

Council Meeting Date: June 11, 2007

Agenda Item: 8(b)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Proposed Amendments to the Development Code
DEPARTMENT: Planning and Development Services
PRESENTED BY: Joe Tovar, Director
Steven Szafran, Planner II

PROBLEM/ISSUE STATEMENT:

The issue before Council is the consideration of several amendments to the Development Code.

Since 2006, City Staff has been meeting on a regular basis and submitting requests to amend the City's Development Code. Staff discusses the merits of all amendments and makes recommendations to the PADS director. The sixteen amendments forwarded to the Council were reviewed and recommended for approval.

The Planning Commission held a Public Hearing and has made a recommendation on each amendment for the Council's consideration. Development Code amendments are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations.

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

1. The Council could choose to adopt the amendments as recommended by the Planning Commission and Staff by adopting Ordinance No. 469 (Attachment A)
2. The Council could choose to not adopt the amendments to the Development Code.
3. The Council could amend the proposed Planning Commission recommendations by remanding the amendments back to the Planning Commission for an additional public hearing.

FINANCIAL IMPACTS:

4. There are no direct financial impacts to the City of the amendments proposed by Planning Commission and Staff.

RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No. 469 (Attachment A).

Approved By: City Manager  City Attorney _____

INTRODUCTION

An amendment to the Development Code is a legislative process that may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City.

BACKGROUND

PROCESS

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

Recent departmental policy has been to collect proposed amendments throughout the year and periodically discuss which amendments should go forward. Since the last group of amendments was approved in November, 2006, staff developed another group of amendments based on urgency and importance. In March and April 2007, the Planning Commission held public hearings and considered the code amendments in front of them.

The list of amendments was discussed and a recommendation made on whether or not to approve the proposed amendments. The following analysis contains some background information and Planning Commission recommendation for each proposal.

PUBLIC COMMENT

A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published February 15, 2007. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held March 15 and April 17, 2007. There were two citizens speaking in support of Amendment #9 (20.50.020(2) - Residential Densities in Commercial Zones).

AMENDMENT ANALYSIS

AMENDMENTS AND ISSUES

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis and Planning Commission recommendation. The Commission recommends approval of all the amendments except #14. The Commission did not make a recommendation on #15 which was withdrawn.

Amendment #1: 20.20.016 (D Definitions). This amendment changes the definition of single-family attached. The new definition of single-family attached is three or more units attached by a common vertical wall. The new language makes it easier to distinguish between duplexes, apartments and single-family attached units.

Amendment #2: 20.40.054 W Definitions. This amendment adds the definitions of different types of Wireless Telecommunication Facilities (WTF's). The definitions were previously embedded in the Zoning and Use Provisions. Adding the definitions of WTF's into the Definition section makes more sense and will be easier for the public to find.

Amendment #3: 20.30.040 Table. City Council adopted the 2006 first batch of development amendments on November 6, 2006. In that batch of code amendments was a new section for site development permits (20.30.315). This amendment will add that permit to Table 20.30.040-Summary of Type A Actions.

Amendment #4: 20.30.220 Filing Administrative Appeals. This amendment comes from the City's Attorney Office. Language is added to clarify when appeals can be filed and when decisions shall be deemed received.

Amendment #5: 20.30.560 Categorical Exemptions- Minor New Construction. This amendment will raise thresholds for when a SEPA review is required. New residential structures of up to 20 dwelling units, new commercial space up to 12,000 square feet with parking up to 40 automobiles, and the construction of a parking lot for up to 40 automobiles. This amendment will reduce the amount SEPA applications for minor construction throughout the City.

Amendment #6: 20.30.760 Junk Vehicles as Public Nuisance. This amendment is from our Code Enforcement staff. Time limits have been extended if a request for hearing is received from a customer who has received a damage assessment.

Amendment #7: 20.30.770 Notice and Orders. This is Code Enforcement request. New language has been added that directs the reader to other code sections for reference.

Amendment #8: 20.40.320 Daycare Facilities. This code amendment changes the regulations of where a Daycare facility II may be located. A Daycare Facility II is a facility that cares for more than 12 children at one time. Daycare II Facilities will not be permitted in the R-4 and R-6 zones and will be a Conditional Use Permit within the R-8 and R-12 zones.

Amendment #9: 20.50.020(2) Density and Dimensions. This amendment looks at density in the CB zones along and near Aurora Avenue and Ballinger Way. The proposal would allow greater residential densities by removing the current 48 dwelling units per acre density limit in CB zones in these areas. Development would still have to meet setback, parking and landscaping regulations. No density maximums are proposed in CB zones 1,300 feet from Aurora Ave North and Ballinger Way (roughly within a 15 minute walk). This is an attempt to focus higher densities along the Aurora and Ballinger Corridors (which are designated State highways) without impacting the residential neighborhoods.

Amendment #10: 20.50.040 Setbacks- Designations and Measurements. This amendment clarifies when porches and decks may extend into required side yard setbacks. Language has been proposed that it is easier to understand and administer.

Amendment #11: 20.50.260 Lighting Standards. A new section has been added to lighting standards. Outdoor lighting shall be shielded and downlit from residential land uses. This amendment will protect residential uses from direct lighting from adjacent land uses.

Amendment #12: 20.50.410(A) Parking Design Standards. The City's current rules do not require multi-family, commercial and/or industrial uses to have parking on paved surfaces. This amendment will require paved parking for those uses as well as allowing single-family homes to have pervious concrete or pavers as an approved surface to park on.

Amendment #13: 20.50.420 Vehicle Access and Circulation Standards. This amendment deletes the requirement for driveway setbacks from the property line. *This amendment was considered during the first batch of code amendments in November of 2006 and remanded to the Planning Commission.*

Amendment #14: 20.70.030(C)(3)(1) Required Improvements. Required improvements (sidewalks, curb, gutter, street improvements, etc...) will not be required for subdivisions, short plats, and binding site plans where all of the lots are fully developed. This amendment will affect property owners rebuilding or remodeling homes on lots that are fully developed. *The Planning Commission recommended denial of this amendment because if the City believes in requiring street frontage requirements, then it should not exempt frontage requirements on fully developed lots.*

Amendment #15: 20.80.230 Required Buffer Areas. Two words will be added. "Very high" will be added to landslide hazard for required buffer areas. *This amendment has been withdrawn by staff pending discussion with the City Attorney on specific language. It will be resubmitted with the next group of amendments.*

Amendment #16: 20.80.330(A) Required Buffer Areas. This amendment correctly names the document used for determining wetland buffers. The document is named The 1997 Washington State Department of Ecology Wetland Delineation Manual.

Amendment #17: 20.90.110 Lighting. This is the only citizen initiated code amendment. The request is to allow neon signage to outline a building in the North City Business District. Neon signage is allowed in all other areas of the City of Shoreline. Staff supports the amendment as long as the neon tubes are an integral part of the building design.

ALTERNATIVE AMENDMENT

The Council under its authority in 20.30.100 to initiate Development Code amendments could direct staff to consider an alternative amendment. Noticing requirements in the Development Code would require the City to re-advertise any alternative amendment and would require an additional Public Hearing and Planning Commission recommendation.

RECOMMENDATION

The Planning Commission recommends approval of amendments #1 through #13 and #16 and #17. The Planning Commission recommends denial of amendment #14. Amendment #15 was not considered due to a need for additional analysis by the City Attorney and staff.

ATTACHMENTS

- Attachment A: Ordinance 469, containing proposed amendment language in legislative format as Exhibit 1.
- Attachment B: March 15 Planning Commission Staff Report
- Attachment C: April 19 Planning Commission Memo
- Attachment D: March 15 Planning Commission Minutes
- Attachment E: April 19 Planning Commission Minutes

ORDINANCE NO. 469

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING 20.20.016 D DEFINITIONS; 20.20.054 W DEFINITIONS; TABLE 20.30.040; 20.30.220 FILING ADMINISTRATIVE APPEALS; 20.30.560 CATEGORICAL EXEMPTIONS; 20.30.760 JUNK VEHICLES AS PUBLIC NUISANCE; 20.30.770 NOTICE AND ORDERS; 20.40.320 DAYCARE FACILITIES; 20.50.020(2) DENSITY AND DIMENSIONS; 20.50.040 SETBACKS; 20.50.260 LIGHTING STANDARDS; 20.50.410(A) PARKING DESIGN STANDARDS; 20.50.420 VEHICLE ACCESS AND CIRCULATION STANDARDS; 20.70.030(C)(3)(A) REQUIRED IMPROVEMENTS; 20.80.330 REQUIRED BUFFER AREAS; AND 20.90.110 LIGHTING.

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

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states “Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code”; and

WHEREAS, City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held a Public Hearing, and developed a recommendation on the proposed amendments; and

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

- A public comment period on the proposed amendments was advertised from December 14, 2006 to December 28, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 15 and April 17, 2007.

WHEREAS, a SEPA Determination of Nonsignificance was issued on December 28, 2006, in reference to the proposed amendments to the Development Code; and

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

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

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

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

Section 1. Amendment. Shoreline Municipal Code Chapters 20.20, 20.30, 20.40, 20.50, 20.70, 20.80 and 20.90 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

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

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

PASSED BY THE CITY COUNCIL ON June 11, 2007.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

20.20.016 D definitions

**Dwelling,
Single-Family
Attached**

A building containing three or more ~~than one~~ dwelling units attached ~~to two or more dwelling units~~ by common vertical wall(s), such as townhouse(s). Single-family attached dwellings shall not have units' located one over another.

20.20.054 W definitions

Wireless Telecommunication Facility (WTF)

An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WTF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WTF's are composed of two or more of the following components:

- A. Antenna;
- B. Mount;
- C. Equipment enclosure;
- D. Security barrier.

<u>WTF, building mounted</u>	<u>Wireless telecommunication facilities mounted to the roof or the wall of a building.</u>
<u>WTF, ground mounted</u>	<u>Wireless telecommunication facility not attached to a structure or building and not exempted from regulation under SMC 20.40.600A. Does not include colocation of a facility on an existing monopole, utility pole, light pole, or flag pole.</u>
<u>WTF, structure mounted</u>	<u>Wireless telecommunication facilities located on structures other than buildings, such as light poles, utility poles, flag poles, transformers, existing monopoles, towers and/or tanks.</u>

**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, <u>20.30.315</u> , 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).

20.30.220 Filing administrative appeals.

- A. Appeals shall be filed within 14 17 calendar days from the date of the receipt of the mailing ~~issuance of the written decision~~. Appeals shall be filed in writing with the City Clerk. The appeal shall comply with the form and content requirements of the rules of procedure adopted in accordance with this chapter.
- B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.
- C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record. (Ord. 238 Ch. III § 5(f), 2000).

20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; 2) the proposal would alter the existing conditions within a critical area or buffer; or 3) a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of ~~four~~ up to 20 dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building ~~4,000~~ up to 12,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ up to 40 automobiles.
- C. The construction of a parking lot designed for ~~20~~ up to 40 automobiles.
- D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

20.30.760 Junk vehicles as public nuisances.

- A. Storing junk vehicles as defined in SMC 10.05.030(A)(1) upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:
1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or
 2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.
- B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a ~~public~~ hearing may be requested before the Hearing Examiner. If no hearing is requested within ~~40~~ 14 days from the certified date of receipt of the notice, the vehicle, or part thereof, shall be removed by the City with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.
- C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.
- D. If a request for hearing is received within ~~40~~ 14 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, with a five-day return receipt requested, to the land owner of record and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle identification number.
- E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land,

with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

- F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement.
- G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner on which the vehicle or remnant part is located, unless the landowner has shown in a hearing that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence. Costs shall be paid to the Finance Director within 30 days of the hearing and if delinquent, shall be assessed against the real property upon which such cost was incurred, as set forth in SMC 20.30.775. ~~filed as a garbage collection and disposal lien on the property. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).~~

20.30.770 Notice and orders.

Whenever the Director has reason to believe that a Code Violation exists or has occurred, the Director is authorized to issue a notice and order to correct the violation to any responsible party. A stop work order shall be considered a notice and order to correct. Issuance of a citation or stop work order is not a condition precedent to the issuance of any other notice and order.

- A. Subject to the appeal provisions of SMC 20.30.790, a notice and order represents a determination that a Code Violation has occurred and that the cited person is a responsible party.
- B. Failure to correct the Code Violation in the manner prescribed by the notice and order subjects the person cited to any of the compliance remedies provided by this subchapter, including:
 - 1. Civil penalties and costs;
 - 2. Continued responsibility for abatement, remediation and/or mitigation;
 - 3. Permit suspension, revocation, modification and/or denial; and/or
 - 4. Costs of abatement by the City, according to the procedures described in this subchapter.
- C. Any person identified in the notice and order as a responsible party may appeal the notice and order within 14 17 calender days from the date of mailing of issuance, according to the procedures described in SMC 20.30.220 and 20.30.790. Failure to appeal the notice and order within 14 17 days of issuance shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code Violation, and that the named party is liable as a responsible party.

20.40.320 Daycare facilities.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations only as an accessory to residential use, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and
2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in ~~residential zones R4~~ R-8 and through R12 zoning designations through an approved ~~only by~~ Conditional Use Permit, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.
2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
3. Hours of operation may be restricted to assure compatibility with surrounding development. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
RETAIL/SERVICE TYPE							
532	Automotive Rental and Leasing					P	P
81111	Automotive Repair and Service				P	P	P
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	P	P	P
513	Broadcasting and Telecommunications						P
812220	Cemetery, Columbarium	C-i	C-i	C-i	P-i	P-i	P-i
	Churches, Synagogue, Temple	C	C	P	P	P	P
	Construction Retail, Freight, Cargo Service						P
	Daycare I Facilities	P-i	P-i	P	P	P	P
	Daycare II Facilities		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac (1)	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (4)-(2)	35 ft	60 ft	65 ft (2)(3)
Maximum Impervious Surface	85%	85%	95%

Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB within 1300 feet of Aurora Avenue or Ballinger Way, there is no residential density limit. Development is subject to all other requirements of the Shoreline Development Code.

~~(4)~~ (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

~~(2)~~(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with

additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.

20.50.040 Setbacks – Designation and measurement.

I. Projections into Setback.

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:
 - a. Gutters;
 - b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
 - c. On-site drainage systems.
2. Fire place structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into setbacks, except into a side yard setback that is less than seven feet, provided such projections are:
 - a. Limited to two per facade;
 - b. Not wider than 10 feet;
 - c. Not more than 24 inches into a side yard setback (which is greater than seven feet); or
 - d. Not more than 30 inches into a front and rear yard setback.
3. Eaves shall not project more than:
 - a. Eighteen inches into a required side yard setback and shall not project at all into a five-foot setback;
 - b. Thirty-six inches into a front yard and/or rear yard setback.

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the rear and side property lines.
5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project:
 - a. Eighteen inches into a required side yard setback, which is greater than six feet, six inches but not into a five-foot setback and
 - b. Five feet into the required the front and rear yard setback.
6. Building stairs less than three feet and six inches in height, entrances, and covered but unenclosed porches that are at least 60 square feet in footprint area may project up to five feet into the front yard.
7. Arbors are allowed in required yard setbacks if they meet the following provisions:

In any required yard setback, an arbor may be erected:

- a. With no more than a 40-square-foot footprint, including eaves;
 - b. To a maximum height of eight feet;
 - c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.
8. No projections are allowed into a regional utility corridor.
 9. No projections are allowed into an access easement.
 10. ~~Driveways for single detached dwellings may cross required yard setbacks or landscaped areas in order to provide access between the off street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway. (Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 1(B-3), 2000).~~

20.50.260 Lighting – Standards.

- A. Accent structures and provide security and visibility through placement and design of lighting.
- B. Parking area light post height shall not exceed 25 feet.

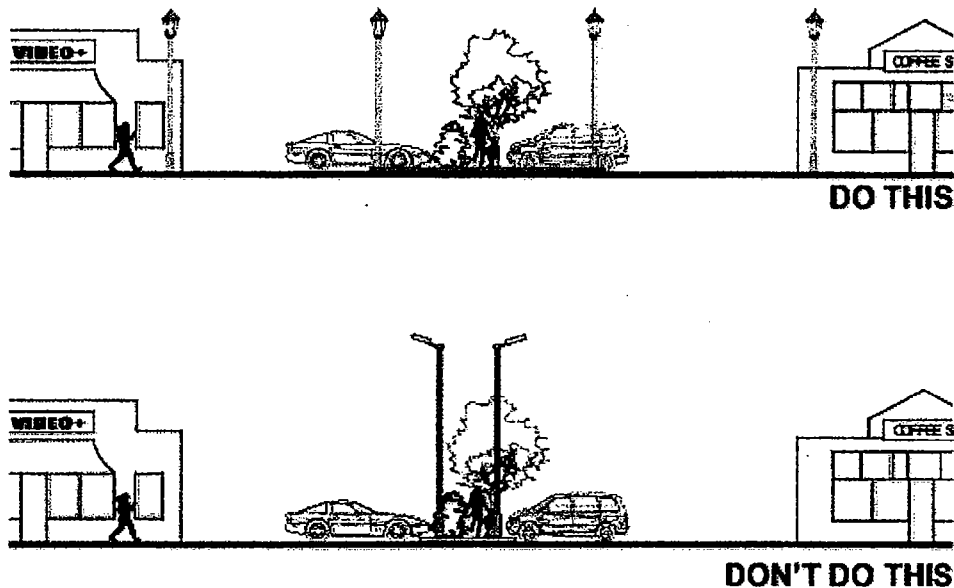


Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.

- C. All building entrances should be well lit to provide inviting access and safety. Building-mounted lights and display window lights should contribute to lighting of pedestrian walkways.
- D. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by the engineering provisions. It shall be designed to minimize glare on abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting. (Ord. 238 Ch. V § 4(B-2), 2000).
- E. Outdoor lighting shall be shielded and downlit from residential land uses.

20.50.410 Parking design standards.

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or on pervious concrete or pavers. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multi-family and commercial uses must be on a impervious surface, pervious concrete or pavers.

~~B.~~(C) On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.760.

~~C.~~(D) Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and
3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.
4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

Exception 20.50.410(C)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate

pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.

20.50.420 Vehicle access and circulation – Standards.

- A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.
- ~~B. Access for single-family detached, single-family attached, and multifamily uses is not allowed in the required yard setbacks (see Exceptions 20.50.080(A)(1) and 20.50.130(1)).~~
- ~~C. Driveways for single-family detached dwellings, single-family attached, and multifamily uses may cross required yard setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway.~~
- D-B. Driveways for non-single-family residential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.
- E-C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.
- F-D. No dead-end alley may provide access to more than eight required off-street parking spaces.
- G-E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.
- H-F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.
- I-G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.
 2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- J-H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

20.70.030 Required improvements.

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

- A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. The provisions of the engineering chapter shall apply to:
 - 1. All new multifamily, nonresidential, and mixed-use construction;
 - 2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
 - 3. Subdivisions;

Exception:

i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.

- 4. Single-family, new constructions, additions and remodels.

Exception:

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.
- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

E. Exemptions to some or all of these requirements may be allowed if:

- 1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.
- 2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:
 - a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;
 - b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;
 - c. Adequate drainage control is maintained;
 - d. At least one of the following conditions exists. The required improvements:
 - i. Would not be of sufficient length for reasonable use;

- ii. Would conflict with existing public facilities or a planned public capital project; or
- iii. Would negatively impact critical areas. and
- e. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

20.80.330 Required buffer areas.

- A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 19897 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.

20.90.110 Lighting.

- A. Lighting should use minimum wattage metal halide or color corrected sodium light sources which give more "natural" light. Non-color corrected low pressure sodium and mercury vapor light sources are prohibited.
- B. All building entrances should be well lit to provide inviting access and safety.
- C. Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas.
- D. Parking area light fixtures should be designed to confine emitted light to the parking area. Post height should not exceed 16 feet.
- E. Back-lit or internally lit vinyl awnings are prohibited.
- F. Neon lighting may be used as a lighting element; provided, that the tubes are ~~concealed and are an integral part of the building design. Neon tubes used to outline the building are prohibited. (Ord. 281 § 7, 2001).~~

Commission Meeting Date: March 15, 2007**Agenda Item: 7.1**

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing for Proposed Amendments to the Development Code
DEPARTMENT:	Planning and Development Services
PREPARED BY:	Steven Szafran, Planner II, 206-546-0786
PRESENTED BY:	Joe Tovar, Director, Planning and Development Services

SUMMARY

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

A summary of proposed amendments can be found in **Attachment 1**.

The purpose of this public hearing is to:

- Briefly review the proposed Second Batch Development Code Amendments of 2007
- Respond to questions regarding the proposed amendments
- Identify any additional information that may be necessary
- Forward a recommendation to the City Council

BACKGROUND / ANALYSIS

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City.

The second batch of development code amendments of 2007 pertain to many sections of the Shoreline Development Code. Proposed changes to the development code came from city planning staff, the city's attorney's office, code enforcement and one request from a private citizen.

All the proposed amendments for the second batching schedule of 2007 are included in **Attachment 1**, and are considered for this Planning Commission public hearing.

TIMING & SCHEDULE

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

DATE	DESCRIPTION
February, 2007	<ul style="list-style-type: none">• SEPA Determination to be issued/advertised. Notify CTED of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.
February, 2007	<ul style="list-style-type: none">• Proposed Amendments advertised in <u>Seattle Times</u> and <u>Shoreline Enterprise</u>.• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).
February 15, 2007	<ul style="list-style-type: none">• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.
March 15, 2007	<ul style="list-style-type: none">• Planning Commission Public Hearing on proposed amendments.• Planning Commission deliberation and record recommendation to City Council on approval or denial of proposed amendments (unless further meetings are required).
April-May, 2007	<ul style="list-style-type: none">• City Council consideration and decision on proposed amendments.

AMENDMENTS AND ISSUES

Attachment 1 includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses strikethroughs for proposed text deletions and underlines for proposed text additions. There are only deletions in this batch of code amendments. The following is a summary of the proposed second batch code amendments.

Docketed Amendments:

These proposed amendments were reviewed and supported by a staff panel and are being supported and forwarded by the Director:

Amendment #1: 20.20.016 D Definitions. This amendment changes the definition of single-family attached. The new definition of single-family attached is three or more units attached by common vertical walls. The new language makes it easier to distinguish between duplexes, apartments and single-family attached units.

Amendment #2: 20.40.054 W Definitions. This amendment adds the definitions of different types of Wireless Telecommunication Facilities (WTF's). The definitions were previously embedded in the Zoning and Use Provisions. Adding the definitions of WTF's into the Definition section makes more sense and will be easier for the public to find.

Amendment #3: 20.30.040 Table. City Council adopted the 2006 first batch of development amendments on November 6, 2006. In that batch of code amendments was a new section for site development permits (20.30.315). This amendment will add that permit to Table 20.30.040-Summary of Type A Actions.

Amendment #4: 20.30.220 Filing Administrative Appeals. This amendment comes from the City's Attorney Office. Language is added to clarify when appeals can be filed and when decisions shall be deemed received.

Amendment #5: 20.30.560 Categorical Exemptions- Minor New Construction. This amendment will raise thresholds for when a SEPA review is required. New residential structures of up to 20 dwelling units, new commercial space up to 12,000 square feet with parking up to 40 automobiles, and the construction of a parking lot for up to 40 automobiles. This amendment will reduce the amount SEPA applications for minor construction throughout the City.

Amendment #6: 20.30.760 Junk Vehicles as Public Nuisance. This amendment is from our Code Enforcement staff. Time limits have been extended if a request for hearing is received from a customer who has received a damage assessment.

Amendment #7: 20.30.770 Notice and Orders. This is Code Enforcement request. New language has been added that directs the reader to other code sections for reference.

Amendment #8: 20.40.320 Daycare Facilities. This code amendment changes the regulations of where a Daycare facility II may be located. A Daycare Facility II is a facility that cares for more than 12 children at one time. Daycare II Facilities will not be permitted in the R-4 and R-6 zones and will be a Conditional Use Permit within the R-8 and R-12 zones.

Amendment #9: 20.50.020(2) Density and Dimensions. This amendment looks at density along Aurora Avenue in the commercial zones zoned CB. The proposal would allow greater residential densities by removing the current 48 dwelling units per acre density limit. Development would still have to meet setback, parking and landscaping regulations. No density maximums are proposed in the CB zones from Fremont Ave N to the west to Ashworth Ave N to the east. This is an attempt to focus higher densities along the Aurora Corridor without impacting the residential neighborhoods.

Amendment #10: 20.50.040 Setbacks- Designations and Measurements. This amendment clarifies when porches and decks may extend into required side yard setbacks. Language has been proposed that it is easier to understand and administer.

Amendment #11: 20.50.260 Lighting Standards. A new section has been added to lighting standards. Outdoor lighting shall be shielded and downlit from residential land uses. This amendment will protect residential uses from direct lighting from adjacent land uses.

Amendment #12: 20.50.410(A) Parking Design Standards. The City's current rules do not require multi-family, commercial and/or industrial uses to have parking on paved surfaces. This amendment will require paved parking for those uses as well as allowing single-family homes to have pervious concrete or pavers as an approved surface to park on.

Amendment #13: 20.50.420 Vehicle Access and Circulation Standards. This amendment was considered during the first batch of code amendments in November of 2006 and remanded to the Planning Commission. This amendment deletes the requirement for driveway setbacks from the property line.

Amendment #14: 20.70.030(C)(3)(1) Required Improvements. Required improvements (sidewalks, curb, gutter, street improvements, etc...) will not be required for subdivisions, short plats, and binding site plans where all of the lots are fully developed. This amendment will affect property owners rebuilding or remodeling homes on lots that are fully developed.

Amendment #15: 20.80.230 Required Buffer Areas. Two words will be added. "Very high" will be added to landslide hazard for required buffer areas.

Amendment #16: 20.80.330(A) Required Buffer Areas. This amendment correctly names the document used for determining wetland buffers. The document is named The 1997 Washington State Department of Ecology Wetland Delineation Manual.

Amendment #17: 20.90.110 Lighting. This is the only citizen initiated code amendment. The request is to allow neon signage to outline a building in the North City Business District. Neon signage is allowed in all other areas of the City of Shoreline. Staff supports the amendment as long as the neon tubes are an integral part of the building design.

OPTIONS

1. Recommended approval of Proposed Development Code Amendments Second Batch of 2007; or
2. Add or delete selected Proposed Development Code Amendments Second Batch.

ATTACHMENTS

Attachment 1: List of proposed amendments. Please see Exhibit 1 of Attachment A.



Memorandum

DATE: April 19, 2007

TO: Planning Commission

FROM: Steve Cohn, Senior Planner
Steve Szafran, Planner II

RE: Continued public hearing on returning development code amendments #9, #13 and #14

At the March 15, 2007 public hearing, the Planning Commission identified four items to be reviewed at an April 19 continued public hearing: proposed development code amendments #9 and #13-15. Staff has reviewed these items and offers the following recommendations:

1. Adopt Amendment #9, as modified.
2. Consider whether Amendments #13 and 14 should include additional language that was developed by staff. Staff is not recommending these modifications be added, but offers them for consideration if the Commission wants to move in that direction.
3. Item #15 is undergoing additional staff review and will be withdrawn from this package of amendments. It will be brought back at a future date.

Amendment # 9: 20.50.020(2) Density and Dimensions. The March 15 proposal would modify the code to permit greater residential density in CB zones on and near Aurora Avenue. When proposing the amendment, staff looked at the comprehensive plan and identified several parcels that would potentially be affected (**Attachment 1**, parcels designated as CB or MU with a potential for CB zoning). However, in response to the Commission's question at the last meeting, staff focused on existing zoning (**Attachment 2**) and found only two parcels that would be immediately impacted by the proposed code change: the James Alan Salon site and the Fire Station.

Since the original proposal would only immediately affect two parcels, staff has reconsidered the scope of the amendment and evaluated its applicability in other parts of Shoreline. The revised amendment (**Attachment 3**) expands the number of parcels that would be affected by this amendment. The proposal would affect all CB zoned parcels within 1,300 feet of Aurora Avenue and Ballinger Way. Staff is proposing this change for several reasons:

1. 1,300 feet, or a 15 minute mile walk time, is a standard measurement for a maximum walk time to get to a specific destination.
2. Ballinger Way and Aurora Avenue are Principal Arterials and handle high levels of traffic. Several busses serve Ballinger and Aurora and would provide convenient alternative modes of transportation.
3. There are many parcels along Aurora and Ballinger that have a potential for CB zoning. Most of these parcels are topographically separated from, or not adjacent to, single family areas.

Amendment # 13: 20.50.420 Vehicle Access and Circulation Standards. The Planning Commission requested historical information regarding the establishment of a 5-foot setback requirement for driveways. The Commission also asked for Council's discussion on the item prior to remanding it to the Commission for further study. Please see **Attachment 4** for further analysis.

Amendment #14: 20.70.030(C) (3) (1) Required Improvements. The Planning Commission was concerned that this code amendment would create the possibility for developers to circumvent required improvements. Please see **Attachment 5** for further analysis.

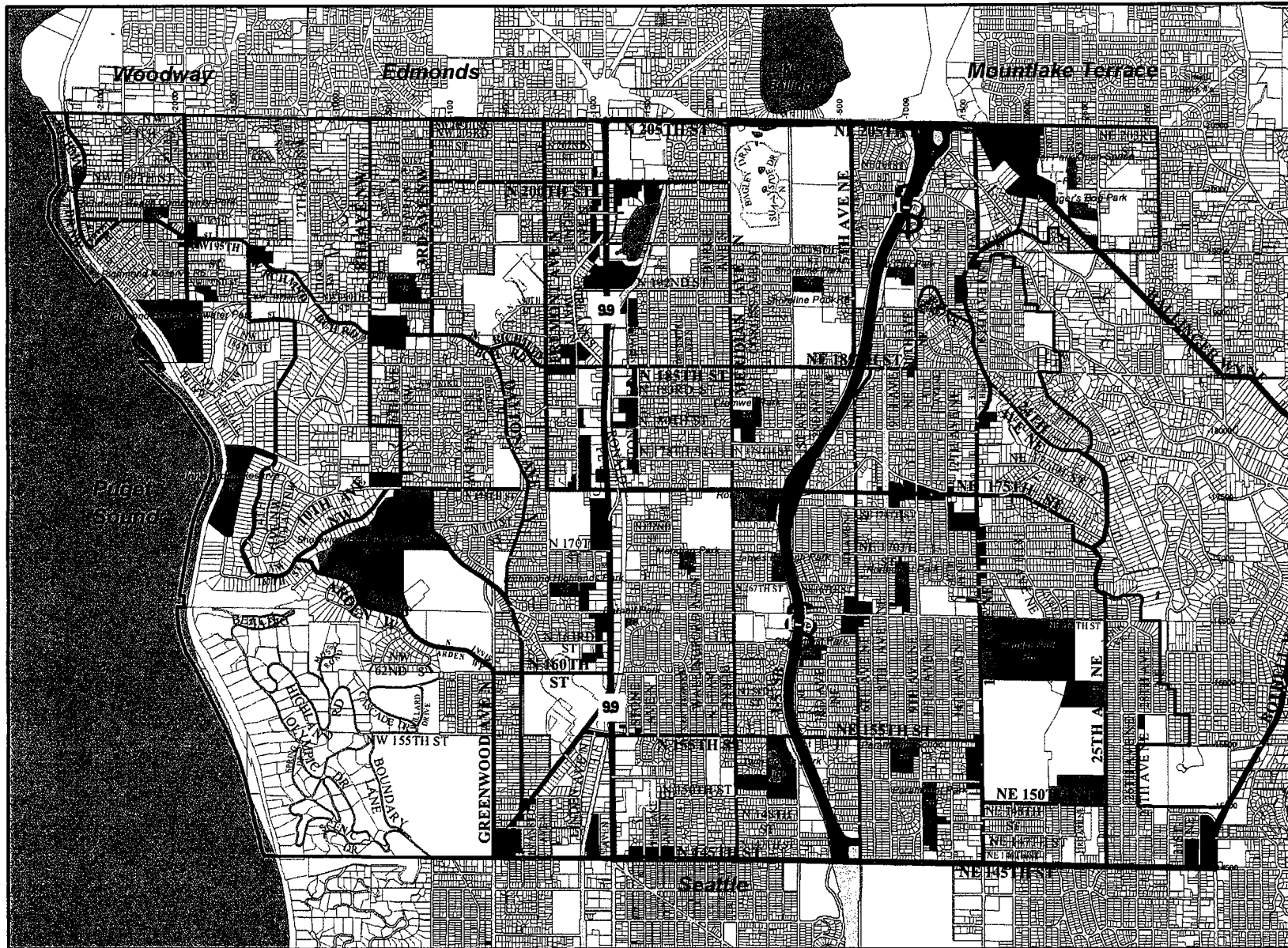
Amendment #15: 20.80.230 Required Buffer Areas. This amendment was withdrawn from the March 15 Planning Commission agenda by the City Attorney for language clarification. Staff continues to refine the proposal and will bring it back for review at a future date.

If you have questions about these revised amendments or amendments already considered at the March 15, 2007 meeting, contact Steve Szafran at 206-546-0786

Attachments:

1. Parcels with CB zoning potential
2. Parcels with existing CB zoning
3. Amendment #9 proposed language
4. Amendment #13 proposed language and background information
5. Amendment #14 proposed language and background information

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SHORELINE

Geographic Information System

ZONING Potential Community Business

Zoning Designation Other Map Features

- Potential Community Business
- City Boundary
- Open Water
- Park
- Tax Parcel Boundary
- Undesignated Right of Way
- Interstate
- State Route
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Residential Street

1 inch equals 3,075 feet
0 500 1,000 2,000 3,000 4,000 Feet

No warranties of any sort,
including accuracy,
fitness, or merchantability,
accompany this product.



Filename: j:\gis\stprojects\zoning.mxd
Updated: 3/2/2007

Attachment 4

Amendment #13: 20.50.420 Vehicle Access and Circulation Standards

20.50.420 Vehicle access and circulation – Standards.

- A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.
- ~~B. Access for single family detached, single family attached, and multifamily uses is not allowed in the required yard setbacks (see Exceptions 20.50.080(A)(1) and 20.50.130(1)).~~
- ~~C. Driveways for single family detached dwellings, single family attached, and multifamily uses may cross required yard setbacks or landscaped areas in order to provide access between the off street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway.~~
- D.B. Driveways for non-single-family residential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.
- ~~E.C.~~ Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.
- ~~F.D.~~ No dead-end alley may provide access to more than eight required off-street parking spaces.
- ~~G.E.~~ Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.
- H.F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

I.G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.
2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

J.H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

Staff analysis:

The Commission asked for historical context about the 5' setback requirement for driveways since staff is proposing its removal only a few years after it was enacted. Also, the Commission requested a summary of the Council discussion that resulted in a remand for additional consideration.

History: 20.50.420B & C were adopted in March 2002.

The code amendment was proposed by staff to clarify where access for all development is allowed in relation to the required yard setbacks and landscaping requirements. At the time, staff was responding to many questions regarding where access is allowed. Specifically, an issue arose when an applicant for multi-family project (on a lot zoned for multi-family) which was adjacent to a lot zoned single-family, proposed a driveway next to the property line. Because the definition of a "yard" and "yard setback" specified the setback may only be occupied by landscaping, the proposal was denied. The amendment was intended to clarify that an access road is not an acceptable use of a yard setback except in the case of a driveway as proposed. The bulk of the Commission's discussion didn't deal with the 5' setback; rather, it focused on the question of the maximum area for a side yard displacement.

Recent Council discussion of this issue included the following observations:

1. Adjacent property could be impacted
2. General statement that the setback should be required
3. Can't variances be used instead?
4. The amendment affects the housing stock in Shoreline and growth management goals
5. City doesn't want neighbors to have veto power over projects.

It seems the amendments were established not to create the 5' setback but rather to clarify when a driveway could be in the setback. If the new amendment to eliminate the two sections is approved, it appears the definition of yard** would

prevail which would prevent anything other than vegetation to be in the setback area. Therefore, if we want to get to the point where a driveway does not have to be set back from the property line we must also amend the definition of yard.

If the Commission believes that a driveway on the property line creates too much of a negative impact on adjacent properties, *staff proposes the following option*: modify section B as follows and eliminate section C:

- B. Access for single family detached, single family attached and multi family uses is not allowed in the required yard setbacks **unless a solid fence at least 6' high is located between the access and the property line wherever the access is within the required yard setback.**

** Definition of "yard": An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except by vegetation and except as may be specifically provided in the Code.

Amendment #14: 20.70.030(D)(3)(i) Required Improvements

20.70.030. Required improvements.

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.

D. The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction;
2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
3. Subdivisions;
Exception:
 - i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
4. Single-family, new constructions, additions and remodels.

Exception:

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.

- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

E. Exemptions to some or all of these requirements may be allowed if:

1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:

a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;

b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;

c. Adequate drainage control is maintained;

d. At least one of the following conditions exists. The required improvements:

- i. Would not be of sufficient length for reasonable use;
- ii. Would conflict with existing public facilities or a planned public capital project; or
- iii. Would negatively impact critical areas; and

e. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

Staff analysis:

The Planning Commission asked whether this amendment might create a loophole developers could use to circumvent required improvements. Staff believes that no loophole is created because all of the other triggers remain in effect.

All multifamily, commercial and mixed use development, whether new or a remodel/addition (if certain thresholds are crossed) and all single-family new construction or additions (with some exceptions) are subject to providing required improvements. The theoretical case where condos are built then subdivided later has no loophole to exploit because the requirement for improvements is triggered by the initial condo development and will have already been done when the plat application comes in. If the developer builds driveways and private streets to avoid certain improvement and then applies to subdivide with the driveways and private streets becoming dedicated public streets, the rule that all dedications must be brought up to public standards would trigger the need for the improvements that were initially avoided.

If the Commission is concerned that current regulations might not cover all contingencies, *staff proposes* the following idea for Commission consideration: move the amendment to subsection 3 under 20.70.030E and with the following added language:

3. Subdivisions, short plats, and binding site plans where all of the lots are fully developed **with at least one dwelling unit or habitable structure on every lot** shall be exempt from all of the requirements of this section.

These Minutes Approved
April 19th, 2007

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 15, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Hall
Commissioner Harris
Commissioner McClelland
Commissioner Pyle
Commissioner Wagner (Arrived at 7:18 p.m.)

STAFF PRESENT

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

COMMISSIONERS ABSENT

Commissioner Broili
Commissioner Phisuthikul

CALL TO ORDER

Chair Piro 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 Piro, Vice Chair Kuboi, Commissioners Hall, Harris, McClelland, and Pyle. Commissioner Wagner arrived at 7:18 p.m. Commissioner Phisuthikul was excused, and Commissioner Broili was absent.

APPROVAL OF AGENDA

No changes were made to the proposed agenda.

DIRECTOR'S REPORT

Mr. Cohn advised that a written update about the development at South Echo Lake was included in the Commission's packets.

APPROVAL OF MINUTES

The minutes of February 1, 2007 were approved as modified. The minutes of March 1, 2007 were approved as presented.

GENERAL PUBLIC COMMENT

There was no one in the audience to provide comments during this portion of the meeting.

PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS

Mr. Szafran distributed new pages outlining modifications that were recommended by the City Attorney on two of the amendments. In addition, he requested that Amendment 15 (required buffer areas) be removed from the group of docketed amendments.

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

Mr. Szafran advised that this is the second group of Development Code Amendments for 2007. The first batch was related to cottage housing. He noted that, with the exception of Amendment 17, all the code amendments were initiated by staff.

The Commission and staff reviewed each of the amendments as follows:

- **Amendment 1:** 20.20.016 D Definitions. This amendment would change the definition of single-family attached dwellings to make it easier to distinguish between duplexes, apartments and single-family attached units.

Commissioner Hall said that while the intent of the proposed language is to define single-family attached dwellings, the definition appears to define buildings instead of dwelling units. He explained that the original definition defined each of the units as single-family attached dwellings if they were attached to two or more other units, but this was very awkward. The proposed amended language is structurally better, but it ends up saying that a building containing numerous units would be one single-family attached dwelling. He suggested that is not really the intent of the new language.

Mr. Cohn pointed out that the definition section also includes a definition for dwelling apartments, dwelling duplexes, and dwelling multi-family. In all of these instances, the word "dwelling" always seems to refer to a building. The Commission agreed that no change would be necessary to the amendment as proposed.

Commissioner Harris questioned why a 2-unit duplex would be considered different than 2 single-family attached dwellings. Mr. Pickus explained that a 2-unit townhome must be side-by-side where a

duplex could be one unit above the other. However, two townhomes would be considered a duplex, as well.

Commissioner Wagner arrived at the meeting at 7:18 p.m.

- **Amendment 2:** 20.40.054 W Definitions. Mr. Szafran explained that this amendment would add definitions for different types of wireless telecommunication facilities to the definition section so they are easier for the public to find. These definitions were previously embedded in the Zoning and Use Provisions. There was no Commission discussion regarding this amendment.
- **Amendment 3:** 20.30.040 Table. Mr. Szafran advised that the first batch of Development Code amendments that were adopted by the City Council on November 6, 2006 included a new section for site development permits (20.30.315). The proposed new amendment would add site development permits to Table 20.30.040 - Summary of Type A Actions. There was no Commission discussion regarding this amendment.
- **Amendment 4:** 20.30.220 Filing Administrative Appeals. Mr. Szafran advised that this amendment comes from the City Attorney's Office and was added to clarify when appeals could be filed and when decisions shall be deemed received. There was no Commission discussion regarding this amendment.
- **Amendment 5:** 20.30.560 Categorical Exemptions – Minor New Construction. Mr. Szafran explained that this proposed amendment is one of the more major amendments and would raise thresholds for when a SEPA review would be required. The threshold for new residential structures would change from 4 to 20 dwelling units; new commercial space would change from 4,000 to 12,000 square feet; and parking would change from 20 to 40 automobiles. Mr. Cohn advised that this proposed amendment would bring the City's code in line with what other jurisdictions in the area do, and the State rules would allow the change to happen, as well. Mr. Szafran added that, as proposed, the amendment would reduce the amount of SEPA applications for minor construction throughout the City.

Commissioner Pyle pointed out that, as proposed, the amendment would eliminate the potential for someone to appeal an administrative decision if no SEPA determination were required. Mr. Cohn agreed. He explained that building permit applications that fall under the SEPA threshold would be an administrative decision, and there would not be an opportunity to appeal.

Commissioner Hall asked if staff could provide examples of when they issued a Determination of Significance for any proposed residential structure between 4 and 20 units. Mr. Szafran noted that the City issued a Mitigated Determination of Non-Significance for Echo Lake, but they do not typically issue Determinations of Significance for projects of this size. Commissioner Hall concluded that if, in general, the City always issues a Determination of Non-Significance, there is no reason to require a SEPA review.

- **Amendment 6:** 20.30.760 Junk Vehicles as Public Nuisance. Mr. Szafran advised that this amendment was proposed by the Code Enforcement Staff. It would extend time limits if a request for hearing is submitted by a customer who has received a damage assessment. There was no Commission discussion regarding this amendment.
- **Amendment 7:** 20.30.770 Notice and Orders. Mr. Szafran explained that this proposed amendment would add new language to direct the reader to other code sections for reference. Commissioner Hall questioned if the proposed amendment would result in the ability to foreclose on someone's home. Mr. Tovar said the proposed amendment would not change the City's current policy. However, he recalled the City Attorney's previous comment that the authority to file a lien could ultimately lead to the authority to foreclose on a property. While this would be an extreme measure, it would be a possibility if someone were to ignore the liens.
- **Amendment 8:** 20.40.320 Daycare Facilities. Mr. Szafran advised that this amendment would prohibit Daycare II Facilities in R-4 and R-6 zones. They would be allowed in R-8 and R-12 zones with a conditional use permit. He said the City recently denied an application for a Daycare II Facility in an R-6 because staff felt that a daycare of 12 or more children would be better suited for higher-density zones.

Commissioner McClelland questioned the logic of allowing more children on smaller lots. Why would a Daycare II Facility not be appropriate in an R-6 zone but appropriate in an R-12 zone where the lots and houses are smaller? Mr. Szafran pointed out that R-8 and R-12 densities are generally located along major arterials, resulting in less of a burden on the lower-density residential neighborhoods. Commissioner McClelland voiced her concern that the proposed amendment would place the child care facilities on busier streets. Mr. Tovar said that the larger question is whether a daycare use would be more residential or commercial in nature, which would depend on the scale of the operation. Larger daycare facilities would likely look more like commercial uses, which would be more appropriate in a commercial, office or multi-family residential zone. Mr. Szafran pointed out that because of public concerns, the City has denied previous requests for Daycare II Facilities in R-4 and R-6 zones.

Commissioner Wagner asked if this proposed amendment would have an impact on the existing daycare operations. Mr. Szafran said he does not know of any Daycare II Facilities in R-4 and R-6 zones at this time. However, any existing uses would become legal, non-conforming uses if the amendment were approved.

- **Amendment 9:** 20.50.020(2) Density and Dimensions. Mr. Szafran explained that this amendment would allow greater residential densities in the commercial (CB) zones along Aurora Avenue. The proposed language would remove the current 48-dwelling units per acre density limit. However, development would still have to meet setback, parking and landscaping requirements.

Commissioner Hall asked if it would be better to create a new zoning district, instead of the proposed amendment. He noted that adding footnotes to zoning tables can cause confusion. On the other hand, creating a new zoning district would provide a clear distinction between the CB zones along Aurora

Avenue and other commercial zones outside of that area. Mr. Tovar agreed the concept has merit and could be accomplished by a legislative text amendment and/or a map change creating a new designation. Commissioner Hall inquired if a legislative area-wide rezone would require the City to mail a notice to each property of record in the area. Mr. Tovar answered that the City would not legally be required to do this, but as a matter of policy it is something the Commission and City Council should consider.

Commissioner Harris pointed out that not very many parcels would be impacted by the proposed change. Mr. Szafran agreed that approximately 12 parcels would be impacted. Commissioner McClelland cautioned that it would be wrong to make a case for change based only on a recent application. Instead, she pointed out that the proposed amendment was a direct result of the Commission's previously stated desire to create more general flexibility in the code.

Chair Piro suggested, and the Commission concurred, that they should move on with the rest of the proposed amendments and continue their discussions related to Amendment 9 later.

- **Amendment 10:** 20.50.040 Setbacks—Designations and Measurements. Mr. Szafran advised that this amendment would clarify when porches and decks may extend into required side yard setbacks. There was no Commission discussion regarding this amendment.
- **Amendment 11:** 20.50.260 Lighting Standards. Mr. Szafran said the proposed amendment would add a new section to the lighting standards requiring that outdoor lighting be shielded and down lit from residential land uses. There was no Commission discussion regarding this amendment.
- **Amendment 12:** 20.50.410(A) Parking Design Standards. Mr. Szafran explained that the City's current rules do not require multi-family and/or industrial uses to have parking on paved surfaces. The proposed amendment would require paved parking for those uses as well as allow single-family homes to have pervious concrete or pavers as an approved surface to park on. There was no Commission discussion regarding this amendment.
- **Amendment 13:** 20.50.420 Vehicle Access and Circulation Standards. Mr. Szafran advised that this amendment was considered during the first batch of 2007 code amendments and remanded back to the Planning Commission. The amendment would delete the requirement for driveway setbacks from the property line. Mr. Szafran explained that the City Council expressed concern about driveways being too intrusive on adjacent properties. Mr. Tovar added that some of the City Council members brought up examples of problems that could arise. He suggested that before the amendment goes back before the City Council for consideration, it would be appropriate to provide some illustrations, site plans, and hypothetical situations to describe the amendment's intent. The Commission agreed to pull Amendment 13 so that staff could come back at a later date with additional information to address the City Council's concerns. Commissioner Hall said it would be helpful to hear from the public, as well. Commissioner Harris also asked that staff provide information about what has changed since this code section was enacted about five years ago.

- **Amendment 14:** 20.70.030(C)(3)(1) Required Improvements. Mr. Szafran reviewed that, as proposed, frontage improvements (sidewalks, curb, gutter, street improvements, etc.) would not be required for subdivisions, short plats and binding site plans where all of the lots are fully developed.

Commissioner Hall inquired if this proposed amendment would allow someone to build single-family detached condominiums without having to do the improvements that would be required of a subdivision and then later subdivide the property and sell the parcels off. Mr. Szafran answered that improvements would be required as part of the site development permit stage.

At the Commission's request for further information regarding Amendment 14, Mr. Pickus explained that the proposed amendment is a result of a property owner with two houses already on a parcel with no frontage improvements. The property owner wanted to put each structure onto its own parcel, and it didn't seem right to require him to do frontage improvements when nothing would be changed on the ground. He clarified that frontage improvements would be required whenever development occurs on a residential parcel. Commissioner Hall emphasized that the proposed amendment should not provide an avenue for someone to bypass the frontage improvement requirements. Once again, Mr. Pickus clarified that the City's current code requires frontage improvements as part of any residential construction project, regardless of the context in which it occurs.

Mr. Tovar explained that the creation of the impact is what legally justifies the imposition of the condition of improvement. Whether the impact is created by a subdivision, building permit, grading permit, zoning permit, it doesn't matter. As long as a property owner is getting permission from the City to create an impact, the City has the authority to require the improvements. If they cannot show that linkage, they cannot impose the condition.

Commissioner Pyle asked that staff consider adding a definition for the term "fully developed." Mr. Tovar agreed. If the City is going to grant an exception to the requirement of frontage improvements for subdivisions that are fully developed because there would be no additional impact, Commissioner Pyle questioned why they should continue to require frontage improvements for single-family remodels. He noted that a property owner would receive a benefit from subdividing a property. At the same time, the City penalizes someone who is redeveloping an existing home even though there would be no new impact. Mr. Tovar said it would all depend on the extent of the remodel, which could potentially have an impact on the street grid. He said the intent is to correspond with what they understand the state of the law to be. It is important that there be a clear nexus between the code requirements and the impacts associated with what the developer is proposing to do. He suggested that perhaps it would be appropriate to review the threshold the City currently uses to determine these situations.

The Commission agreed to pull Amendment 14 to allow staff to provide additional information at a later date regarding potential unintended consequences.

- **Amendment 15:** 20.80.230 Required Buffer Areas. Mr. Szafran reminded the Commission of staff's request to pull Amendment 15 from the docket.

- **Amendment 16:** 20.80.330(A) Required Buffer Areas. Mr. Szafran explained that the proposed amendment names the document used for determining wetland buffers, which is the 1997 Washington State Department of Ecology Wetland Delineation Manual.

Commissioner Pyle clarified that while the amendment description on Page 40 appears to imply that the Manual was used to determine wetland buffers, it was actually used to determine the wetland boundaries. In addition, he recalled that one section in the code describes how critical areas are established, and perhaps it would be better to situate Section 20.80.330 in a section that identifies critical areas as opposed to one that identifies buffers. Staff agreed to consider Commissioner Pyle's suggestion.

- **Amendment 17:** 20.90.110 Lighting. Mr. Szafran noted that this is the only citizen initiated code amendment. The request is to allow neon signage to outline buildings in the North City Business District. At this time, neon signs are allowed in all other commercial areas of the City of Shoreline. He advised that staff supports the amendment as long as the neon tubes are an integral part of the building design. There was no Commission discussion regarding this amendment.

Public Testimony or Comment

There was no one in the audience to participate in the public hearing.

Presentation of Final Staff Recommendation

Mr. Cohn suggested the Commission forward a recommendation of approval to the City Council on Amendments 1-8, 10-12, 16 and 17. The Commission could continue their discussions related to Amendments 9, 13, 14, and 15 at their April 19th meeting. Hopefully, staff would have additional code amendments for the Commission to consider on April 19th, as well.

Final Questions by the Commission and Commission Deliberation

Commissioner Hall pointed out that the technology of fluorescent lighting has improved radically. The fluorescent bulbs put out as much brightness in a far more natural color and use far less electricity. He questioned if it would be appropriate, at some point in the future, to update the City's lighting requirements to allow people to use more energy efficient lighting as long as it provides a natural enough light. Mr. Tovar agreed that this concept might be one of a number of ideas the Commission and City Council might want to consider when reviewing strategies for creating an environmentally sustainable city.

Commissioner Harris asked if Amendment 11 is aimed at enforcement of current problems. Mr. Szafran answered there was a previous situation where lights on a commercial property shined onto a residential property. He noted that the amendment would be applied to both residential and commercial properties.

Vote by Commission to Recommend Approval, Denial or Modification

COMMISSIONER HARRIS MOVED THAT THE COMMISSION FORWARD PROPOSED DEVELOPMENT CODE AMENDMENTS 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 16 AND 17 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER WAGNER SECONDED THE MOTION. THE MOTION WAS APPROVED 7-0.

COMMISSIONER WAGNER MOVED THAT THE COMMISSION CONTINUE THE PUBLIC HEARING FOR THE REMAINING DEVELOPMENT CODE AMENDMENTS (AMENDMENTS 9, 13, 14 AND 15) ON THURSDAY, APRIL 19, 2007. COMMISSIONER HARRIS SECONDED THE MOTION.

Commissioner Wagner said that while the intent of Amendment 9 is to build flexibility into the regulations by offering a density bonus in exchange for a public amenity, she cautioned against moving forward with an amendment for just this one area unless they have plans to take up a more comprehensive review of how the concept could be applied to other zones in the City. Mr. Tovar agreed and advised that this concept would be discussed later in the meeting as part of the Commission's review of the 2010 Shoreline Work Program.

Mr. Szafran said that at the April 19th meeting, staff would provide information regarding the various options for addressing the intent of Amendment 9. He also said he would provide more information for the Commission to consider regarding the proposed boundaries the amendment would be applied to. Commissioner Wagner said she would also like staff to provide details about the properties that would be impacted by the proposed change.

Commissioner Hall expressed his concern that proposed Amendment 14 would encourage homeowners to do improvement projects in stages to avoid triggering the requirements for frontage improvements. He particularly noted a situation where a homeowner could construct a garage and a few years later turn it into an accessory dwelling unit. At a later date, the property owner could subdivide the property without providing the frontage improvements. He asked staff to provide more information that would assure him the amendment would not be misused. Staff agreed to research this amendment further.

Regarding proposed Amendment 13, Commissioner Hall requested that staff provide the Commission with a legislative record to identify when Section 20.50.420 related to vehicle access and circulation standards was actually added to the code.

THE MOTION TO CONTINUE THE HEARING WAS APPROVED 7-0.

REPORTS OF COMMITTEES AND COMMISSIONERS

Chair Piro reported that he, Commissioner Broili and Commissioner McClelland attended the Aurora Business Committee (ABC) meeting last week, and the main topic of discussion was related to traffic. Representatives from the consultant team showed different modeling and projections in terms of how they see the facility functioning in the future, either with or without the improvements.

Commissioner Pyle announced that he and Commissioner Wagner attended a Briarcrest Neighborhood Meeting on March 12th. It was attended by at least 50 people, including a representative from the Planning Department staff. A discussion was held about identifying community values, and people had a lot of questions about zoning and planning in the area. He said many people have a vested interest in the future of the community, and they have expressed a concern about projects that are currently being considered for the area. These concerns speak to the need of moving forward with neighborhood planning in this location.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Introduction of South Aurora Triangle Proposed Comprehensive Plan and Development Code Amendments

Mr. Pickus introduced the Comprehensive Plan and Development Code amendments associated with the area of the City known as the South Aurora Triangle, which is approximately 15.5 acres in size and is bounded on the South by North 145th Street, on the east by Aurora Avenue North and on the west by the Interurban Trail. Mr. Pickus pointed out that the subject property is currently identified in the Comprehensive Plan as Community Business and Mixed-Use, and it is zoned primarily Regional Business and R-48, with a small amount of R-12 along North 145th Street. He announced that the proposal is to create a new zone, the South Aurora Triangle Zoning District, which would be subdivided into three parts:

- SAT 1 (northern portion of the triangle) – The tallest buildings and highest residential densities in the City would be appropriate here with amenities supporting the Aurora Avenue North and Interurban Trail connections, storefront retail and public transit.
- SAT 2 (east side of bottom half of triangle) – Taller buildings and higher residential densities would be appropriate here, with amenities supporting the creation of a distinctive City entryway, storefront retail and public transit.
- SAT 3 (west side of bottom half of triangle) – Development would be largely higher-density multi-family and commercial uses complementary to multi-family uses. Public amenities would support the Interurban Trail Use.

Mr. Pickus provided a PowerPoint Presentation regarding the goals and objectives of the Comprehensive Plan and Development Code Amendments that would be necessary to implement the South Aurora Triangle Zoning District. *(See PowerPoint Presentation on file with the Planning Commission Clerk).*

Commissioner Wagner asked if businesses would be allowed to open up onto the Interurban Trail. Mr. Pickus said that is definitely one option that could be considered.

Mr. Pickus provided pictures from other jurisdictions to depict the type of concepts currently being considered for the triangle. He said that as he wrote the draft code amendments, it appeared to make more sense to place specific design regulations (site design, building design, standards for public benefits, etc.) in a design manual rather than in the code. As the concept evolves and they determine what does and does not work, changes could be made administratively without requiring additional code amendments. He briefly reviewed the code amendments, site design standards, and building design standards that would be necessary to implement the South Aurora Triangle Zoning District.

Mr. Pickus advised that a key element of the proposed code amendments would be a "Public Benefits Incentive System," which would allow developers to go beyond the basic height requirements if they can provide certain public benefits. He reviewed the types of public benefits a developer could provide in order to go beyond the basic requirements. Mr. Tovar pointed out that the Transfer of Development Rights (TDR) Program is still in the development stage. Therefore, it might be appropriate to make note that this option would not be available until such time as the City has an interlocal agreement that spells out the mechanism and ratios for transferring development credits from the rural areas into the urban areas.

Mr. Pickus briefly reviewed the proposed parking and sign regulations that would apply to the South Aurora Triangle Zoning Designation. He explained that developers have indicated that parking is the limiting factor for development, and off-site parking is one option the City could offer to help resolve this problem. Chair Piro noted that the Puget Sound Regional Council did some work that centered on parking incentives, and their report could provide good information for the staff to consider. He noted that one option would be to allow developers to utilize the street parking along Whitman Avenue to meet the parking requirement. Mr. Pickus pointed out that because the subject property is quite isolated, there would not be a significant opportunity for overflow parking to impact the residential neighborhoods.

Mr. Pickus advised that, at this time, the development code language is still being drafted and would likely be available for circulation by March 29th. The document would be forwarded to CTED and notices would be sent to property owners in and around the triangle area inviting them to comment. If notices are sent on March 29th the public comment period would end on April 13th. A SEPA Determination would be issued after the comment period ends. The Planning Commission is tentatively scheduled to hold a workshop discussion on the draft code language on April 19th. Staff anticipates the Commission would hold a public hearing on the document sometime in May, with a City Council decision by the end of June. He closed his comments by inviting the Commissioners to share their ideas and concerns.

Commissioner McClelland asked if staff is anticipating the properties would be assembled and developed as one parcel. Mr. Tovar said they have not discussed a minimum lot size for the new zone. Instead, this would be decided by the market. Regardless of the site development standards identified in the zone, Mr. Tovar suggested future development would look different from parcel to parcel.

Commissioner Hall applauded staff's attempt to limit surface parking, which would be particularly important on the street frontages. Any surface parking that is allowed should be moved to the back of

the building in order to preserve the pedestrian feel. He suggested there be some type of landscaping requirement in the SAT 3 zone given its proximity to the Interurban Trail.

Chair Piro encouraged Commissioners to forward their input and questions to staff by April 1st so an appropriate response could be prepared prior to the April 19th workshop.

Commissioner Wagner expressed her concern that a fence separating development from the Interurban Trail would run counter to what she envisions for the area. She suggested the staff provide more information to illustrate how this concept would work. Mr. Tovar said the generic design issue is how the public space (trail) could be merged with the private space and still allow for security and privacy for the private property but not at the expense of walling off the public/private uses. He agreed that staff could provide examples of how the two uses have been successfully merged in other locations.

Prepare for Joint Meeting with the City Council

Mr. Tovar suggested that the Planning Commission Chair and perhaps some of the other Commissioners meet with staff to work out what they want to cover at the joint meeting. He distributed the current draft of the Shoreline 2010 Work Program which shows the long-range tasks the Commission and City Council is involved with. In addition to reviewing the work program, he suggested other possible topics might include:

- Comprehensive Housing Strategies
- Efforts of the Aurora Business Community Group
- Efforts of the Ridgecrest Neighborhood Group
- Timing of the South Aurora Triangle Zoning District.

Mr. Cohn suggested that since the joint meeting would be the Commission's only opportunity to talk to the City Council about projects prior to the 2008 budget process, this would be a good opportunity to discuss a timeline for the Briarcrest and Paramount Neighborhood Special Study Areas. He suggested the Commission and City Council also discuss the timeline for implementing the Town Center concept. They could also discuss the fact that the Comprehensive Plan Designations should be reviewed. At this time, they allow a wide range of zoning possibilities, and it would be nice to tighten them up significantly. The zoning equivalents should also be tightened up.

Chair Piro agreed to meet with staff to further discuss possible agenda topics for the joint meeting. He invited other Commissioners to provide their suggestions to him. Staff indicated they would notify the Commissioners of the start time and location for the joint meeting.

ANNOUNCEMENTS

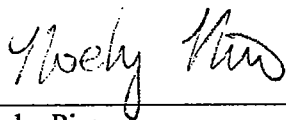
Mr. Tovar announced that Matt Torpey resigned his position with the City, and the vacant position would be advertised as soon as possible.

AGENDA FOR NEXT MEETING

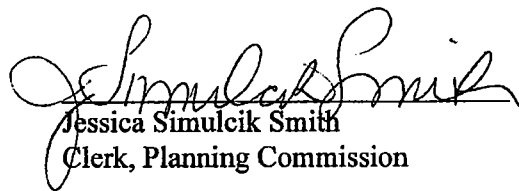
Chair Piro noted that the next speaker series has been scheduled for the Commission's April 5th meeting. Tom Von Schrader and Amalia Leighton from SvR Design Company would be present to discuss low-impact, green development and infrastructure. No other items would be on the agenda. Chair Piro complimented the staff on a successful first speaker series, and Mr. Cohn briefly reviewed the schedule for upcoming speaker series events.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.



Rocky Piro
Chair, Planning Commission



Jessica Simulcik Smith
Clerk, Planning Commission

These Minutes Approved
May 3rd, 2007

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 19, 2007
7:00 P.M.

Shoreline Conference Center
Shoreline Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Hall
Commissioner Harris
Commissioner Phisuthikul
Commissioner Pyle (arrived at 7:06 p.m.)
Commissioner Wagner

STAFF PRESENT

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

COMMISSIONERS ABSENT

Commissioner McClelland

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:05 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Broili, Harris, Phisuthikul, Hall and Wagner. Commissioner Pyle arrived at 7:06 p.m. and Commissioner McClelland was excused.

APPROVAL OF AGENDA

The agenda was approved as presented.

DIRECTOR'S REPORT

- Joint City Council/Planning Commission Fall Meeting

Mr. Tovar suggested that Monday, September 24, 2007 be scheduled as a joint dinner meeting for the City Council and Planning Commission. This type of setting would allow more discussion and dialogue between the two groups. The date would also afford the Commission an opportunity to identify upcoming projects that might have some resource implications prior to the City Council getting to far into the 2008 budget process.

• **Update on Civic Center/City Hall Project**

Mr. Tovar reported that a public workshop was conducted on March 20th, and citizens were invited to provide their ideas. A staff team has evaluated the Request for Qualifications submittals from six developer/design teams. The three finalists have been invited to submit Request for Proposals, including some conceptual representations showing how they might optimize the use of the site. The staff team would review the Request for Proposals in early June and make a recommendation to the City Council later in the month. It is anticipated the Council would select a development team sometime in July, and then a developer agreement would be negotiated. The goal is for the City Council to make decisions about many of the details by the end of 2007 so that construction could start in 2008.

APPROVAL OF MINUTES

The minutes of March 15, 2007 were approved as submitted.

GENERAL PUBLIC COMMENT

Maria Walsh, Mountlake Terrace, recognized that some effort has been made by the City of Shoreline to contact the Washington State Department of Social and Health Services regarding the Fircrest Property (City Council Goal 8), but the City has not received a response. She urged them to continue their efforts to work with the State to keep the facility in Shoreline. Wonderful things are happening at the facility, and the resource is very important to the community.

PUBLIC HEARING ON 2007 DEVELOPMENT CODE AMENDMENTS

Chair Piro advised that this item is a continuation of a public hearing that was held on March 15th regarding the proposed second batch of 2007 Development Code Amendments. He briefly reviewed the rules and procedures for the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran recalled that 17 code amendments were presented to the Commission at the March 15th public hearing. One amendment was pulled by staff, and the Commission recommended that Amendments 9, 13 and 14 be reviewed further by the staff. He reviewed the staff's further evaluation of each of the three amendments.

Amendment 9 – Section 20.50.020(2) Density and Dimensions for the CB Zones Along Aurora

Mr. Szafran said that because the original proposal would only immediately affect two parcels (James Alan Salon and Fire Station Properties), staff reconsidered the scope of the amendment and evaluated its

applicability in other parts of Shoreline. He explained that, as per the revised amendment, the proposal would be expanded to affect all CB zoned parcels within 1,300 feet of Aurora Avenue North and Ballinger Way. He advised that staff is recommending that the revised Amendment 9 be adopted for the following reasons:

1. A standard measurement for a maximum walk time to get to a specific destination is 1,300 feet or a 15-minute mile walk time.
2. Aurora Avenue North and Ballinger Way are principal arterials and provide convenient alternative modes of transportation.
3. There are many parcels along Aurora Avenue North and Ballinger Way that have a potential for CB zoning, and most of them are topographically separated from or not directly adjacent to single-family areas.

Amendment 13 – Section 20.50.420 Vehicle Access and Circulation Standards

Mr. Szafran recalled that the Commission requested historical information regarding the establishment of a 5-foot setback requirement for driveways. He said it appears the amendments were established to clarify when a driveway could be within a setback. He also recalled the Commission requested additional information from recent City Council discussions on this item, and the following identifies the comments they provided:

1. Adjacent properties could be impacted.
2. Setbacks should be required.
3. Perhaps variances could be used instead.
4. The amendment affects the housing stock in Shoreline and growth management goals.
5. Neighbors should not have veto power over projects.

Mr. Szafran suggested the City Council's concern about the impact to adjacent property owners could be addressed by eliminating Section C and modifying Section B to require a solid fence between the access and the property line wherever the access is within the required yard setback.

Amendment 14 – Section 20.70.030(C)(3)(1) Required Improvements

Mr. Szafran recalled the Commission's concern that this code amendment would create the possibility for developers to circumvent required improvements. To address this concern, he suggested that Item 3 be changed to state that subdivisions, short plats and binding site plans where all the lots are fully developed with at least one dwelling unit or habitable structure on every lot shall be exempt from all of the requirements of the section.

Mr. Szafran recommended the Commission approve the revised amendments as proposed by staff.

Questions by the Commission to Staff

Vice Chair Kuboi asked if other arterials in the City were evaluated to determine the potential for applying **Amendment 9** to other CU properties in the City. Mr. Szafran answered that Ballinger Way and Aurora Avenue North were selected because they are principal arterials, which is the City's highest

street classification. Vice Chair Kuboi pointed out that Westminster Way and 15th Avenue Northeast are also principal arterials. Mr. Tovar added that Ballinger Way and Aurora Avenue North are also State highways. Vice Chair Kuboi suggested the proposed amendment clarify the reason why only these two roads are being considered in the findings.

At the request of the Commission, Mr. Szafran clarified that staff is recommending adoption of the new language they proposed for Item B of **Amendment 13**.

Commissioner Kuboi referred to **Amendment 14** and asked staff to clarify the difference between a "dwelling unit" and a "habitable structure." Mr. Cohen explained that "dwelling unit" references a place where people live. A "habitable structure" could reference a structure that is used for a store or other type of business, with no people living in it. He advised that a binding site plan is the process by which a commercial property is subdivided. Because they are combining the uses into one provision, they must show the variation of how the spaces could be used.

Public Testimony or Comment

Michelle Cable, Seattle, expressed her support for **Amendment 9**, as modified by staff. She advised that she owns property on Ballinger Way that is zoned CB, and she is interested in potentially developing it as Mixed-Use building. Changing the amendment would allow future developers greater opportunities for different decision-making processes. She said she hopes to develop affordable senior housing on her property, and she noted that it is easy to walk from properties on Ballinger Way to bus stops and stores. Ballinger Way is also easily accessible from Interstate 5. She noted there is a shortage of senior housing opportunities in Shoreline, and the modified amendment would help remedy that problem. She pointed out that the viability of financing projects of this type is dependent on the density allowed.

Commissioner Hall asked Ms. Cable how she became aware of proposed **Amendment 9**. Ms. Cable said she has attended City meetings, visited the City's website, and discussed her property with the City staff. She provided written comments in support of the proposed amendment, too.

Tyler Abbott, Seattle, said he works in Shoreline and was present to support **Amendment 9**. He said he represents the redevelopment of the James Alan Salon Property, and they have recently come before the Commission with a request to rezone. He referred the Commission to the feasibility study that was completed by an architect to identify what could be done with the site. The property is currently zoned CB, which allows structures of up to 60 feet tall. He provided a conceptual site plan, showing one floor of retail, with three floors of residential above. He stressed that the structure of the building would be the same whether **Amendment 9** is approved or not. If they are allowed to construct 25 residential units, they would be able to provide enough parking spaces underneath the building to meet the City's parking requirement.

Matthew Fairfax, Edmonds, said he is co-owner of the James Alan Salon. He thanked the Commission for their hard work. He agreed with the previous speakers and said he supports proposed **Amendment 9**, which would not only be beneficial for his property, but for the entire community. He

said he serves on the Shoreline South County YMCA Board, and he expressed his belief that the amendment would fit in with the direction he sees the City going in the area where the new YMCA building is being constructed.

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

Presentation of Final Staff Recommendation

Mr. Szafran said that, with the additional changes identified in the Staff Report, staff recommends approval of the three amendments. He noted that **Amendment 16**, Section 20.80.330(A) Required Buffer Areas, was also withdrawn pending further review by the City Attorney.

Final Questions by the Commission and Commission Deliberation

COMMISSIONER HARRIS MOVED THAT THE COMMISSION ACCEPT STAFF'S RECOMMENDATION TO APPROVE AMENDMENT 9. COMMISSIONER WAGNER SECONDED THE MOTION.

Commissioner Hall raised questions about the public process that is used for legislative amendments to the development code.

Mr. Tovar explained the process and stated that the public does not generally pay a lot of attention to legislative notices and do not typically get engaged in the process until a specific project has been proposed. He suggested it would be appropriate for the Commission to consider, at some point in the future, the type of public involvement that should occur for legislative actions and when it should take place.

Commissioner Hall stated that it is important to hear from members of the public regarding legislative proposals. He said he appreciates the staff's revision of the proposal so that it no longer applies to only one land owner with potential for redevelopment in the near future.

Mr. Tovar suggested that if the City is going to make an aggressive attempt to update the Comprehensive Plan on a sub-area or neighborhood plan basis, it will be important to enhance opportunities for public involvement. This could occur through direct communication with neighborhood associations, posting sign boards, etc.

THE MOTION CARRIED 7-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.

COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT AMENDMENT 13 AS REVISED BY STAFF. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Wagner recalled a previous discussion in support of shared driveways between closely situated homes. Staff's recommendation to put a fence between the two properties would be

counterintuitive to utilizing this area as shared space. Also, from a logistics perspective, she said she is not comfortable with requiring a 6-foot fence along a driveway. Mr. Szafran pointed out that adjacent property owners could still request a driveway easement that is shared by both. The amendment would only apply to driveways that are located solely on one piece of property.

Commissioner Pyle asked if a property owner subject to a code enforcement action would be required to take down the fence adjacent to a driveway. Mr. Szafran said the fence would be subject to code enforcement, but the City would not know about the situation unless neighbors were to file a complaint.

Commissioner Broili suggested that instead of a 6-foot fence, perhaps a landscape barrier should be required. Mr. Cohn said the intent was to require an opaque screening. If this could be achieved through landscaping, the purpose would be served. Commissioner Broili suggested the language be changed to reflect that rather than a fence, a visual barrier must be achieved.

Commissioner Harris expressed his belief that the original amendment occurred about five years ago as a reaction to a few projects, and the problem was not wide-spread. He pointed out that sometimes a driveway can provide more open space, as a setback, than the actual required setback for a 2-story house would.

Commissioner Pyle suggested that instead of a fence, perhaps the amendment could require a recorded agreement between the two property owners. Mr. Szafran pointed out that the City Council discussed their concern that adjacent neighbors should not have the ability to veto development plans.

COMMISSIONER HALL WITHDREW HIS MOTION. COMMISSIONER BROILI WITHDREW HIS SECOND, AS WELL.

COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT STAFF'S ORIGINAL RECOMMENDED TEXT FOR AMENDMENT 13. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Hall noted that staff addressed the concerns he raised at the last meeting about possible loopholes associated with **Amendment 14**. Therefore, the further amended language proposed by staff would not be necessary.

COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT AMENDMENT 14 AS ORIGINALLY PROPOSED BY STAFF. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Pyle expressed his opposition to **Amendment 14**. He pointed out that a property owner who wants to replace an existing single-family home would be required to provide frontage improvements. However, **Amendment 14** would exempt built out subdivisions from this same requirement. He expressed his belief that the two situations should be treated the same, since the need for frontage improvements appears to be created by development activity.

Commissioner Hall pointed out that regardless of the impact a subdivision might have, it creates value, and there are opportunities for the City to capture some of that value. If we believe that improving street frontages with curbs and gutters is an important goal for the community, then we should not exempt subdivisions from this requirement.

Commissioner Broili said he would be opposed to requiring all residential redevelopment to provide street frontage improvements. He noted that there are no sidewalks on his street, and he felt the property owners would be opposed to having them. Mr. Szafran pointed out that in these situations, the City could charge an in-lieu-of fee to pay for sidewalks somewhere else.

Closure of the Public Hearing

Chair Piro closed the public hearing.

COMMISSIONER HALL WITHDREW HIS MOTION TO APPROVE AMENDMENT 14. COMMISSIONER PHISUTHIKUL, THE SECONDER OF THE MOTION, AGREED.

COMMISSIONER PYLE MOVED THAT THE COMMISSION DENY APPROVAL OF AMENDMENT 14. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Wagner questioned if the Commission wanted to send **Amendment 14** back to the staff for additional consideration of the points raised by Commissioner Pyle. The Commission agreed that unless the problem resurfaces, there would be no need for staff to bring the amendment back to the Commission for additional consideration.

THE MOTION TO DENY THE AMENDMENT CARRIED 7-1, WITH COMMISSIONER HARRIS VOTING IN OPPOSITION.

Mr. Cohn advised that staff would prepare a report to identify the Commission's recommendation on each amendment. This report would be sent to the Chair and Vice Chair of the Commission for review before it is forwarded to the City Council.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Hall expressed his belief that the joint City Council/Planning Commission Meeting went well, and he encouraged those who were unable to attend to review the recording of the meeting. Chair Piro thanked Commissioner Hall for his leadership at the joint meeting.

Chair Piro reported on his attendance at the recent American Planning Association (APA) Conference. He advised that they were able to tour different areas in Philadelphia and learn about their challenges and plans for revitalizing the city. They have an impressive public transit system. He reported that the keynote speaker at the event was Robert Kennedy, Jr., and he spoke about environmental challenges that exist throughout the country. The theme for the conference centered on global warming and climate

change, and many of the sessions were devoted to these issues. He said he would share his notes with the staff and the Commissioners.

Chair Piro advised that he is chair elect for one of the APA divisions that had been working to develop a policy piece on how to advance different models of cooperative planning. The APA has indicated that this is important, but it should be put aside for a time while they work on the issues of environment and global warming.

Mr. Tovar agreed that the focus of the conference was sustainability. At one session, the presenter pointed out that of the 51 ways to save the planet, local governments should be paying attention to at least 14 of them. It is likely that many of these ideas will be considered as part of future discussions on City Council Goal 6 – creating a sustainable community. He advised that the City has ordered audio recordings of some of the APA sessions.

Mr. Tovar advised that he participated on two panels. One was titled, "Ballot Boxes Run Amuck," and it included a representative from Arizona where their property measure passed and a representative from California where it was narrowly defeated. He noted that the Washington State Legislative Session that is about to conclude included two bills that either passed or are near passing to address some of the fairness issues that drove much of the anxiety related to Initiative 933. At the next meeting, he offered to present a summary of the bills that were passed by the State Legislation that affect planning issues.

Mr. Tovar reported that Mark Hinshaw provided a presentation titled, "True Urbanism." The presentation was based on his new book. Staff plans to summarize his comments and those of other speakers in the Speaker Series and have a discussion with the Commission at some point in the future. Many of his points will have an impact on discussions the Commission will engage in throughout the year.

UNFINISHED BUSINESS

There were no unfinished business items to discuss during this portion of the meeting.

NEW BUSINESS

Study Session: Strategic Points for Town Center Projects

Mr. Tovar advised that Mr. Cohen has been invited to review the overall work program and present the draft Strategic Points for the Town Center Projects. He cautioned that the Strategic Points represent guidelines or principles the City Council might want to consider as they move into detailed decisions on these projects. He noted that the Strategic Points would be published on the City's website. In addition, an article would be published in *CURRENTS* inviting the public to a community workshop with the Planning Commission on May 10th.

Mr. Cohen referred to the draft Strategic Points, which are intended to pull the four Town Center public projects together. While the City Council looked at the document a few weeks ago, they asked staff to

present it to the Planning Commission for review and a recommendation for the City Council's approval on May 29th. Staff anticipates the Commission would be able to provide a recommendation to the City Council soon after the public workshop session on May 10th.

Mr. Cohen reviewed a map of the four Town Center Projects that the Strategic Points are intended to address. The goal is for the four projects to work together to become a more cohesive Town Center area. Mr. Tovar emphasized that the Strategic Points should not be considered regulation or comprehensive plan requirements. When drafting the Strategic Points, staff's goal was to provide enough direction to be useful but with enough generality to allow the City Council discretion when making project decisions.

Commissioner Wagner suggested it might be helpful to avoid the term "Town Center" since it has historically caused concern amongst some in the community. Mr. Tovar agreed that some of the City Council members expressed some concern about the term in that it could give the impression that Shoreline's Town Center would be similar to other Town Center Projects, such as the one in Redmond. One City Council member also expressed concern that "Town Center" tends to describe a retail development, which is not descriptive of the four projects that are being proposed by the City of Shoreline. Mr. Tovar said it is important to distinguish between the Central Shoreline Subarea Plan and the four Town Center Projects. Chair Piro pointed out that the term "Town Center" is becoming a working part of growth management planning in the region.

Mr. Cohen reviewed each of the Strategic Points as follows:

1. In the design and furnishing of the four Town Center Projects, seek ways to create a sense of place and civic identity in Central Shoreline.
2. Identify and incorporate "green infrastructure" principles and features.
3. Identify and incorporate appropriate historic features and interpretation opportunities.
4. Identify and incorporate distinctive architectural patterns found in the Central Shoreline Area, including building forms that create human scale and visual interest, roof shapes that evoke the City's residential character, and building materials used in nearby public buildings such as the Museum and Fire Station.
5. Explore ways to overcome the barrier that Midvale creates between the City Hall and the Interurban Trail.
6. Do not open Stone Avenue North through North 175th Street.
7. Provide visual and function linkage between bus rapid transit stops in Aurora and other Town Center Projects.
8. Work with Seattle City Light to develop a Heritage Park concept that balances City and community goals with Seattle City Light needs.
9. Consider design treatments to tie together, visually and functionally, the public spaces of the City Hall and Heritage Park projects.
10. Create a walkable Central Shoreline area, with an emphasis on safety, convenience and connectivity.

Mr. Tovar referred to **Point 8** and explained that in a recent discussion with Public Work staff, it was noted that a significant portion of the property identified for Heritage Park is owned by Seattle City

Light. This strategic point was recently added to make it clear that anything that takes place within the Seattle City Light easement must be approved by them.

Mr. Tovar referred to **Point 4** and explained that this strategic point was changed since the draft points were reviewed by the Commission and City Council. The idea is the same, but language was added to clarify the architectural patterns and building forms found in the Central Shoreline area. He noted that Shoreline is largely residential, and this would play a large part in determining design for public buildings.

Vice Chair Kuboi suggested that consideration be given to encouraging weekend and evening activities in the area.

Commissioner Pyle asked if the Strategic Points would pertain to the entire Aurora Avenue North Project and Interurban Trail. Mr. Tovar answered that the Strategic Points are intended to apply to the segment of Aurora Avenue North between 175th and 185th Streets, as well as the other three capital projects that are currently being planned by the City. Commissioner Pyle recommended the City establish clear boundaries for which the Strategic Points would be applied. Mr. Tovar advised that clear boundaries would be established for the Central Shoreline Subarea Plan, which includes both public and private lands. However, he cautioned against drawing a boundary around the Town Center Project area. He explained that while the Strategic Points focus on the City's four capital projects at this time, the City Council could decide to apply some or all of them to the Central Shoreline Subarea Plan properties, as well.

Commissioner Phisuthikul referred to **Point 1** and suggested it be changed to read, "In the design and furnishing of the four Town Center Projects, seek ways to create a sense of place, community gathering spaces, and civic identity in Central Shoreline." The Commission agreed that would be an appropriate change since it would address Vice Chair Kuboi's earlier comment about evening and weekend activities.

Chair Piro referred to Commissioner Pyle's earlier comment about the boundaries of the Town Center Project. He suggested they should consider connections to the west, as well (i.e. school, museum, etc.).

Commissioner Broili referred to Commissioner Wagner's concern about the term "Town Center." He suggested that development of the Town Center Projects, may cause businesses to crop up in the vicinity resulting a City Center from a commercial sense as well as a governmental sense. He urged the City to look further down the road to consider the long-range impacts of the four capital projects to the surrounding area. Mr. Tovar agreed. He said that when the Commission considers the Central Shoreline Subarea Plan, they would talk about the types of private uses that would complement the public uses.

Commissioner Hall referred to the additional language that was added to **Point 4**. While he understands the staff's intent, he would prefer a simple phrase that the "City should consider the visual context in all elements of the project." He cautioned that it is important to focus on policies and issues of public interest in order to capture the support of the citizens.

Vice Chair Kuboi referenced **Point 4**. While he agreed with the sentiment of the new language, he cautioned against using the museum and fire station as examples. Although both are functional facilities that serve their purpose well, neither one represent architecture that should be used as a basis for future development. Mr. Tovar noted that these two buildings were identified as examples of the type of building materials that should be used (i.e. brick). He agreed that perhaps this reference could be rolled into a new point that addresses Commissioner Piro's recommendation to consider connections to the west.

Vice Chair Kuboi also expressed his belief that the concrete used for the gateway signs does not fit the character of Shoreline. He urged the City to steer away from this type of design as part of the Town Center Project. Mr. Tovar said it would be appropriate for the City Council to give guidance to the design team if they don't want to see a lot of raw concrete on the building surface. Vice Chair Kuboi said he would not be opposed to an unfinished concrete finish. Mr. Tovar suggested that perhaps a new point should be created indicating the need to pay careful attention to materials.

Commissioner Harris agreed with Vice Chair Kuboi and expressed his belief that Shoreline has very little architecture that should be emulated or copied. The Town Center Project presents an opportunity to start over with some creative architecture. However, they should also address the need for low-maintenance design elements.

Commissioner Hall pointed out that because the City does not have a design review board, the Planning Director has the discretion, under City code, to refer applications to the Planning Commission if he determines they would benefit from design review. Because of the sensitive nature of the Town Center Projects, he suggested it might be appropriate to recommend the Commission have an opportunity to review the design plans. This could also relieve the City staff of some of the pressures of being both the applicant and the permit reviewer. Mr. Tovar agreed the Commission could make this suggestion as a process recommendation to the City Council.

Commissioner Broili recommended that the design team include those who would be involved in the building's maintenance, operations, landscaping, etc.

Mr. Cohen said staff would incorporate the Commission's comments into a new draft of the Strategic Points. The document would be presented for discussion at a public workshop before the Commission on May 10th. Any additional comments should be provided to staff by April 25th. He said it is staff's intent to present the Commission's recommendation to the City Council on May 29th.

ANNOUNCEMENTS

No announcements were made during this portion of the meeting.

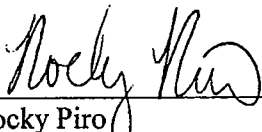
AGENDA FOR NEXT MEETING

Chair Piro briefly reviewed the agenda for the May meetings. The Commission asked staff to email them a reminder a few days before the special meeting on May 10th.


Commissioner Wagner asked how the City would advertise the special workshop session that is scheduled for May 10th. Mr. Tovar said the special workshop session would be advertised in the next edition of *CURRENTS*, which the Commissioners should have received in their mail envelopes.

ADJOURNMENT

The meeting was adjourned at 9:18 p.m.



Rocky Piro
Chair, Planning Commission



Jessica Simulcik Smith
Clerk, Planning Commission