

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Study Session for the 2008 Annual Consideration of Amendments to the Comprehensive Plan and Associated Development Code Amendments
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP Director of Planning and Development Services; Rachael Markle, Project Manager Asst. Director of Planning and Development Services

NOTE: THIS REPORT IS REPEATED FROM MAY 27, 2008. THIS SUBJECT HAS BEEN CONTINUED FOR STUDY TO THE JUNE 2, 2008 MEETING. ATTACHMENTS A-F ARE NOT INCLUDED IN THIS REPORT. PLEASE REFER TO THE MAY 27, 2008 STAFF REPORT TO OBTAIN THESE ATTACHMENTS. TWO NEW ATTACHMENTS HAVE ADDED FOR REFERENCE: ATTACHMENT G - DRAFT PLANNING COMMISSION MAY 15, 2008 MINUTES AND ATTACHMENT H - CTED COMMENT LETTER.

PROBLEM/ISSUE STATEMENT:

The State Growth Management Act permits amendments to a city's Comprehensive Plan, but the review cannot occur more than once a year with a few exceptions such as the adoption of a subarea plan. The Planning Commission and Council can then look at the proposed amendments as a package, in order to consider the combined impacts of the proposal.

For the year 2007, the City received no public initiated amendments to the Comprehensive Plan. Staff have proposed several amendments to the Comprehensive Plan Land Use chapter for inclusion on the 2008 "docket" (the list of amendments considered by the Planning Commission and Council).

These amendments are proposed in order to:

- ⇒ Create a definition for Planned Areas;
- ⇒ Differentiate Planned Areas from Subareas;
- ⇒ Create a definition and complete the development of a process for Master Plan permits;
- ⇒ Streamline the Master Plan permitting process; and
- ⇒ Require Shoreline Community College to apply for a Master Plan permit.

Attachment A describes the amendments in at a glance. Attachments D and F refer to the specific language in the Comprehensive Plan and Development Code that includes the proposed amendments (with underlines and strikethroughs).

RECOMMENDATION

This staff report and presentation are for discussion and to provide the Council an opportunity to provide staff with direction prior to final adoption. The City Council is scheduled for action on this item on June 9, 2008.

Approved By: City Manager  City Attorney _____

INTRODUCTION

The proposed Comprehensive Plan amendments include:

- Amending the subarea plan definition;
- Adding a definition for Master plan permit;
- Amending land use Figure LU-1 (Comprehensive Plan Land Use Map) to designate future Planned Areas;
- Replacing the term Master Plan with Planned Area when Master Plan refers to information in the Comprehensive Plan and master plan permit when the term refers to specific development standards;
- Clarifying that if a parcel(s) is identified as a Planned Area or Essential Public Facility in the Comprehensive Plan then a master plan permit can be approved without amending the Comprehensive Plan;
- Adding a definition of Planned Area; and
- Deleting Land Use Policies 76 and 77 regarding the general requirements of a master plan and the process for permitting a master plan. Insert this type of information in the Development Code.

The proposed Development Code Amendments include:

- Adding a definition for Master Plan Permit in SMC Chapter 20.20;
- Amending Planned Area (PA) in SMC Chapter 20.40;
- Adding Planned Area as a type of Special District under 20.40.050;
- Adding Master Plan Permit as a Type C permit to Table 20.30.060;
- Creating a purpose statement, decision criteria, vesting rules and amendment language for Master Plan Permits in SMC Chapter 20.30;
- Adding criteria for amending the Comprehensive Plan to add a Planned Area in SMC Chapter 20.30.340;
- Renaming First Northeast Transfer Station to Shoreline Transfer Station Planned Area 1;
- Moving Ridgecrest Planned Area 2 from 20.91 to 20.100 Special Districts;
- Adding CRISTA as Planned Area 3 on the zoning map with a limited scope and permitted use section;
- Adding Fircrest Planned Area 4 on the zoning map with a limited scope and permitted use section; and
- Adding Shoreline Community College on the zoning map as Planned Area 5 with a limited scope and permitted uses section.

BACKGROUND

Comprehensive Plan amendments may be submitted by anyone at anytime. Applications for Comprehensive Plan amendments are available on the City's website and from the Planning and Development Services department. Amendments may also be proposed by the Council, Planning Commission and

staff. Staff initiated amendments are often the result of issues raised at the Council or the Commission throughout the year.

All amendments that are submitted between January 1 and December 31st of a given year are forwarded to the Council the following year (ex. amendments collected between 1/1/07 and 12/31/07 will be processed in 2008). From this list, the Council sets the docket. The docket is the list of Comprehensive Plan amendments that Council forwards to the Planning Commission for study and public hearing. This year's docket was forwarded by Council to the Planning Commission as part of their 2008 Work Plan.

The City received no amendments from the public in 2007. Staff proposed several amendments related to Master Planning and Planned Areas. The amendments proposed by staff comprise the 2008 Docket. No new amendments may be added to the 2008 Docket. If new amendment ideas arise, they may be considered for the 2009 Docket. The main reasons new amendments may not be considered are: 1) The GMA requires City's to consider amendments to the Comprehensive Plan only once a year (with few exceptions); and 2) Amendments to the Comprehensive Plan often require extensive analysis. Therefore adding a new amendment once the Docket is set could severely impact the ability to act on those amendments that have been docketed, analyzed and advertised.

The Planning Commission conducted a study session on Thursday, April 17, 2008 to discuss the proposed amendments to the Comprehensive Plan and Development Code regarding Master Planning. A Public Hearing was held by the Planning Commission on May 1, 2008 with a continuation to May 15, 2008. **The Planning Commission recommended approval of the proposed amendments to the Comprehensive Plan and associated Development Code amendments at the May 15, 2008 meeting.**

The Planning Commission asked several clarifying questions, asked for additional information and offered editorial suggestions. Comments and questions were also received from two citizens. The minutes from the April 17 and May 1, 2008 meetings can be found in Attachment B (Note: the minutes for the May 15, 2008 meeting were not available at the printing of this report. These minutes will be available prior to planned Council action on June 9th). Two written comments have been submitted to date on the proposed amendments and SEPA. Staff prepared a response to these comments. (Attachment C).

Discussion of Proposed Comprehensive Plan Amendments

Please see Attachment D Proposed Comprehensive Plan Amendments for specific changes.

The main purposes for the amendments proposed to the Comprehensive Plan in this report are as follows:

- A. Define and differentiate subarea plans and planned areas;
- B. To streamline Master Planning for Essential Public facilities by eliminating the need to amend the Comprehensive Plan in order to adopt a Master Plan (Master Plan permit);
- C. Assign a new land use designation called Planned Area to replace Single Family Institution;
- D. To identify a public process for private property owners to prepare comprehensive long range site specific plans for the use of property ; and
- E. To relocate Master Plan (Master Plan permit) processes and standards from the Comprehensive Plan to the Development Code.

A. Define and differentiate subarea plans and planned areas.

The City has employed the use of subarea planning and planned areas to develop site specific policies and regulations for designated areas. Although subarea plans are defined in the Comprehensive Plan, planned areas are not. Amendments have been proposed in order to define and differentiate subarea plans from planned areas. The main differences as proposed are: subarea plans can only be initiated by the City and can occur at any time during the year; planned areas can be initiated by the City or private property owner(s) and can only be considered as part of an annual review of the Comprehensive Plan. Also, a planned area may be a subset of a subarea plan. Please see Attachment E: Planning Tools and Processes Table.

B. Streamlining Master Planning for Essential Public Facilities

The Comprehensive Plan encourages Single Family Institutions and Essential Public Facilities to develop Master Plans. However, the Comprehensive Plan states that the Comprehensive Plan needs to be amended to approve a Master Plan. This is problematic due to the fact that the GMA limits Comprehensive Plan amendments to once a year. The annual review may not coincide with desired timing of a Single Family Institution or Essential Public Facility to adopt a Master Plan.

Since the Comprehensive Plan encourages Master Planning for Essential Public Facilities, it is appropriate to facilitate changes to the Comprehensive Plan and Development Code to streamline the process. By streamlining the process, these sites may be encouraged to apply for Master Plan permits ending the piecemeal approach of allowing expansion, development and redevelopment through the Conditional Use and/or Special Use process. This practice does not holistically address such facets of development as parking, traffic and environmental systems.

C. Assign a new land use designation called Planned Area to replace Single Family Institution

The Comprehensive Plan designates three sites as Single Family Institutions: Shoreline Community College, CRISTA and Fircrest. This designation does not accurately address the current and likely future uses for the sites. The vast majority of the property at all three locations is zoned low density residential (single family), but the existing and future uses are not single family. All of the sites are surrounded by or adjacent to single family uses. This warrants master planning as encouraged by the Comprehensive Plan to holistically address such issues as transition between the campuses and adjacent low density uses, traffic, critical areas and stormwater.

The proposed definition for planned area land use designation is designed to encompass the intent of the single family institution land use designation and the planned area concept. As proposed, planned areas are delineated geographic areas that are unique based on natural, economic or historic attributes; subject to problems from transition in land uses; or contain essential public facilities. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems, and opportunities. Planned Area designations may be initiated by property owner(s) or the City. Staff proposes the use of the planned area tool instead of creating a new process to streamline master planning for essential public facilities.

D. Identify a Public Process for Private Property Owners to Prepare Comprehensive Long Range Plans

The question has arisen on several occasions, "what if a private property owner (or owners) was interested in developing a master plan or development agreement with the City to facilitate development or redevelopment of a property in a way that is not specifically permitted?" One answer to this question is – NO, that proposal is not permitted. However, this answer could be short sighted. Sometimes the property owner(s) wants to do something that responds to important goals and policies in the Comprehensive Plan, but does not meet all of the standards in the Development Code. Staff would like the public to have the opportunity to hear about these proposals and the City Council to be able to determine if additional planning and perhaps a change in the regulations would be beneficial.

Staff recommends the planned area process to consider these requests. The planned area process would allow either the City or a private property owner to initiate a site specific Comprehensive Plan amendment during the annual review of the Comprehensive Plan. The Planning Commission would then, using the proposed criteria, be able to review the merits of the proposal and make a recommendation to the City Council as to whether a Planned Area land use designation should be approved. If a Planned Area land use designation and zoning is approved, a private property owner(s) can apply for a Master Plan

permit. The Master Plan permit is the tool the property owner(s) would use to seek Council approval of site specific development regulations.

E. Relocate Master Plan processes from Comprehensive Plan to Development Code

The Comprehensive Plan was adopted in 1998. By 1998, the City had not yet adopted its own Development Code. When the City incorporated it adopted King County's Development Code. As a result, the Comprehensive Plan includes some policies that are very specific perhaps in an effort to ensure that the future City of Shoreline development regulations reflected the citizens longer range vision for development and redevelopment.

The City adopted its locally drafted Development Code in 2000. Many of the policies in the Comprehensive Plan were then converted to development standards. A few of the policies, including those regarding master planning, have not yet been translated from the policy document to the Development Code.

The Development Code does not include any provisions for master planning. The only references to master planning are in the Comprehensive Plan. Comprehensive Plan Land Use policies LU 76 and LU 77 outline the basic content of a master plan application and general application processing procedures. It is more appropriate to have such standards in the Development Code. LU 76 and LU 77 are more akin to development standards than policy statements.

Discussion of Proposed Development Code Amendments

Please see Attachment F Proposed Development Code Amendments for specific changes.

1. Adding a definition for Master Plan Permit in SMC Chapter 20.20

Master Plan is not defined in the Comprehensive Plan or the Development Code. The proposed definition is: A permit issued by the City that establishes site specific permitted uses and development standards for certain planned areas or essential public facilities. Master Plan permits incorporate proposed new development, redevelopment and/or expansion of an existing development.

2. Amending the description of a Planned Area (PA) zone in SMC Chapter 20.40

The current description for Planned Area was adopted with the amendments for the Ridgecrest Planned Area 2. Staff is proposing to change the description of a Planned Area zone to also apply to essential public facilities.

3. Adding Planned Area as a type of Special District under 20.40.050

In terms of organization, it seemed intuitive to locate Planned Areas in the Special District section of the Code.

4. Adding Master Plan Permit as a Type C permit to Table 20.30.060 and Creating a purpose statement, decision criteria, vesting rules and amendment language for Master Plan Permits in SMC Chapter 20.30

The Comprehensive Plan states that essential public facilities are encouraged to Master Plan. Comprehensive Plan Land Use Policies 76 and 77 outline what a Master Plan should address. The Development Code does not contain provisions for Master Planning.

The First Northeast Transfer Station is the only approved Master Plan in the City. This Master Plan was reviewed as a legislative item. There were no changes made to the Comprehensive Plan. The approval of this Master Plan only required changes to the Development Code. The City attorney advises that future Master Plan permits be processed as quasi-judicial actions.

The City has been working with CRISTA, Fircrest and Shoreline Community College on the development of Master Plans for many years. During this time we have identified the need to further define the process for Master Planning and develop more detailed review criteria.

Over the years there has been a lot of confusion as to whether a Master Plan should be a policy document or a regulatory document. Staff is proposing that a Master Plan as described in the Comprehensive Plan is more regulatory in nature. Therefore, Master Plans should take the form of a permit, as opposed to a policy document. Through the permitting process, specific development standards, mitigation and design can be established.

Staff is proposing seven criteria to be used in the review of Master Plan permit applications. If the applicant meets the criteria, then a Master Plan permit can be recommended by staff and the Planning Commission for approval by the City Council. (Remember, only those areas designated as Planned Areas during the annual review of the Comprehensive Plan can apply for Master Plan permits). The criteria is designed to ensure that the Master Plan permit identifies and addresses on and off site impacts. Note: currently there is no criteria by which to review a Master Plan permit. Master Plan permits would be reviewed using the Comprehensive Plan and/or Development Code Amendment criteria.

The proposed vesting language clarifies that the regulations that are in effect on the date the Master Plan permit is deemed complete apply. Subsequently adopted regulations may be substituted administratively if the result is an equal or greater control than that which is afforded with the Master Plan permit. This allows Master Plan permit holders to easily employ more innovative techniques that may provide even greater benefits to the environment and neighborhood than what was approved with the Master Plan permit.

The Planning Commission worked with staff to draft provisions on how to amend a Master Plan permit. The sentiment is that as the Master Plan permit holder begins to implement the Master Plan permit, there could be a need to make adjustments to the permit. Some adjustments would be minor and could be processed administratively. Other adjustments would be major and would require additional analysis and public review.

The language recommended by the Planning Commission and staff recognizes the two types of amendments. The language stops short of defining minor amendments and instead states that the procedures and criteria for minor amendments will be approved with the Master Plan permit. This process is recommended because each Master Plan will be unique. What is a minor detail for one Master Plan permit site may not be minor for another. Major amendments are defined as those requests that were not analyzed as part of an approved Master Plan permit.

5. Adding Amendment Criteria for Planned Area Land Use changes

Currently the criteria for amending the Comprehensive Plan is:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; or
2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; or
3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare. (Ord. 238 Ch. III § 7(f), 2000).

The Planning Commission was concerned that the general Comprehensive Plan amendment criteria would be too broad to use in making a decision on a proposed Planned Area Land Use designation request. Therefore, additional criteria was developed for the Commission and Council to use when considering Planned Area Land Use designation requests.

6. Renaming First Northeast Transfer Station to Planned Area 1: Shoreline Transfer Station

This is an administrative change. The First Northeast Transfer Station is a the City's only approved Master Plan. It seemed appropriate to rename it to be located and associated with future Master Plan areas.

7. Moving Ridgecrest Planned Area 2 from 20.91 to 20.100 Special Districts

This is an administrative change. In terms of organizing information in the Development Code, it seemed intuitive to locate all Planned Areas in the Special Districts section of the Code.

8. Adding CRISTA, Fircrest and Shoreline Community College, as Planned Areas 3, 4 and 5 on the zoning map with a limited scope and permitted uses section;

The Development Code does not require Master Planning (Master Plan permitting) for development or redevelopment on any of the three areas designated as Single Family Institutions: Shoreline Community College, CRISTA and Fircrest. The sites all contain nonconforming uses and the code allows expansion through the Conditional Use permit process. The Comprehensive Plan Land Use Policy 43 states:

The Single Family Institution land use designation applies to a number of institutions within the community that serve a regional clientele on a large campus. It is anticipated that the underlying zoning for this designation shall remain the same unless a master plan is adopted as an amendment to the Comprehensive Plan creating a special district.

The proposed amendments are designed to facilitate master planning and end the piecemeal, incremental development at Shoreline Community College, CRISTA and Fircrest. The purpose of a Master Plan permit is to incorporate and illustrate all proposed new development, redevelopment and/or expansion of an existing institutional campus into a comprehensive long range site plan that identifies and addresses both onsite and offsite impacts. The Master Plan may also include narrative and timetables to guide and phase growth and development in a way that serves the facility and benefits the community.

This City- initiated action seeks to change CRISTA's land use and zoning designation to Planned Area 3: CRISTA; Fircrest's land use and zoning designation to Planned Area 4: Fircrest Shoreline Community; and College's land use and zoning to Planned Area 5: Shoreline Community College.

Also proposed is text for the new Planned Areas in SMC Chapter 20.100. The purpose of this new Section is to:

- define the permitted and prohibited uses in each Planned Area; and
- limit expansion or redevelopment of existing nonconforming uses and development of any uses that are not permitted in a Planned Area unless the expansion, redevelopment or development is allowed through the nonconforming use process or a Master Plan permit process.

Note: CRISTA submitted a Master Plan application for City review in February 2008. This application was determined to be complete.

9. Specific to Planned Area 5: Shoreline Community College

Staff recommends that a Master Plan permit be obtained prior to any further expansion, development or redevelopment at Shoreline Community College. This is consistent with the Planning Commission's and City Council's expressed desires. In addition, since 2000 the City has been expecting the submission of a Master Plan permit to address expansion, development and redevelopment at Shoreline Community College.

Shoreline Community College has not yet applied for a Master Plan permit and has instead been using the Conditional Use and Special Use processes for expansion, development and redevelopment. Therefore, in the proposed text for Planned Area 5, Shoreline Community College is prohibited from expanding nonconforming uses under 20.30.80(d) whereas the same restriction is not proposed for CRISTA and Fircrest.

Shoreline Community College has been kept informed about the proposed changes.

RECOMMENDATION

This staff report and presentation are for discussion and to provide the Council an opportunity to provide staff with direction prior to final adoption. The City Council is scheduled for action on this item on June 9, 2008.

ATTACHMENTS

NOTE: ATTACHMENTS A-F ARE NOT INCLUDED IN THE JUNE 2, 2008 REPORT. THESE ATTACHMENTS MAY BE FOUND WITH THE MAY 27, 2008 REPORT.

Attachment A	Proposal at a Glance
Attachment B	Planning Commission Minutes: 4/17/08 & 5/1/08 (5/15/08 minutes are not yet available)
Attachment C	Written Comments & Staff Responses
Attachment D	Proposed Comprehensive Plan Amendments
Attachment E	Planning Tools Process Table
Attachment F	Proposed Development Code Amendments

NEW ATTACHMENTS

Attachment G	Draft May 15, 2008 Planning Commission Minutes
Attachment H	CTED Comment Letter



STATE OF WASHINGTON

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

128 - 10th Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

May 21, 2008

Ms. Rachael Markle, Assistant Director
Planning and Development Services
17544 Midvale Avenue North
Shoreline, Washington 98133-4921

RE: Proposed amendments to Shoreline's comprehensive plan and development code

Dear Ms. Markle:

Thank you for sending the Washington State Department of Community, Trade and Economic Development (CTED) the proposed amendments to the City of Shoreline's comprehensive plan and development regulations. We received the documents on March 27, 2008.

We like Shoreline's efforts to streamline its development regulations while, at the same time, maintaining its public participation process. We see the proposed master plan permit gives more flexibility to all the involved parties. It will help the city to better respond to challenges presented by the specific features of the area or issues raised by concerned residents.

We have just a couple of suggestions which might strengthen your regulations and the public participation they entail. For instance, we suggest you insert the term – "Web site" – onto Table 20.60.060 in the column about public notices. The City of Shoreline has an excellent Web site. It already lists public notices about pending land use actions. The city should include this current practice in its development regulations.

Another suggestion is to clarify how property owners initiate creating a planned area designation. We assume it would follow the same procedures as a rezone. If such is the case, then the definition in the glossary might want to mention it. For example, it might read – "Planned area designations may be initiated by property owners through the rezoning process."

If you have any questions or concerns about our comments or any other growth management issues, please call me at (360) 725-3051 or email billm@cted.wa.gov. We extend our continued support to the City of Shoreline in achieving the goals of growth management.

Sincerely,

F.W. "Bill" Mandeville, AICP
Growth Management Planner
Growth Management Services

BM:cr

cc: Leonard Bauer, AICP, Managing Director, Growth Management Services, CTED
David Andersen, AICP, Plan Review and Technical Assistance Manager, Growth Management Services, CTED

DRAFT

These Minutes Subject to
June 5th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

May 15, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Kuboi
Vice Chair Hall
Commissioner Behrens
Commissioner Broili
Commissioner Kaje
Commissioner Piro

Staff Present

Rachael Markle, Assistant Director, Planning & Development Services
Flannary Collins, Assistant City Attorney
Steve Szafran, Planner, Planning & Development Services
Steve Cohn, Planner, Planning & Development Services
Belinda Boston, Staff, Planning & Development Services
Renee Blough, Staff, Planning & Development Services

Commissioners Absent

Commissioner Perkowski
Commissioner Pyle
Commissioner Wagner

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi, Vice Chair Hall and Commissioners Behrens, Broili, Kaje, and Piro. Commissioners Perkowski, Pyle and Wagner were excused.

DIRECTOR'S COMMENTS

Mr. Cohn introduced Planning and Development Services staff members Belinda Boston and Renee Blough, who were present to perform the duties of Commission Clerk in the absence of Ms. Simulcik Smith. While Ms. Simulcik Smith is out of the office, Mr. Cohn invited the Commissioners to forward their general Planning Commission questions to him.

APPROVAL OF AGENDA

The agenda was accepted as proposed.

APPROVAL OF MINUTES

The minutes of May 1, 2008 were accepted as amended.

GENERAL PUBLIC COMMENT

Les Nelson, Shoreline, recalled that the City Council recently approved an ordinance that would allow up to 110 dwelling units per acre for commercial business (CB) zones that are adjacent to single-family properties. He noted that in other rezone proposals that have come before the Commission, staff has recommended no more than R-24 as an acceptable density next to the single-family residential zones. He questioned how the City planners could justify a recommendation of R-24 zoning in one place and R-110 somewhere else. He suggested this is a double standard.

Commissioner Broili pointed out that the City does not have an R-110 zoning designation. Mr. Nelson said he meant to say 110 dwelling units per acre, and did not mean to imply there was an R-110 zoning designation. Commissioner Broili asked Mr. Nelson to provide further clarification of his comments. Mr. Nelson said the City has received requests to rezone some R-24 properties to R-48, and staff has typically recommended the density be no greater than R-24 when properties are adjacent to single-family residential properties. Commissioner Behrens summarized that Mr. Nelson is concerned that the City seems to be taking a different approach for rezone applications for Community Business (CB) and Regional Business (RB) properties that are adjacent to single-family residential properties.

Mr. Cohn announced that the City Council declared an emergency moratorium on RB zoned land to limit the density to 110 dwelling units per acre. The moratorium would be in place for up to six months with the intent that the RB zoning designation would be reviewed and City Council would determine if they want to include new standards in addition to those in place today.

Vice Chair Hall asked what the density limitation was for RB zones prior to the City Council's moratorium. Mr. Cohn answered that the current code does not identify a maximum number of units for RB zones, but the density is limited by the height and bulk restrictions. Staff believes that in most RB zones, it would be possible to develop at about 110 units per acre given current costs of providing underground parking. The moratorium would reduce the number of units allowed to no more than 110. The moratorium would affect all RB zones, and not just those in transition areas.

Mr. Nelson noted the City Council recommended the Director's Report not be moved to the end of a meeting since it is sometimes difficult for members of the public to stay for the entire meeting.

QUASI-JUDICIAL PUBLIC HEARING ON NORTHWEST CENTER REZONE REQUEST – 14800 1ST AVENUE NORTHEAST (FILE NUMBER 201728)

Chair Kuboi reviewed the rules and procedures for the quasi-judicial public hearing. He reminded the Commissioners of the Appearance of Fairness Rules and invited them to disclose any communications they may have received regarding the subject of the hearing outside of the hearing. The public hearing was opened. Commissioner Behrens disclosed that he worked in a residential treatment center a long time ago, similar to the facility that is being proposed as part of the subject application. However, he did not believe this would in any way affect his ability to be fair or impartial. No one in the audience voiced a concern about Commissioner Behren's participation in the public hearing. None of the Commissioner identified ex parte communications, and no one in the audience voiced a concern, either.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran advised that the applicant (Northwest Center) has requested a change in the zoning category for the subject property from R-12 to R-24. They have indicated their plans to change the use of the property from a church to a facility that provides services to children and adults with disabilities. Mr. Szafran displayed a zoning map to identify the subject property, as well as the R-24 property to the north, R-12 and R-8 to the south, Interstate 5 to the east and R-6 to the west. He noted that the Comprehensive plan identifies a high-density residential land use immediately to the north and south of the subject property, with medium-density residential further south. The majority of the properties to the west are identified as low-density, single-family residential and public open space. Mr. Szafran provided an aerial photograph to illustrate the existing development on the subject property and nearby properties. He specifically noted the Aegis facility and three churches that are in the area. He noted that surrounding properties are primarily single-family residential. He provided some site pictures to illustrate the view from various locations on the subject property.

Mr. Szafran explained that the difference between the R-12 and R-24 development standards is mostly related to unit count. An R-24 zone would basically double the density allowed. The current R-12 zoning would allow 38 units on the site, and R-24 would allow 76. The building coverage would increase by 15 percent, as well.

Mr. Szafran reviewed that the rezone application meets the rezone criteria in the following ways:

- It is consistent with the high-density residential land use goals and policies.
- It creates an effective transition between the freeway and single-family residential development to the west.
- Both the R-12 and R-24 zoning designations would achieve consistency with the Comprehensive Plan. However, staff believes R-24 would be more appropriate, especially given the properties close proximity to Interstate 5.
- Traffic has been evaluated and mitigation has been proposed for the existing stream buffer that lies on the eastern part of the property.
- Staff has reviewed the site and determined there is currently an abundance of parking available.
- The applicant's proposed use would be an asset to the City of Shoreline and would reuse a vacant facility and implement the vision in the Comprehensive Plan.

Mr. Szafran reviewed that during the public comment period, staff heard comments regarding traffic on 1st Avenue, mostly related to cars that speed on the street. Neighbors have stated there is a parking problem in the area that stems mostly from the Aegis facility. There are no sidewalks in front of the subject property, but sidewalks have been constructed in front of the Aegis facility and there are sidewalks to the south, as well. Adjacent residents also expressed concern that the owners would “flip” the property and R-24 units would be developed on the site. Mr. Szafran said staff considered the concerns raised by the neighborhood, and they believe R-24 zoning would be appropriate because it would provide a better transition than R-12 adjacent to the freeway. In addition, the applicant needs an R-24 zoning designation in order to provide an essential use for their facility. Staff believes the applicant’s proposal would be an asset to the community, and they recommend approval as submitted.

Applicant Testimony

David Wunderlin, CEO of Northwest Center, introduced a series of people who were present to represent the applicant: Todd Sucee (Project Manager), Tom Everill (Chairman of the Board of Directors), Laura Hafermann (architect), Jane Dobrovolsky (Director of Child Development), and Steve Little (Real Estate Agent).

Mr. Wunderlin explained that Northwest Center was started in 1965 by 25 families who came together to figure out a way to educate their children with developmental disabilities. For the past 45 years, their mission has broadened to include both children with developmental delays and disabilities and adults with disabilities. Northwest Center already has a facility in North Queen Anne, which is similar to the one they are proposing on the subject property. They provide early intervention and education in an integrated environment. The Northwest Center works with numerous families in the area, and it is their stated strategic objective to grow the children’s program. The proposed location offers a good opportunity for them to accomplish their goal. They see this location as a long-term decision. It is not only a substantial investment for their program, but also a long-term strategic idea. The facility is intended to be a community service organization the City and community could be proud of.

Ms. Hafermann explained that the design of the proposed project focuses on the existing building, as well as an addition to the east. From a site development standpoint, their goal is to impact as little of the site as possible. There is a need to increase some space to accommodate the program, but they consider it a tremendous asset to find such a big open site within a very urban area. She reviewed the proposed site plan, identifying the main entrance on 1st Avenue, existing parking area, building, central courtyard and play ground, open area with a sensory habitat garden, existing cell tower, and a variety of play areas for kids of different ages. Ms. Hafermann summarized that their goal is to limit the footprint of the building and keep as much as possible of the existing site open.

Ms. Dobrovolsky reviewed the proposed plans for the interior of the structure. She noted that because the students could be at the facility for 11 hours per day, they want to provide a home-like atmosphere. The building would be divided into pods for each of the various age groups. In order to accommodate all the necessary pods, they would need to remodel the existing building and build an addition, as well. The existing sanctuary would be utilized as a type of gymnasium for young children, but it could also be made available for community use. The existing downstairs fellowship hall would be utilized by the

before and after school program and summer camps for children ages 5 to 12. Mr. Wunderlin added that they also envision a respite program that would ensure that families have a place to drop their kids off for a period of time so they can have private time.

Mr. Cohn reminded the Commission that the rezone application would not limit the site to the items discussed by the applicant. As noted in the staff report, the zoning could be used for R-24 multi-family residential uses, as well. He summarized there would be several options for future development of the site, and it would not be limited to the option presented by Northwest Center.

Questions by the Commission to Staff and Applicant

Commissioner Behrens noted that traffic through the neighborhoods appear to be a big concern for surrounding property owners. He also noted that another school is located just south of the subject property; a daycare center that is set up in a church. There is also a park located across the street. He reminded the Commission that 1st Avenue is a neighborhood street. He asked staff about the level of traffic that currently exists on the street and also asked if the City has considered ways to slow traffic to address the community concerns. Mr. Szafran said staff would not seek feedback from the traffic engineer until a building permit application has been submitted. He suggested the proposed use would most likely require the applicant to submit a traffic report, and that is when the traffic impacts would be considered. Mr. Cohn added that the City's Traffic Engineer did review the traffic generated by Northwest Center's Queen Anne property, and they indicated that 1st Avenue should be able to handle the traffic associated with the proposed project. He said staff also identified approximately 200 cars per day in and out of the subject property. If the property were developed as R-24, staff anticipates approximately 200 or slightly fewer cars. Since the traffic engineer indicated he does not anticipate significant impacts from the proposal, detailed analysis would be deferred until the City receives an actual development permit application.

Commissioner Kaje referred to the use tables found in the City's Development code for the R-12 and R-24 zoning classifications. He noted that the uses permitted in the R-24 zone would also be permitted under R-18 zoning. He inquired if the applicant's proposed use of the site would be hampered if the zoning were changed to R-18 instead of R-24. If an R-18 zoning designation would accommodate the proposed development, he asked staff to share their reasons for recommending R-24. Mr. Szafran agreed that in terms of use, both the R-18 and R-24 zoning designations would be adequate. Considering the intensity of the freeway, in this case, staff felt an R-24 zoning designation would be appropriate, and he did not consider R-18.

Commissioner Kaje asked staff to identify the uses the applicant desires that are not currently available under the existing R-12 zoning designation. Mr. Szafran answered that overnight respite is the use that is currently not available under the R-12 zoning. City Attorney Collins cautioned the Commission not to focus too much on the use or the proposed plans for the property. Their charge is to determine whether or not an R-24 zoning designation would be consistent with the City's rezone criteria. Commissioner Kaje said the purpose of his question was to understand why staff is recommending R-24 zoning as opposed to R-18. City Attorney Collins suggested that staff made a recommendation on whether or not R-24 zoning would be consistent with the Development Code since that is what the applicant requested.

If staff determined that R-24 zoning would be inconsistent with the Development Code, they could have recommended a lower R-18 zoning designation. She summarized that staff believes the application is consistent with the rezone criteria.

Commissioner Kaje pointed out that if the property were to change hands, a future property owner would have a good chance of obtaining approval for R-48 zoning, since that is a permitted level of use for the current land use designation. It would be up to the City to decide whether R-48 would be appropriate for the site or not. Again, City Attorney Collins noted the rezone request would have to be consistent with the rezone criteria.

Public Testimony or Comment

Rosendo Jimenez, Shoreline, referred to the environmental impact statement that was prepared for the proposed rezone. He recalled that several years ago when the Aegis development was under construction there was controversy about how the new development would impact the stream. He suggested the Commission consider potential impacts to the stream as they review the application and make a recommendation. He commented that the Endangered Species Act may impact the proposed development plans, as well.

Elizabeth Piorluissi, Shoreline, said she was glad to see the plans proposed by Northwest Center. She said she is a member of the Philippino American Christian Church, which is currently using the facility. She said she is also a resident of the community and uses 1st Avenue every morning to access the freeway. She said she would be interested to see the results of a traffic study for the subject property. She noted that many people use 1st Avenue to access the freeway right now. Ms. Piorluissi also referred to the stream that runs through the subject property. The kids who currently attend the church play in this area, but they are careful that the stream remains protected. She asked Northwest Center if they would be willing to offer the Philippino American Christian Church a space in their building after it is remodeled. She expressed her belief that the church presently provides a significant value to the community.

Commissioner Piro asked Ms. Piorluissi to share more about her experiences traveling on 1st Avenue. Ms. Piorluissi said she has to be at work by 9:00 a.m., so she usually uses the street between 6:30 and 8:00 in the morning. By 8:00 a.m. the street is very congested. Commissioner Piro asked about traffic conditions on the street at other times of the day. Ms. Piorluissi noted there is a playfield located in the area, and there is not adequate parking to accommodate the people who are attending the games. They have to park on the street, and this contributes to the traffic congestion.

Steve Little, Northwest Center, pointed out that a traffic study from their Queen Anne site was provided in the application packet. The study identifies the hours the proposed new facility would operate. He noted that the proposed new facility would be slightly larger, but the Queen Anne facility is located on a very narrow, small street that is used for access to the parking lot. Commissioner Behrens said he reviewed the traffic study and other information submitted by the applicant. He suggested the community's concern is not so much that there would be an overwhelmingly negative impact, but they

believe there is already a traffic problem. Mr. Little said he attends one of the churches in the area, so he is aware of the current traffic conditions on 1st Avenue.

Commissioner Broili pointed out that the traffic study identified 120 vehicles each day at the facility. He asked what times of day the heaviest traffic would occur. Mr. Little said the heaviest traffic (about 14 vehicles) occurs at about 8:15 a.m., 5:00 p.m. and 5:30 p.m. Commissioner Piro summarized the chart found in the Staff Report on Page 60, which identifies a 15-minute period of heavy traffic in the morning and a peak of about 15 cars. A similar situation would occur in the evening, as well. Throughout the rest of the day, there would be single-digit travel in and out of the facility. Mr. Little said he can understand the community's concern about potential traffic increases. However, he suggested the public was expecting a large facility with people being dropped off in waves, and that would not really be the case in their situation.

Les Nelson, Shoreline, attested to the traffic situation on 1st Avenue. He said he used to use the street to access the Northgate Park and Ride because it provided an easier route. However, the traffic sometimes backs up all the way to the next intersection. He noted that a lot of cars come from Lakeside School. Cars that are trying to turn left to get to the freeway only have one lane and this tends to block traffic. He suggested the City consider requiring a left turn pocket at this intersection and/or widen the lane.

Ms. Hafermann advised that the design team includes a landscape architect who has experience with stream restoration and native landscaping. She summarized that protecting the stream would be addressed during the next phase of the project.

Final Questions by the Commission

Vice Chair Hall asked if Thornton Creek is located on the subject property or on the parcel that is adjacent to Interstate 5. Mr. Szafran said the creek is located within the Interstate 5 right-of-way, but the buffer for the Type 2 Stream lies on the subject property. Vice Chair Hall referred to the discussion in the staff report about conditioning potential future development on buffer enhancements a property owner could do to protect the buffer area. He noted that some of the options, such as taking the stream out of its concrete channel, would not be available to the owner of the subject property because it is not on the subject property. Mr. Szafran concurred.

Commissioner Broili asked for clarification about where the subject property line is located in relation to the stream. Vice Chair Hall said there appears to be a distance of 20 or more feet between the thread of the stream and the property line. Ms. Hafermann said the stream buffer, without mitigation is 110 feet. With mitigation, it would be 75 feet. She noted that both of these distances, as well as the property line are shown on the site plan. She added that the high water mark is located off of the subject property, and the fence runs along the setback buffer.

Commissioner Kaje said he, too, has observed the serious traffic situation that exists at 1st Avenue and 145th Street. He asked if options for resolving the problems at this intersection have been discussed as part of the City's Traffic master plan. Mr. Szafran said this intersection has not been identified in the City's Traffic master plan. He noted that when Aegis was built, no improvements were required. Mr.

Cohn added that if and when a development proposal is submitted to the City, various options for mitigating the problems would be considered. However, he cautioned that the required mitigation would have to be appropriate to the impact associated with the proposed new development.

Commissioner Piro pointed out that the Staff Report indicates the applicant contacted at least 120 people, most of whom were neighbors of the subject property. However, only six people attended the public outreach meeting that was conducted by the applicant and one person submitted written comments. Mr. Szafran said he also received one telephone call from a neighbor who was seeking more information about the proposed change. Commissioner Piro noted that the applicant prepared an information piece for the community meeting, as well as a response piece to address the concerns and questions that were raised. He asked if the response piece was circulated throughout the community, or just to those who attended the community meeting. Mr. Szafran said the response piece was sent to one meeting participant.

Chair Kuboi asked how staff reached the determination that traffic would not be significantly impacted. Mr. Szafran explained that it is difficult for staff to evaluate traffic impacts as part of a rezone application because they don't have specific information about the type of development that would occur on the site. Staff would carefully review the traffic impacts associated with the proposal after a building permit application has been submitted. To prepare the staff report for the rezone application, staff reviewed the traffic study that was done for the applicant's Queen Anne site and applied it to the subject property.

Chair Kuboi pointed out that an R-24 zoning designation would allow the property to be developed with up to 38 more units than what the current R-12 zoning would allow. He asked to identify the potential traffic impacts associated with an R-24 zoning designation. Mr. Cohn responded that, generally, the peak traffic impact associated with multi-family development is about .6 trips per unit. Therefore, an R-24 zoning designation could potentially result in 48 additional peak hour trips. Generally, neighborhood and arterial streets do not have trouble accommodating this additional capacity. Commissioner Broili asked how many units could be developed on the subject property if it were rezoned to R-18. Mr. Szafran answered that up to 54 units would be allowed.

Vice Chair Hall referred to the statement in the Staff Report that there is an abundance of parking on site. He questioned how many parking spaces would be available. Mr. Szafran answered there would be 125 parking spaces available. Vice Chair Hall pointed out that in the structure's current use as a church, it would be normal to have larger community events occur from time to time. He asked if anything would prevent the applicant or a future property owner from holding an event that draws as many as 125 cars within a short period of time. Mr. Szafran answered that this type of use would be permitted.

Commissioner Behrens asked if staff would discourage an applicant from applying for a rezone if the subject property was located on a street that is already stressed to a point where traffic is a severe problem. Mr. Cohn said this would be a site-specific decision. For example, when considering an application that would double the housing density, traffic impacts would not likely prevent the application from being approved since the problems could likely be mitigated. However, if an applicant proposes a significant change in use, staff would probably ask for more information to help them

determine what the impacts would be. Mr. Szafran pointed out that the Comprehensive Plan identifies the subject property as high-density residential. For example, the City would not approve a development permit for 76 residential units unless the traffic engineer agrees the impacts could be adequately mitigated. Commissioner Behrens said it is important to keep in mind that only one side of 1st Avenue is zoned high-density residential. The properties on other side of the street are zoned R-6. One could make another argument that the proposed rezone would result in a significant impact to the R-6 zoned properties.

Commissioner Piro referred to the advice offered by City Attorney Collins that the Commission should not focus on the proposed uses for the subject property. He recalled that public comments noted the sidewalk gap that exists in front of the subject property. While the rezone process, itself, would not trigger a requirement for the applicant to develop a sidewalk, perhaps there would be an opportunity for the City to negotiate with the applicant to provide a sidewalk at some point in the future when the project moves forward. Mr. Szafran responded that the City would require frontage improvements if the applicant submits a proposal that triggers the City's existing thresholds.

Deliberations

COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND APPROVAL OF THE REZONE APPLICATION AS PRESENTED IN THE STAFF REPORT. COMMISSIONER KAJE SECONDED THE MOTION.

Commissioner Piro said he would also be willing to consider the option of rezoning the property to R-18 instead of R-24. He said he believes a project of this type is a welcome use at this particular location and would be a compatible use between the Aegis property and the churches. The type of service provided by the Northwest Center would enrich the community, and there are numerous people in the City who would benefit from their services.

Commissioner Piro said he appreciates the conscientious effort of the citizens and staff to consider Thornton Creek and its environmental function. He suggested that the proposed project would allow the creek to remain well-protected, and there may be opportunities for mitigating and improving the buffering treatments around the facility.

Commissioner Piro said the citizens have raised legitimate concerns, but he doesn't see any of them as being deal breakers. Neither the proposed use nor future uses would overwhelm the parking situation. If anything, there would be less demand for parking than what was required by the church. While he agrees there are traffic problems on 1st Avenue during certain times of the day, part of the problem is related to the attractiveness of the traffic signal that is close to 145th Street and Interstate 5. He suggested that only about 20% of the traffic generated by the proposed facility would really impact the high peak times of day. He expressed his belief that, as the project moves forward, the City would be in a very good position to negotiate for certain amenities to serve the community, such as providing sidewalk connections.

Commissioner Kaje agreed with Commissioner Piro that the traffic issue really has nothing to do with the uses that are located on the street. It has much more to do with how the intersections are managed. The intersections are poorly served, and this is an issue that both Seattle and Shoreline must address at some point in the future. He said he is not personally concerned that the level of use proposed or a level of use that could happen if the property were developed as residential units would trip the threshold. However, he recognizes there is a very real traffic problem on 1st Avenue that the City must pay close attention to.

COMMISSIONER BROILI MOVED TO AMEND THE MOTION TO REZONE THE PROPERTY TO R-18 INSTEAD OF R-24. THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Broili commended staff for providing the full transcript of the neighborhood meeting. It was very helpful and gave him a real sense of the community's concerns. He said he would like staff to provide this information as part of the Staff Report for all future rezones. He said he also appreciated Mr. Szafran's remarks about the potential development impacts. Sometimes, the Commission gets sideswiped later by not having full disclosure on what they are supposed to be focusing on.

Commissioner Broili reminded the Commission that they are being asked to make recommendations about the appropriateness of zoning changes based on land use issues. However, the presentations provided by both the staff and the applicant were about the applicant's planned use and not really about overall land use. This makes it difficult for the Commission to make a recommendation based solely on land use. He said he believes the proposed use would be appropriate, but he has concerns about the number of residential units that could potentially be developed if the property were rezoned to R-24. He noted that several citizens expressed concern that the rezone could result in higher density if the property is sold to someone else. He said he would be more in favor of an R-18 zoning designation, since it would achieve the same goal and address the needs of the applicant. R-18 zoning would ensure the end results are what the Commission expects them to be.

Vice Chair Hall suggested most of the problem of traffic on 1st Avenue is not related to Shoreline residents going to Shoreline locations; it is cut through traffic to the freeway. The long-term solution would be to work with the Washington State Department of Transportation to either meter the 145th Street onramp to Southbound Interstate 5 or remove the meter from the 205th or 175th Street onramps. That way the people in Edmonds and Mountlake Terrace would not speed through Shoreline in order to avoid the backups at 175th and 205th Streets. He summarized that while the traffic situation on 1st Avenue is miserable, it has nothing to do with the existing uses on the street.

Vice Chair Hall agreed with Commissioner Broili that the Commission should not focus too much on the proposed use for the subject property. It would be easy to recommend approval of the rezone to accommodate the special needs population. However, the applicant has the right to sell the property in the future. In order to be responsible, the Commission must base their decision on the possibility that the land could be developed at its maximum allowed density. He pointed out that the intensity of the current use has a lot of traffic and community impacts, particularly on the weekends. He said he is not convinced that the traffic or parking would be worse if the property were developed at the maximum number of units allowed in an R-24 zone. Regarding concerns associated with bulk, scale and intensity

of potential development, he said it is important to remember that the site abuts Interstate 5 on one side and the Aegis development on another. This is definitely a site that could accommodate a higher density with very little impact. He expressed his belief that changing the zoning to give an opportunity for any kind of redevelopment would end up benefiting Thornton Creek since any future development would require mitigation to protect the creek.

Vice Chair Hall summarized that when looking at land use, the location, adjacent uses, etc. he thinks the proposed R-24 zoning designation would be more consistent with the Comprehensive Plan and would promote density in an area that's appropriate. In addition, he said he is not convinced it would be a detriment to the community. He said he would support the rezone as proposed.

Commissioner Broili expressed concern that traffic studies are not completed until after a rezone action has been approved. He said that by their very nature, rezone actions are going to have some traffic impacts. He said that while he doesn't disagree with Vice Chair Hall's points for rezoning the property to R-24, a future property owner could submit an application to rezone the property to R-24 or R-48. Rezoning the property to R-18 at this time would more appropriate because it would slow the change down and still allow the applicant's proposal to move forward. If a property owner wants to do something different at a future date, the Commission would have another opportunity to review the change.

COMMISSIONER BEHRENS MOVED THE COMMISSION AMEND THE MAIN MOTION TO REZONE THE PROPERTY TO R-18 INSTEAD OF R-24. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Behrens expressed his opinion that R-18 zoning would make more sense given the property's location across the street from single-family residential development and adjacent to a park. He pointed that 1st Avenue is an extremely narrow street, and a potential R-24 multi-family development on the subject property would further constrain the area. He particularly expressed concern about the serious impacts this type of development could have on the residential properties on the other side of 1st Avenue. He agreed with Commissioner Broili's comment that the property should be rezoned in a more regulated fashion, and it would be better to err on the side of safety.

Commissioner Piro invited the applicant's representatives to share their thoughts on whether their proposal would be impacted one way or another if the property were rezoned to R-18 instead of R-24. Mr. Wunderlin cautioned that they would be unable to voice their support for R-18 zoning until they have completed a more extensive study to specifically identify how R-18 zoning would impact the proposal. They do not have a clear understanding of the differences between R-18 and R-24 zoning at this time.

Commissioner Kaje explained that the uses identified in the Development Code for R-18 to R-48 zoning are identical. The only difference between the zones is the density of housing units allowed. Mr. Szafran agreed that the only thing that changes between the R-18, R-24 and R-48 zoning designations are the development standards such as lot coverage, lot area, impervious surfaces, etc. Uses allowed would be the same for all three zones.

Vice Chair Hall agreed they don't want to create the opportunity for inappropriate development to occur on the subject property. However, the report provided by the staff does not provide adequate analysis for the Commission to make an informed decision about R-18 versus R-24 zoning. It may be that the differences in the development standards may make the property unsuitable for the applicant's proposal. An R-18 zoning designation might also require the applicant to redo the site plan. Until this analysis has been completed, he suggested it would be premature for the Commission to recommend R-18 zoning. He noted the significant amount of time and money the applicant has already spent preparing their proposal for the Commission's review. Changing the zoning to R-18 could require them to start their process again. He concluded that unless a Commissioner has a compelling concern or can identify how an R-24 zoning designation would fail to meet the five rezone criteria, he would be in favor of recommending approval of the rezone as presented. He noted that the adjacent properties to the immediate north of the subject properties are already developed as R-24. He also pointed out that the property is already zoned R-12, which is a multi-family designation.

Mr. Wunderlin said the applicant chose to propose an R-24 zoning designation because all communication they had with the Planning and Development Services staff indicated R-24 zoning would be appropriate. They concluded that R-24 zoning would meet their criteria, and R-18 was never discussed as an option. In addition, all of their planning efforts have been based on an R-24 zoning designation. They would have to study many issues before they could voice their support for R-18 zoning.

Commissioner Broili said he is confident that Northwest Center would develop an attractive facility, so he doesn't want to recommend denial of their application. However, he expressed regret that staff didn't even consider the option of R-18 zoning. Without knowing what impacts R-18 zoning would have on the potential development of the site, it would be difficult for him to make an intelligent decision. This places him in a bad place. While an R-24 zoning designation would not necessarily be a bad thing, he would have liked the opportunity to take a more cautious approach.

Commissioner Behrens pointed out that the City Council would hold the final public hearing on the rezone proposal and make the final decision. He asked if it would be possible for staff to review the application further and provide additional direction to the City Council about whether R-18 or R-24 zoning would be most appropriate. Mr. Cohn explained that this is a quasi-judicial public hearing, which means the hearing before the City Council would be closed record review. Staff would be unable to add additional information to the record after the Planning Commission has closed their hearing.

Chair Kuboi cautioned the Commissioners to focus on the rezone application only, and not consider the project proposal that was presented by Northwest Center. He pointed out that until Commissioner Kaje observed that R-18 zoning would allow a respite care use, he did not sense that R-24 zoning was a major issue. He recommended the Commission focus on evaluating whether or not R-24 zoning would be appropriate for the subject property.

Commissioner Piro said that while he was intrigued with the notion of rezoning the property to R-18, the Commission doesn't really have adequate analysis to make that decision. He said he would not feel

comfortable with the proposed motion to recommend R-18 zoning. He suggested the Commission focus on the main motion.

COMMISSIONER BEHRENS WITHDREW HIS MOTION TO AMEND THE MAIN MOTION. COMMISSIONER BROILI, THE SECONDER OF THE MOTION, CONCURRED.

Vote by Commission to Recommend Approval or Denial or Modification

THE MAIN MOTION TO RECOMMEND APPROVAL OF NORTHWEST CENTER'S REQUEST TO REZONE PROPERTY LOCATED AT 14800 – 1ST AVENUE NORTHEAST FROM R-12 TO R-24 WAS UNANIMOUSLY APPROVED. (Note: Commissioner Piro made the motion and Commissioner Kaje seconded.)

CONTINUED LEGISLATIVE PUBLIC HEARING ON MASTER PLAN AMENDMENTS – 2008 ANNUAL CONSIDERATION OF AMENDMENTS TO THE COMPREHENSIVE PLAN AND ASSOCIATED DEVELOPMENT CODE AMENDMENTS

Chair Kuboi briefly reviewed the rules and procedures for continuing the legislative hearing on proposed amendments to the Comprehensive Plan and associated Development Code amendments. It was noted that Vice Chair Hall and Commissioner Piro were absent at the previous hearing. Both Commissioners indicated they read the transcript of the hearing and listened to the audio recording and were prepared to participate in the Commission's deliberations.

Staff Overview and Presentation of Preliminary Staff Recommendation

Ms. Markle noted that she received comments today from a few Commissioners and from the City Attorney. As discussed at the last meeting, because of the turn around time for getting the Commission packets out, the City Attorney did not have ample opportunity to review the latest version of the proposed amendments until today. She noted the changes proposed by the Commission were identified on the draft document in yellow and those recommended by the City Attorney were shown in green. Ms. Markle briefly reviewed the recent changes that were made to the proposed Development Code amendments as follows:

- **Section 20.30.337.A.** Ms. Markle advised that, at the request of a Commissioner, the word "problems" was be replaced with "challenges."
- **Section 20.30.337.C.** Ms. Markle recalled that the Commission discussed the desirability of allowing an applicant to choose to implement new regulations that are innovative and more stringent, and they wanted the process to be easy. They agreed they don't want to require an applicant to use all new regulations that have been enacted since a master plan was approved. However, the City Attorney provided case law that indicates if the City allows an applicant to choose one regulation, they really need to require an applicant to implement all new regulations and not cherry pick. The intent is to avoid problems with potentially picking something that is somehow less stringent than what was

approved as part of the master plan. Assistant City Attorney Collins summarized that the City should not allow developers to pick and choose subsequently enacted regulations. However, by writing into each Master Plan permit provisions the statement “this is the minimum requirement for x,y,z (stormwater control, setback etc.) it is implied that property owner may exceed the minimum required to employ, for example, greater setbacks.”

- **Section 20.30.337.D.** Ms. Markle advised that the proposed new language would not change the intent of the original language, but it would add clarity to the section. She reviewed the new language, which eliminates much of the redundancy that existed with the previous language.
- **Section 20.30.340.C.** Ms. Markle recalled that at the last meeting, the Commission discussed that the Comprehensive Plan criteria is very general and the rezone criteria doesn't quite hit on the reasons why the City would approve a planned area land use designation. To address the Commission's concerns, staff attempted to identify some new review criteria. The new language would require an applicant to meet at least one of the first three criteria, as well as the fourth criteria. In addition, the term “affordable housing” would be relabeled “comprehensive housing.”

Ms. Markle explained that the City Attorney has recommended the last two criteria be deleted from the proposed amendment. The intent of Criteria 5 was to ensure there was a public process, but the City Attorney questioned how the City would decide an applicant didn't use enough public process if an application meets the noticing requirements in the code for a planned land use action. At this time, staff informs applicants that all they are required to do is have the public hearing, but they always suggest they have more than one public meeting for their own benefit to find out what the issues are and to engage the community in the discussion. If this section were deleted, staff would continue to encourage an applicant to do more than just the minimum. Another option would be to add more specifics in the Development Code table about the notice and meeting criteria.

Ms. Markle explained that staff was not entirely sure Criteria 6 would be necessary. She agreed the Commission and City Council needs enough information to make an informed decision. However, if they don't have enough information, the application would probably not meet one or more of the other criteria. For example, it would be difficult to determine the public benefit or impact unless adequate information has been provided. These types of requests are really more part of the submittal criteria found in the checklist. It is important to keep in mind that even if an applicant provides specific information at the planned area stage of the process, the information would not necessarily be accurate and applicable at the master plan permit level.

Commissioner Kaje said he specifically suggested Criteria 6 at an earlier meeting. He explained that unlike every other zone that has a set of allowed uses, planned area zones would not specify the uses allowed. He expressed his desire to provide language that would allow the City to have a clear understanding of the range of uses that would be allowed. He agreed that an applicant could change his/her mind about a proposal at the master plan permit stage, but if the initial vision they communicated to the Commission is on the record, the City would have more clout later to deny a permit application that is completely inconsistent with what was originally proposed. He summarized that major development could occur in planned areas, and it would behoove the City to have a better

idea of what's going to happen before a rezone is approved. He said he would not support the elimination of Criteria 6.

Ms. Markle said that, as proposed, the checklist would require an applicant to submit a conceptual design and analysis as part of the application. She asked Commissioner Kaje to share what more he believes the City would get from an applicant if Criteria 6 were to remain in the draft language. Commissioner Kaje pointed out that the Commission has talked about the concept of creating a checklist of submittal requirements for either the rezone or master plan permit. However, staff has not specified when the checklist would be developed and what would be on it. In addition, they have not identified when an applicant would have to submit the materials on the checklist. Ms. Markle said she prepared a master plan permit application checklist, and she could prepare a checklist for a planned area land use application, as well. She noted that no planned area applications would be processed in the near future because a Comprehensive Plan amendment would be required first, and this could not occur until 2009. That means staff has some time to develop a checklist of items that must be submitted as part of an application. She questioned why the Commission would use Criteria 6 if staff had already reviewed the application to make sure an applicant provided everything on the checklist before it is forwarded to the Commission for review.

- **Sections 20.100.210.C, 20.100.300.C, and 20.100.410.C.** Ms. Markle advised that the Department of Social and Health Services (DSHS) recommended this amendment.
- **Sections 20.100.210.D, 20.100.300.D, and 20.100.410.D.** Again, Ms. Markle said this amendment originated from the DSHS letter of recommendations. She said the proposed change would make it clear that the underlying zoning would stay in place until a master plan permit has been approved.

Next, Ms. Markle referred to the proposed amendments to the Comprehensive Plan and noted the following changes:

- **Glossary.** Again, Ms. Markle said staff replaced all of the word "problems" with the word "challenges."
- **Land Use Policy 3.** Ms. Markle advised that, at the request of the Commission, the ninth and tenth bullet points were combined into one.
- **Land Use Policy 43.** Again, Ms. Markle advised that the word "problem" was replaced with the word "challenge."
- **Land Use Policy 43.4.** Ms. Markle advised that these changes were based on recommendations from DSHS. The intent of the changes is to correct and update information. She said she also supports the DSHS recommendation to remind everyone that the excess property isn't necessarily going to be used for the same type of use.

- **Land Use Policy 43.5.** The word “management” was added to clarify that when the document refers to stormwater, it means stormwater management.

Questions by the Commission to Staff

Commissioner Broili referred to the last two lines of the second paragraph of Land Use Policy 76. He said he would like hydrological impacts included in the list of items required as part of the environmental analysis. Ms. Markle noted that, as currently proposed, Land Use Policy 76 would be deleted from the Comprehensive Plan and relocated in the Development Code rezone criteria and the checklist for the master plan permit. She agreed to add hydrology to the checklist. Commissioner Piro suggested that information regarding emissions and green house gases also be added to the checklist, particularly in light of the emerging State and regional requirements.

Public Testimony or Comment on Updates to Proposal

Les Nelson, Shoreline, pointed out that in order to validate the new zoning that was recently adopted for the Ridgecrest Commercial Neighborhood, the proposed language should identify the change as part of the Comprehensive Plan amendments. He also asked if the Washington State Department of Community, Trade and Economic Development (CTED) has reviewed the draft amendments and provided their comments.

Ms. Markle answered that a representative from CTED contacted staff last week. The only question CTED asked the City is if notices are required on their website. They indicated that the proposed language was acceptable, but she has not received a letter from them. Ms. Markle explained that no Comprehensive Plan change would have to occur to accommodate the new Ridgecrest Commercial Neighborhood zoning since the area is already identified as mixed-use in the Comprehensive Plan. The Planned Area 2 zoning designation would be compatible with the mixed-use land use designation.

Final Questions by the Commission

Chair Kuboi requested staff review the appeal procedure that would be followed if a master plan permit is denied. Ms. Markle answered that the City would be required to use the criteria when determining whether or not a master plan permit application should be approved. The City Council’s final decision could be appealed to Superior Court, and any SEPA appeal would go to the Hearing Examiner. A master plan permit application could be denied if it is found inconsistent with the Comprehensive Plan planned area land use designation that was previously approved. She noted that a short description of the planned area land use designation would be adopted into the Comprehensive Plan to outline what is expected to occur on a particular site.

Chair Kuboi summarized that at the Comprehensive Plan amendment stage, it is important to have some understanding of what is envisioned for the property as a basis to determine whether the land use change is appropriate or not. At that point, expectations would be set on both sides. He asked if an applicant would have a basis for appeal he/she felt the City changed their mind and later denied the master plan

permit application. Ms. Markle said the City would be fairly safe if they use the master plan permit criteria and procedure to either approve or deny an application.

Commissioner Kaje reminded the Commission that they are generally counseled not to focus on the types of uses when considering rezone applications. He explained that he is comfortable ignoring the uses when reviewing other types of rezones because the code clearly identifies the range of uses that are possible. However, there would be no list of uses included in the code for planned areas. Therefore, he suggested it would be appropriate for the review body to have a better sense of what uses would be allowed. While he likes the three additional criteria that were added to Section 20.30.340.C, they are all related to the subject area and say nothing about the use. If Criteria 5 and 6 were deleted, the Commission and City Council may be asked to make a decision based on the area only, without knowing about the proposed uses. If the Commission and City Council is unable to consider the uses, they would have no recourse at a later point if the uses are completely different than what was envisioned.

Ms. Markle said the actual rezone would not occur until an applicant applies for a master plan permit, so the Commission and City Council would not be approving any uses at the planned area land use stage. However, she suggested an applicant would have to identify the proposed uses in order to demonstrate how an application would meet the other criteria. She pointed out that CRISTA and Fircrest are currently defining the specific uses as part of their master plan permit application. While there is no reason why this cannot be done ahead of time, locking applicants into a specific set of uses could preclude them from considering other compatible uses during the master plan permit stage since they would be considered inconsistent with the Comprehensive Plan.

VICE CHAIR HALL MOVED THE COMMISSION EXTEND THEIR MEETING FOR 15 ADDITIONAL MINUTES. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Deliberations

VICE CHAIR HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE MASTER PLAN AMENDMENTS AS PRESENTED BY STAFF. COMMISSIONER PIRO SECONDED THE MOTION.

Vice Chair Hall expressed his belief that while they could continue to tweak the language and make it better, it has come a long way since it was first introduced. The current draft is a lot less confusing. He said he anticipates that the proposed language might not work well for an applicant who attempts to go through the process from beginning to end. However, it would work well for those areas that have already been identified in the Comprehensive Plan as planned areas. He said he was prepared to move the language forward. Once they have a better idea of how well it works with CRISTA, Fircrest and/or Shoreline Community College, they could request a report back from staff and tweak the language further.

Commissioner Piro said it was interesting to listen to the audio tape of the last public hearing and track the comments in the minutes. He commented about how well the minutes are put together meeting after

meeting to capture the Commission's conversations and deliberations. He agreed that the proposed amendments are very responsive to the issues at hand. He said he was impressed with the level of discussion that has occurred and the responsiveness of staff to address the concerns and come up with much better language. He noted that people often testify about how the Comprehensive Plan is a people's plan and a living document. He said he appreciated Vice Chair Hall's comment about revisiting the language at a future time and considering possible changes to enhance and improve the document.

Commissioner Broili agreed with Vice Chair Hall that the proposed language represents a step forward and that it should be considered an evolutionary process. It is important to remember that amendments and changes are not locked in stone. Changes can continue to occur as the City learns more. He said he is perfectly satisfied with the proposed language and is ready to move it forward to the City Council.

Commissioner Behrens recalled that his initial concerns were related to how the proposed language would be utilized by private property owners. However, his concerns have been addressed adequately by staff, particularly in light of Vice Chair Hall's point that the language could be reviewed and updated at a later date. He said he believes there are applicability differences between public entities and private parties. Once they have a clear understanding of how the proposed language will work, they will have a greater ability to address the concern. While they have a clear understanding of how CRISTA, Fircrest and Shoreline Community College would use their land, the issue is not quite so clear for private properties.

Commissioner Kaje said he appreciated Vice Chair Hall's perspective on the living document approach, and he said he is comfortable with the proposed language. However, he noted that the last sentence of Section 20.30.337.D should be changed by replacing "an" with "a." Commissioner Broili pointed out that the word "and" should be deleted from the proposed language in Section 20.30.340.C.4.

Vote by Commission to Recommend Approval or Denial or Modification

THE MOTION TO RECOMMEND APPROVAL OF THE MASTER PLAN AMENDMENTS AS PRESENTED BY STAFF AND MODIFIED BY THE COMMISSION WAS APPROVED UNANIMOUSLY. (Note: Vice Chair Hall made the motion and Commissioner Piro seconded it.)

DIRECTOR'S REPORT

Mr. Cohn reminded the Commission that the City Council is currently reviewing the transition area requirements, and the Planning Director and City Manager recently concluded that two items (parking and unlimited density) are holding up the discussion. To address the parking concern, the Planning Director and City Manager developed an administrative order that would limit the Planning Director's discretion on reducing parking requirements. Up to that time, parking requirements could be reduced by up to 50%, and the Planning Director agreed that was too much discretion. However, he would retain his ability to modify the parking standards up to 20% based on the shared parking requirements identified in the code. To address concerns related to the maximum density allowed in a regional business (RB) zone, the City Manager and Planning Director recommended the City council adopt a

temporary moratorium that limits the density to 110 units per acre. Mr. Cohn announced that the City Council adopted the proposed moratorium, and staff would present an analysis of density in the RB zones for the Commission to consider in the near future. He also announced that the City Council would vote on the RB zoning proposal at their next meeting on May 19th.

Vice Chair Hall inquired if the moratorium should be more carefully characterized as an interim control. Mr. Cohn agreed that would be a better way of phrasing it. Vice Chair Hall suggested staff consult with the City Attorney about which word should be used in the legislation. There is some case law about the distinction between the two.

Mr. Cohn announced that the City Council also discussed the proposed unlimited density for CB zones within 1,200 feet of Aurora Avenue and along Ballinger Way. The City Council denied the request. However, it is conceivable the proposal could be resurrected in some form.

UNFINISHED BUSINESS

The Commission asked Chair Kuboi to contact past Commissioners McClelland, Harris and Phisuthikul to see if one of them would be interested in representing the Commission on the Economic Advisory Committee. They agreed that Chair Kuboi should make a recommendation to the City Council, who would make the final decision.

Commissioner Behrens suggested the Commission consider how the CB and RB zoning issues are related to the issue of economic development. He recalled the City Council's goal is to come to a decision about how to create density and protect neighborhoods, but promote economic development at the same time.

NEW BUSINESS

There was no new business scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Behrens announced that the North King County Green Building Conference is scheduled for June 10th at Shoreline Community College. The Mayor suggested that a member of the Commission attend the event.

Commissioner Piro distributed brochures he obtained from an event he recently attended where the City of Shoreline received a Vision 2020 Award for the improvements that were made along Aurora Avenue and the Interurban Trail. The City Council was well represented at the event, and the City Manager and other City staff members attended, as well.

AGENDA FOR NEXT MEETING

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

ADJOURNMENT

**COMMISSIONER BROILI MOVED TO ADJOURN THE MEETING AT 9:44 P.M.
COMMISSIONER KAJE SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.**

Sid Kuboi
Chair, Planning Commission

Belinda Boston
Clerk, Planning Commission