidelines to enhance commercial areas with pedestrian amenities, and “protect and connect” adjacent residential areas.

**Policy ED9:** Promote land use and urban design that allows for smart growth and dense *nodes* of transit-supportive commercial activity to promote a self-sustaining local economy.

**Policy ED12:** Revitalize commercial business districts, and encourage high-density mixed-use in these areas.

These relevant Comprehensive Plan goals and policies could be viewed as both supporting and opposing the 0-foot setback as adopted by Council earlier this year.

The goals and policies speak of maximizing opportunities by increasing density in commercial districts especially those areas served by rapid transit. By maintaining the 0-foot setback, potentially more density could be accommodated in these areas. On the other hand, there are goals and policies that speak to maintaining, improving and protecting community character and adjacent residential areas.

There has been substantial community input to retain the 15-foot setback, and there is no analysis that shows how the size of a front setback in commercial zones improves pedestrian activity or feasibility for redevelopment to occur in Shoreline.

2. *The amendment will not adversely affect the public health, safety or general welfare;*

The amendment does not adversely affect the public health, safety or general welfare because it only amends the building setback standard when across the R-o-W from single family zones. The difference of a setback of 0 feet and 15 feet for commercial buildings on one side of the street separated by single family buildings on the other side of the street is the difference between 80 feet and 95 feet of total separation.

There has been substantial community input to retain the 15-foot setback, and there is no analysis that shows how the size of a front setback in commercial zones improves pedestrian activity or feasibility for redevelopment to occur in Shoreline.

3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline because it only amends the building setback standard when across the R-o-W from single family zones. The difference of a setback of 0 feet and 15 feet for commercial buildings on one side of the street separated by single family buildings on the other side of the street is the difference between 80 feet and 95 feet of total separation.

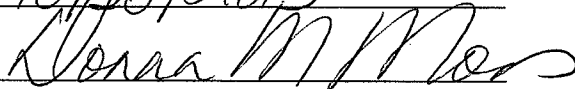
Since there has been substantial community input to retain the 15-foot setback and there is no analysis that shows how the size of a front setback in commercial zones improves pedestrian activity or feasibility for redevelopment to occur in Shoreline.

The Shoreline Planning Commission reviewed the proposal in light of the criteria and concluded that the recommended 15-foot setback meets the criteria for amendment of the Development Code.

Date: \_\_\_\_\_

10/30/2013

By: \_\_\_\_\_



Planning Commission Chair



**AMENDED****The City of Shoreline Notice of Public Hearing of the Planning Commission**

**Description of Proposal:** Proposed development code amendments to section 20.50.021.A. This section affects property that is commercially zoned (NB, CB, MB, or TC) when directly across the street from single family property zones (R-4, R-6, or R-8). In March 2013 the City Council changed the building setback from the street right-of-way (back of sidewalk) in this situation for commercial zone development from 15 feet to 0 feet. They have asked the Planning Commission to reconsider that new code provision on September 5 and October 3, 2013. September 5<sup>th</sup> will be a study session and the public hearing will be held on October 3<sup>rd</sup>. These meetings begin at 7 p.m. in the Council Chambers at City Hall. A SEPA Threshold Determination of Nonsignificance was issued on this proposal on October 3, 2012. You are notified if you want to attend these meetings to comment or send your comments to Paul Cohen, Project Manager, PC&D, 17500 Midvale Ave N. 98133 or email to [pcohen@shorelinewa.gov](mailto:pcohen@shorelinewa.gov) or fax (206) 801-2788. For more information call Paul at (206) 801- 2551.

Written comments must be received at the address, email or fax listed above before **5:00 p.m. October 2, 2013**. Upon request, a copy of the final City Council decision on the proposal.

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 Thursday, October 3, 2013 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

**Questions or More Information:** Please contact Paul Cohen, Planning & Community Development 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.

# DRAFT

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

September 5, 2013  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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#### **Commissioners Present**

Chair Moss  
Vice Chair Esselman  
Commissioner Craft  
Commissioner Maul  
Commissioner Montero  
Commissioner Scully  
Commissioner Wagner

#### **Staff Present**

Steve Szafran, Senior Planner, Planning and Community Development  
Paul Cohen, Planning Manager, Planning and Community Development  
Lisa Basher, Planning Commission Clerk

#### **CALL TO ORDER**

Chair Moss called the regular meeting of the Shoreline Planning Commission to order at 7:12 p.m.

#### **ROLL CALL**

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Moss, Vice Chair Esselman, and Commissioners Craft, Maul, Montero, Scully and Wagner.

Mr. Cohen introduced Lisa Basher, who was recently hired as the Planning Commission Administrative Support Staff.

#### **APPROVAL OF AGENDA**

The agenda was accepted as presented.

#### **APPROVAL OF MINUTES**

The minutes of June 20, 2013 were adopted as submitted.

#### **GENERAL PUBLIC COMMENT**

No one in the audience indicated a desire to address the Commission during this portion of the meeting.

**STUDY ITEM: RECONSIDERATION ON TRANSITION AREA SETBACK AMENDMENT****Staff Presentation**

Mr. Cohen reviewed that the City Council adopted the Commercial Design Standards (Ordinance 654) on March 18, 2013 as recommended by the Commission, with just one exception related to front setbacks for buildings in commercial zones when across the street from single-family zones. They later reconsidered their decision and remanded only the provision related to transition standards back to the Commission for study, a public hearing and a recommendation.

Mr. Cohen reminded the Commission that the Town Center plan was adopted after a three-year public process, which included significant discussion about the transition area requirements. The Town Center Plan identifies a 15-foot setback from the right-of-way for commercial development that occurs across the street from a single-family zone. Consistent with the Town Center Plan, the Planning Commission recommended a setback of 15 feet for commercial development that is located across the street from single-family zones. He recalled that during the Planning Commission's public hearing on the draft standards, citizens expressed concern that a 15-foot setback requirement would significantly impact the Ronald Methodist Church's ability to move forward with its low-income housing project. They particularly expressed concern that the 15-foot setback requirement would diminish the site's development potential. The City Council voted to reduce the setback requirement from 15 feet to 0 feet, but later decided to reconsider their decision and remand the provision to the Planning Commission. Since that time, the church applied for a subdivision of commercial property, and their project has vested under the zero setback requirement.

Mr. Cohen advised that notice of the Planning Commission study session, as well as the October 3<sup>rd</sup> public hearing, were mailed to all parties of record and all owners of properties that are zoned either commercial or single-family residential and located directly across the street from each other.

Mr. Cohen provided a diagram to illustrate how the 0 and 15-foot setback requirements would be applied to commercial properties that are located across the street from single-family zones. He said staff recommends the Planning Commission support the City Council's recommendation of a 0 setback requirement. He noted that the transition area requirement for commercial properties that abut single-family properties calls for a 20-foot setback for the commercial building and a 15-foot setback for the single-family residential building for a total separation of 35 feet. Even with a 0 setback, commercial buildings that are located across the street from residential properties would be separated by a 60-foot right-of-way, as well as a 20-foot front setback for single-family residences for a total separation of 80 feet.

Commissioner Wagner recalled that in commercial zones on arterial streets, a 0 setback is desirable to encourage pedestrian interaction. Mr. Cohen agreed that the Commercial Design Standards related to street fronts are intended to encourage pedestrian interest and access. The design standards apply to all commercial development and talk about the types of things that must be located in the space between the building front and the sidewalk such as landscaping and plazas, to support pedestrian activity.

Chair Moss asked if developers would be required to have a 0 setback or if they could choose to have a greater setback. Mr. Cohen answered that 0 would be the minimum setback, but a developer could choose a greater setback. Commissioner Montero asked if a 0 setback would impact street parking. Mr. Cohen answered that street parking would still be allowed.

Vice Chair Esselman inquired about the width of the right-of-way on Linden Avenue North. Mr. Cohen answered that it is 60-feet wide.

Commissioner Craft asked staff to talk about how a 0 setback would impact the pedestrian component of the design elements. Mr. Cohen answered that even if the setback is 0, there would also be a requirement for window transparency on the façade, and the first floor would have to meet commercial building standards, as well. Awnings would be required, along with an 8-foot sidewalk and 5-foot amenity strip. Because the City's goal is to encourage on-street parking, an amenity strip could be modified to be just tree pits so that people do not have to walk through landscaping. He summarized his belief that the design standards, as currently adopted, will result in strong pedestrian environments.

Commissioner Maul expressed concern that the connection between pedestrians and commercial development would be weakened if buildings are setback 15 feet. He agreed with staff that a 60-foot right-of-way and a 20-foot residential setback would result in a minimum separation of 80 feet, which is significantly greater than the 35-foot separation that would be required between abutting commercial and single-family residential properties. He reminded the Commission that a step back would also be required for the portion of building taller than 35 feet to further protect residential properties located across the street. He said he would support a 0 setback. Mr. Cohen added that all multi-family development in commercial zones would be required to provide plazas or other open space that is visible and accessible from the street. Other building façade modulation would also be required for development in commercial zones.

Commissioner Montero asked if a 0 setback would result in less outdoor lighting. Mr. Cohen answered that the Commercial Design Standards include provisions for pedestrian-scale lighting. Commissioner Montero asked if the standards include provisions to shield the single-family properties that are located across the street. Mr. Cohen answered that right-of-way lighting will be dictated by the Engineering Development Manual, and all exterior lighting on private property must be shielded so that direct lighting cannot reach residential properties.

Chair Moss pointed out that the base height for the Neighborhood Business (NB), Community Business (CB), Mixed Business (MB) and Town Center (TC-1, 2 and 3) zones will not accommodate the 7-story building depicted in the diagram provided by staff. Mr. Cohen pointed out that each floor would be approximately 10 feet tall, with additional height for the ground floor to meet commercial standards. However, height is measured based on the slope of the lot, so there is potential for six floors in almost every situation in the CB and MB zones, and seven floors in the TC-1, 2 and 3 zones.

Chair Moss asked if circular driveways would be allowed in front of a mixed-use commercial business for a drop-off service. Mr. Cohen answered that vehicular circulation between the sidewalk and building frontage is discouraged. However, there is a provision that allows for departure from this code requirement if certain conditions can be met.



## **Public Comment**

**Hiller West, Shoreline**, said he and his wife own a home in North City (12<sup>th</sup> Avenue Northeast), but they currently live in Astoria, Oregon. He said he is currently suffering the ill effects of out-of-scale development across the street from his home in North City. His property is zoned single-family and the property across the street is zoned multi-family and commercial. He encouraged the Commissioners to visit 12<sup>th</sup> Avenue Northeast between 175<sup>th</sup> and 180<sup>th</sup> Streets to view the development that has occurred in recent years. He felt this would give them some perspective for their current discussion.

Mr. West commented that a 0 setback for commercial development in transition zones across the street from single-family-zoned homes places commercial development at the property line. As currently adopted by the City Council, an increase in building height of 10 feet would be allowed just 10 feet back from the property line. Potentially, commercial buildings could be 45 feet in height, with a setback of 10 feet. He submitted that the impact of the reduced setback and increased building height could potentially be negative to single-family neighborhoods. Commercial development is not only the people-friendly retail that we all like to envision at the sidewalk level (small shops and cafes). It can also be concrete facades, parking structures, and box-type walls. He urged the Commission to stay with their original recommendation, favoring a 15-foot setback in transition zones. This would have the added benefit of reducing building mass further. If a 15-foot setback is adopted by the City Council based on the Commission's recommendation, it could always be evaluated and reconsidered in a year or two.

**Courtney Ewing, Shoreline**, said she lives at 179<sup>th</sup> and Linden Avenue and has a vested interest in the issue at hand. She expressed concern that allowing taller buildings with 0 setback could reduce the morning light onto residential properties. She also expressed concern that existing commercial buildings could tear down a wall and push clear out to the street. This could have a significant impact to residential properties, as well. She recalled that the stagnant commercial growth in Shoreline was discussed at the last City Council meeting. The potential additional square footage allowed by a 0 versus 15-foot setback was specifically noted. She questioned how many applications the City has received for commercial development based on the current 0 setback.

**Dave Hinez, Shoreline**, said he lives at 178<sup>th</sup> and Linden Avenue. He noted that there is just 35 feet from the center of the road to the existing single-family homes. He expressed concern that allowing commercial development up to the property line and the fact that Ronald Methodist Church's application is already vested seems to be putting businesses ahead of people. He pointed out that there are hundreds of high school students walking up and down Linden Avenue during lunch time. An 8-foot sidewalk is insufficient in this location. He questioned how commercial loads could be safely dropped off at retail businesses if there is no setback requirement. The trucks would have to park in the street.

## **Continued Staff and Commission Discussion**

Mr. Cohen pointed out that the heights allowed in commercial zones have not been changed. He advised that the City has had numerous conversations and pre-application meetings with potential

developers since the adoption of the new standards in April of 2013, but none were required to use the new Commercial Design Standards.

Commissioner Craft asked staff to speak to Mr. Hinez concern about commercial loading on the street and what the code suggests would be the most appropriate way to do that. Mr. Cohen said that, at this time, trucks would not be allowed to park in the middle of the street to unload goods to a commercial establishment. However, when there is a curb and on-street parking, the City allows designated load/unload zones. If that is not possible, the City would require that loading and unloading take place on site.

Commissioner Wagner cautioned the Commission to not focus their discussion on the impacts of a single development (Ronald Methodist Church). Instead, they should focus on the overall vision for the City and how the 0 setback would be applied in all commercial zones.

Commissioner Scully said he would like to see more flexibility throughout the transition area standards. He commented that there are some occasions when a 15-foot setback makes sense, and other occasions when a 0 lot line would be more appropriate. Based on what he has heard, he said he is not inclined to support changing the Commission's recommendation from 15 feet. He referred to Marlboro Street in Boston, which is used for gardens. The mandatory 15-foot setback has resulted in flower beds on private property. There are also examples in Seattle where the 15-foot setback is used for gathering areas. He referred to Mr. West's comment regarding the width of the sidewalk, and noted that the 8-foot sidewalk provided in new developments in Seattle is used for transit and people will not generally slow down and mingle. However, people might linger on a 15-foot setback that has landscaping and benches. He also pointed out that the visual impact looking across the street from a residential property to a 0-lot-line commercial building would be significant, even with an 80-foot separation. He summarized that, while he supports density, he does not believe that foisting this significant visual impact on existing single-family residents will aid the City in the long run.

Commissioner Wagner commented that while she appreciates the comments about sidewalk widths, it is not part of the discussion at hand. She suggested the Commission consider the need for predictability. She explained that Shoreline has had trouble attracting developers because the regulations and standards change too frequently. While there is not one right answer, they must be very sensitive to the City's long-term attractiveness to developers. She cautioned against changing codes frequently to address public concern about a single project since the changes can drastically impact other commercial properties in the City.

Chair Moss summarized that a public hearing is set for October 3<sup>rd</sup>, at which the public will be invited to offer testimony that will go forward as part of the record. She encouraged interested citizens to attend and advised that a notice of the hearing would be published on the Planning Commission page of the City's website.

## **DIRECTOR'S REPORT**

Mr. Cohen reported that City staff has conducted three pre-application meetings for potential multi-family developments with some commercial space. One potential project would be located at 180<sup>th</sup>

Street and Midvale Avenue (Interurban Building site). The applicant is proposing commercial space along Midvale Avenue, with live/work lofts along 180<sup>th</sup> Street. The project would provide upwards of 165 residential units and under building parking would be provided. A second potential project would develop the entire Denny Triangle with approximately 300 residential units on top of structured parking. This project is related to the City's partial street vacation of Westminster Way to shrink the width of the street, provide angle parking, and accommodate more street improvements. A third potential project would be located at 205<sup>th</sup> Street and 19<sup>th</sup> Avenue and would consist of about 100 residential units. He noted that all three projects are in the conceptual phase, and all would be required to meet the Commercial Design Standards. He noted that although the project at the Denny Triangle would be allowed a 0 setback, the developer is actually proposing to set the building back 20 feet to reduce the number of step backs required.

Mr. Cohen reported that the U.S. Biotek Building at 160<sup>th</sup> Street and Linden Avenue is currently under construction. The existing Thai Restaurant and 7-11 would remain on the site for the time being, but full site development would be done around the two existing businesses. He also advised that construction has started on the new International Community Health Center at 167<sup>th</sup> Street and Aurora Avenue North. The project at 152<sup>nd</sup> Street and Aurora Avenue North is also moving forward. In addition, the City has issued a number of demolition and building permits for redevelopment in the single-family zones.

Mr. Cohen announced that the American Planning Association Conference is scheduled for October 2<sup>nd</sup> and 3<sup>rd</sup>. He invited interested Commissioners to contact staff so appropriate arrangements can be made.

Mr. Cohen advised that staff has proposed \$180,000 in the 2014 budget for the 145<sup>th</sup> Street Station Area Planning. He noted that a number of visioning workshops have been sponsored by other groups throughout the community, and the City will conduct its own visioning workshop on September 19<sup>th</sup>. It is hoped that the City's workshop will consolidate the work done at the previous workshops. Commissioner Scully asked that staff send emails to the Commissioners to remind them of special events.

Mr. Cohen reported that the City Council will begin their review of the Draft Environmental Impact Statement (EIS) for the light rail project. They anticipate that the Sound Transit Board will make their selection alternatives for stations in October.

Commissioner Montero asked for an update on the final phase of the Aurora Avenue North Project. Mr. Cohen answered that the City has obtained the necessary funding and dedicated right-of-way, and the project is currently in the planning and design stage.

## **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

### **Light Rail Station Area Planning Committee Report**

Commissioner Maul reported that the Light Rail Station Area Planning Committee attended two visioning/planning workshops, which were both well attended. A number of people provided good and positive input. Commissioner Scully added that many people have concerns about potential impacts, but

most are excited about the project. No unforeseen concerns were raised, but the comments will help the City focus future discussions.

Commissioner Craft announced that at their September 16<sup>th</sup> meeting, the City Council will adopt the study area boundaries and comment on the Draft EIS. Mr. Szafran explained that in order to adopt the study area boundaries, the City Council must change the Comprehensive Plan Land Use Map to replace the circles with the Land Use and Mobility Study Areas. It is anticipated that in conjunction with adoption of the study area boundaries, the City Council would also amend the 2013 Comprehensive Plan amendment docket to include this proposed change.

Commissioner Craft announced that in lieu of the Commission's regular meeting on September 19<sup>th</sup>, the City will conduct a Light Rail Station Area Visioning Workshop at City Hall. This will give the Commissioners an opportunity to listen to community feedback. He also announced that the newly-formed 145<sup>th</sup> Committee is scheduled to meet on September 18<sup>th</sup> at Aroma Coffee to discuss the Draft EIS comments. He noted that information about all of the meetings is available on the City's website.

Commissioner Craft reported that a Design Dialogue Workshop will be held sometime in October, at which the consultants will refine the ideas that were captured during the visioning sessions into graphic representations of potential transit-oriented communities.

Chair Moss reminded the Commission that the Light Rail Station Area Planning Project will consume a significant amount of their time over the next few years. She reminded staff to forward the Commissioners all information about the various meetings related to the topic.

Commissioner Craft announced that the Light Rail Station Area Planning Committee report would be moved from the 1<sup>st</sup> meeting of each month to the 2<sup>nd</sup> meeting of each month so they can report on the activities that have occurred during the month. He also announced that the committee meetings have been moved to the 3<sup>rd</sup> Thursday of each month at either 4:00 or 6:00 p.m.

Commissioner Maul requested an update on the Point Wells property. Commissioner Montero advised that a new special interest group has been formed to oppose the Point Wells project, and he plans to attend their next meeting. Commissioner Scully added that oral arguments must be submitted by October 24<sup>th</sup>, and Save Richmond Beach and Innis Arden have asked the City to submit an amicus brief to support their position.

### **AGENDA FOR NEXT MEETING**

Mr. Szafran reminded the Commission that the September 19<sup>th</sup> meeting has been cancelled. He announced that a public hearing on the transition area setback amendment is scheduled for October 3<sup>rd</sup>. Also on 3<sup>rd</sup>, the Commission will have a study session to discuss potential marijuana code amendments. A public hearing on the marijuana code amendments is scheduled for October 17<sup>th</sup>.

### **ADJOURNMENT**

The meeting was adjourned at 8:20 p.m.

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Donna Moss  
Chair, Planning Commission

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Lisa Basher  
Clerk, Planning Commission

**DRAFT**

**TIME STAMP**  
**September 5, 2013**

**CALL TO ORDER:**

**ROLL CALL:**

**APPROVAL OF AGENDA:**

**APPROVAL OF MINUTES: 1:00**

**GENERAL PUBLIC COMMENT: 1:10**

**STUDY ITEM: RECONSIDERATION ON TRANSITION AREA SETBACK AMENDMENT**

**Staff Presentation: 2:20**

**Public Comment: 31:09**

**Commission Discussion: 41:03**

**DIRECTOR'S REPORT: 49:38**

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

**Light Rail Station Area Planning Committee Report: 58:15**

**AGENDA FOR NEXT MEETING: 1:06:47**

**ADJOURNMENT:**

**DRAFT**

# DRAFT

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

October 3, 2013  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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#### **Commissioners Present**

Chair Moss  
Vice Chair Esselman  
Commissioner Craft  
Commissioner Maul  
Commissioner Scully

#### **Staff Present**

Paul Cohen, Planning Manager, Planning and Community Development  
Steve Szafran, Senior Planner, Planning and Community Development  
Lisa Basher, Planning Commission Clerk

#### **Commissioners Absent**

Commissioner Montero  
Commissioner Wagner

#### **CALL TO ORDER**

Chair Moss called the regular meeting of the Shoreline Planning Commission to order at 7:02 p.m.

#### **ROLL CALL**

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Moss, Vice Chair Esselman, and Commissioners Craft, Maul, and Scully. Commissioners Montero and Wagner were absent.

#### **APPROVAL OF AGENDA**

Chair Moss noted that the September 5<sup>th</sup> meeting minutes were not included in the Commission's packet. Therefore, approval would be postponed until the next meeting. The remainder of the agenda was accepted as presented.

#### **APPROVAL OF MINUTES**

The minutes of July 18, 2013 were approved as submitted.

#### **GENERAL PUBLIC COMMENT**

Chair Moss reviewed the rules and procedures for public comment and testimony.

**Yoshiko Saheki, Shoreline**, said she lives in the Parkwood Neighborhood and was present to voice opposition to the City's endorsement of a 500-car parking structure for the future light rail station at 145<sup>th</sup> Street. She expressed her belief that such a large parking structure would blight the adjacent neighborhood and create more traffic through the surrounding neighborhoods where she lives. She pointed out that the City of Seattle has an ordinance that prohibits the construction of huge parking structures for its light rail stations. She voiced concern that if the light rail station is located at 155<sup>th</sup> Street, it would attract commuters from both Seattle and Shoreline. She said she is concerned about increased traffic through single-family residential neighborhoods, particularly Parkwood and Ridgecrest.

**Krista Tenney, Shoreline**, said she lives in the Highland Terrace Neighborhood. She asked if notification of the land-use change for the Denny's site was sent to residents of the surrounding residential neighborhoods that will be impacted by the change. She also asked about the proposed residential development near Shoreline Community College. She lives on Greenwood and must deal with traffic every hour of the day. She invited the Commissioners to visit her front yard to understand the impact of the traffic. She understands that the project will be a fabulous addition for the college, but the developer has still not addressed how the secondary intersection will impact the neighborhood.

Chair Moss asked Mr. Cohen to follow up with both Ms. Saheki and Ms. Tenney.

#### **PUBLIC HEARING: RECONSIDERATION OF TRANSITION AREA SETBACK AMENDMENT**

Chair Moss reviewed the rules and procedures for the public hearing and then opened the hearing. She clarified that the agenda item is a reconsideration of the transition area setback amendment, which applies to any commercially-zoned properties that are adjacent or across the street from low-density residential (R-4, R-6 and R-8) zones. She recalled that, a few months ago, the Commission forwarded a recommendation to the City Council that they adopt the transition area setback standards contained in the Town Center Subarea Plan to all commercial zones in the City. She reminded the Commission that the Town Center standards were adopted after a great deal of community input. The City Council did not adopt the Commission's recommendation, and a zero setback was established instead. The City Council received quite a lot of public comment about their decision, and they revisited the issue again at a subsequent meeting. They determined that the community had not had an opportunity express their opinions, and many citizens were not aware of the change. They remanded the issue back to the Commission for a public hearing, further discussion and a recommendation back to them.

Chair Moss recalled that the Commission has had some recent discussions about affordable housing, and a recent project recently came before them for review. While this is an important topic, the focus of the public hearing is to come up with a standard that would apply to all commercially-zoned properties in Shoreline. She noted that there are currently 85 residentially-zoned parcels that are located across the street or adjacent to commercially-zoned properties.

#### **Staff Presentation**

Mr. Cohen clarified that the topic of the public hearing is related only to front setbacks for commercial buildings that are located across the street from single-family residential zones. He explained that prior



to adoption of the 0-foot setback on March 18<sup>th</sup>, the City Council discussed the need to ensure there was adequate bulk and scale standards in place to protect the low-density residential properties from commercial development that is located across the street. At the same time, they recognized the need for more affordable housing and development potential in the City's commercial districts. In addition, the City Council indicated a visual preference for having buildings abutting sidewalks in commercial areas as an amenity.

Mr. Cohen reviewed that when the Town Center Subarea Plan and Development Code was originally discussed and adopted by the City Council, it included a 15-foot setback. The Planning Commission recommended that this standard be carried over to the larger commercial development code reform.

Mr. Cohen recommended that the Planning Commission support the City Council's adoption of a 0-foot front setback for all commercially-zoned development that is located across the street from R-4, R-6 and R-8 zones. He noted that the 0-foot setback is supported by Council Goal 1, which is to strengthen Shoreline's economic base. It also is supported by the associated Action Step 2, which is to implement efforts to make the permit process predictable, timely and competitive. He explained that allowing more development potential will help make the permit process more competitive, while not substantially decreasing the overall separation of buildings on both sides of a transition area.

Mr. Cohen advised that the Staff Report cites a number of Comprehensive Plan goals and policies related both to maximizing development potential in commercial zones and to maintaining, improving and protecting residential areas adjacent to commercial zones. On one hand, the Comprehensive Plan calls for buffering the visual impact on residential areas from commercial, office, industrial and institutional development. On the other hand, it contains policies that encourage commercial buildings to be sited at or near the public sidewalk. The Comprehensive Plan also encourages pedestrian-scale design in commercial areas.

Mr. Cohen provided a drawing to illustrate how the bulk of a building would be different based on a 0-foot setback versus a 15-foot setback. He explained that, with a 60-foot right of way, a 0-foot setback would result in a minimum 80-foot separation between the residential and commercial uses. The separation would be 95 feet with a 15-foot setback. He reminded the Board that, in addition to the setback, the commercial zones also require an applicant to meet the street design standards and provide frontage improvements. He pointed out that the transitional setback requirement for commercial properties that directly abut single-family zones is only 20 feet. This 20-foot setback, in addition to the required rear setback for residential development would result in a 35-foot separation. He summarized that the separation between residential and commercial development that is separated by a street would be quite large compared to the separation required between abutting commercial and residential properties.

### **Questions by the Commission**

Commissioner Scully recalled that the Commission received an email asking how many properties are already vested to the 0-foot setback. Mr. Cohen said there is only one property that is vested, the Ronald Methodist Church. Staff has also had pre-application meetings with developers of other properties that would be impacted by the setback requirement. However, these properties have not yet vested under the

current 0-foot setback. The property owners understand that the Commission and City Council are reconsidering the 0-foot setback and that changes might occur.

Chair Moss said that while working in Washington D.C. she lived in a neighborhood that 30-years ago looked very much like the Shoreline Town Center does now. The main street running through the neighborhood was a state highway, and there were opportunities for high-capacity transit. There were a number of large, single-family homes, as well as apartments that were within walking distance of the main highway. Their sidewalks were updated to be 8 to 10-feet wide to make them accessible to the majority of their residents who were over 65 years old. There were variations in grade from parcel to parcel, as well. She recalled that some of the first buildings constructed in the neighborhood were in the range of three to four stories tall, and street trees had been planted. While she walked through the neighborhood, she sometimes felt closed in and the sidewalks did not feel very pedestrian friendly.

Chair Moss said she recently listened to the audio from the City Council meeting at which the topic was discussed at great length. The issue was sent back to the Planning Commission for an open discussion and feedback from the community. She recalled that there was a great deal of community involvement when the Commission previously discussed the Town Center Subarea Plan and zoning code. Citizens repeatedly expressed concern about the character of the residential neighborhoods. They wanted to preserve this character without feeling closed in. Concern was expressed that if multi-use or high-density residential development occurred across the street, a 15-foot buffer would offer a “front porch” feel. She acknowledged that not all of the development that occurs in these commercial zones will be residential. It may be retail on the ground floor. She said she is not sure a 15-foot setback is the right answer, but she has reservations about a 0-foot setback, as well.

Chair Moss advised that the City Council discussed that perhaps the setback requirement should be based on the width of the right-of-way. As noted by staff, the minimum right-of-way width would be 60 feet. Under the old development code, a 10-foot setback was required for commercial development, and buildings could be constructed up to 65 feet without any stepback requirement. She summarized that the City has made some steps forward to make the situation more comfortable. She said she is very interested in hearing from the public, emphasizing that the setback requirement would apply to all commercial properties that are located across the street from residential zones, and not just those located on Linden Avenue. She also clarified that if a 0-foot setback is allowed, it would not be required.

Mr. Cohen explained that there was a significant amount of public input regarding transitional setbacks as part of the Town Center Subarea Plan and Commercial Design Standard discussions. Residents were concerned about the setbacks in transition areas at Town Center. Similarly, citizens were very concerned about the setback requirement for all commercial zones located across the street from low-density residential. He recalled that a single proponent was looking for a reduced setback to make a project more viable, and this project is currently vested to be built. He summarized that most of the comments were brought forward by nearby residential property owners who were concerned about the potential size of the building and the lack of setbacks.

Commissioner Esselman asked about the setback plan for the vested development. Mr. Cohen said the property has been subdivided from the church and is vested under the current code, which allows for a

0-foot setback. The outline of the building provided as part of the subdivision application shows an approximate 10-foot setback. However, the setbacks could be altered as part of a development proposal.

### **Public Testimony**

**Shaun Kerins, Shoreline**, said that when he originally reviewed the proposed Commercial Design Standards that were forwarded to the City Council by the Planning Commission, it included a 15-foot setback for commercial properties located across the street from low-density residential properties. The City Council subsequently changed the setback to 0. He expressed concern that, if the City adopts a 0-foot setback, the number of impacted residential properties would increase beyond the current 85. He noted that the memorandum from the Planning and Community Development Staff makes the point that the Comprehensive Plan provides support for both the 0-foot setback and the 15-foot setback.

Mr. Kerins said Council Member Hall's presentation about how great the new developments in Mountlake Terrace were led him to research the transition requirements in neighboring jurisdictions. He found that the City of Lynnwood requires a 10-foot setback in their city center. The City of Edmonds requires a 15-foot setback, and the City of Bothell requires a 10-foot setback. The City of Mountlake Terrace has a setback requirement of 20 feet in their community business district. While Council Member Hall mentioned that a 0-foot setback would be helpful for businesses, he suggested it is not the setback requirement that is driving development away from Shoreline.

Mr. Kerins suggested that the actual impact of a 0-foot setback to property owners across the street would be much greater than indicated in the illustration prepared by Council Member Hall and referenced earlier by Mr. Cohen. The people who live across the street would feel that the development is sitting on top of them. He reminded the Commission that transition was a significant concern of citizens when the Town Center Subarea Plan was adopted, and he encouraged the Commissioners to go back to the 15-foot setback that was initially adopted.

**Robin McClelland, Shoreline**, said reducing the setback might have been justified if the decision had been based on the best interest of all commercial property owners on the east side of Linden Avenue North as a benefit to any who anticipate development or redevelopment and if the City had fully explored the immediate and long-term impacts on the single-family residences across the street. However, amending the code based on a request of a single property owner to "accommodate more housing and less expensive construction costs" lacks sufficient justification. She asked the Commission to consider the big picture while deliberating the proposal. Whether or not the Commission upholds the current 0-foot setback or restores the 15-foot setback, she suggested they convene the commercial property owners and the single-family residential property owners who face the street to discuss how they would like to shape the Linden Avenue North streetscape. Not all may agree that building to the sidewalk, using an asphalt street as a buffer and installing sidewalks piecemeal are good ideas. However, some may have suggested inventive ways to transform the entire street into an integral edge. After all, the street serves all walks of life, including youth, elders, vehicles, pedestrians, and bicycles. It is a thoroughway for a mix of thriving businesses, strolling students, and lively neighborhoods.

Ms. McClelland questioned how a row of structures with a 0-foot setback would affect the street scene. She asked the Commission to transcend their thinking beyond zoning designations and numbers of feet

to a creative level that will enable the City to achieve its vision for a vibrant City that accommodates commercial and residential land uses across the street from each other. She asked the Commission to convert transition into a positive change instead of something the citizens must endure for the sake of growth. She asked the Commission to advance the concerns of an established, single-family neighborhood as their primary consideration whether or not they choose to reduce or increase commercial development potential along the east side of Linden Avenue North. She commented that those who live on Linden Avenue North are already invested in the City's future.

Ms. McClelland emphasized that this is a crucial opportunity to frame the discussion on real and significant changes around the edge of Town Center and its impact on the neighborhoods. She asked the Commission to please give thoughtful consideration to the long-term implications of their recommendation.

**Michelle Dotsch, Edmonds**, said she currently owns property that fronts Linden Avenue North. The property is within the transition area and Town Center. She said she wears two hats when commenting on the setback requirement for commercially-zoned properties located across the street from low-density residential zones. As a business owner, with a dental practice that has been in its present location since 1974 and is now in its second generation, she supported the adoption of the Town Center Subarea Plan and its vision for the blending of business and residential areas into a vibrant community. She said she is alarmed that the Shoreline City Council was so quick to adopt a new setback rule that affects the residential and commercial lots on both sides of the entire length of Linden Avenue North.

Ms. Dotsch asked the Commission if the decision was based on a request by a single property owner to have the setback requirement reduced. She also asked if the City had received other requests for a 0-foot setback for new construction in Town Center across from single-family zones prior to the City Council's decision to change the setback from 15 to 0 feet. She asked if any other property owner has applied for a permit since the City Council adopted the 0-foot setback requirement. She said that, to her knowledge, the Ronald Commons Project is the first and only application for new development accepted under the Town Center code. Although she is not an attorney or a planner, she said the situation looks and feels a lot like spot zoning.

As a commercial property owner adjacent to the Ronald Commons Project, Ms. Dotsch questioned if she or the adjacent property owner would also be allowed to tweak the zoning on their properties to accommodate a larger project than the current zoning allows. She questioned what specific codes a property owner could ask to change to increase a site's development potential and reduce construction costs, which is what necessitate the City Council's change in setback for one particular project. She suggested that the City has set a precedent that it is important to change the existing Town Center codes to benefit higher density commercial or mixed-use properties within the Town Center. As a future developer of her commercial property, Ms. Dotsch suggested that if the setback is changed back to 15 feet, it is truly only a width of a hair that separates the previous decision from being a spot zoning decision. She asked if she would get the same opportunity when she redevelops her parcel.

**Tara Ashton, Shoreline**, said she was not part of the original public process regarding setbacks in transition zones, as her attention was directed towards her board position on Save Richmond Beach. She asked if the 15-foot setback was an amount that constituents settled for or asked for. She said her

understanding is that constituents gave public comment, which resulted in the 15-foot setback. She thanked Mr. Kerins for bringing this issue to her attention by posting on the community message board titled Next Door Richmond Beach. Rather than permanently changing the setback for commercial properties to 0, she would like the City to either honor the 15-foot setback or begin the slow the process of ample public notice and comment again.

**Kathleen Gillette, Shoreline**, encouraged the Commission to go back to the 15-foot setback requirement, or at least a minimum 10-foot setback. The goal is to have a City that is livable long term, and cramming buildings right up to the sidewalk is going to be uncomfortable for the humans who live in the neighborhood.

**Lisa Surowiec, Shoreline**, expressed her belief that anytime there is commercial development across the street from residential development, it will feel the same regardless of the location. Although she is more familiar with the Linden Avenue North situation, she cannot imagine it would feel different anywhere else. She reminded the Commission that the community worked hard with the City to create the Town Center Subarea Plan and zoning code, and some fantastic photographs were provided to illustrate what the potential commercial development would look like. She does not remember any photographs of tall buildings located right up to the sidewalk. If so, she would have voted against it.

Ms. Surowiec summarized that the setback change did not come about because the citizens did not participate in the process. The community trusted that the Town Center zoning would remain in place, that the Planning Commission would make good choices, and that the City Council would accept what the Planning Commission recommended. The Commission does good work, and they made a good decision with the 15-foot setback. She noted that one reason given to support the reduced setback was to make it easier for developers to know the requirements. She expressed her belief that developers are much smarter than that. They should expect that the zoning requirements will be different when commercial properties are located across the street from residential properties. She agreed that a 0-foot setback would create more development potential and greater revenue for the City. However, it is not fair to expect greater revenue at the expense of residential property owners. The residential properties are small homes that provide great locations to raise families. If the City allows taller buildings up to the sidewalk, the character of the neighborhood will change and people will move away.

Chair Moss noted the presence of Council Members Eggen and McConnell in the audience.

### **Final Questions and Deliberations**

Commissioner Scully noted that there is currently no flexibility in the transition area standards, which is something he would like the Commission to address at a future meeting. He explained that a 0-foot setback would make sense on some parcels, such as the corner of 155<sup>th</sup> and Aurora Avenue North where there are nine lanes of traffic between the commercial development and the residentially-zoned properties across the street. There are likely some designs that residential neighborhoods could probably live with that included a less than 15-foot setback. Right now, the choice before the Commission is either 0, 15 or some other specific setback number. He would like the City to adopt standards so that some exceptions could be allowed. Since that is not currently an option, he supports maintaining the Commission's original recommendation for a 15-foot setback. He pointed out that Broadway Avenue in

Seattle is a good example of 3-story development with a 0-foot setback and step backs. The visual impact is imposing.

Commissioner Scully reminded the Commission that the City will be asking its residents to accept a lot more density in conjunction with station area planning. This needs to be done in a manner that the citizens trust the City will stick to its word and maintain the adopted standards. It must also be done in a manner that accepts the fact that most people do not want to live right next to a high-density area. Given the character of the properties within the transition areas, he does not see how a 0-foot setback would make sense.

Commissioner Craft agreed with Commissioner Scully. He said it is disheartening to see this issue come forward again. He recalled that the Commission made an attempt to address the challenges facing developers of affordable housing, but his concerns remain the same. He does not believe a 0-foot setback for commercial properties located across the street from residential zones would be appropriate. He expressed his belief that the communication process involved in creating greater densities in the community and getting the citizenry to understand and accept the changes will require open and deliberate debate, which did not happen in this process. While advocating for affordable housing is one of the City's goals, the process by which the project on Linden Avenue North has now been vested is a detriment to future opportunities for affordable housing in the community. He anticipates that a number of concerns will be raised that might not have come up if the situation had been handled in a different manner.

Commissioner Craft also agreed with Commissioner Scully that he would like to the transition standards to be more flexible to meet the circumstances of individual parcels. However, that option is not available to the Commission at this time. He expressed his belief that the Commission should stick with their original recommendation of a 15-foot setback.

Vice Chair Esselman agreed with Commissioners Scully and Craft. She recalled that when the Ronald Commons Project came before them, she felt that the Commission was not in a situation where they could change the setback requirement because the public had not been adequately notified. She specifically referred to the lengthy public process for the Town Center Subarea Plan and zoning code. She said she is not necessarily opposed to a setback reduction, but the change should not occur without adequate opportunity for the public to participate in the process.

As a professional architect in urban settings, Vice Chair Esselman pointed out that sometimes a 0-foot setback can create a vibrant street. Whether this is the case for commercial properties across the street from single-family residential zones is another issue. She expressed concern that a 15-foot setback could result in some dead zones that are unsafe. While she does not know what the appropriate setback should be, any change should involve a public process.

Commissioner Maul agreed with the comments made by his fellow Commissioners. There are places where less setback would be very appropriate and probably better. However, given the Commission's current options, he agreed they should stick with the 15-foot setback as originally proposed. He reminded the Commission that the variance process would allow an applicant to address individual circumstances.

Vice Chair Esselman expressed her belief that if evidence supports that a 15-foot setback would not allow development to happen, the Commission should consider reducing the setback to perhaps 10 feet. Commissioner Craft agreed that this analysis needs to occur. While a 15-foot setback might be appropriate for some parcels in the City, on other parcels a lesser setback might be better. However, the Commission does not have enough information at this point to create more flexible setback requirements for transition areas. Until they receive this additional information, he supports the 15-foot setback requirement.

Chair Moss summarized that the purpose of consolidating the eight different commercial zones into four commercial zones was to provide clarity and create consistency and predictability for developers. Mr. Cohen also pointed out that three of the eight commercial zones were duplicates of existing zones, which was an easy fix. He clarified that while the design standards for the various commercial zones were very similar, the dimensional standards were different. He explained that the dimensional standards (setbacks, heights, lot coverage, etc.) determine the size and bulk of a development. Rather than using density to limit the size of a building, the size of a building is now limited by the height and bulk standards. The dimensional standards identify a 0-foot setback for commercial zones, but properties in transition areas have more stringent requirements, and exemption from a dimensional standard requires a zoning variance.

#### **Vote to Recommend Approval or Denial or Modification**

**COMMISSIONER SCULLY MOVED THAT THE COMMISSION MAINTAIN THEIR RECOMMENDATION FOR A 15-FOOT SETBACK IN THE TRANSITION AREA WHERE COMMERCIALY-ZONED PROPERTIES ARE LOCATED ACROSS THE STREET FROM LOW-DENSITY RESIDENTIAL ZONES. COMMISSIONER CRAFT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

#### **Closure of Public Hearing**

Chair Moss closed the public hearing.

#### **STUDY ITEMS – DISCUSSION OF RECREATIONAL MARIJUANA REGULATIONS**

Mr. Cohen reported that on September 23<sup>rd</sup> the City Council decided to postpone further discussion of recreational marijuana regulations until the State Legislature has addressed the issue further and provided more direction. He said the City Council came to the understanding that the potential for recreational marijuana outlets in Shoreline is very small based on the zoning map and the distance required between a number of uses such as daycares, schools, churches, parks, etc. In addition, the State has now allocated the number of retail outlets that will be allowed per jurisdictions, and Shoreline has been assigned two. Operators of the six existing collective gardens in the City could convert their use by reapplying through the State. The City Council did not feel an urgency to rush ahead at this point.

#### **DIRECTOR'S REPORT**

Mr. Cohen announced that staff attended a number of sessions at the American Planning Association of Washington Conference on October 9<sup>th</sup> and 10<sup>th</sup>. Commissioner Moss attended, as well.

Mr. Szafran provided a brief update on light rail station area planning. He announced that design dialogue workshops are scheduled for November 5<sup>th</sup> and 6<sup>th</sup>. During these sessions, identified stakeholders will meet with the consultant to discuss actual design of the corridors, transition, needs and wants of the community, etc. The consultant will conduct a community open house shortly after to review the issues that were discussed at the two workshops. Staff considered having a separate design dialogue workshop for the Planning Commission. However, because the plan will eventually come before the Commission for review, it might create a conflict of interest. He noted that the design dialogue workshops will also be open to the public, and Planning Commissioners are invited to attend, as well.

Chair Moss encouraged the Commissioners to be mindful of the Open Public Meetings Act requirements and coordinate their attendance so there is not a quorum present at any one workshop. Mr. Cohen agreed to email notice of the meetings to the Commissioners via Plancom.

### **UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

### **NEW BUSINESS**

There was no new business on the agenda.

### **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Chair Moss reported that she attended the American Planning Association of Washington's Conference, which she found very interesting. She particularly reported on her attendance at a session regarding recreational marijuana legislation where she learned that additional information from the State Legislature will be forthcoming. She also reported on a session regarding zoning and design standards, where a planning director discussed the concept of flexibility. While she understands the need for clarity and predictability, the planning director explained how his city has straightforward guidelines for when setbacks can be varied. For example, the planning director has the discretion to change the setback requirement to accommodate a significant tree.

Chair Moss pointed out that, currently, there are no regulations for trees in commercial zones, and there are some very significant trees within the Community Renewal Area, which consists entirely of commercial property. She suggested that, at some point, the City should consider the concept of creating tree regulations for commercial properties, and this issue might be most appropriately addressed by the City's Tree Board first. Any proposed development code amendments would come before the Planning Commission. She asked staff to consider this idea and share their perspective with the Commission.



Chair Moss announced that the City Manager, Julie Underwood, has resigned. The City is currently looking for a new City Manager.

### **AGENDA FOR NEXT MEETING**

Mr. Szafran said the October 17<sup>th</sup> agenda was originally scheduled as a study session on regulations for recreational marijuana, and the next scheduled agenda item is November 21<sup>st</sup>.

Chair Moss suggested the Commission schedule a retreat for one of the free meetings in October or November. Mr. Szafran questioned if staff would have sufficient time to prepare for a retreat in just two weeks. Chair Moss suggested the retreat could be used to brainstorm ideas for the Commission's 2014 Work Program. She said the discussion would not require significant staff preparation or packets of information.

The Commission agreed to hold a retreat on either October 17<sup>th</sup> or November 7<sup>th</sup>. They directed staff to prepare a list of potential agenda topics that includes items the Commission has previously identified for discussion, as well as the list of work items presented to the City Council earlier in 2013. The Commissioners could forward potential discussion items to staff for inclusion on the list, as well.

### **ADJOURNMENT**

The meeting was adjourned at 8:52 p.m.

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Donna Moss  
Chair, Planning Commission

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Lisa Basher  
Clerk, Planning Commission

**TIME STAMP**  
**October 3, 2013**

**CALL TO ORDER: 0:30**

**ROLL CALL: 0:40**

**APPROVAL OF AGENDA: 1:05**

**APPROVAL OF MINUTES: 1:38**

**GENERAL PUBLIC COMMENT: 1:43**

**PUBLIC HEARING: RECONSIDERATION OF TRANSITION AREA SETBACK  
AMENDMENT: 7:01**

**Staff Presentation: 10:25**

**Questions by the Commission: 18:30**

**Public Testimony: 29:30**

**Final Questions and Deliberations: 48:33**

**Vote to Recommend Approval or Denial or Modification: 1:01:54**

**Closure of Public Hearing: 1:02:29**

**STUDY ITEM: DISCUSSION OF RECREATIONAL MARIJUANA REGULATIONS: 1:02:45**

**DIRECTOR'S REPORT: 1:04:52**

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 1:10:37**

**AGENDA FOR NEXT MEETING: 1:14:21**

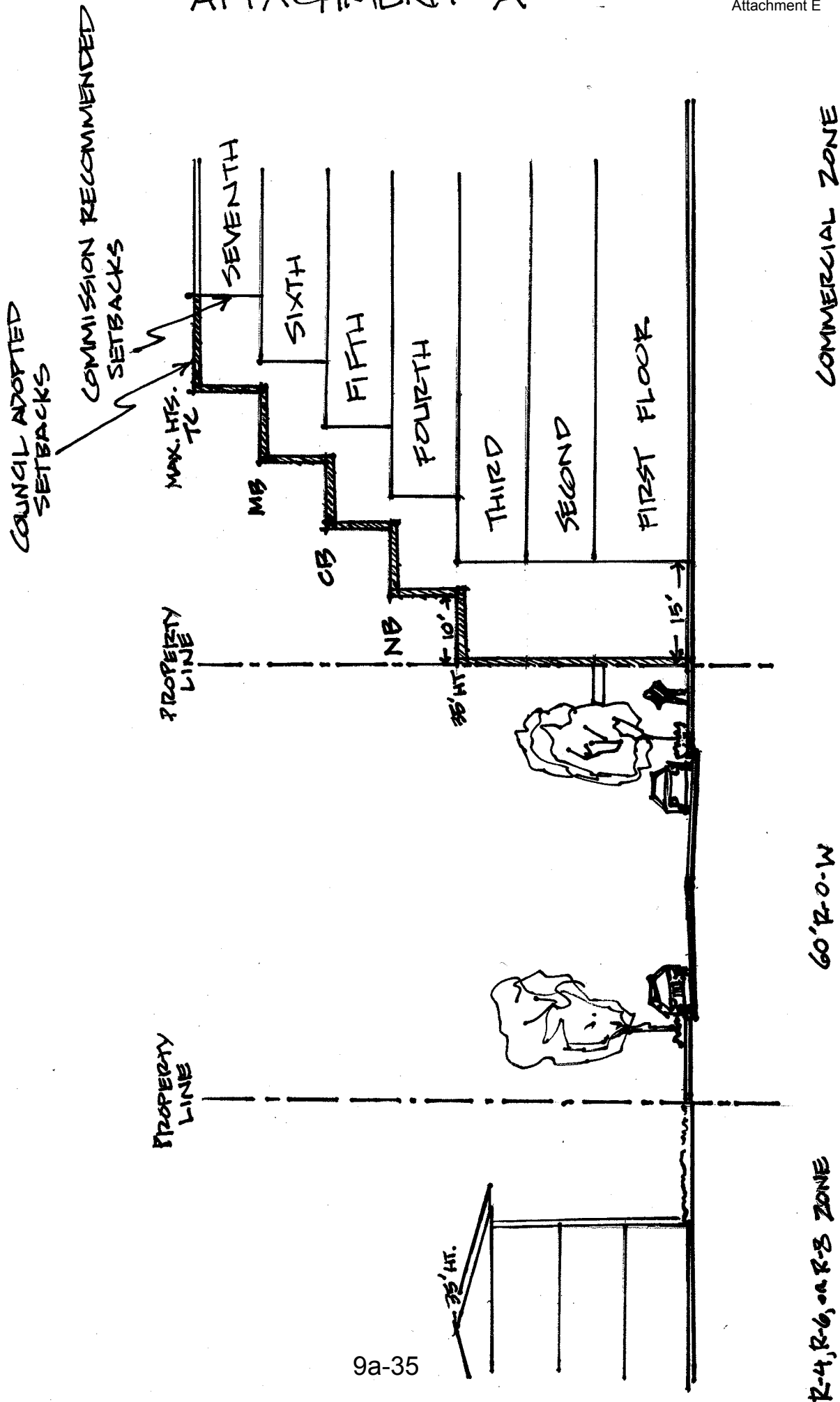
**ADJOURNMENT: 1:34:34**

**DRAFT**

# ATTACHMENT A

Attachment E

## COMPARISON OF P.C. RECOMMENDATIONS + C.C. ADOPTION



October 3, 2013

Michelle Dotsch, DDS  
Business and Parcel Address:  
17900 Linden Ave N  
Shoreline, WA 98133

Re: Reconsideration of Transition Area Setback Amendment

To the Shoreline Planning Commission,

I currently own a dental office and actively practice there on 17900 Linden Ave N. in Shoreline. I also own the parcel of land that the dental practice is on and fronts Linden Ave. N., which is within the transitional area and Town Center.

In regards to the change by the City Council of the setback on Linden Ave. N. across from residential zoning from a 15 foot setback to a zero degree setback, I have 2 hats that I wear regarding this decision and the planning commission's decision whether to keep this new code or go back to the previous, or something in-between.

As a business owner with a dental practice that has been on its location since 1974 and now in its 2<sup>nd</sup> generation, I supported the adoption of the Town Center and its vision of the blending of business and residential areas into a vibrant community. It alarms me that the Shoreline City Council was so quick to adopt a new setback rule that affects the residences and commercial lots on either side of the entire length of Linden Ave N. To your knowledge, was it only one lot parcel that requested this change in the zoning setback, for one site development? To your knowledge, were there any other new requests for a zero setback in Town Center across from single-family zones for new construction prior to the Shoreline City Council's decision to change the setback to zero from 15 feet? Has there been anyone else to apply for a zero setback under the new permit time since the decision? To my knowledge, the Ronald Commons Project is the first and only application for new development accepted under the Town Center code – is this correct? I am not a lawyer or a planner, but this looks and feels a lot like spot zoning.

As a commercial property owner adjacent to the Ronald Commons project and also on Linden, I was wondering if I or the property adjacent to mine to the south, needed to tweak the zoning to fit in a larger project than the current zoning allows, if we can count on you to accommodate us. Have we now set a precedent that it is important to change the existing Town Center codes to benefit

higher-density commercial or mixed-use properties within the Town Center? And if this is so, can we know what specific codes anyone can ask to change for a site's development potential and reduction of construction costs, which was what was stated as one of the main reasons for necessitating the zero setback for one particular project?

It seems to me that this Shoreline City Council's and Planning Commission's decision to reduce the setback from 15 feet to zero benefits no other applicants if this is now put back to 15 feet, other than only a single project, the Ronald Commons project, if no one else has requested this zero lot line. As a future developer of my commercial property, I put out there that if the Commission and City Council changes the recommendation back to 15 feet, that it is truly only the width of a hair that separates that previous decision from being a spot zoning decision. When I get ready to redevelop my parcel, am I likely to get the same opportunity to change the setback line on Linden back to zero to accommodate my application? Is that what this means?

Thank you for your time and clarification on this matter.

Sincerely,

Michelle Dotsch, DDS

# Robin Sink McClelland

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October 3, 2103

To Shoreline Planning Commissioners:

Thank you for the opportunity to express my views on the reconsideration of the 15-foot setback from the right-of-way in the Town Center across from a single-family zone.

Had reducing the setback been based on the best interests of all commercial property owners on the eastside of Linden Avenue as a benefit to any who anticipate development or redevelopment and, had the immediate and long-term impacts on the single family residences across the street been fully explored, amending the code might have been justified.

However, amending the code based on the request of a single property owner to "accommodate more housing and less expensive construction costs" (October 3 Staff Report) lacks sufficient justification.

I ask you to consider the big picture while deliberating this proposal. Whether or not you uphold the current zero-line setback or restore the 15-foot setback, I suggest that you convene the commercial property owners and the single family dwellers who face the street to discuss how they would like to shape the Linden streetscape.

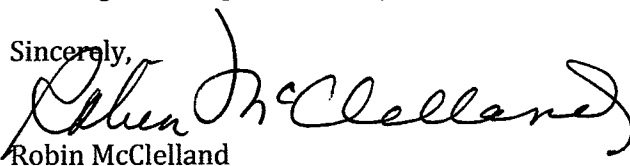
Not all may agree that building to the sidewalk or using an asphalt street as a buffer or installing sidewalks piecemeal are good ideas. Some may offer inventive ways to transform the entire street into an integral edge. After all, the street serves all walks of life including youth, elders, vehicles, pedestrians, and bicycles. It is a thru-way for a mix of thriving businesses, strolling students, and lively neighborhoods. How will a row of structures with zero setbacks affect the street scene?

Can you transcend your thinking beyond zoning designations and numbers of feet to a creative level that will enable us to achieve our vision for a vibrant city that accommodates commercial and residential land uses across the street from each other? Can you convert transition into a positive change instead of something we must endure for the sake of growth?

Will you advance the concerns of an established single-family neighborhood as your primary consideration whether or not you choose to reduce or increase commercial development potential along the eastside of Linden? Those who live there now are already invested in our future.

This is a crucial opportunity to frame the discussion on real and significant changes around the edge of Town Center and its impact on our neighborhoods. Please give thoughtful consideration to the long-term implications of your recommendation.

Sincerely,



Robin McClelland

Thursday, October 3, 2013

Dear Mr. Paul Cohen and Shoreline Planning Commission,

I am writing this letter, and including the attachments, to express my disappointment in the Commissions approval and acceptance of Ordinance 654 without purposing any changes to this Ordinance. Prior discussions dating all the way back to 2000 when the TownCenter was given to the City and reasons for the Commission to keep the 15-foot setbacks in your first presentation to the City Council on March 18, 2013 are still in affect. NO new codes should have changed the Planning Commission stance that 15 feet was an acceptable code.

I would again ask the Planning Commission, taking into the emails and displeasure from the neighborhood for a 0 setback, to reinstate the 15 foot setbacks. Thank you for your time.

Shaun Kerins

17955 Linden Ave. N.

Attachment A: Arguments against Commissions' Decision Process  
Attachment B: Local City Center's/City Section's Codes  
Attachment C: Mr. Hill's Design of Linden  
Attachment D: My 12 year old Design of Linden

**Decision Criteria.** The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

1. *The amendment is in accordance with the Comprehensive Plan;*

IT's not...

**Land Use Goal LU V:** Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

**Goal LU VII:** Plan for commercial areas that serve the community, are attractive, and have long-term economic vitality.

**LU10:** The Mixed Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions.

#### **Community Design**

**Goal CD I:** Promote community development and redevelopment that is aesthetically pleasing, functional, and consistent with the City's vision.

**Policy CD2:** Refine design standards so new projects enhance the livability and the aesthetic appeal of the community.

**Policy CD4:** Buffer the visual impact on residential areas of commercial, office, industrial, and institutional development.

#### **Economic Development**

**Goal ED I:** Maintain and improve the quality of life in the community by: Complementing community character; and maximizing opportunities along Bus Rapid Transit corridors and areas to be served by light rail.

**Policy ED1:** Improve economic vitality by encouraging increased housing density around commercial districts, especially those served by high capacity rapid transit, to expand customer base; and developing design guidelines to enhance commercial areas with pedestrian amenities, and "protect and connect" adjacent residential areas.

By maintaining the 0-foot setback more density could be accommodated in these areas. On the other hand, there are goals and policies that speak to maintaining,

2. *The amendment will not adversely affect the public health, safety or general welfare;*

The potential increase of dwelling density through building bulk limits improve the viability of these commercial zones and districts while [REDACTED]. More viable commercial districts can become [REDACTED].



Attachment B

Montlake Terrace –Community Business District (current)

**19.45.030 Building types, locations, and dimensions.**

C. Dimensional Requirements. The dimensional requirements for each building or lot are listed in the table below, subject to other provisions of this chapter:

Front yard setback (min./max.)	5 feet <sup>1</sup> /15 feet
Rear yard setback (min.)	0/20 feet <sup>2</sup>
Side yard setback (min.)	0/10 feet <sup>2</sup>
Lot width at street (min.)	50 feet
Lot coverage (max.)	40/75% <sup>3</sup>
Building height (max.):	
South of 216th Street SW	3 stories <sup>4</sup>
North of 216th Street SW	4 stories <sup>5</sup>
Minimum landscaped area (as portion of lot):	
Building Type A or B	15%
Building Type C or D	10%
Building Type E	N/A
Shared open space (min.)	50% of the minimum landscaped area

<sup>1</sup>Except as otherwise provided in the community business district design standards.

<sup>2</sup>The greater number shall be used if the lot abuts property in any RS or RM zoning district.

<sup>3</sup>The greater number may be used only if at least 90 percent of the required on-site parking is understructure.

<sup>4</sup>Not to exceed 40 feet.

<sup>5</sup>North of 216th not to exceed 50 feet.

City of Bothel - dated Feb. 2013 (current)

**B. Setback and building height adjacent to a single-family residential zone:**

1. For the portion of the property that has a property line adjacent to a single-family zone, the setback shall be a minimum of 20 feet.

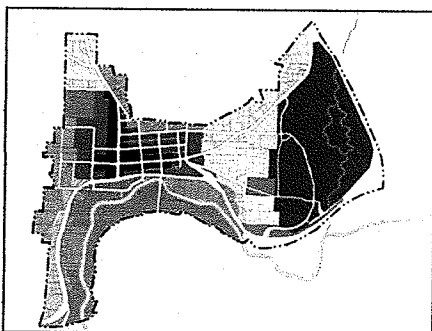
~~City of Edmonds (current)~~

**16.100.040 Site development standards.**

D. Site Setbacks. See District Map at the end of this chapter for illustration of setbacks, buffers and related notes.

Setback distances refer to areas above ground.

1. Minimum side setbacks are 15 feet.

**12.64.103 DOWNTOWN TRANSITION DISTRICT REQUIREMENTS****CHART LEGEND**

---	not permitted	n/a: not applicable as indicated	not required: these elements are not required as indicated
permitted:	these elements are allowed by right unless otherwise specified in Section 12.64.201 Building Use		
required:	these are required elements of all new development as indicated.		
(C1):	0 ft side yard setback is permitted only if the side yard setback on the abutting property is 0 ft or larger than 10ft		

12.64.200 Site Development Regulations	District Requirements
<b>12.64.201 Building Use</b>	
<b>A. Retail</b>	
1. Pedestrian Oriented Retail	---
2. Neighborhood Center Retail	---
3. Business & Personal Services	permitted
4. Auto Oriented Retail	---
5. Corner Store Retail	---
<b>B. Civic &amp; Cultural</b>	permitted
<b>C. Office</b>	permitted
<b>D. Lodging</b>	permitted
<b>E. Residential</b>	
1. Multi-Family w/ Common Entry	permitted
2. Multi-Family w/ Individual Entry	permitted
3. Detached Single Family Housing	permitted
4. Manufactured Homes	---
5. Home Occupation	permitted

12.64.200 Site Development Regulations (cont.)	District Requirements
<b>12.64.202 Building Height</b>	
minimum height	2 floors & 20 feet
maximum height	3 floors & 35 feet
<b>12.64.203 Special Height Regulations</b>	
Abutting Residential Only Zones	not required
Across the Street from Residential Only Zones	not required
Special Height Requirement	required
<b>12.64.204 Building Orientation</b>	
required or not required	required
<b>12.64.205 Public Frontage</b>	
required or not required	required
<b>12.64.206 Private Frontage</b>	
1) Shop-Front	permitted
2) Corner Entry	permitted
3) Arcade	---
4) Grand Portico	---
5) Forecourt	permitted
6) Grand Entry	permitted
7) Stoop	permitted
8) Porch	permitted
9) Front Door	---
10) Edge Treatment: Fenced	permitted
11) Edge Treatment: Terraced	permitted
12) Edge Treatment: Flush	permitted
<b>12.64.207 Front Yard Setback</b>	
minimum / maximum	5 ft / 15 ft
<b>12.64.208 Side Yard Setback</b>	
min w/ living space windows (or adj to s.f. homes)	10 ft
min w/out living space windows	5 ft (C1)
<b>12.64.209 Rear Yard Setback</b>	
minimum setback	10 ft
<b>12.64.210 Special Setback Regulations</b>	
minimum setback	25 ft
<b>12.64.211 Alley Setback</b>	
minimum setback	5 ft
<b>12.64.212 Frontage Coverage</b>	
minimum percentage covered	70%
<b>12.64.213 Build-to-Corner</b>	
required or not required	required
<b>12.64.214 Maximum Building Length</b>	
maximum	120 ft
<b>12.64.215 Special Building Length Limit</b>	
Corner	100
Mid-Block	80
<b>12.64.216 Space Between Buildings</b>	
	20 ft

City of Lynnwood – dated March, 2012 (current)

**21.60.450 Transitional rules.**

In the portion of the city center – core district (CC-C) that is north of 194th St. SW, development of any property that adjoins a property zoned to a single-family residential zone shall comply with the transitional buffer regulations in LMC 21.46.220. The minimum building setback from a single-family residential property shall be 25 feet. (Ord. 2554 § 7, 2005)

**21.62.450 Treatment at transitional property lines.**

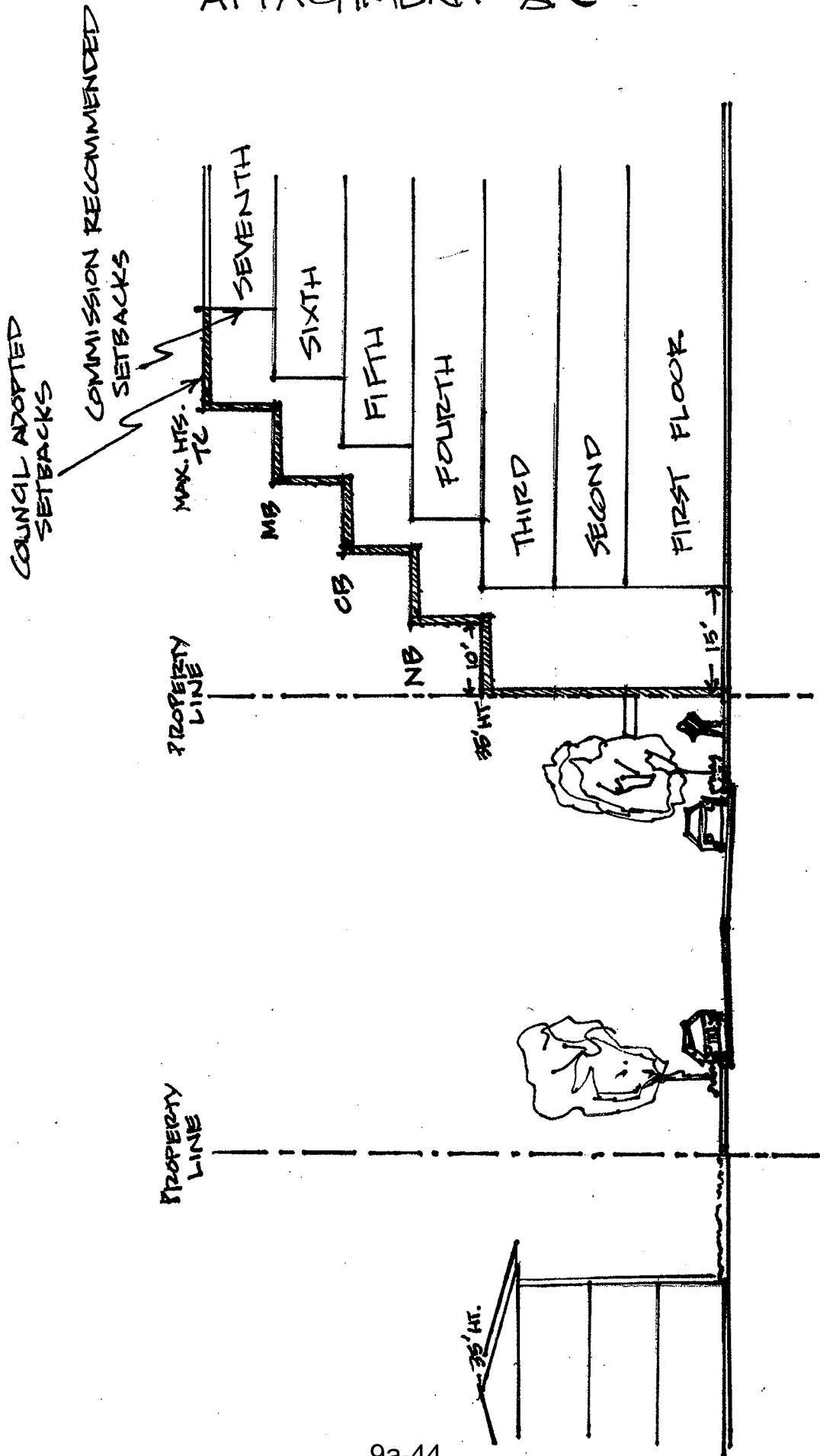
A. Setback and building height adjacent to a multifamily residential zone:

1. For the portion of the property line adjacent to a multifamily zone, the setback shall be a minimum of 15 feet.

# COMPARISON OF P.C. RECOMMENDATIONS + C.C. ADOPTION

## ATTACHMENT C

Attachment F



COMMERCIAL ZONE

60' R.O.W.

R-4, R-6, or R-8 ZONE

000037

C.C. ADOPTION

Attachment D

Commercial Zone

max. HTS. TC

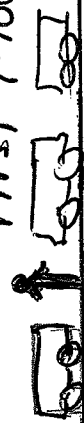
Seventh
Sixth
Fifth
Fourth
Third
Second
First Floor

9a-45

185' 4"

Seventh
Sixth
Fifth
Fourth
Third
Second
First Floor

178' 4"



Linden Ave

R-4, R-6, R-8 Zone

**Lisa Basher**

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**From:** Plancom [plancom@shorelinewa.gov]  
**Sent:** Thursday, October 03, 2013 6:17 PM  
**To:** Michelle Linders Wagner; Cynthia Esselman; Donna M. Moss; Rachael Markle; Steve Szafran; Easton Craft; David Maul; William Montero; Keith Scully; Paul Cohen; Lisa Basher  
**Subject:** FW: 0 ft setbacks

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**From:** Michael Bachety[SMTP:MBACHETY@GMAIL.COM]  
**Sent:** Thursday, October 03, 2013 6:16:50 PM  
**To:** Courtney Ewing  
**Cc:** Plancom; City Council  
**Subject:** Re: 0 ft setbacks  
**Auto forwarded by a Rule**

I grew up the son of a politician from the 60's through the 80's. No not my dad, but my mom. That sticking point meant a lot to me back in the day when there was not much gender equality in the workplace. My mom was a housewife traumatized and inspired by the killing of JFK, who famously had said, "My fellow Americans, ask not what your country can do for you but ask what you can do for your country"...and so she got involved in politics. I was a baby at the time and I then grew up in a political world for the next 20+ years. She was motivated by the greater good and helping the voiceless. I have always focused on that.... serving the greater good and helping the voiceless.

As an adult I volunteered as an EMT; I taught English and basketball to kids in Asia who I think liked their gigantic blue-eyed American. Most recently, I finished a CERT class with the city of Shoreline because I think it is important for every person to somehow contribute to their community...you know, ask not what your country can do for you...

As I watch this church proposal unfold, I look at my local city council and wonder, what motivated their desire to serve their community? They collectively seem to be ignoring an entire neighborhood of homeowners protesting a large influx of families dumped onto a small plot of the last green space in the neighborhood.

It also made me look at the church. Do any of my neighbors go to this church? Every neighbor I've talked to has been against this development. This makes me wonder where this congregation lives. I can bet that the city council members don't live near Linden Ave because this development would certainly have been squashed. And so I guess the congregation must not live near Linden Ave either because honestly, who wants a high density of people and a food bank next to their quiet home? Sorry but it's true.

You can go a ½ mile in either direction on Aurora and see 4 or 5 empty lots or dilapidated buildings sprinkling the avenue but the vision of Shoreline is to allow a large apartment building on the last piece of green space on the corridor.

The apparent deception was the first red flag. None of my neighbors received a notice in the beginning, which is required, when there was a meeting regarding this building proposal. The city's setback rule change from 15 feet to 0 feet was only discovered by a channel-flipping neighbor. The address for this development has an Aurora address but everyone knows that the construction, the parking, the traffic, the deliveries will all be on Linden Av. This piece of Linden Av is also the road that many students walk every day from Shorewood HS to

Fred Meyer and back, with no continual sidewalks to boot. The adjacent cross streets already get overflow parking from the existing high-density development 300 feet to the south.

The city could have rejected the dividing of the land for development but they chose not to. The city could have split the difference on the setback ruling for transition roads but they didn't. The city could be seeking solutions to this problem since every homeowner in the area is against it but they haven't. This all makes me wonder again why the councilmembers chose to be representatives of the people.

I would offer the simple solution of floating a bond or a levy to purchase this land from the church in order to preserve it. The one thing that I know about Washington voters when it comes to spending money is that we are usually receptive in regards to parks and green spaces. In return the community and city will work harder with the church to help achieve their goal of helping families in need. We can all do more and we should be finding adequate solutions for the greater good. Please let's all ask not...

On Oct 3, 2013, at 9:11 AM, Courtney Ewing <[ccewing@gmail.com](mailto:ccewing@gmail.com)> wrote:

Dear Planning Committee,

I am unable to attend the Planning Committee meeting tonight, so please consider this my public comment. I would ask that you reconsider the 0 ft setback that was unfairly passed by the City Council. I say unfairly because I do not understand how a publicly elected group of people would go against what the City and residents both agreed to in the Town Center Plan, which I understand was 3 years in the making. To me there seems to be a greedy ulterior motive at the cost of the residents. I understand that new businesses help a city thrive, but rather than concentrate on bringing new businesses to transition neighborhoods, why don't we put our efforts into filling the run down eyesores on Aurora?

I am wondering how many new permit applications have been submitted by new businesses rushing into Shoreline since the 0 ft setback in transition zones was passed more than 6 months ago? As far as I know, only the Ronald's Affordable Housing Project is guaranteed under the 0 ft setback change. If there are others, please correct me.

Also, the Shoreline City Council seems to be putting commercial interests ahead of the interests of its residents. It seems like there is a general lack of empathy in the Council. Unfortunately there is no way to tell how they would truly vote on the setbacks issue if this personally affected their neighborhood because none of them live in transition zones.

People moved into these residential neighborhoods and have put their faith in the City of Shoreline because they liked the area and the feel of the space, which typically includes sufficient green space, trees, etc. The trade-off with allowing increased commercial square footage up to the edge of the sidewalk will now completely change the feel of these affected neighborhoods.

The Ronald's Project is in my neighborhood and the 0 ft setback is now set in stone for that project. I know the designers and planners have "promised" they will not build to 0 ft, but that is no guarantee. Regardless of this planned project in my neighborhood, as a Shoreline resident, I am asking you to approve either the original 15 ft setback that was agreed upon by all parties in the Shoreline Town Center Plan, or at least a compromise of 7.5 ft of setback. I ask this on behalf of fellow Shoreline residents who also live in transition zones, that their neighborhood would not be overshadowed by cement and a general lack of green directly across from their homes.

Best Regards,

Courtney Ewing

Shoreline Resident



**Lisa Basher**

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**From:** Plancom [plancom@shorelinewa.gov]  
**Sent:** Thursday, October 03, 2013 9:12 AM  
**To:** Michelle Linders Wagner; Cynthia Esselman; Donna M. Moss; Rachael Markle; Steve Szafran; Easton Craft; David Maul; William Montero; Keith Scully; Paul Cohen; Lisa Basher  
**Subject:** FW: 0 ft setbacks

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**From:** Courtney Ewing[SMTP:CCEWING@GMAIL.COM]  
**Sent:** Thursday, October 03, 2013 9:11:50 AM  
**To:** Plancom  
**Cc:** City Council  
**Subject:** RE: 0 ft setbacks  
**Auto forwarded by a Rule**

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Also, the Shoreline City Council seems to be putting commercial interests ahead of the interests of its residents. It seems like there is a general lack of empathy in the Council. Unfortunately there is no way to tell how they would truly vote on the setbacks issue if this personally affected their neighborhood because none of them live in transition zones.

People moved into these residential neighborhoods and have put their faith in the City of Shoreline because they liked the area and the feel of the space, which typically includes sufficient green space, trees, etc. The trade-off with allowing increased commercial square footage up to the edge of the sidewalk will now completely change the feel of these affected neighborhoods.

The Ronald's Project is in my neighborhood and the 0 ft setback is now set in stone for that project. I know the designers and planners have "promised" they will not build to 0 ft, but that is no guarantee. Regardless of this planned project in my neighborhood, as a Shoreline resident, I am asking you to approve either the original 15 ft setback that was agreed upon by all parties in the Shoreline Town Center Plan, or at least a compromise of 7.5 ft of setback. I ask this on behalf of fellow Shoreline residents who also live in transition zones, that their neighborhood would not be overshadowed by cement and a general lack of green directly across from their homes.

Best Regards,

Courtney Ewing

Shoreline Resident

**Lisa Basher**

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**From:** Paul Cohen  
**Sent:** Monday, September 30, 2013 9:55 AM  
**To:** Lisa Basher; Plancom  
**Subject:** FW: Proposed development code amendments to section 20.50.021.A

FYI for hearing Oct 3.

*Paul L. Cohen - Planning Manager*  
*Planning and Community Development Department*  
*17500 Midvale Ave. N.*  
*Shoreline, WA 98133*  
*T (206) 801-2551*  
*F (206) 801-2788*  
*[pcohen@shorelinewa.gov](mailto:pcohen@shorelinewa.gov)*

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**From:** [b.minogue@gmail.com](mailto:b.minogue@gmail.com) [mailto:[b.minogue@gmail.com](mailto:b.minogue@gmail.com)]  
**Sent:** Saturday, September 28, 2013 5:28 PM  
**To:** Paul Cohen  
**Subject:** Proposed development code amendments to section 20.50.021.A

Hello,

I'm a Shoreline homeowner, not in the immediate vicinity of the Linden Ave. Town Center location. Fortunate for me.

I oppose the change removing the agreed upon 15 foot setback. I believe that having the development right on the property line has a big impact on the single family homes in the neighborhood. I also think it is not legitimate to change this setback agreement now. I don't think favoring the needs of development at the cost of homeowners is right, fair or necessary. I'm not able to attend the meeting but wanted to express this.

BJM

**Lisa Basher**

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**From:** Plancom [plancom@shorelinewa.gov]  
**Sent:** Sunday, September 29, 2013 7:58 PM  
**To:** Michelle Linders Wagner; Cynthia Esselman; Donna M. Moss; Rachael Markle; Steve Szafran; Easton Craft; David Maul; William Montero; Keith Scully; Paul Cohen; Lisa Basher  
**Subject:** FW: Set backs

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**From:** Ann Erickson[SMTP:ANNSON@COMCAST.NET]  
**Sent:** Sunday, September 29, 2013 7:58:02 PM  
**To:** Plancom  
**Subject:** Set backs  
**Auto forwarded by a Rule**

Hello,

I must voice my disapproval of 0 setbacks. They are unattractive and give a feeling of passing a prison to the street. Walking by them is harsh and unfriendly. This is a trend, a fad, that in twenty years will look dated and there will be nothing to be done except tear the buildings down. I think it is short-sighted and foolish. I want to look at some landscaping, and perhaps some art. With a 0 setback there is no place for those things. The view to neighbors, visitors and casual passers-by will be concrete walls and windows. Ugh.

Ann Erickson

525 N. 190<sup>th</sup> Street

Shoreline, WA 98133

206-546-5430

**Paul Cohen**

**From:** Julie Underwood  
**Sent:** Sunday, September 29, 2013 6:33 PM  
**To:** Carolyn Wurdeman; Chris Eggén; Chris Roberts; Debbie Tarry; Doris McConnell; Heidi Costello; Jesse Salomon; Julie Underwood; Keith McGlashan; Shari Winstead; Will Hall  
**Cc:** Rachael Markle; Paul Cohen  
**Subject:** FW: Updates from BJean

Council-

As you know, the setback issue is coming to Planning Commission. I wanted to make you aware of the chatter out there.

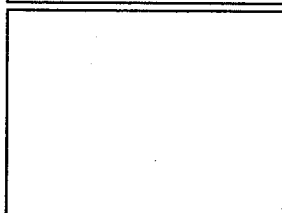
All part of the job!

Julie

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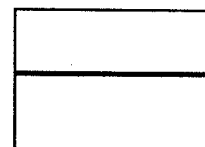
**From:** Nextdoor Hillwood [mailto:nextdoor@nextdoor.com]  
**Sent:** Sunday, September 29, 2013 2:36 PM  
**To:** Julie Underwood  
**Subject:** Updates from BJean

 Daily digest for Hillwood




Your neighborhood, everywhere.

Nextdoor is now available on iPhone and Android. 16 neighbors have already downloaded it.



Recent activity from nearby neighborhoods



 Shaun Kerins from Richmond Highlands on 27 Sep  
NEVER wanted to be an activist but.. Shoreline Council has made me  
 I need your help. 'Our' Council has changed our city codes that directly effect me and maybe someday you - I don't want anyone else to have to go through this...

Background:

When the Council gave us the Great ShorelineTownCenter, they took in 3 years of input and came up with some development standards that we, living in the shadow of the TownCenter, felt we could live with. Councilman Hall changed ALL that last March... in one slick council 'move', changed the transitions (the gap between TownCenter and single-family homes) to ZERO feet. Resulting in buildings right up against the sidewalk and street. (We had agreed with 15 feet.) A number of us fought against the ordinance and the Council sent the Planning Committee to review and get comments from the people.

Here's were I am really asking for your help.

The Planning Committee is about to recommend that the city adopt the ZERO setback ruling. The public comment is this Thursday (10/3) at City Hall. I am encouraging everyone reading this to review the attached link  
 (<http://cosweb.ci.shoreline.wa.us/uploads/attachments/pcd/pc/2013/1003/agenda.htm>)

and come out to have your voice heard.

☐ Shared with Richmond Highlands and 9 nearby neighborhoods in General View or reply · Thank · Private message

☐ BJean Mino from Richmond Highlands

at 5:29 PM

I sent an email, I agree with your position. I hope others attend or send emails.  
Thank

Not interested in messages from nearby neighborhoods? Turn them off.  
Unsubscribe or change your e-mail settings.

This message was intended for junderwood@shorelinewa.gov.  
Nextdoor, 101 Spear Street, Suite 230, San Francisco, CA 94105