

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

AGENDA TITLE:	Special Use Permit 201473 for expansion of the student union building on Shoreline Community College campus.
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Paul Cohen, Planner III

ISSUE STATEMENT:

The issue before the Council is an application for the expansion of the Pagoda Union Building on the Shoreline Community College campus (Exhibit A). The proposal to expand involves partially demolishing the existing building and rebuilding from the original 2 stories to 3 stories within the existing footprint of the building (Exhibit B). Internally the proposal would add more student programs and services as well as improve the existing functions. Externally the proposal would remove 12 parking spaces and improve surrounding landscaping and plaza areas.

New colleges are not permitted in R-4 zones, however, an existing and nonconforming use may be expanded subject to a Special Use Permit (SMC 20.30.280) and analyzed on its nine criteria. A SUP is a Type C action and is reviewed by the Planning Commission where an open record public hearing was held and closed. The Planning Commission deliberated on parking in general and displaced parking during the construction phase (Exhibit C). They recommended approval with the following two conditions.

Condition 1. Prior to building permit issuance of the Pagoda Union Building, the Community College shall submit an off-site parking agreement to accommodate displaced parking due to the construction of the building; and

Condition 2. A campus master plan shall be completed by the Community College and approved by the City prior to the applications of any future construction permits to add habitable space. The master plan shall minimally address parking, area traffic and circulation, storm drainage, critical areas, and on-site future improvements.

This recommendation is forwarded to the City Council as the final decision-making authority for Type C, quasi-judicial actions. A Council decision is based on the record because the public hearing has closed.

Prior to construction on the site a building permit shall be obtained. A building permit for the proposal has been submitted for review but is on hold until approval of this SUP.

The permit submittal will be reviewed administratively and is subject to the requirements of the Shoreline Municipal Code (SMC) and the 2003 International Building Code.

ALTERNATIVES ANALYZED:

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

- Approve the SUP request as recommended by the Planning Commission with conditions.
- Approve the SUP request as recommended by the Planning Commission with modified conditions.
- Deny the SUP request.
- Remand the SUP request to the Planning Commission for modifications to the findings, conclusion and recommendation.

FINANCIAL IMPACTS: There are no direct financial impacts to the City.

RECOMMENDATION:

Approve the applicant's request for SUP for expansion of the student union building based on the Planning Commission findings, conclusion and recommendation that all SUP criteria are met (Exhibit D).

Approved By: City Manager  City Attorney ____

Exhibits:

Exhibit A: Vicinity Map
Exhibit B: Site Plan and Building Elevations
Exhibit C: Planning Commission Findings and Determination
Exhibit D: Ordinance No. 424
Exhibit E: Planning Commission Staff Report - March 2, 2006
Exhibit F: Planning Commission Minutes for Meeting - March 2, 2006
Exhibit G: SMC 20.30.030-070

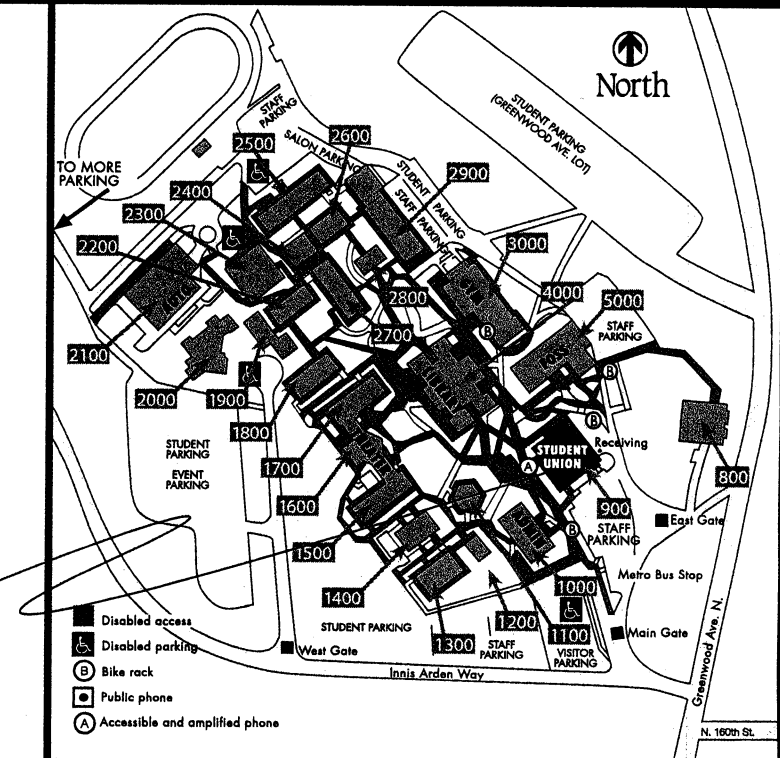
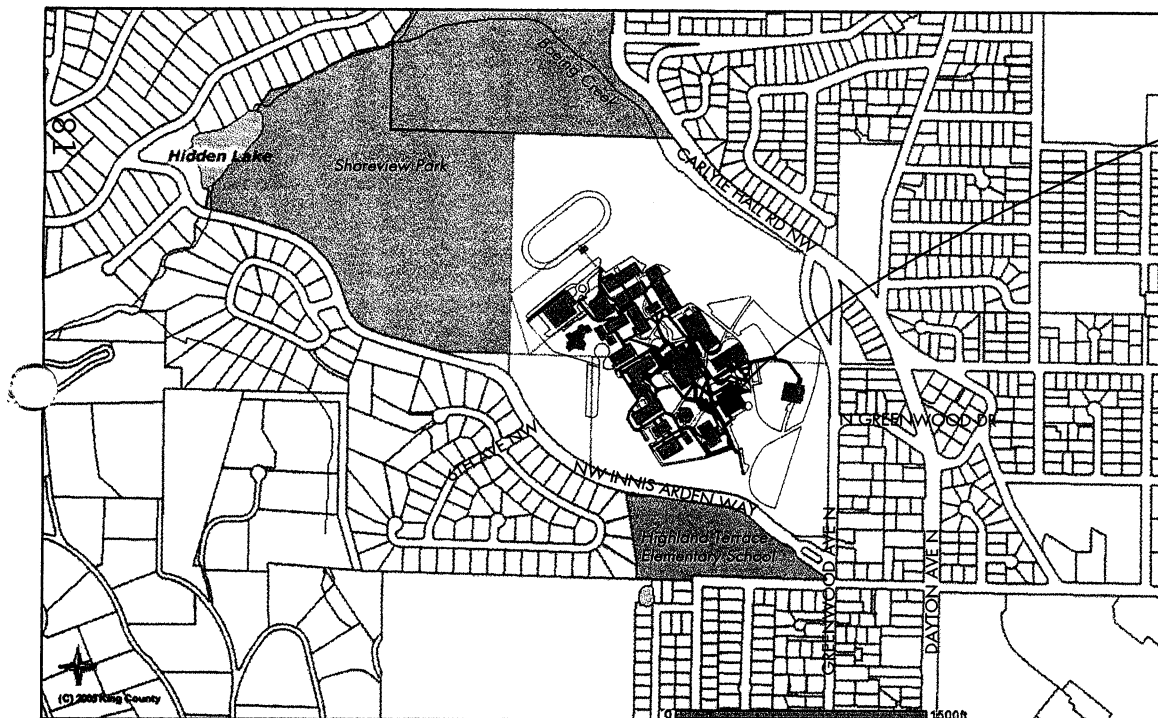
Pagoda Union Building (PUB) Vicinity Map

Date: October 3, 2005

Prepared by: Jennifer Witzgall, Planner
(425) 741-3800

Reid Middleton, Inc.

728 - 134th Street SW, Suite 200
Everett, Washington 98204



Information Desk	1000, 5000	Employment Services	5000	Parent-Child Center	1900
Academic Skills Center	1500	Engineering	2517	Personnel Office	1000
Administration	1000	English Lab	1500	Physical Education Division	3000
Admissions and Records	5000	ESL-GED Tech Center	1700	Physics Lab	2924
Advising and Counseling	5000	Financial Aid	5000	Plant Operations	900
Automotive Training Center	2100	FOSS Building	5000	President of College	1000
Biology Lab	2600	Geology Lab	2920	PUB (Pagoda Union Building)	900
Biotechnology Lab	2930	Gymnasium	3000	Puget Sound Auto Dealers Assn	2100
Bookstore	5000	Health Occupations Division	2300	Purchasing	1200
Business Admin/Computer Labs	1300	Humanities Division	5000	Registration	5000
Business Admin Division	1400	Intra-American Studies & Social Sciences Division	5000	Science Division	2800
Business Office, Budgeting	1200	Lecture Halls	1100, 2925	Safety and Security	900
Cafeteria	900	Library, Media & Tech. Center	4000	Student Body Association	900
Cashier	5000	Machine Shop	2500	Student Lounge	5000
Chemistry Lab	2700	Math Learning Center	2200	TDD	5000
Community Involvement Prog	5000	Media Center	4000	Theater	1600
Continuing Education Lake Forest Park	5000	Metal Fabrication Lab	2900	Transcripts/Records	5000
Cosmetology/	5000	Multicultural/Diversity Ed Ctr	900	VP for Academic Affairs	1000
SCC Salon 928 N 160th St Shoreline	5000	Music Building	800	VP for Business	1000
Counseling Center	5000	Nursing	2300	VP for Student Services	5000
Dental Hygiene Clinic	2500	Oceanography Lab	2903	Visual Communication Tech	2000
Educational Opportunity Prog	5000			Women's Programs	900

EXHIBIT A

OCT 31 2005

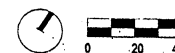
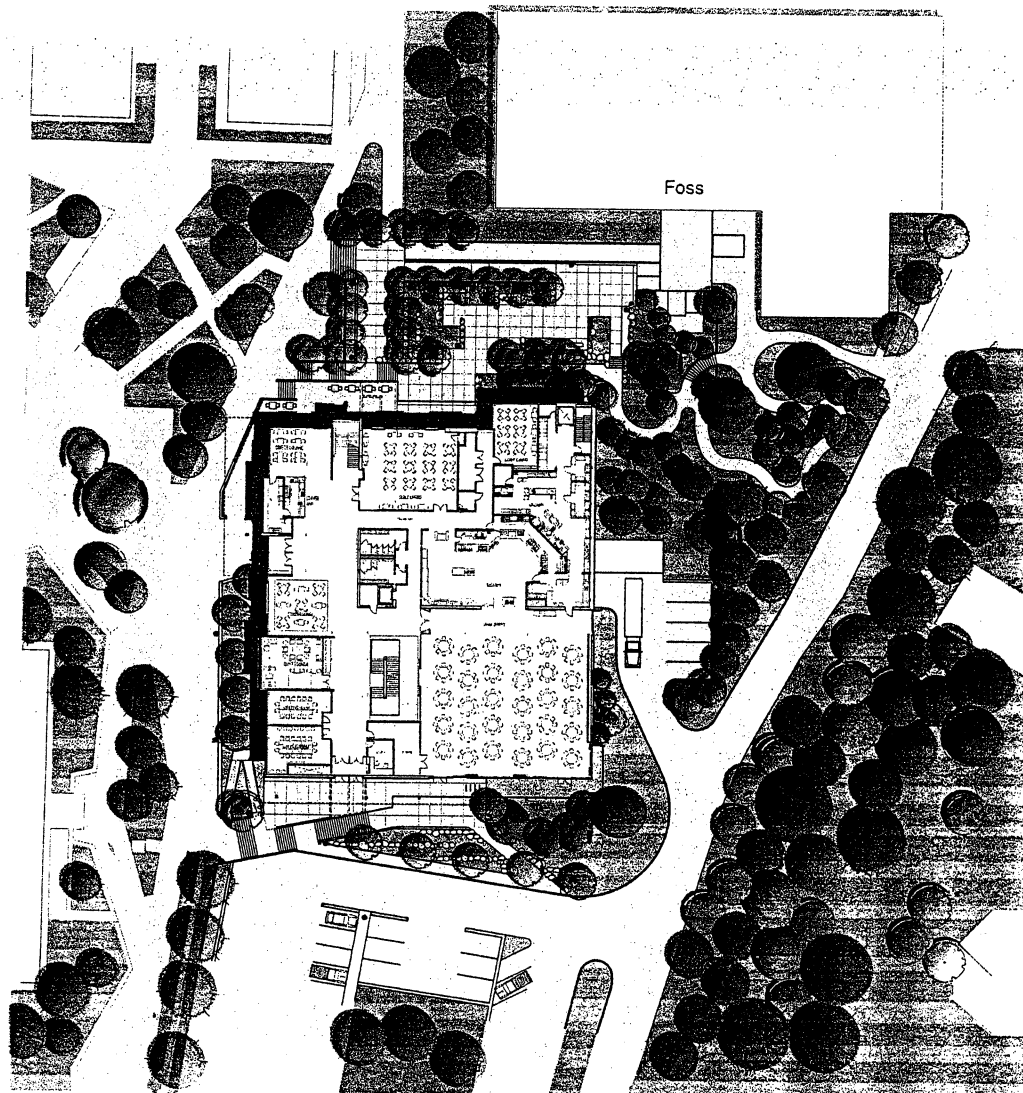
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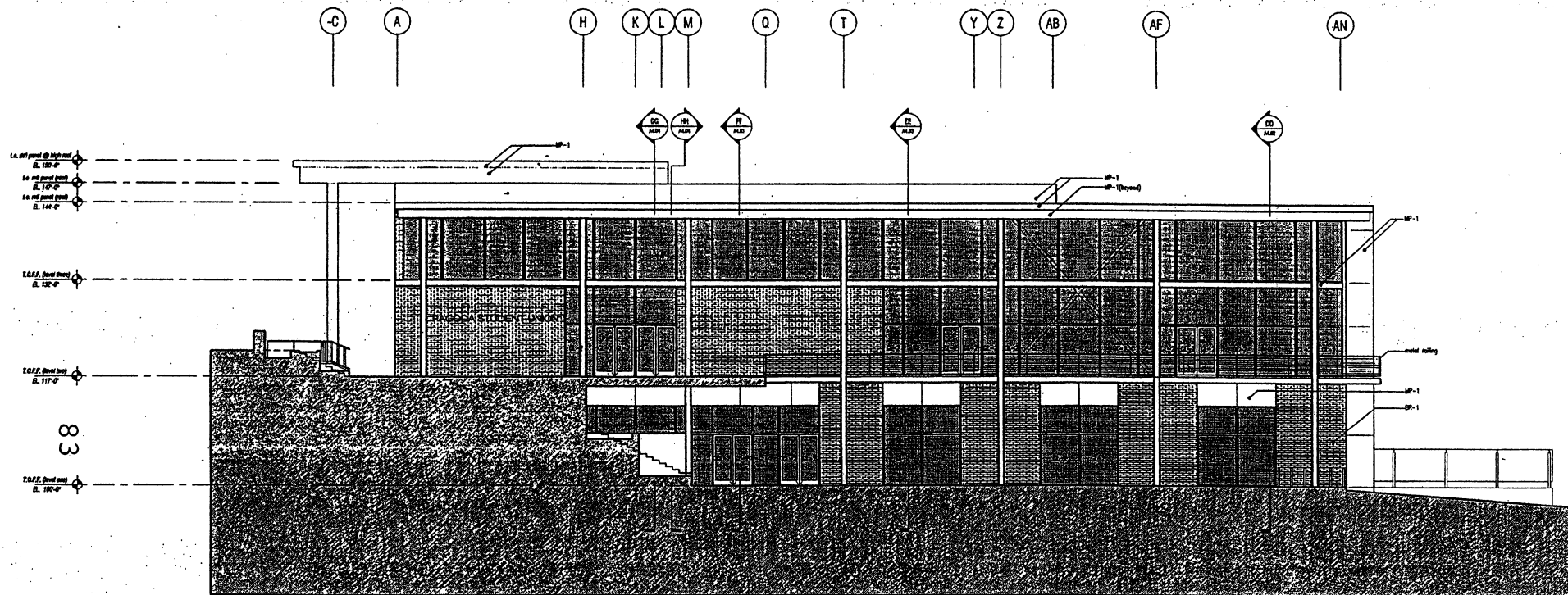
shoreline
college
pagoda
student
union

Shoreline Community College

EDAW
315 WESTERN AVENUE, SUITE 200
SEATTLE, WASHINGTON 98104
PH 206.343.7700
FAX 206.343.8000
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EXHIBIT B





2 south elevation
 A3.01 1/8"=1'-0"

001 8 1.205

201473

FINDINGS AND DETERMINATION OF THE CITY OF SHORELINE PLANNING COMMISSION Shoreline Community College Special Use Permit

Summary - This Special Use Permit (SUP), a Quasi-Judicial or "Type C Action," before the City Council is a request to rebuild the existing student union building from 2 stories to 3 stories on the Shoreline Community College campus. The building square footage is proposed to expand by 50% and the building height is proposed to exceed the underlying zoning height limit by 10 feet. Internally, the proposal would add more student union programs and services as well as improve the existing functions. Externally the proposal would remove 12 parking spaces and improve surrounding landscaping.

A building permit for the proposal has been submitted at this time but is on hold until approval of the SUP. Prior to construction on the site a building permit shall be obtained. The permit submittal will be reviewed administratively and is subject to the requirements of the Shoreline Municipal Code (SMC) and the 2003 International Building Code.

I. FINDINGS OF FACT

1. Project Description

The subject site is located at the southeast end of campus near the main entry. Like most campuses it is surrounded by the usual network of pedestrian paths, plazas, and parking.

The project site is located in the Highland Terrace Neighborhood. The campus is zoned R-4 as are the neighborhoods to the west and south. East of Greenwood Avenue the neighborhood is zoned R-6. Currently and in the recent past the neighborhood experienced commuter traffic and parking issues related to the campus in general.

2. Timing and Authority

The application process for this project began when the applicant held the requisite neighborhood meeting on September 12, 2005. A complete application was submitted to the City on October 31, 2005. A public notice of application and public hearing was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on December 15, 2005 and re-noticed for a postponed hearing on February 9, 2006. This notice solicited public comments but no comment letters were received. The Planning Commission held a public hearing on March 2, 2006. The hearing closed and the Planning Commission made recommendations with conditions.

This application is for both the expansion of the use and the structure. The state law behind this approach is based on the attached RCW 36.70A.200 – Siting of essential public facilities – limitations and liabilities. (1) Each City shall include a process for

identifying and siting essential public facilities which include state educational facilities. (5) No local comprehensive plan or development regulations may preclude the siting of essential public facilities.

A SUP is required because colleges are not permitted in R-4 zones, however, an existing, legal, and nonconforming use may be expanded subject to a Special Use Permit (SMC 20.30.280). A Type C action (SUP) is reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to the City Council, who is the final decision making authority for Type C actions.

The Planning Commission was asked to review the Special Use by applying the nine criteria in Section 20.30.330 (B) of the Shoreline Municipal Code (SMC). The City Council may approve an application for Special Use of property if the proposal meets all these criteria.

4. Public Comment - The City received no public comment letters regarding this proposed expansion of the student union building.

5. SEPA Determination - SEPA review is required for this application under the City's substantial authority established in SMC 20.30.490. The Shoreline Community College, acting as lead SEPA agency on this action, issued a SEPA Determination of Non-Significance November 28, 2005.

6. ANALYSIS OF SUP CRITERIA

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which Special Use Permit applications are reviewed. The City shall grant a Special Use Permit, only if the applicant demonstrates that it meets each of the following criteria. See Attachment H for the applicant's response to criteria.

Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

The improved and updated student union building will better facilitate students and respond to student needs in Shoreline's only higher education institution.

The special use meets criterion 1.

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

The proposed student union building is compatible with the surrounding campus uses because they are college facilities as well. The surrounding residential neighborhood is compatible only in that the campus has been there for 40 years including the student union building. More recently there are problems with traffic and parking impacts on the surrounding residential areas that is more an enforcement issue than on-site, parking issue. A parking study showed that the campus is at 85% of capacity at peak hour use

(9:30 AM). If the additional parking impacts are conditioned to be mitigated by the proposal then the proposed expansion could be compatible.

The special use meets criterion 2 if conditioned as recommended.

Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.

There are no health and safety issues related to this proposal. If approved, the City will require a building permit to construct the building and be reviewed for structural safety. However, the welfare of the community is related to Criterion 2 and parking impacts in the neighborhood.

The special use meets criterion 3

Criterion 4: The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.

The proposal is replacing the same use within the existing campus and therefore will not create a detrimental over-concentration of college uses.

The special use meets criterion 4.

Criterion 5: The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

The special use will not cause any increased pedestrian or vehicular traffic in the neighborhood except the infrequent service vehicle after construction.

The special use meets criterion 5.

Criterion 6: The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

The need for public facilities is not increased; adequate infrastructure exists for the site.

The special use meets criterion 6.

Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

The proposed building will be taller than most of the surrounding buildings but will not prevent other campus buildings from redeveloping. The added third story is approximately 500 feet from Greenwood Ave N which is the closest residential area. The student union building is not visible from Greenwood Ave because there is dense, mature vegetation between. All other nearby residential property is fully developed.

The special use meets criterion 7.

Criterion 8: The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

The Shoreline Community College campus is designated on the Comprehensive Plan 2001 as Single Family Institution.

LU67: Provide for Essential Public Facilities as required by State regulations. Ensure that these essential public facilities:

- Provide for basic public needs (health, welfare, and safety);
- Offer substantial public benefits to Shoreline and to the greater community (e.g., public services, public amenities);
- Enhance the identity and image of the community (e.g., attractive, compatible with surrounding community, community service orientation); and
- Are accessible to community members and/or to the regional population, where appropriate.

LU70: Ensure that all new development, redevelopment, and/or expansion of an existing use shall comply with Essential Public Facilities policies and regulations.

LU72: Ensure that the design of these facilities will mitigate impacts to the project site and to the affected community through:

- Siting of facilities in a location that will have the least impacts on the surrounding community.
- Design of facilities to be visually attractive and harmonious with existing facilities and with surrounding developments. Structures, landscaping, signage and other improvements should comply with the goals outlined in the Community Design Element of the Comprehensive Plan.
- Use of aesthetically compatible buffers (e.g. fences, landscaping and similar means) to separate the Essential Public Facility from surrounding uses.
- Improvements to limit impacts to environmental health (e.g. footprint, noise quality; air quality; use, storage and destruction of hazardous materials, storm water runoff management).
- Infrastructure improvements (e.g., transportation, capital facilities and utilities) to support the underlying facility. Improvements may include, but need not be limited to streets, sidewalks, streetlights, transit shelters, parking and utility lines.
- Open space as part of the development plan. Where feasible and appropriate, this open space should be accessible to the public.
- Provision of aesthetic improvements (including application of the One

Percent for the Arts) as a part of the development plan; where feasible and appropriate, these arts improvements should be accessible for community viewing.

LU75: All new Essential Public Facilities and redevelopment, expansion of a use and/or change of a use of an existing Essential Public Facility shall be required to undergo development review by the City of Shoreline. Development standards and review criteria shall consider:

- the types of facility uses and operations and their impacts;
- compatibility of the proposed development, expansion or change of use, with the development site, with neighboring properties and with the community as a whole;
- environmental review pursuant to State Environmental Policy Act (SEPA Rules WAC 197-11); and
- development standards to mitigate aesthetic and functional impacts to the development site and to neighboring properties.

The special use meets criterion 8 if conditioned as recommended.

Criterion 9: The special use is not in conflict with the standards of the critical areas overlay.

The site of the student union building is not in a critical area.

The special use meets criterion 9.

II. CONCLUSIONS

The applicant has proposed an expansion of the student union building that does not expand the facility toward the surrounding neighborhood or increase impervious surfaces while staying within the context of the overall campus. The immediate concern is that construction may take a year and that up to 90 parking stalls will be temporarily displaced, which adds pressure for parking on a campus already with parking problems. In the past, the college has made small changes that did not meet the threshold for overall improvements to the traffic and off-site parking there. The City has encouraged the college for several years to create a master plan that the City can approve. The City has not received an application for a master plan. The proposed building is adding a floor of college functions that do not require parking. The City's Engineer has evaluated the college's parking study and finds the use and capacity to be adequate.

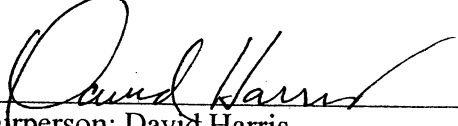
III. RECOMMENDATION

Based on the Findings, the Planning Commission recommends adoption of the Special Use Permit with the following conditions.

Condition 1. Prior to building permit issuance of the student union building the community college shall submit an off-site parking agreement to accommodate displaced parking due to the construction of the building.

Condition 2. A campus master plan shall be completed by the college and approved by the City prior to the applications of any future construction permits to add habitable space. The master plan shall minimally address parking, area traffic and circulation, storm drainage, critical areas, and on-site future improvements.

City of Shoreline Planning Commission


Chairperson: David Harris

Date: 3/31/2006

EXHIBIT D

ORDINANCE NO 424.

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING A SPECIAL USE PERMIT FOR THE PURPOSE OF RECONSTRUCTING THE PAGODA UNION BUILDING ON THE SHORELINE COMMUNITY COLLEGE CAMPUS.

WHEREAS, certain property, located at 16101 Greenwood Avenue North on the Shoreline Community College campus ("property"), is designated as R-4 on the Zoning Map and in the 2005 Comprehensive Plan as Single Family Institutional; and

WHEREAS, applicants desired expansion on this property consists of reconstructing the Pagoda Union Building from 2 stories to 3 stories; and

WHEREAS, this desired expansion requires approval of a Special Use Permit; and

WHEREAS, the applicants have filed a Special Use Permit application for the expansion;
and

WHEREAS, on March 2, 2006, a public hearing on the application for Special Use Permit was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on March 2, 2006, the Planning Commission recommended approval of the Special Use Permit and entered findings of fact and a conclusion based thereon in support of that recommendation; and

WHEREAS, upon consideration of the application and the Planning Commission recommendation, the City Council has determined that the Special Use Permit application for the property located at 16101 Greenwood Avenue North on the Shoreline Community College campus is consistent with the Comprehensive Plan, Shoreline Municipal Code, and appropriate for this site;

WHEREAS, the City Council has determined that the approval of the Special Use Permit shall include two conditions of approval: Condition 1. Prior to building permit issuance of the Pagoda Union Building, the Community College shall submit an off-site parking agreement to accommodate displaced parking due to the construction of the building; and Condition 2. A campus master plan shall be completed by the Community College and approved by the City prior to the applications of any future construction permits to add habitable space. The master plan shall minimally address parking, area traffic and circulation, storm drainage, critical areas, and on-site future improvements.

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

Section 1. Findings. The Planning Commission Findings and Recommendation on File No. 201473, as set forth by the record and as attached hereto as Exhibit 1, are hereby adopted.

Section 2. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 3. Effective Date. This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON April 24, 2006.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

EXHIBIT E



Memorandum

DATE: March 2, 2006

TO: Shoreline Planning Commission

FROM: Paul Cohen, Planning and Development Services Department

RE: Shoreline Community College – Addendum to Special Use Permit

You have received the staff report for the expansion of the student union building on the Shoreline Community College campus. Though the application is for the expansion of this land use it was not explained in the staff report that this expansion will increase the building height above the 30 foot height limit of the underlying zone by 10 feet. The height increase is approximately 6 feet above the roofline of the existing building.

This application is for both the expansion of the use and the structure. The state law behind this approach is based on the attached RCW 36.70A.200 – Siting of essential public facilities – limitations and liabilities. (1) Each City shall include a process for identifying and siting essential public facilities which include state educational facilities. (5) No local comprehensive plan or development regulations may preclude the siting of essential public facilities.

The community college states that the expansion of this facility is essential to meet the program needs of the college as enrollment has increased and services have changed since the building was built in 1964. This expansion does not include classrooms but the program and service needs of students using the existing classrooms.

The building height increase can best be analyzed under SUP Criteria 2 and 7.

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas. The 10 foot zoning height increase or the 6 foot increased height above the existing roofline will remain compatible with the single family neighborhood to the east because of the 500 foot separation with treed vegetation and the relatively minor height increase above the existing building.

Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

The proposed building will be taller than most of the surrounding buildings but will not prevent other campus buildings from redeveloping. All other nearby residential properties are fully developed.

The staff recommendation for approval with two conditions remains unchanged because the applicable state law and SUP criteria are met.

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3)(a) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(i) Accessory uses shall be located, designed, and operated so as not to interfere with natural resource land uses and shall be accessory to the growing of crops or raising of animals;

(ii) Accessory commercial or retail uses shall predominately produce, store, or sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site; and

(iii) Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.

(b) Accessory uses may include compatible commercial or retail uses including, but not limited to:

(i) Storage and refrigeration of regional agricultural products;

(ii) Production, sales, and marketing of value-added agricultural products derived from regional sources;

(iii) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;

(iv) Support services that facilitate the production, marketing, and distribution of agricultural products; and

(v) Off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities. [2004 c 207 § 1; 1997 c 429 § 23.]

Severability—1997 c 429: See note following RCW 36.70A.3201.

36.70A.180 Report on planning progress. (1) It is the intent of the legislature that counties and cities required to adopt a comprehensive plan under RCW 36.70A.040(1) begin implementing this chapter on or before July 1, 1990, including but not limited to: (a) Inventorying, designating, and conserving agricultural, forest, and mineral resource lands, and critical areas; and (b) considering the modification or adoption of comprehensive land use plans and development regulations implementing the comprehensive land use plans. It is also the intent of the legislature that funds be made available to counties and cities beginning July 1, 1990, to assist them in meeting the requirements of this chapter.

(2) Each county and city that adopts a plan under RCW 36.70A.040 (1) or (2) shall report to the department annually for a period of five years, beginning on January 1, 1991, and each five years thereafter, on the progress made by that county or city in implementing this chapter. [1990 1st ex.s. c 17 § 19.]

36.70A.190 Technical assistance, procedural criteria, grants, and mediation services. (1) The department shall

establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140. [1991 sp.s. c 32 § 3; 1990 1st ex.s. c 17 § 20.]

*** 36.70A.200 Siting of essential public facilities—Limitation on liability.** (1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

* (5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action. [2002 c 68 § 2; 2001 2nd sp.s. c 12 § 205; 1998 c 171 § 3; 1991 sp.s. c 32 § 1.]

Purpose—2002 c 68: "The purpose of this act is to:

(1) Enable the legislature to act upon the recommendations of the joint select committee on the equitable distribution of secure community transition facilities established in section 225, chapter 12, Laws of 2001 2nd sp. sess.; and

(2) Harmonize the preemption provisions in RCW 71.09.250 with the preemption provisions applying to future secure community transition facilities to reflect the joint select committee's recommendation that the preemption granted for future secure community transition facilities be the same throughout the state." [2002 c 68 § 1.]

Severability—2002 c 68: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 68 § 19.]

Effective date—2002 c 68: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 21, 2002]." [2002 c 68 § 20.]

Intent—Severability—Effective dates—2001 2nd sp.s. c 12: See notes following RCW 71.09.250.

36.70A.210 County-wide planning policies. (1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community, trade, and economic development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing for Special Use Permit to rebuild the existing student union building from 2 stories to 3 stories on the Shoreline Community College campus located at 16101 Greenwood Avenue N.

DEPARTMENT: Planning and Development Services

PRESENTED BY: Paul Cohen, Planner III

I. PROPOSAL

This Special Use Permit (SUP), a Quasi-Judicial or "Type C Action," before the Planning Commission is a request to rebuild the existing student union building from 2 stories to 3 stories on the Shoreline Community College campus. Internally, the proposal would add more student union programs and services as well as improve the existing functions. Externally the proposal would remove 12 parking spaces and improve surrounding landscaping. (Attachment A)

A SUP is required because colleges are not permitted in R-6 zones, however, an existing, legal, and nonconforming use may be expanded subject to a Special Use Permit (SMC 20.30.280). A Type C action (SUP) is reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to the City Council, who is the final decision making authority for Type C actions.

A building permit for the proposal has been submitted at this time but is on hold until approval of the SUP. Prior to construction on the site a building permit shall be obtained. The permit submittal will be reviewed administratively and is subject to the requirements of the Shoreline Municipal Code (SMC) and the 2003 International Building Code.

Environmental Review - SEPA review is required for this application under the City's substantial authority established in SMC 20.30.490. The Shoreline Community College, acting as lead SEPA agency on this action, issued a SEPA Determination of Non-Significance November 28, 2005 (Attachment B).

II. FINDINGS

1. SITE

The subject site is located at the southeast end of campus near the main entry. Like most campuses it is surrounded by the usual network of pedestrian paths, plazas, and parking. A site plan and building elevation are located in Attachment C and D.

2. NEIGHBORHOOD

The project site is located in the Highland Terrace Neighborhood. The campus is zoned R-4 as are the neighborhoods to the west. South and east of Greenwood Avenue the neighborhood is zoned R-6. Currently and in the recent past the neighborhood experienced commuter traffic and parking issues related to the campus in general. The zoning classifications and comprehensive plan land use designations for the project sites and immediate vicinity are illustrated in Attachments E and F.

3. TIMING AND AUTHORITY

The application process for this project began when the applicant held the requisite neighborhood meeting on September 12, 2005. A complete application was submitted to the City on October 31, 2005. A public notice of application and public hearing was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on December 15, 2005 and re-noticed for a postponed hearing on February 9, 2006 (Attachment G). This notice solicited public comments but no comment letters were received.

The Planning Commission is being asked to review the Special Use by applying the nine criteria in Section 20.30.330 (B) of the Shoreline Municipal Code (SMC). The City Council may approve an application for Special Use of property if the proposal meets all these criteria.

4. PUBLIC COMMENT

The City received no public comment letters regarding this proposed expansion of the student union building.

5. ANALYSIS OF SUP CRITERIA

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which Special Use Permit applications are reviewed. The City shall grant a Special Use Permit, only if the applicant demonstrates that it meets each of the following criteria. See Attachment H for the applicant's response to criteria.

Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

The improved and updated student union building will better facilitate students and respond to student needs in Shoreline's only higher education institution.

The special use meets criterion 1.

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

The proposed student union building is compatible with the surrounding campus uses because they are college facilities as well. The surrounding residential neighborhood is compatible only in that the campus has been there for 40 years including the student union building. More recently there are problems with traffic and parking impacts on the surrounding residential areas that is more an enforcement issue than on-site, parking issue. The Attachment I parking study shows that the campus is at 85% of capacity at peak hour use (9:30 AM). If the additional parking impacts are conditioned to be mitigated by the proposal then the proposed expansion could be compatible.

The special use meets criterion 2 if conditioned as recommended.

Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.

There are no health and safety issues related to this proposal. If approved, the City will require a building permit to construct the building and be reviewed for structural safety. However, the welfare of the community is related to Criterion 2 and parking impacts in the neighborhood.

The special use meets criterion 3

Criterion 4: The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.

The proposal is replacing the same use within the existing campus and therefore will not create a detrimental over-concentration of college uses.

The special use meets criterion 4.

Criterion 5: The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

The special use will not cause any increased pedestrian or vehicular traffic in the neighborhood except the infrequent service vehicle after construction.

The special use meets criterion 5.

Criterion 6: The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

The need for public facilities is not increased; adequate infrastructure exists for the site.

The special use meets criterion 6.

Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

The proposed building will be taller than most of the surrounding buildings but will not prevent other campus buildings from redeveloping. The added third story is approximately 500 from Greenwood Ave N. All other nearby residential property is fully developed.

The special use meets criterion 7.

Criterion 8: The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

The Shoreline Community College campus is designated on the Comprehensive Plan 2001 as Single Family Institution.

LU67: Provide for Essential Public Facilities as required by State regulations. Ensure that these essential public facilities:

- Provide for basic public needs (health, welfare, and safety);
- Offer substantial public benefits to Shoreline and to the greater community (e.g., public services, public amenities);
- Enhance the identity and image of the community (e.g., attractive, compatible with surrounding community, community service orientation); and
- Are accessible to community members and/or to the regional population, where appropriate.

LU70: Ensure that all new development, redevelopment, and/or expansion of an existing use shall comply with Essential Public Facilities policies and regulations.

LU72: Ensure that the design of these facilities will mitigate impacts to the project site and to the affected community through:

- Siting of facilities in a location that will have the least impacts on the surrounding community.
- Design of facilities to be visually attractive and harmonious with existing facilities and with surrounding developments. Structures, landscaping, signage and other improvements should comply with the goals outlined in the Community Design Element of the Comprehensive Plan.

- Use of aesthetically compatible buffers (e.g. fences, landscaping and similar means) to separate the Essential Public Facility from surrounding uses.
- Improvements to limit impacts to environmental health (e.g. footprint, noise quality; air quality; use, storage and destruction of hazardous materials, storm water runoff management).
- Infrastructure improvements (e.g., transportation, capital facilities and utilities) to support the underlying facility. Improvements may include, but need not be limited to streets, sidewalks, streetlights, transit shelters, parking and utility lines.
- Open space as part of the development plan. Where feasible and appropriate, this open space should be accessible to the public.
- Provision of aesthetic improvements (including application of the One Percent for the Arts) as a part of the development plan; where feasible and appropriate, these arts improvements should be accessible for community viewing.

LU75: All new Essential Public Facilities and redevelopment, expansion of a use and/or change of a use of an existing Essential Public Facility shall be required to undergo development review by the City of Shoreline. Development standards and review criteria shall consider:

- the types of facility uses and operations and their impacts;
- compatibility of the proposed development, expansion or change of use, with the development site, with neighboring properties and with the community as a whole;
- environmental review pursuant to State Environmental Policy Act (SEPA Rules WAC 197-11); and
- development standards to mitigate aesthetic and functional impacts to the development site and to neighboring properties.

The special use meets criterion 8 if conditioned as recommended.

Criterion 9: The special use is not in conflict with the standards of the critical areas overlay.

The site of the student union building is not in a critical area.

The special use meets criterion 9.

III. CONCLUSIONS

The applicant has proposed an expansion of the student union building that does not expand the facility toward the surrounding neighborhood or increase impervious surfaces while staying within the context of the overall campus. The only concern is the added pressure for parking on a campus already with parking problems. In the past, the college has made small changes that did not meet the threshold for overall improvements to the traffic and off-site parking there. The City has encouraged the college for several years to create a master plan that the City can approve. The City

has not received an application for a master plan. The proposed building is adding a floor of college functions that do not require parking, however, it will remove 12 associated parking spaces. The City's Engineer has evaluated the college's parking study and finds the use and capacity to be adequate.

IV. PLANNING COMMISSION ROLE AND OPTIONS

The Planning Commission is required to conduct a Public Hearing on the proposal because this is a Type C action. The Commission should consider the application and any public testimony and develop a recommendation for approval or denial. The City Council will then consider this recommendation prior to their final decision on the application.

Planning Commission has the following options for their recommendation to the City Council:

1. Recommend approval with conditions of the SUP based on the staff findings and conclusions.
2. Recommend approval without conditions of the SUP based on new findings and conclusions as amended by the Planning Commission.
3. Recommend denial of the SUP based on new findings and conclusions as amended by the Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Planning move to recommend to the City Council that the proposed Special Use be approved with conditions for the property located at 161201 Greenwood Ave. N. and enter into findings based on the information presented in this staff report that this proposal does meet the decision criteria for the of property as outlined in the Shoreline Municipal Code Section 20.30.330.

Condition 1. The community college shall submit with the building permit application of the student union building a site plan that replaces the 12 lost parking spaces.

Condition 2. A campus master plan shall be completed by the college and approved by the City prior to the applications of any future construction permits to add habitable space. The master plan shall minimally address parking, area traffic and circulation, storm drainage, critical areas, and on-site future improvements.

ATTACHMENTS

Attachment A: Applicant's Description
Attachment B: SEPA Determination
Attachment C: Site Plan
Attachment D: Elevation
Attachment E: Zoning Designations
Attachment F: Comprehensive Plan Designations

Attachment G: Public Notice
Attachment H: Applicant's Response to SUP Criteria
Attachment I: Parking Study

**Pagoda Union Building (PUB) Renovation
Detailed Description of Special Use**

Shoreline Community College proposes to renovate and expand the existing Pagoda Union Building (PUB) and improve the surrounding landscape. Currently, the PUB, nestled into its steeply sloping site, houses food services, vending, a multi-use room, a campus security office, and office space for student government and programs. The PUB exists as it did when it was first built in 1964, and due to increased enrollment and the steady expansion of services at the College, the building has for years been operating beyond full capacity and can no longer effectively serve the needs of the student body. In addition to being undersized, it has low ceilings and an internal arrangement of spaces that severely limits flexibility and takes little advantage of natural light for those working inside.

The surrounding landscape, with its mature trees and flowering plants, is valuable as a part of the visual and environmental context of the campus. However, many of the paths through it do not meet current ADA standards, are in disrepair, and are in need of replacement. The new landscaping will provide a balance of paved and landscaped areas for circulation and seating, providing opportunities for casual interaction between students amongst the carefully designed environment of building and landscape.

The PUB will be renovated and expanded to provide another 50% of programmed area within the existing PUB footprint. The basement, which currently houses the main delivery and distribution, campus facilities, and utility spaces will be converted to provide space for the new bookstore, campus newspaper, meeting rooms, game room, and print/mail services. The main floor will be demolished to allow two new floors to be added. The new main/2nd floor will provide meeting rooms and study lounges, a coffee shop, and food services including a room for quiet dining and a large, multi-use dining room. Office space for Student Government and Programs, the Women's and Multi-Cultural Center, International Programs, and Community Development will reside on the 3rd floor, where privacy more typical of an office environment is required. The completed project will have space for approximately 85 to 100 people to work. No increase in the number of students is expected as a result of the project.

Since the project site slopes downward from west to east, the height of the renovated building measured from grade will vary from 34 feet along the west façade to 46 feet along the east façade. In response to the existing building context, the PUB will be designed with a variety of materials already found on campus. Cladding of brick, metal panel, wood, and glass will be arranged to provide a balanced relationship between the new PUB and the buildings and landscape that surround it. The result will be a welcoming, comfortable, spacious and well-lit environment, designed and built with flexibility to endure and serve the students and the local Shoreline community for years to come. The building footprint will remain the same as what currently exists, and the total impervious area for the constructed project will be less than currently exists on the site.

Bidding and permitting for the project are planned to begin in late January of 2006 and are anticipated to extend into mid March of 2006. Contracts are anticipated to be complete by early April of 2006 and construction is anticipated to begin in mid April of 2006 and is anticipated to last for approximately 13 months. It is anticipated that the project will be complete and that move in can begin in June of 2007. The proposed project requires a City of Shoreline Commercial Building Permit, City of Shoreline Grading Permit, and a City of Shoreline Special Use Permit. Conceptual sketches of the completed project from north, south, east, and west views are attached.

H:\DOC\21Cp\03\028_Opsis; SCC - PUB Renovation\Special Use Permit Application\Detailed Description of Special Use.doc

DETERMINATION OF NON-SIGNIFICANCE**Shoreline Community College Pagoda Student Union Building (PUB) Renovation****DESCRIPTION OF PROPOSAL:**

Shoreline Community College proposes to renovate and expand the existing Pagoda Union Building (PUB) and improve the surrounding landscape. The PUB will be renovated and expanded to provide an additional 50% of programmed area within the existing PUB footprint. The basement will be converted to provide space for a new bookstore and other ancillary uses. The main floor will be demolished to allow two new floors to provide space for expanded student services. Office space for various campus organizations will reside on the new 3rd floor. Total impervious area for the constructed project will be less than what currently exists on the site.

PROPONENT: Shoreline Community College

LOCATION OF PROPOSAL: Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA 98133.

LEAD AGENCY: Shoreline Community College

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of an environmental checklist and other information on file with the lead agency. This information is available to the public on request.

PUBLIC NOTICE AND COMMENT PERIOD:

This Determination of Non-Significance (DNS) is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted to the Responsible Official by October 20, 2005. This DNS was published in the Legal Notices section of the Seattle Times daily newspaper on Thursday, October 6, 2005. This DNS was posted at the proposal site in two locations.

RESPONSIBLE OFFICIALS:

Kae Peterson, Senior Executive of Community Resources, Shoreline Community College
Wendell Johnson, Director of Development Services, Reid Middleton, Inc.

TELEPHONE: Wendell Johnson - (425) 741-3800

ADDRESS: Reid Middleton, Inc. 728 134th Street SW, Suite 200, Everett, WA 98204

DATE: October 6, 2006

PUBLISHED: October 6, 2005

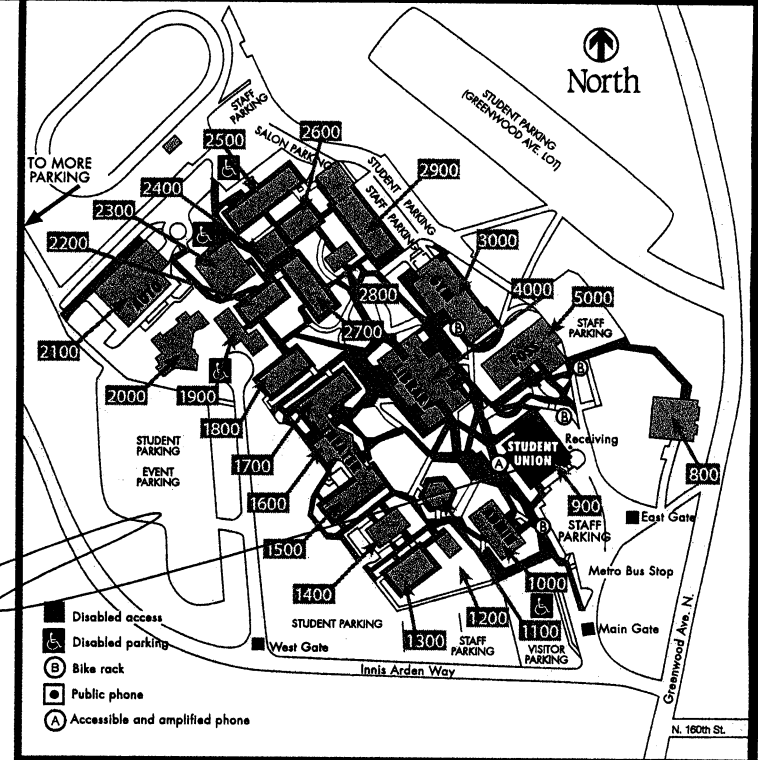
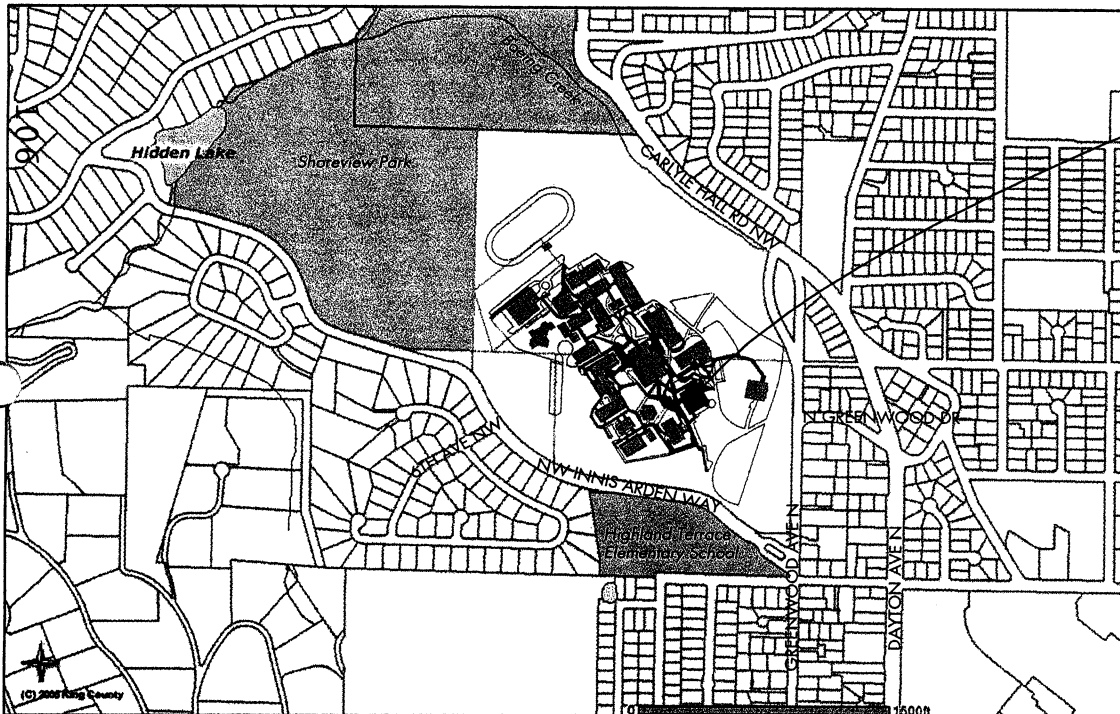
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Pagoda Union Building (PUB) Vicinity Map

Date: October 3, 2005

Prepared by: Jennifer Witzgall, Planner
(425) 741-3800

Reid Middleton, Inc.
728 - 134th Street SW, Suite 200
Everett, Washington 98204

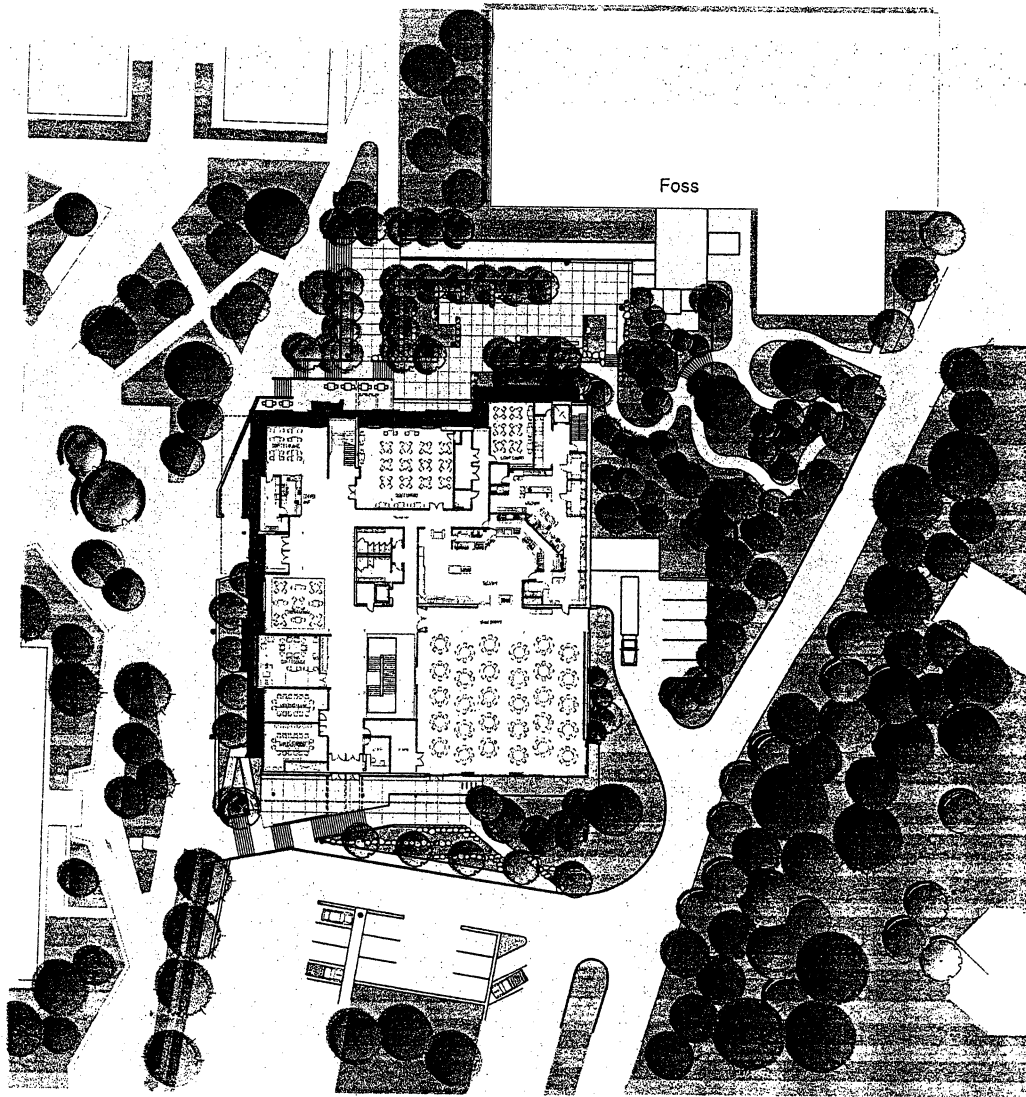


Information Desk	1000, 5000	Employment Services	5000	Parent-Child Center	1900
Academic Skills Center	1500	Engineering	2517	Personnel Office	1000
Administration	1000	English Lab	1500	Physical Education Division	3000
Admissions and Records	5000	ESL/GED Tech Center	1700	Physics Lab	2924
Advising and Counseling	5000	Financial Aid	5000	Plant Operations	900
Automotive Training Center	2100	FOSS Building	5000	President of College	1000
Biology Lab	2600	Geology Lab	2920	PUB (Pagoda Union Building)	900
Biotechnology Lab	2930	Gymnasium	3000	Puget Sound Auto Dealers Assn	2100
Bookstore	5000	Health Occupations Division	2300	Purchasing	1200
Business Admin/Computer Labs	1300	Humanities Division	5000	Registration	5000
Business Admin Division	1400	Intra-American Studies & Social Sciences Division	5000	Science Division	2800
Business Office, Budgeting	1200	Lecture Halls	1100, 2925	Safety and Security	900
Cafeteria	900	Library, Media & Tech. Center	4000	Student Body Association	900
Cashier	5000	Machine Shop	2500	Student Lounge	5000
Chemistry Lab	2700	Math Learning Center	2200	TDD	5000
Community Involvement Prog	5000	Media Center	4000	Theater	1600
Continuing Education - Lake Forest Park	5000	Metal Fabrication Lab	2900	Transcripts/Records	5000
Cosmetology	5000	Multicultural/Diversity Ed Ctr	900	VP for Academic Affairs	1000
SCC Salon 928 N 160th St Shoreline	5000	Music Building	800	VP for Business	1000
Counseling Center	5000	Nursing	2300	VP for Student Services	5000
Dental Hygiene Clinic	2500	Oceanography Lab	2903	Visual Communication Tech	2000
Educational Opportunity Prog	5000			Women's Programs	900

ATTACHMENT C

OCT 31 2005

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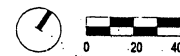


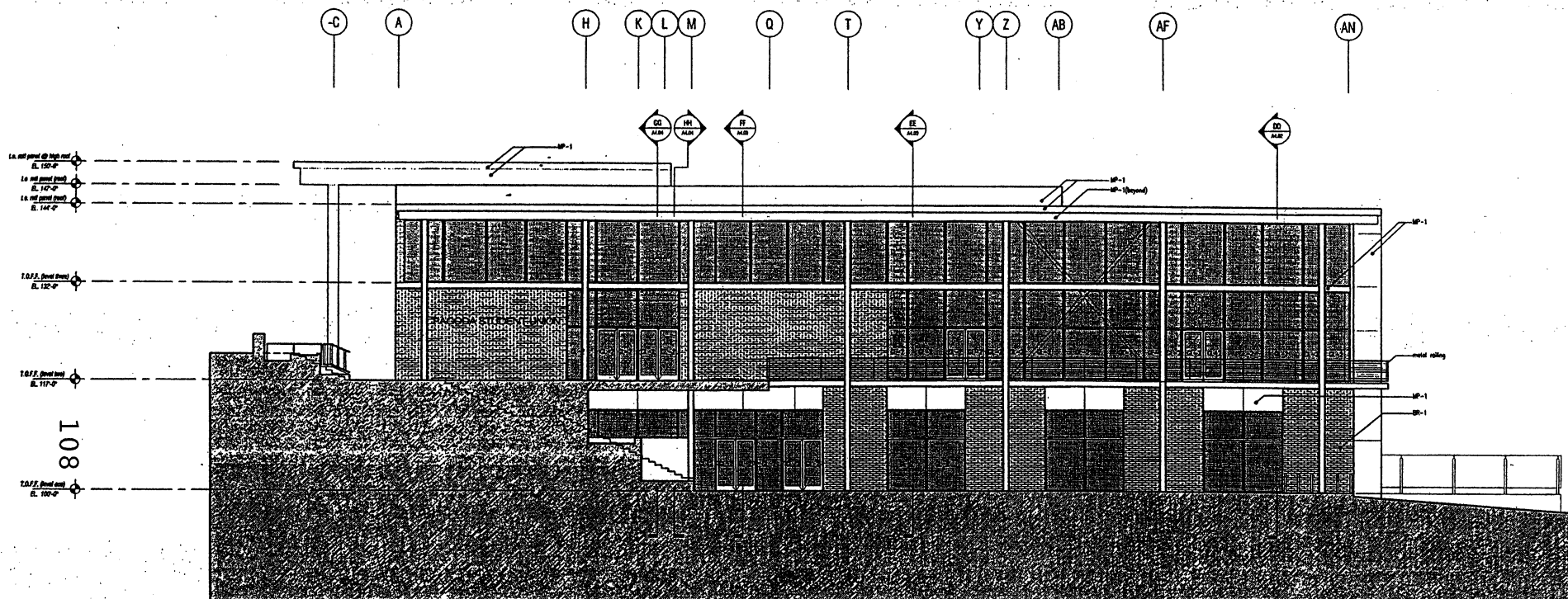
shoreline
college
pagoda
student
union

Shoreline Community College

EDAW

215 WESTERN AVENUE, SUITE 300
PORTLAND, OREGON 97204
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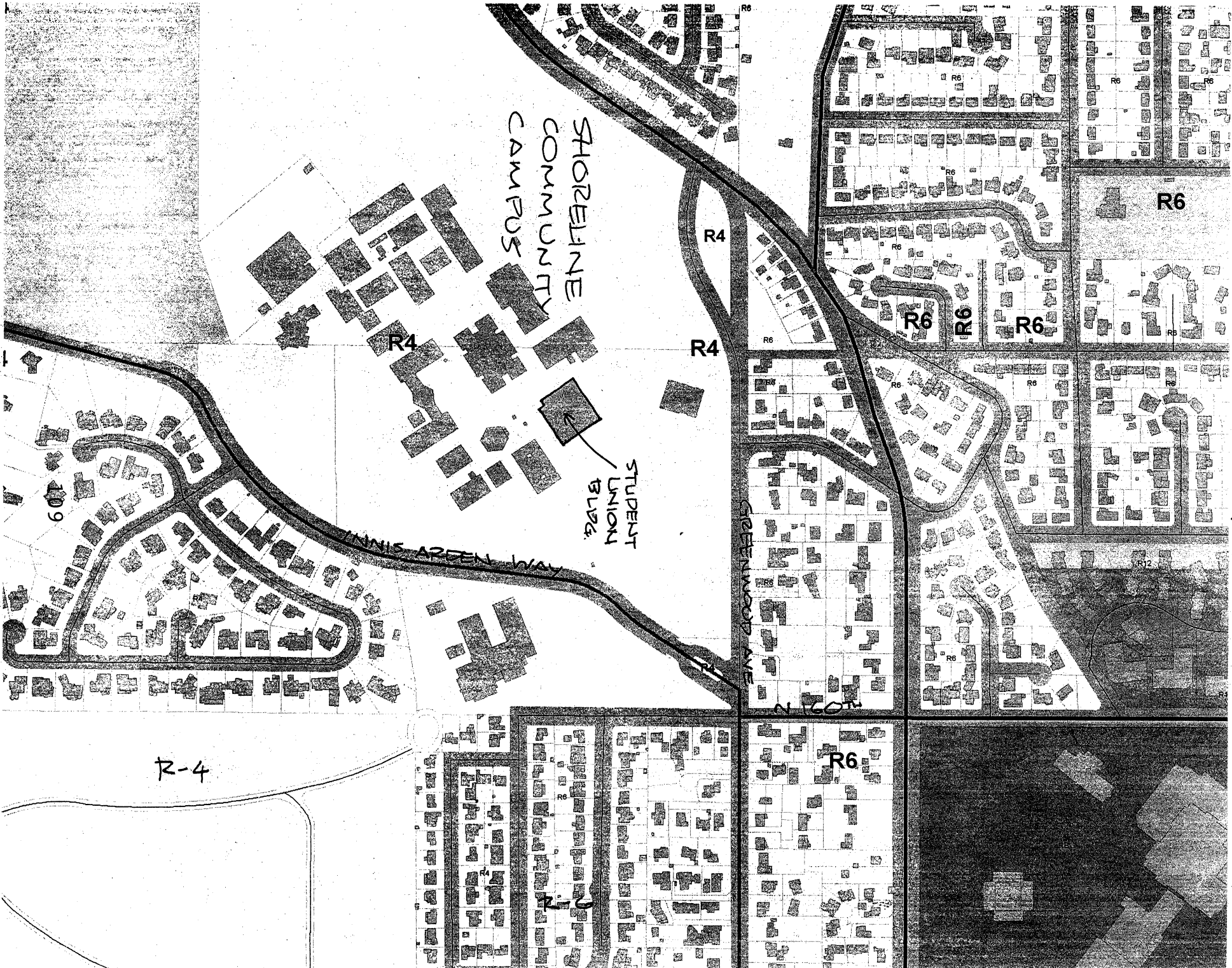
2 south elevation
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201473

ATTACHMENT E

ZONING MAP



SHORELINE
COMMUNITY
CAMPUS

STUDENT
UNION
BLDG.

ANNIS ARDEN WAY

GREENWOOD AVE

NICON

R-4

R4

R4

R4

R6

R6

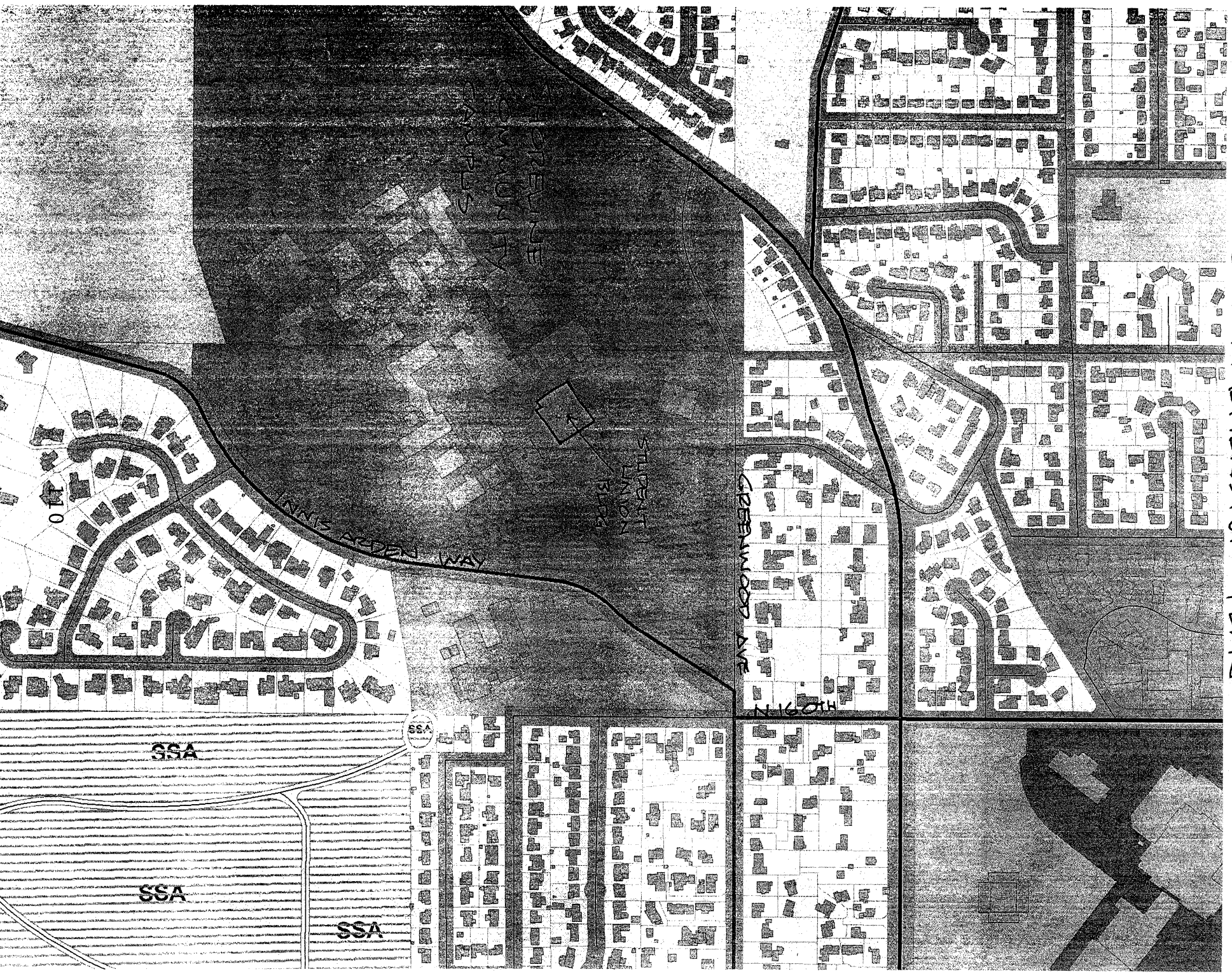
R6

R6

R6

COMPREHENSIVE PLAN

← NORTH



ATTACHMENT G



Planning and Development Services

17544 Midvale Avenue N., Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

NOTICE OF APPLICATION AND NEW PUBLIC HEARING DATE FOR SHORELINE COMMUNITY COLLEGE - STUDENT UNION BUILDING

PROJECT INFORMATION

PROPOSED ACTION:	Special Use Permit
PROPOSED PROJECT DESCRIPTION:	The construction of a new, 3 story student union building to replace the existing 2 story building – expanding the building floor area by 50%. 12 parking stalls will be eliminated due to the site improvements. A SUP is required to locate or expand a regional land use that may not be allowed in the zoning but provides a community benefit (SMC 20.30.330).
PROJECT NUMBER:	201473
PROPERTY OWNER/APPLICANT:	Shoreline Community College / Wendell Johnson of Reid Middleton
LOCAL AGENT:	Wendell Johnson
LOCATION:	Southeast corner of the Shoreline Community College campus – 16101 Greenwood Ave N. Shoreline, WA.
CURRENT ZONING:	Single Family 4 units per acre (R4)
CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION:	Single Family Institutional
DATE OF APPLICATION:	October 31, 2005
DETERMINATION OF COMPLETENESS:	November 30, 2005
EFFECTIVE DATE OF NOTICE:	February 9, 2006
END OF PUBLIC COMMENT PERIOD:	February 23, 2006
TENTATIVE OPEN RECORD HEARING DATE:	March 2, 2006, 7:00 P.M. Shoreline Conference Center, Rainier , 18560 1 ST AVE NE, Shoreline WA

PROJECT REVIEW

The Planning and Development Services Department has conducted an initial evaluation of the project proposal in accordance with procedures outlined in the Shoreline Municipal Code. Issuance of this Notice of Application and Public Hearing does not constitute approval of this project proposal for construction. Additional conditions based on public comments and further staff review may be required for incorporation into the project proposal. Preliminary determination of the development regulations that will be used for project review and consistency include, but are not limited to: the *Shoreline Municipal Code*, *City of Shoreline Comprehensive Plan*, *Uniform Building Code*, *Uniform Fire Code*, and *King County Surface Water Design Manual*.

A SEPA determination of non-significance was issued by the Community College on November 28, 2005 .

PUBLIC COMMENT on PROPOSAL

The Planning Commission will conduct an open record public hearing on **Thursday, March 2, 2006 at 7:00 p.m.** in the Board Room of the Shoreline Conference Center at 18560 First Ave NE, Shoreline, WA. Public testimony will be accepted during this hearing. All interested Citizens are encouraged to attend the public hearing and may provide written and/or oral testimony during the public comment period of the hearing. The Planning Commission will make a recommendation on this project proposal to the Shoreline City Council. The City Council is the final decision making authority on this project. Appeals City Council decisions shall be made to Superior Court. The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 206.546.8919 in advance for information. For TTY telephone service, call 206.546.0457. For up-to-date information on future agendas, call 206.546.2190. For questions or comments, contact the project manager, Paul Cohen, at 206.546.6815, or write to Planning and Development Services, City of Shoreline, 17544 Midvale Avenue N., Shoreline, WA 98133 or e-mail pcohen@ci.shoreline.wa.us.

**Pagoda Student Union Building (PUB) Expansion
Special Use Permit (SUP) Criteria Compliance**

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

The proposed expansion of the Pagoda Union Building (PUB) will provide a public benefit by enabling Shoreline Community College to better accommodate its existing and future student populations. This project will increase the College's ability to provide student based programs and activities and will increase the amount of available office space.

2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

The project site is within the Shoreline Community College Campus. All of the buildings adjacent to the PUB are part of the College's facilities. Adjacent buildings include the FOSS Building, Administration Building, and the campus library. The proposed PUB expansion will compatible with these surrounding uses because it will also serve student and the College's needs.

3. The special use will not materially endanger the health, safety, and welfare of the community.

The proposed PUB expansion will not endanger the health, safety, and welfare of the community. Best Management Practices will be employed during construction to minimize any risks to the public typically associated with construction projects. There are no apparent additional risks to the construction of this project. Following construction, the completed PUB will provide space for offices and student services and will provide additional space to serve the College's needs. This should in no way endanger the health, safety, and welfare of the community.

4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.

The proposed project is for the expansion of an existing building (the PUB) and will not increase its current footprint. The PUB is being expanded by one story, which will help Shoreline Community College better meet its student's needs. The proposed project will not expand the College's facilities beyond the College's current boundaries.

5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

The proposed PUB expansion will not cause a direct increase in the number of students attending Shoreline Community College and will therefore not cause an increase in pedestrian and vehicular traffic accessing the College campus. Although the College's student attendance may increase in the future, this will not be a result of the PUB expansion.

6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

The proposed PUB expansion will not adversely affect public services to the surrounding area. Since this is the expansion of an existing building, the new PUB will not require a significantly larger quantity of public utility services (i.e. water, sewer, etc.).

7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

Since the PUB is located within the Shoreline Community College campus, it is separated from surrounding properties and will, therefore, not hinder or discourage the appropriate development or use of these neighboring properties. The expansion of the PUB will also not hinder any future development on the College's campus because it is not increasing the existing building's footprint.

8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

The proposed PUB expansion is compatible with other uses on the Shoreline Community College campus. The intention of this project is to increase the College's ability to serve its student population with increased space for offices and for student-based programs and activities. The PUB expansion will not impact surrounding properties because it is separated from these surrounding properties by the College campus.

9. The special use is not in conflict with the standards of the Critical Areas Overlay.

The project site is not located within any known or mapped critical areas and is therefore not in conflict with the standards of the Critical Areas Overlay.



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Redmond, WA 98052-6628
T 425-883-4134
F 425-867-0898
www.tsinw.com

MEMORANDUM

19 January 2006

To: Wendell Johnson
Director, Development Services
Reid Middleton, Inc.
728 134th St. S.W., Suite 200
Everett, WA 98204

Cc: Kae Peterson, Senior Executive Director
Community/Resource Development
Shoreline Community College
16101 Greenwood Ave North
Shoreline, WA 98133

From: David Johnson

Subject: Pagoda Union Building (PUB) Renovation Parking Issues

This memo addresses concerns expressed by City of Shoreline Project Manager Paul Cohen in his email of January 11, 2006 that the renovation of the Pagoda Union Building (PUB) on the campus of Shoreline Community College will impact parking facilities.

Project Description

Shoreline Community College proposes to renovate the existing Pagoda Union Building (PUB) and improve the surrounding landscape. Currently, the PUB provides space for food services, vending, a multi-use room, a campus security office, and office space for student government and programs. The PUB has been operating beyond full capacity and is limited by a dated design and poorly arranged spaces. The PUB will be renovated within the existing footprint to support several campus programs, and the completed project will have space for approximately 85 to 100 people to work. No increase in the number of students is expected as a result of the project. It is anticipated that the project will be complete by June of 2007. The net effect on parking facilities will be 12 fewer spaces in Lot E-10, a lot that serves college staff to the southeast of the PUB.

Parking Supply and Utilization Study

Transportation Solutions, Inc. (TSI) performed a parking supply and utilization study in support of the Campus Master Plan FEIS in January of 2004. On-campus and

on-street parking supply and demand characteristics were surveyed to document the existing on-campus and on-street parking supplies and the parking demand generated by SCC faculty, staff, and students as well as nearby residents and others parking on adjacent streets. There are three parking resources utilized by SCC; on-campus parking, satellite lot parking, and on-street parking in the adjacent neighborhood. The on-campus parking supply consists of approximately 2,150 stalls. The existing parking supply is summarized in the following table:

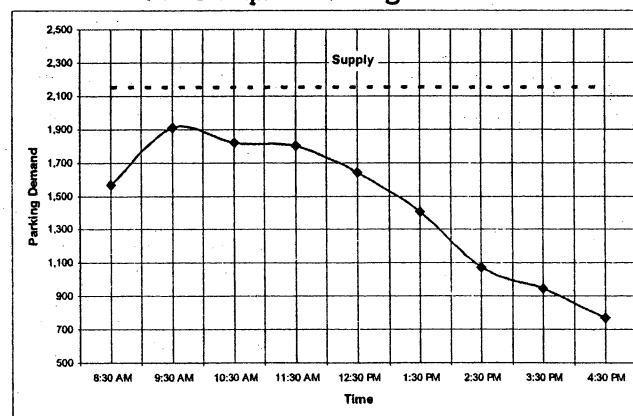
Existing On-Campus Parking Supply		
	Parking Zone	Supply
1	Visitor Lot	148
2	SW Lots	401
3	Central Core and Northwest Lots	1,150
4	East Lots	128
5	North Greenwood Lot	326
Total		2,153

Source: TSI

Lot E-10, which would be affected by the renovation project, is in Zone 4, the "East Lots". This lot currently provides 95 parking spaces.

The hourly demand for on-campus parking is illustrated in the following chart. Parking demand peaks at approximately 1,900 vehicles around 9:30 AM and then drops slowly throughout the remainder of the day. Demand for parking in the lots close to the campus core was near or at capacity, with lot E-10 having 88 spaces occupied during this peak period (93%).

On-Campus Parking Demand



Source: TSI

Campus wide, 88% of the parking stalls were occupied at 9:30 AM. The effective parking supply is typically 90% of the total supply. It is necessary to provide this 10% reserve capacity to reduce circulation and congestion within the parking lots, allow for parking maneuvers, and reduce the delays in finding a parking stall.

It should be noted that this study observed a "spill over" effect where drivers looking for parking spaces would search for on-street parking instead of on-campus parking. This was *not* due to parking lots being full, but rather motivated by the desire for free parking on adjacent streets and the lack of parking restrictions on many of the adjacent streets. This is supported by the fact that on-street parking supplies near the campus are typically at capacity before the utilization of on-campus lots peaks.

The combination of campus, satellite lot, and on-street, campus-generated parking demand is summarized in the Total Parking Demand table included below. (Again, these figures are from the parking study performed by TSI in January, 2004.) The campus generates a peak parking demand of approximately 2,145 vehicles at 9:30 AM. The available parking is 2,553 spaces.

Total Parking Demand and Supply		
Parking Location	Peak Demand (9:30 AM)	Supply
Campus	1,900	2,153
Satellite Lot	140	210
On-Street	105	190
Total	2,145	2,553

Source: TSI

With the PUB renovation, 12 spaces would be lost. This would increase the utilization rate from 84.0% to 84.4%. Based on this parking study, the impact of the renovation on campus parking would not be noticeable and parking demand would be accommodated by the existing supply.

SCC Master Plan Provisions for Parking

In order to place parking supplies and utilization in the context of campus growth and general planning, the following section summarizes the parking section of the SCC Master Plan Final EIS. The Final EIS has not been published. The Master Plan incorporates a net increase of approximately 211,000 SF of on-campus building space over the next 10 years to serve an increase in enrollment of 1,170 student FTE's (full time equivalents), the impacts of this project can be considered in light of the entire project.

Under the SCC Master Plan, the number of student FTE's would increase by 1,170 from 5,600 to 6,770. In the previously mentioned parking study, a peak parking demand factor of 0.38 stalls per student FTE was established. It is important to understand that the key factor that generates parking demand is the size of the student population. It is not building area or other program based functions.

Applying the *peak* parking demand factor to the 6,770 future student FTE's results in a peak parking demand of approximately 2,570 stalls. A parking supply of 2,830 stalls (10% greater than the forecasted demand) should adequately accommodate future demand. The proposed supply of *on-campus* parking under the Master Plan is shown in the following table:

SCC Master Plan Proposed Parking Supply (w/ PUB Renovation)

	Parking Zone	Existing Supply	Parking Removed	Parking Added	Future Supply
1	Visitor Lot	148	0	0	148
2	SW Lots	401	0	0	401
3	Central Core and Northwest Lots	1,150	-645	1,350	1,855
4	East Lots	128	-12	0	116
5	North Greenwood Lot	326	0	0	326
Total		2,153	-645	1,350	2,846

Source: LMN Architects

The proposed parking should adequately accommodate the forecasted demand. 2,830 spaces were required to meet future demand and provide a safety margin of 10%, and the spaces available will be approximately 2,858. With the loss of 12 spaces, the available parking will still be above 2,830 spaces.

City of Shoreline Code Requirements

Aside from the practical concerns for parking, it is important to note that the City of Shoreline parking codes establish minimum parking supplies for different land uses. The City's minimum off-street parking requirement must be provided within 500 feet of a building entrance. Provisions are made to reduce the minimum requirement through trip reduction measures or shared use of parking supplies. The proposed parking supply is greater than the minimum required by code, which is shown in the table below as it relates to the SCC Master Plan:

SCC Master Plan Minimum Parking Requirements

Land Use	Minimum Requirement	Units	Minimum Required Off-Street Supply
Vocational School	1 stall per classroom	156 classrooms	156
	1 per 5 students	6,770 students	1,354
Total			1,510

Source: LMN Architects, City of Shoreline Municipal Code, Title 20.50.390

In fact, current on-campus parking supply (2,153) already meets the City's code requirements for the higher enrollment levels expected in the future. The loss of 12 spaces in lot E-10 will not impact code compliance.

Conclusions

Renovation of the PUB on the campus of Shoreline Community College will cause a net loss in available parking of 12 spaces in the affected lot. Because of the reduced parking supply, a few staff will need to park in nearby lots that have surplus parking. The renovation project serves the existing campus population and programs and would not generate additional parking demand.

TSI performed a parking supply and utilization study in support of the Campus Master Plan FEIS in January of 2004. On-campus and on-street parking supply and demand characteristics were surveyed and it was determined that there is a peak demand of 2,145 vehicles at 9:30 AM and available parking is 2,553 spaces. With the 12 spaces lost to the PUB renovation, the utilization rate would increase only incrementally, from 84.0% to 84.4%. It was also noted during this study that "spill over" parking from campus lots onto city streets was not due to a lack of parking spaces, but instead motivated by students searching for free parking and the lack of parking restrictions on adjacent streets.

Additionally, SCC is implementing a Master Plan to accommodate major student body growth over the next 10 years. Part of this plan involves the construction of major new parking facilities, providing a net total of 2,858 parking spaces. Even with the loss of the 12 spaces in lot E-10 to the PUB renovation, there will be adequate parking to meet the needs of the increased enrollment and still provide for an adequate margin of safety.

The City of Shoreline's measure of parking supplies is the parking code that establishes minimum parking standards for various uses. The city will require SCC to provide 1,508 parking spaces to serve the 6,760 FTE's anticipated in the Master Plan. In fact, current on-campus parking supplies far exceed this amount. The loss of 12 spaces to the PUB renovation will have no effect on code compliance.

Program Element	Location		Existing	Program	Quantity	Total Program	Notes
	Bldg.	Rm.	Area	Area			
Level One							
Storage	900	902	212			0	
Hallway	900	904	2934			0	
Office	900	908	128			0	
Office	900	909	182			0	
Freezer	900	911	102			0	
Storage	900	912	188			0	
Hallway	900	913	963			0	
Kitchen supplies	900	916	246			0	
Archives	900	918	229			0	
Lunch Room	900	919	368			0	
Warehouse/storage/surplus	900	920	5067			0	
Electrical Inv.	900	921	380			0	
Carpentry Shop/Storage	900	922	1846			0	
Supplies	900	923	568			0	
Maintenance	900	924	1217			0	
Storage	900	910	227			0	
Electrical Room	900	901	584			0	
EMCS	900	903	168			0	
Boiler Room	900	905	224			0	
Compressor Room	900	906	100			0	
Air Handler Room	900	907	1053			0	
Mens Restroom	900	914	393	184	1	184	
Womens Restroom	900	915	415	184	1	184	
Game Room				1120		1120	
Meeting Room				660	1	660	
Bookstore				5637	1	5637	
Bookstore Storage				1143	1	1143	
Mall Room / Copy				790	1	790	
Shipping / Receiving				938	1	938	
Ebbtide				965	1	995	
Storage				1135	1	1135	
Mechanical / Electrical				2959	1	2959	
Subtotal			17794			15745	
Total Net Assignable			12862			15745	
Total Gross			19586			21329	
Level Two							
Game Room	900		1225			0	
Office 1	900		86			0	
Office 2	900		116			0	
Student Services	900		319			0	
Lobby	900		558			0	
Office 3	900		86			0	
Office 4	900		86			0	
Hallway A	900		1176			0	
Womens Center	900		240			0	
Office 5	900		178			0	
Multi-cultural Center	900		722			0	
Womens Toilet	900		279			0	
Mens Toilet	900		383			0	
Courtyard	900		646			0	
Dining/Vending	900		316			0	
Meeting Room	900		1573			0	
Hallway C	900		649			0	
Office 6	900		136			0	
Janitor	900		25			0	
Freezer 1	900		73			0	
Freezer 2	900		73			0	
Security	900		402			0	
Storage	900		121			0	
Hallway B	900		1208			0	
Main Dining	900		4254	5514	1	5514	
Servery	900		1978	1998	1	1998	
Kitchen	900		1353	2123	1	2123	
Staff Dining	900		640	587	1	587	
Storage				768	1	768	
Quiet Dining				1590	1	1590	
Coffee Shop				745	1	745	
Quiet Lounge				680	1	680	
Meeting Room				610	2	1020	
Study / Lounge				780	1	780	
Restrooms				220	2	440	
Mechanical/Electrical				174	1	174	
Subtotal			18901			15025	
Total Net Assignable			14002			15025	
Total Gross Floor			20368			24360	
Level Three							
International			2149		1	2149	
Lounge/Gallery			821		1	821	
Community Development			1375		1		
Multi-Cultural			547		1	547	
Women's Center			974		1	974	
Conference Room			451		1	451	
Boiler Room			430		1	430	
Work Room			173		1	173	
Student Programs			2460		1	2460	
Restrooms			200		2	400	
Storage			190		1	190	
Mechanical/Electrical					1	0	
Subtotal						8,005	
Total Net Assignable						8,005	
Total Gross						11,547	
Totals							
Net Assignable			26,864			38,775	
Total Gross			39,954			57,236	

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 2, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Harris
Vice Chair Piro (arrived at 7:07 p.m.)
Commissioner Sands
Commissioner Broili
Commissioner McClelland
Commissioner Phisuthikul
Commissioner MacCully
Commissioner Kuboi
Commissioner Hall

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Glen Pickus, Planner II, Planning & Development Services
Steve Szafran, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Harris called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Sands, Broili, McClelland, Phisuthikul, MacCully, Hall and Kuboi. Vice Chair Piro arrived at 7:07 p.m.

APPROVAL OF AGENDA

The Director's Report was moved to after the public hearing and Commission deliberations on the Special Use Permit application for Shoreline Community College. The agenda was approved as amended.

APPROVAL OF MINUTES

The February 16, 2006 minutes were not available for approval.

GENERAL PUBLIC COMMENT

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

PUBLIC HEARING ON SPECIAL USE PERMIT FOR SHORELINE COMMUNITY COLLEGE PAGODA BUILDING

Chair Harris reviewed the rules, procedures and agenda for the Type C Quasi Judicial Public Hearing. He invited Commissioners to disclose any ex parte communications they received regarding the subject of the hearing outside of the hearing. None of the Commissioners identified ex parte communications. (Note: Vice Chair Piro had not arrived at the meeting yet.)

Staff Report

Mr. Cohen, project manager for the subject application, introduced Glen Pickus, who is also a member of the planning team. He advised that Mr. Pickus joined the Planning & Development Services Staff in mid-August.

Mr. Cohen reviewed that the application is to expand the existing Shoreline Community College Student Union (Pagoda) Building from two stories to three stories. There would be no expansion in the building footprint, but the overall square footage would increase by approximately 50% to a total of 60,000 square feet by adding an extra floor. He briefly described the location of the subject building, and pointed out that the site has access from the south, with a service access off of Greenwood Avenue, as well. The building is separated from Greenwood Avenue by about 500 feet.

Mr. Cohen explained that because the college is a non-conforming use in single-family zone, expansion requires a special use permit. He stated that staff received no written or oral comments regarding the proposed project. He explained that when analyzing a special use permit, nine criteria must be considered. He briefly reviewed staff's analysis that concluded that the proposal would meet each of the criteria:

- **Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.** The improved and updated Student Union Building would allow the college to better facilitate and respond to students' needs in Shoreline's only higher education institution.
- **Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.** The updated building would be compatible with the other campus buildings that surround it and with the surrounding residential neighborhood because the current building has been in existence for the past 40 years. However, there are some issues that must be considered such as traffic and parking impacts. The applicant completed a parking study showing adequate capacity for parking on the site, and the issue tends to be more related to enforcement. Staff recommends an additional condition regarding a master use plan.

- **Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.** There would be no health or safety issues related to the proposal. If approved, the City would require a building permit and structural safety issues would be reviewed at that time.
- **Criterion 4: The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.** Because the proposal would replace the same use within the existing campus, it would not create an over-concentration of college uses.
- **Criterion 5: The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.** The special use would not cause any increased pedestrian or vehicular traffic in the neighborhood, except the infrequent service vehicle after construction.
- **Criterion 6: The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.** The need for public facilities would not be increased by the proposed use, and adequate infrastructure exists for the site.
- **Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for special use shall not hinder or discourage the appropriate development or use of neighboring properties.** The proposal would not hinder the development of other buildings on the campus because it would stay within the same footprint. In addition, the neighboring properties have all been developed into permanent uses.
- **Criterion 8: The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.** There are four policies in the Comprehensive Plan (LU67, LU70, LU72, and LU75) that talk to the fact that essential public facilities are allowed by State regulation, provide benefits to the community, should be designed to be compatible with the community, and impacts should be mitigated. Staff believes the proposal would be consistent with the Comprehensive Plan policies.
- **Criterion 9: The special use is not in conflict with the standards of the critical areas overlay.** The site of the Student Union Building has not been identified as a critical area.

Mr. Cohen concluded by stating that staff does not believe the proposal to expand the facility would impact the surrounding neighborhood nor would it increase impervious surface, since the building would stay within the context of the overall campus. Staff's only concern is the added pressure for parking on a campus where problems already exist. He advised that, in the past, the college has made small changes without addressing the overall parking problem, but they are in the process of preparing a master plan for City approval. As part of their review of the college's Master Plan, staff would consider issues such as stormwater, traffic, parking, etc.

Mr. Cohen said staff's preliminary recommendation is that the special use permit be approved with two conditions:

- **Condition 1: The Community College shall submit building permit applications for the proposal that show where they would replace the 12 parking spaces lost as a result of the project.** Even though the parking study shows the college has capacity to accommodate the parking

needs, staff is concerned about the removal of some of the close-in parking. It is important that none of the existing parking be lost.

- **Condition 2: That a campus master plan be completed by the college and approved by the City prior to applications for any future construction permits for habitable space.** Issues such as parking and traffic could be dealt with and mitigated as part of the master plan process.

Mr. Cohen advised that an additional issue has come up since the staff report was sent to the Commissioners. Although the application is for an expansion of a land use, it was not explained in the staff report that the expansion would increase the building height above the 30-foot height limit of the underlying zone by about 10 feet. The new building would be approximately 12 feet higher than the roofline of the existing building. Mr. Cohen explained that the application is for both the expansion of the use and the structure. He referred to RCW 36.70A.200, which states that "each city shall include a process for identifying and siting essential public facilities, which include state education facilities." This RCW also states that "no local comprehensive plan or development regulation may preclude the siting of essential public facilities." He noted that the college has stated that the expansion of the facility is essential to meet the program needs of the college as enrollment has increased and services have changed since the building was constructed in 1964. Since the expansion would meet the program and service needs of students without expanding the number of classrooms, staff believes the proposed project could be considered essential. However, he said he reviewed Criteria 2 and 7 again based on the increased building height:

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas. The 12-foot height increase above the existing roofline would remain compatible with the single-family neighborhood to the east because there would still be a 500-foot separation with treed vegetation.

Criterion 7: The location, size and height of buildings, structures, wall and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties. The proposed building would be taller than most of the surrounding buildings, but would not prevent other campus buildings from redeveloping. All other nearby residential properties are fully developed.

Based on the new height information, Mr. Cohen advised that staff recommends approval of the special use permit, with the two conditions identified earlier.

Applicant Testimony

Wendell Johnson, Reid Middleton, Inc., 728 – 134th Street Southwest, Suite 200, Everett, 98204, advised that the proposed project is intended to enhance student facilities. No new classrooms or new demand on roads would be created. The proposed project would stay within the existing footprint, but would go up higher to create more floor space within the building. Because the building is relatively old, the college would also like to enhance the aesthetics. Mr. Johnson said he has reviewed the two conditions proposed by staff, and the college totally concurs with Condition 2 (master plan). He noted

that the college has been in the process of developing a master plan for quite a while, and they are on the verge of bringing the draft document to the City for consideration.

Mr. Johnson referred to Condition 1 (replacement of 12 lost parking spaces). He noted that the proposed site plan identifies landscaping along the south edge of the building, which is where the parking spaces are currently located. From an aesthetics standpoint, it is better to have landscaped buffers between the building and the parking, and the college feels it is important to provide landscape and pedestrian improvements. Next, Mr. Johnson referred to the parking study that was submitted as part of the application, which indicates there is adequate parking to meet the needs of the expanded facility. The college agrees with staff that the parking issue is more related to enforcement. He also noted that 8 or 9 of the 12 parking spaces that would be lost are currently being used by college staff, and the college can control where these people park. Mr. Johnson pointed out that by removing the 12 parking spaces, the total amount of pervious surface would be increased. If they are required to create 12 spaces elsewhere, they could be faced with a new drainage issue.

Kae Peterson, Shoreline Community College, 16101 Greenwood Avenue North, pointed out that parking space is not as much of an issue as the general traffic flow; and right now, the college is in an enrollment slump. She announced that the college formed a Traffic Community Task Force in the spring of 2004, and all representatives from the Council of Neighborhoods whose neighborhoods touched college property were invited to participate. The Task Force considered solutions for improving the traffic flow into the college, as well as addressing current parking problems. Two community open houses were held to solicit public comment. In August of 2005, the college implemented zoned parking in the Highland Terrace Neighborhood, and SCC pays the City for the cost of this zoned parking. Because there have been no documented complaints about parking around the college since that time, she concluded that much of the parking issue has already been mitigated.

Ms. Peterson pointed out that during construction there would be a number of lost parking spaces in the staff lot, and the college is working on an agreement that would allow exempt staff to park on the nearby Department of Transportation site. They also run a shuttle bus every 45 minutes from the Sears parking lot to the college campus. Because the college feels they can adequately mitigate the parking issues, even during construction, she asked that staff's Condition 1 be eliminated as a stipulation for the special use permit.

Ms. Peterson emphasized that the college's draft Master Plan addresses parking, area traffic and circulation, storm drainage, critical areas, and on-site future improvements. They are in the final stages of the Environmental Impact Study and plan to present the study and Master Plan to the College Trustees for adoption in June. The document should be submitted to the City by July 1st. She concluded that she supports the staff's recommended Condition 2, requiring a master plan.

Commissioner Kuboi inquired if Condition 1 would require that all 12 of the replacement parking spaces be paved. Mr. Cohen answered that if the college were to replace the 12 spaces, they would have to meet City parking standards, which would require pavement. Commissioner Kuboi pointed out that the college also has a lot of parking that is not paved.

Commissioner Hall noted that there is no structured parking on the Shoreline Community College campus. He asked how many State colleges and universities in King County have structured parking. Ms. Peterson answered that most of the community colleges do not have structured parking. The State's capital projects system does not allow for the State to pay for structured parking. However, Bellevue Community College developed structured parking four years ago using student fees and a certificate of participation. Commissioner Hall noted that Seattle Central Community College and North Seattle Community both have parking located underneath their buildings. Ms. Peterson answered that this parking was constructed using private dollars.

Commissioner McClelland pointed out that the RCW referenced earlier by Mr. Cohen is actually related to the siting of essential public facilities, and the proposal is related to a building that already exists. She asked if it would be better for the college to obtain a variance for the additional height. Mr. Tovar pointed out that the Growth Hearings Board recently concluded that this section of the RCW applies not just to the original siting of a facility, but to expansion proposals, as well. He explained that variance criteria are based on hardship, and an applicant must show that it is not reasonable for the City to require compliance. He added that the college's new Master Plan would become the City's process for dealing with expansion and would grant the City authority to vary dimensions, including height, as identified in the final approved Master Plan. Currently, there is no tool in the City's Development Code to address questions such as varying dimensions of structure for reasons other than hardship.

Commissioner MacCully asked if the Student Union Building could be seen from Greenwood Avenue. Mr. Cohen answered that the building could only be seen from the access drive that comes off of Greenwood Avenue. He noted that the vegetation between the building and Greenwood Avenue is mature and blocks much of the building's view. Ms. Peterson added that the music building is the structure most prominently seen from Greenwood Avenue.

Commissioner Sands inquired if the community college has signed contracts with Sears for parking. Ms. Peterson answered that they have a contract that is renewed annually on July 1st. They have been leasing about 250 parking spaces at the Sears site for the past 10 years. During a normal quarter, there are between 150 and 200 cars parked there every day. Commissioner Sands noted that these spaces could be eliminated if Sears decided to redevelop the property.

Commissioner Sands asked if the college's proposed Master Plan would change the ingress and egress to the school so that the Student Union Building would be visible from any of the roads. Ms. Peterson answered that there are some references in the Master Plan to changing the ingress and egress to the college, but none of the proposals would increase the visibility of the Student Union Building.

Vice Chair Piro asked if the college foresees any increased travel to the campus as a result of the expansion. Ms. Peterson answered that there would be no additional trips associated with the project. Vice Chair Piro noted that the college has a pattern of supplying 10% more parking than would be required as an extra cushion during peak times. He questioned what problem would be solved by requiring the college to replace the 12 spaces if they already have more than adequate parking. Mr. Cohen answered that staff doesn't foresee an extreme problem, but they are concerned about the loss of parking capacity. The location of the lost parking spaces is more important than the actual number, and

the 12 spaces are located nearest to the building. Vice Chair Piro pointed out that the proposal includes sidewalk improvements, thus improving the opportunity for people to access the building by foot. Mr. Cohen summarized that once the college's Master Plan is approved by the City, staff would feel much more confident about the parking. In the long run, these additional spaces might be absorbed by the Master Plan. Vice Chair Piro suggested that the college has a much more sophisticated way of looking at walking and pedestrian improvements, vanpooling opportunities with the off-site shuttle, etc. He said he is not convinced that Condition 1 would really be necessary.

Commissioner MacCully noted that the proposal also includes office space for 85 to 100 employees. He asked if these employees would be relocated from other buildings, or if the college would hire additional staff. Ms. Peterson replied that there would be no net increase in employees. She briefly described the college's plan to relocate existing employees. Commissioner MacCully commented that the proposed sidewalk improvements are well deserved and overdue.

Commissioner Phisuthikul asked if the height calculation average would reach to the highest point of the structure. Mr. Cohen explained that the height calculations were based on the flat of the building. Parapet walls, mechanical equipment, spires, flag poles, air conditioning units, skylight structures, etc. would not be included in the height calculation. He briefly described how the height was measured from the existing average finished grade. He noted that the height from the pedestrian entry would be about 33 feet, but the average height of the structure would be 40 feet.

Commissioner Hall asked if Shoreline Community College has a commute trip reduction program or some other type of incentive to reduce the number of cars coming to the campus. Ms. Peterson answered that the college works with Metro and King County in this regard.

Commissioner Hall asked if the City has the authority to regulate or limit enrollment or employment at the college. Mr. Cohen said they only have indirect control if various City regulations on parking are being violated or buildings are being constructed without City approval. Again, Ms. Peterson said the parking issue would be addressed in the Master Plan. She advised that although the State assigned the college a 19% increase in enrollment over the next 20 years, this number does not look probable.

Mr. Cohen emphasized that the City views the college's Master Plan as an important document that would mitigate existing impacts, as well as anticipated ones. It will address a wide range of topics including parking, traffic, drainage, critical areas, etc. The Master Plan will be accompanied by an Environmental Impact Statement. The benefit of the Master Plan is that the City would be able to anticipate and mitigate issues. In addition, once the document is approved, it would allow the college to apply for permits without a special use permit as long as the proposal fits the approved Master Plan.

Again, Mr. Cohen recommended approval of the special use permit with the two staff proposed conditions. In addition, he suggested the Commission consider the following additional condition:

- **Condition 3: That the applicant provide a parking agreement with the suppliers of parking (Washington State Department of Transportation and Sears) for the displaced parking during**

construction. Since this would be a large and lengthy project, parking near the building could be tight.

Recognizing that the proposal expansion is near a residential community, Commissioner Kuboi asked if staff has concerns about impacts during construction such as working hours, sound, noise, etc. Mr. Cohen answered that the City has standard conditions for every construction permit. He explained the City's current requirements to control the impacts associated with construction. Commissioner Kuboi asked if staff envisions additional requirements because the project involves a large non-residential facility adjacent to residential development. Mr. Cohen said that in addition to the standard conditions, staff would also watch traffic routes for construction to make sure heavy equipment does not access the site through residential areas.

Commissioner Broili asked if the proposed expansion of the Student Union Building would meet all of the criteria and provisions set forth in the college's Master Plan that is soon to be released. Ms. Peterson answered affirmatively.

Commissioner Phisuthikul asked if the construction would also limit where the construction workers could park. **Randy Stegmeier, Shoreline Community College**, answered that the existing Student Union Building parking lot would become the staging area for construction, including parking for construction workers. Again, Mr. Cohen emphasized that Condition 3 would help address the issue of lost parking space during construction. In addition, the construction permit would require construction vehicles to park on-site rather than on the streets.

Commissioner Broili said it seems like traffic enforcement might have to be increased during the year-long construction period. He asked if this would be an added cost for the City. Mr. Cohen answered that it would be difficult for the City to anticipate and set up a procedure before the problems occurs, but the City would respond on a complaint basis. Ms. Peterson emphasized that only the staff parking lot would be impacted during construction, and the college has much more control over where these people park.

Commissioner McClelland pointed out that no one came to the hearing to speak on the proposal, and staff did not receive any comments from the citizens. She asked if this could be taken as an indication that the neighbors know what is going on and are okay with the proposal. Ms. Peterson said the college sent out postcards with detailed information about the project to every household within the neighborhoods touching the campus. She said that the key to improving the neighborhoods' perception of the college was the involvement of the Council of Neighborhood Representatives on the Traffic Study Task Force.

Commissioner Kuboi asked if the project would implement any features that could be viewed as being environmentally friendly. Ms. Peterson answered that the State requires all buildings constructed with taxpayers funds to be LEED certified.

Public Testimony or Comment

There was no one in the audience who expressed a desire to address the Commission regarding the subject of the public hearing.

VICE CHAIR PIRO MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Planning Commission Deliberation on Special Use Permit for Shoreline Community College Pagoda Building

VICE CHAIR PIRO MOVED THAT THE COMMISSION MOVE FORWARD WITH THE STAFF RECOMMENDATION, INCLUDING CONDITIONS 2 AND 3 BUT EXCLUDING CONDITION 1. COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner McClelland suggested that perhaps Condition 1 could be revised to require the college to submit a site plan that would reassign the vehicles.

Vice Chair Piro said Condition 1 does not really address accessibility or mobility issues, which would be done as part of the college's Master Plan process. He suggested that it be eliminated.

Commissioner MacCully said he would support the elimination of Condition 1 because Condition 3 would provide for more off-campus parking to easily absorb the loss of 12 spaces. He emphasized that the 12 spaces are currently utilized by college staff, and the college should be responsible for deciding where these people park. He summarized that the variation between the number of parking spaces available and the maximum number of cars they have parking there would be large enough to absorb the 12 parking spaces with no impact.

Chair Harris said he would support the elimination of Condition 1, too. The City could issue tickets to people who choose to park in the street, so parking would be a self-limiting issue for the college. He said he trusts the college to police themselves to avoid negative publicity.

Commissioner Hall said that although the college plays a huge role in the community, there has been a history of parking problems. He pointed out that the peak demand identified by the applicant is for 2,145 spaces. However, because enrollment at the college varies, the demand could either go up or down and the City has no way to regulate the situation. In addition, he noted that increasing the floor area by 50% would create more usable space, resulting in more people on the campus at any given time. He reminded the Commission that the college has previously made other minor improvements that did not meet the threshold for requiring additional parking, and the City has no control over whether or not the college is able to use the off-site parking areas. In addition, the parking study identifies 190 parking spaces on the street, where no parking is allowed. He suggested that there are not even enough parking spaces today for the college, and removal of even one space would place an unacceptable burden on the community.

Vice Chair Piro cautioned that Commissioner Hall could be misguided in assuming that the peak parking demand of 2,145 would be a given for the demand of people using vehicles. He said they must also realize that some people choose never to park on the campus, and they are included in the satellite lot and on-street parking numbers. If those options are taken away, they would not necessarily seek parking on campus. He summarized that there are other behavioral issues included in the figure, as well.

Commissioner Broili agreed with Commissioner Hall and his concerns related to parking. While enrollment is down right now, this could change rapidly in the future for a variety of reasons. He said he would be opposed to the loss of any parking spaces as a result of the proposed project.

Vice Chair Piro reminded the Commission that any long-range increase in enrollment would be factored into the Master Plan. He summarized that it would be inappropriate to suggest that the loss of 12 spaces would translate into a pattern of continual loss of parking space in the future. He complimented the college staff for being very tuned in to the issue of accessibility and mobility to their campus.

Commissioner Sands said he is most concerned about parking problems during construction because much of the future problems would likely be taken care of with the new Master Plan. He suggested that Condition 3 be changed to require the applicant to not only provide agreements for the off-site parking, but that the contracts show at least an additional 60 to 90 spots to compensate for the loss of space during construction.

COMMISSIONER SANDS MOVED THAT THE MAIN MOTION BE AMENDED TO RECOMMEND THAT THE PARKING AGREEMENT, SPELLED OUT IN CONDITION 3, INCLUDE THE NUMBER OF PARKING SPOTS DISPLACED DURING CONSTRUCTION. COMMISSIONER KUBOI SECONDED THE MOTION TO AMEND. THE MOTION TO AMEND WAS APPROVED UNANIMOUSLY.

THE MAIN MOTION, AS AMENDED, WAS APPROVED 7-2, WITH COMMISSIONERS HALL AND BROILI VOTING IN OPPOSITION.

DIRECTOR'S REPORT

Change in Public Hearing Sequence

Mr. Tovar noted that the Commission utilized a new public hearing sequence, which was developed after extensive discussions among the staff. He said that, in the past, citizens have expressed concern that staff makes a recommendation prior to listening to their comments. He explained that sometimes new issues are raised by citizens or the applicant, and staff would like an opportunity to respond. Providing both a preliminary staff recommendation prior to a public hearing and a final staff recommendation at the end of the public hearing places staff in the position of being able to provide a better and more complete recommendation. However, they must be careful not to foster the impression that this is an attempt by the staff to have the last word. In their final recommendation, staff should not argue points they have already made or disagree or rebut things that have been said. Rather, staff should

clarify the questions that have not been responded to or suggest conditions in response to concerns that were raised.

Secondly, Mr. Tovar noted that closure of the public hearing was moved to after the Commission's final questions and deliberation. This allows the applicants and citizens to hear the Commission's deliberation and respond to questions upon request.

Commissioner Hall asked if involving staff in suggesting alternative conditions or a revised recommendation based on public testimony would modify their role in the quasi-judicial proceeding. He pointed out that the Commissioners are required, as appointed representatives, to listen to all parties before making a recommendation. Secondly, Commissioner Hall said that the Snohomish County Council's hearing process requires that decisions be made in a public hearing. They cannot close the public hearing until a final vote has been taken.

Mr. Tovar explained that the citizens don't always understand that the staff's role in quasi-judicial proceedings is to make a professional recommendation to the Commission and to provide clerical support to the Commission in articulating its own recommendations. The citizens sometimes think of the staff as advocates for their own or the applicant's position, and providing both a preliminary and final recommendation might help to resolve some of this problem. Mr. Tovar suggested that the Commission could also consider the merits of requiring that all decisions be made before the public hearing is closed.

Commissioner Broili suggested that on future public hearing agendas, they should insert "Planning Commission Question and Answer Period" after the applicant's testimony but before the public testimony. This would help both the public and the applicants have a clear understand of their opportunity for participation. Mr. Tovar agreed that it would be ideal for the Commission to clarify and ask as many questions as possible prior to the public testimony.

Suggestions for Upcoming Agendas through May

Mr. Tovar referred the Commissioners to the agenda planner that was provided by staff. He proposed that the April 20th agenda include a presentation by the Department of Ecology on the 2006 Wetland Manual. The Commission could consider Urban Forest Management Strategies on May 4, which could also be a good opportunity to hold a joint meeting with the Park Board. Since the May 18th meeting falls two weeks after the City Council's retreat, he could provide a report regarding how the Council's discussion would impact the Planning Commission's work program.

Planning Commission Appointment Process

Mr. Tovar announced that the City Council appointed a subcommittee to screen the 19 applications they received for the upcoming vacant Planning Commission positions. The committee has scheduled interviews with six of the candidates on March 9th. On March 21st, the City Council would interview the final candidates from the first interview, as well as three other candidates. Hopefully, the City Council would reach a final decision on March 21st and then make the appointments at their March 28th meeting.

Commissioner Broili questioned why six of the candidates would be interviewed twice, and three would only be interviewed once. Mr. Tovar pointed out that there is a tremendous amount of talent in the northwest quadrant of the City, and this area is already well represented on the Commission. There was a strong sense that they wanted representation from other parts of the City, as well.

Commissioner MacCully said that earlier in the day he spoke with Mr. Tovar who shared information about his attendance record for both 2004 and 2005. As he reviewed his reasons for not attending the meetings, Commissioner MacCully said he realized that his priorities have changed since he was first appointed to the Commission. He urged his fellow Commissioners to also think about where their participation on the Commission falls on their list of priorities.

City Council's Recent Action to Adopt the Critical Areas Ordinance

Mr. Tovar reported that, with the exception of the provisions for cutting hazardous trees, the City Council adopted the amendments to the City's Critical Areas Regulation on February 27th. The hazardous tree issue would come back before the Commission for further deliberation on April 6th. He referred the Commission to the green handout, which outlines the amendments the City Council made to the Planning Commission's recommendation. He briefly reviewed the following amendments:

- **Section 20.80.030(L) – Partial Exemptions:** The Council expressed a concern that while some of the activities were listed as exemptions, they wanted to have some type of judgment rendered about how impacts might occur to a critical area if these activities were on or near them. The original Council draft stated that there could be no impact from the listed activities, but they felt this was a bit much. Instead, they used the term “undue adverse effect.”
- **Section 20.80.030(P) – Partial Exemptions:** The Council agreed that mitigation projects related to utility construction should not be prohibited in the critical areas or their buffers.
- **Section 20.80.085 – Pesticides, Herbicides and Fertilizers on City-Owned Property:** This new section was offered by a Council Member who obtained the provision from the City of Seattle. Originally, the City Council discussed applying the rules to all property, but the ultimate decision was to apply them to City-owned property only. The provision could be revisited in the future if they want to expand it in some way. As part of the Urban Forest Management Plan, the City Council asked staff to not look at just the regulations, but at best management practices, programs and education, cultivating a stewardship concept, etc.

Commissioner Hall suggested that when considering future code amendments, there might be merit in considering whether a restoration project should be an exception, too. For example, a tree planting project would require fertilization.

- **Section 20.80.090 – Buffer Areas:** The Commission recommended standard buffers for the new code, and staff tried to explain this to the City Council. They ultimately decided to clarify that the

standard buffer is the maximum buffer required by the City. The Council wanted to communicate that, when there is a choice, the City would require the maximum buffer reasonably possible.

- **Section 20.80.110 – Critical Areas Reports Required:** The City Council felt the way the provision was written was somewhat tilted in favor of the applicant, and the Council wanted a greater degree of independence and credibility for technical expert information provided to the City staff. The new language requires that, in all cases, an applicant must use the City's consultant to render a judgment about activities in critical areas. Even if an applicant hires their own consultant to submit a critical areas report, the City would be obliged to require the applicant to pay for the City's consultant to prepare a report, as well. Staff intends to look for ways to limit situations of redundancy. The Council's intent is that the City staff have independent, credible, expert advice when making decisions regarding critical areas.
- **Section 20.80.330(F) – Required Buffer Areas (Wetlands):** The new language in this section resulted from a recommendation made by the Department of Fish and Wildlife. The language would require that a habitat survey be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.
- **Section 20.80.470 – Streams:** There was a lot of City Council discussion about how to classify streams, how to differentiate between the different types of streams, and what characteristics or factors should be used to make this judgment. The new language states that a Type II Stream has either salmonid or fish use or demonstrated salmonid habitat value as determined by a qualified professional. Mr. Tovar reviewed the code definition (Section 20.20.042) for a "qualified professional."

The previous code said that recreational value was one factor for determining whether a stream was Type II. The City Council concluded that this was not an appropriate criterion, since the purpose of the Critical Areas Ordinance is to protect the environmental attributes of critical areas. Commissioner Hall pointed out that the Growth Management Act's purpose for protecting frequently flooded areas and geologically hazardous areas is to protect human health, life and property. The purpose of protecting aquifer recharge areas is to protect human health. The purpose of protecting wetlands is split between protecting ecological functions and water quality for human health. He summarized that it is important to help the public and the development community understand that they are not only trying to protect wildlife, but human health, as well.

Mr. Tovar pointed out that the purpose of the amendments to Items C and D was to clarify the difference between a Type III and a Type IV Stream. Commissioner Broili asked why the term "natural drainage swales" was taken out of Item D. Commissioner Hall said this was done because it would have precluded unnatural drainage swales. The new language would include anything without a flow, whether it was a swale or not.

- **Section 20.80.480 – Required Buffer Areas (Streams):** Again, the new language in this section resulted from a recommendation made by the Department of Fish and Wildlife.

- **Section 20.80.480(H) – Restoring Piped Watercourses:** The City Council discussed this issue at length. They ultimately adopted language that would allow the voluntary opening of previously channelized/culverted streams and the rehabilitation and restoration of streams especially on public property or when a property owner is a proponent in conjunction with a new development. The earlier version merely encouraged the opening of previously channelized/culverted streams. He said it is important to convey that the City does not compel the restoration of piped watercourses.

Commissioner Sands asked if a “proponent in conjunction with a new development” would essentially be the developer or just a proponent of an adjacent development. Mr. Tovar answered that this term would actually refer to the applicant. Commissioner Sands expressed his concern that the language in this section is not really clear.

Mr. Tovar referred to the language regarding the process for restoring piped watercourses. He said that the strong intent of the Council was that if a stream were opened up, the City should require as large a setback as possible. However, they acknowledged the problem that if too much land were required for a buffer, it would discourage the restoration of piped watercourses. He explained that the director would seek advice from a qualified professional before making a determination of whether or not the restored piped watercourse should be required to support fish access.

- **SMC Section 20.80.460(A):** Staff recommended that the word “open” be removed to make it consistent with the draft version of the definition of stream in Section 20.20.046(S).
- **SMC Section 20.80.380(H):** Staff was notified by Community Trade and Economic Development (CTED, a State agency) that inclusion of language that dictates where mobile homes may or may not be placed within the City of Shoreline is no longer legal per Senate Bill 6593 adopted in the 2004 legislative session.

Mr. Tovar reported that on the whole, the City Council agreed with and appreciated the Commission’s recommendation. They thanked them for all of their hard work. The changes had a common theme of being clear and more protective of critical areas wherever possible.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner McClelland said she heard that the Economic Development Task Force was continuing their work. Commissioner Sands said he doesn’t know of any Task Force activities. They were only going to have one additional meeting after the City Council makes a decision on the Draft Economic Development Plan. There have been a couple of minor modifications made to the plan by City Council Members, and all of the members of the Task Force were given an opportunity to review them and respond. No one has voiced a concern. He summarized that he is hopeful the City Council would approve the document after their review on March 6th.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

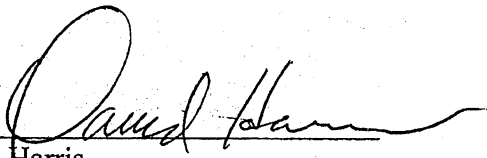
No additional announcements were made during this portion of the meeting.

AGENDA FOR NEXT MEETING

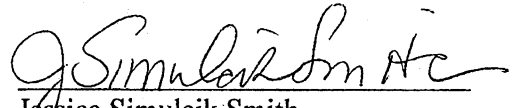
The Commissioners had no additional comments to make regarding the agenda for the next meeting.

ADJOURNMENT

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



David Harris
Chair, Planning Commission



Jessica Simulcik Smith
Clerk, Planning Commission

20.30.030 Basis.

There are four types of actions (or permits) that are reviewed under the provisions of this chapter. The types of actions are based on who makes the decision, the amount of discretion exercised by the decision making body, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity. (Ord. 238 Ch. III § 3, 2000).

20.30.040 Ministerial decisions – Type A.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.430
11. Variances from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21 RCW or for which environmental review has not been completed in connection with other project permits shall be

appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

20.30.050 Administrative decisions – Type B.

The Director makes these decisions based on standards and clearly identified criteria. A neighborhood meeting, conducted by the applicant, shall be required, prior to formal submittal of an application (as specified in SMC 20.30.090). The purpose of such meeting is to receive neighborhood input and suggestions prior to application submittal.

Type B decisions require that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the City's decision under any required SEPA review.

All Director's decisions made under Type B actions are appealable in an open record appeal hearing. Such hearing shall consolidate with any appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.

All appeals shall be heard by the Hearing Examiner except appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances that shall be appealable to the State Shorelines Hearings Board.

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision ^{(1), (2), (3)}	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.

(2) Notice of application requirements are specified in SMC 20.30.120.

(3) Notice of decision requirements are specified in SMC 20.30.150.

(Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(b), 2000).

20.30.060 Quasi-judicial decisions – Type C.

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.

There is no administrative appeal of Type C actions.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision ^{(5), (6)}	Review Authority, Open Record Public Hearing ⁽¹⁾	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days	20.30.410
2. Rezone of Property ⁽²⁾ and Zoning Map Change	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ⁽⁴⁾		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ⁽⁴⁾		120 days	20.30.336
6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper ⁽⁷⁾	PC ⁽³⁾	City Council	120 days	20.40.505

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

⁽²⁾ The rezone must be consistent with the adopted Comprehensive Plan.

⁽³⁾ PC = Planning Commission

⁽⁴⁾ HE = Hearing Examiner

⁽⁵⁾ Notice of application requirements are specified in SMC 20.30.120.

⁽⁶⁾ Notice of decision requirements are specified in SMC 20.30.150.

⁽⁷⁾ Notice of application shall be mailed to residents and property owners within one-half mile of the proposed site.

(Ord. 324 § 1, 2003; Ord. 309 § 3, 2002; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(c), 2000).

20.30.070 Legislative decisions.

These decisions are legislative, nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands.

Table 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, Open Record Public Hearing	Decision Making Authority (in accordance with State law)	Section
1. Amendments and Review of the Comprehensive Plan	PC ⁽¹⁾	City Council	20.30.340
2. Amendments to the Development Code	PC ⁽¹⁾	City Council	20.30.350
3. Street Vacation	PC ⁽¹⁾	City Council	12.17

⁽¹⁾ PC = Planning Commission

Legislative decisions usually include a hearing and recommendation by the Planning Commission and the action by the City Council.

The City Council shall take legislative action on the proposal in accordance with State law.

There is no administrative appeal of legislative actions of the City Council but they may be appealed together with any SEPA threshold determination according to State law. (Ord. 339 § 5, 2003; Ord. 238 Ch. III § 3(d), 2000).