

AGENDA PLANNING COMMISSION REGULAR MEETING



Thursday, September 1, 2011
7:00 p.m.

Shoreline City Hall
Council Chamber
17500 Midvale Ave. N

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. August 18 Regular Meeting	
6. GENERAL PUBLIC COMMENT	7:08 p.m.
<i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.</i>	
7. PUBLIC HEARING <i>Legislative Public Hearing</i>	7:10 p.m.
a. Southeast Shoreline Subarea Legislative Rezone	
1. Staff Overview and Presentation of Preliminary Staff Recommendation	
2. Questions by the Commission	
3. Public Testimony	
4. Final Questions by the Commission	
5. Deliberations	
6. Vote by Commission to Recommend Approval or Denial or Modification	
7. Closure of Public Hearing	
8. DIRECTOR'S REPORT	8:45 p.m.
9. UNFINISHED BUSINESS	8:50 p.m.
10. NEW BUSINESS	8:53 p.m.
11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	8:56 p.m.
12. AGENDA FOR September 15	8:59 p.m.
13. ADJOURNMENT	9:00 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

WHO WE ARE

The Shoreline Planning Commission is a 7-member volunteer advisory body to the City Council. The purpose of the Planning Commission is to provide guidance and direction for Shoreline's future growth through continued review and improvement to the City's Comprehensive Plan, Development Code, shoreline management, environmental protection and related land use documents. The Planning Commission members are appointed by the City Council and serve a four year term.

WHAT IS HAPPENING TONIGHT

Planning Commission meetings may have several items on the agenda. The items may be study sessions or public hearings.

Study Sessions

Study sessions provide an opportunity for the Commissioners to learn about particular items and to have informal discussion with staff prior to holding a public hearing. The Commission schedules time on its agenda to hear from the public; however, the Chair has discretion to limit or extend time limitations and the number of people permitted to speak. The public is encouraged to provide written comment to the Commission; however, since Commissioners are volunteers and may not have time to check email every day, if written comments are not included in the agenda packet and are offered during a study session, they may not have time to read them until after the meeting.

Public Hearing

The main purpose of a public hearing is for the Commission to obtain public testimony. There are two types of public hearings, legislative and quasi-judicial. Legislative hearings are on matters of policy that affect a wide range of citizens or perhaps the entire jurisdiction and quasi-judicial hearings are on matters affecting the legal rights of specific, private parties in a contested setting. The hearing procedures are listed on the agenda. Public testimony will happen after the staff presentation. Individuals will be required to sign up if they wish to testify and will be called upon to speak generally in the order in which they have signed. Each person will be allowed 2 minutes to speak. In addition, attendees may want to provide written testimony to the Commission. Speakers may hand the Clerk their written materials prior to speaking and they will be distributed. For those not speaking, written materials should be handed to the Clerk prior to the meeting. The Clerk will stamp written materials with an exhibit number so it can be referred to during the meeting. Spoken comments and written materials presented at public hearings become part of the record.

CONTACTING THE PLANNING COMMISSION

Written comments can be emailed to plancom@shorelinewa.gov or mailed to Shoreline Planning Commission, 17500 Midvale Avenue N, Shoreline WA 98133.

www.shorelinewa.gov/plancom

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

August 18, 2011
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Vice Chair Perkowski
Commissioner Behrens
Commissioner Esselman
Commissioner Kaje
Commissioner Moss

Staff Present

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

Commissioners Absent

Chair Wagner
Commissioner Broili

CALL TO ORDER

Vice Chair Perkowski called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Vice Chair Perkowski and Commissioners Behrens, Esselman, Kaje and Moss. Chair Wagner and Commissioner Broili were absent.

APPROVAL OF AGENDA

The agenda was approved as presented.

DIRECTOR'S COMMENTS

Mr. Tovar did not provide any comments during this portion of the meeting.

APPROVAL OF MINUTES

The minutes of July 21, 2011 were approved as presented.

GENERAL PUBLIC COMMENT

There was no one in the audience.

LEGISLATIVE PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENT:
Transferring responsibility from the Planning Commission to the Hearing Examiner for conducting public hearings on certain quasi-judicial matters, making recommendations on some actions to the City Council, and acting as the decision-making authority on others.

Vice Chair Perkowski announced that the legislative public hearing is on a proposed Development Code amendment that would modify portions of Table 20.30.060, regarding Planning Commission, Hearing Examiner and City Council roles in certain quasi-judicial permit and appeal matters. He reviewed the rules and procedures for the public hearing and then opened the hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Tovar referred to the Staff Report, which summarizes the proposed amendment and provides an analysis of the Growth Management Act, Comprehensive Plan, and City Council Goals that support the proposed amendment. He specifically referred to Table 20.30.060, which lists the nine Type C quasi-judicial permits and identifies the existing review and decision making authority for each one. He explained that, at this time, the Planning Commission is the hearing body for preliminary formal subdivisions, rezones of property and zoning map changes, special use permits, special use permits for secure community transition facilities, street vacations and master development plans. As proposed in the amendment, the Hearing Examiner would become the hearing body for all of these permits. He noted that critical areas special use and reasonable use permits are already heard by the Hearing Examiner and no change are proposed.

Mr. Tovar further reviewed that, at this time, the Hearing Examiner makes the final decision on critical areas special use and reasonable use permits, and the City Council is the decision maker for all other Type C quasi-judicial permits. As per the proposed amendment, the Hearing Examiner would make the final decision for special use permits, special use permits for secure community transition facilities, and master development plans. He noted that the Staff Report provides additional information to support the proposed amendment. In addition, he forwarded via Plancom a memorandum that cited portions of a letter written by an attorney for the Washington Cities Insurance Authority to the Town of Woodway in 2000. At that time, the Town of Woodway was considering replacing their hearing examiner system. The letter cautioned against the change and provided rationale for why the hearing examiner system should be maintained. It was the Washington Cities Insurance Authority's point of view that the Town of Woodway should not only have the hearing examiner conduct public hearings on quasi-judicial items, but also make the final decision whenever possible.

Mr. Tovar reminded the Commission of City Council Goal 1, which calls for creating a City permit review process that is more timely, clear and predictable. He also referred to City Council Goal 3 that talks about encouraging economic development in the City, which includes encouraging development. He noted that one of the most effective ways to encourage development is to make the development permit process more timely, fair, clear and predictable.

Mr. Tovar reviewed that, at this time, most of the items that come before the Commission are related to Comprehensive Plan and Development Code amendments. He reminded the Commission that they reviewed the master development plan for CRISTA, and an application will soon be completed for a master development plan for Shoreline Community College. He said staff is particularly seeking a recommendation from the Commission as to whether master development plans should be heard by the Hearing Examiner or the Planning Commission. They should also make a recommendation as to whether the City Council or Hearing Examiner should make the final decision on the permit. He noted that master development plan permits are different than other types of quasi-judicial permits because they deal with large campuses and numerous options for building, parking and access locations.

Mr. Tovar pointed out that, as per State law, every jurisdiction must have a permit process to allow secure community transition facilities, which is housing for offenders. He noted these permits are typically controversial and very difficult to process and may not be something the Commission and City Council should spend their timing dealing with. He reminded the Commission that while the City can condition these uses, they cannot outright deny them.

Mr. Cohn briefly explained that a hearing examiner public hearing is run by a single individual who typically has a legal and/or planning background. The hearing examiner must operate under the same rules as the Commission and City Council. They are very careful about quasi-judicial hearings, and City staff is not allowed to talk to the hearing examiner about the substance of a case. A hearing examiner hearing is usually informal and would be run the same as Planning Commission hearings. He noted that the main difference is that the hearing examiner rarely makes a decision immediately following a hearing. State law allows them 10 working days to issue a final decision, which is then sent out to parties of record. If the hearing examiner is responsible for conducting the hearing and making the final decision, he/she could hear SEPA appeals at the same time. This would allow SEPA decisions to be decided at a lower level rather than by the Superior Court. Mr. Tovar added that, typically, there is a strict time limit for those giving testimony to the Planning Commission on a quasi-judicial item. However, a hearing examiner does not typically limit the length of each person's testimony. This approach allows people to offer more testimony than would normally be allowed at a Planning Commission hearing.

Questions by the Commission to Staff

Commissioner Kaje asked staff to remind the Commission of what the City Council decided about institutional uses at Aldercrest. Mr. Tovar answered that the City Council decided that institutional uses would require a special use permit. Commissioner Kaje asked staff to describe the process for a special use permit. Mr. Tovar responded that a hearing notice would be mailed, posted on site, and published in the newspaper. The Hearing Examiner would conduct a hearing and the public would be invited to provide either written or oral testimony. The examiner would typically issue a decision within 10 days following the conclusion of the public hearing. The target time limit of 120 days (in the Code) is a requirement of State law and contemplates the involvement of commissions and councils in the decision-making process. The City is not required to use the entire 120-day limit, and the City Council has expressed a desire to make decision more quickly. Commissioner Moss asked if the hearing

examiner would have the ability to continue a hearing to obtain additional information. Mr. Tovar answered affirmatively.

Commissioner Behrens noted that when quasi-judicial items come before the Commission for review, they can recommend either approval or denial. He asked if the hearing examiner would have additional authority to condition his/her approval based on public testimony. Mr. Tovar answered that the criteria for the permit would be the same no matter who conducts the hearing. The authority to impose conditions would be the same, as well. Depending on the nature of the permit, the hearing examiner would have the discretion to impose conditions based upon the facts in the record and City policies. This is similar to the discretion allowed the Planning Commission and City Council at this time. He pointed out that because the Planning Commission is currently the hearing body, the City Council does not have the ability to request additional information after the public record has been closed. Their only option is to deny the permit or remand it back to the Commission for an additional hearing. The hearing examiner can allow written comment after the hearing, as long as all parties of record are allowed an opportunity to respond in writing. However, hearing examiners typically like to have all comments submitted before the public hearing is closed.

Vice Chair Perkowski asked if the hearing examiner would have the ability to add conditions that were not discussed at the hearing but were brought to her attention as she analyzed the proposal. Mr. Tovar said the hearing examiner's ability to condition a proposal would be limited to the facts and information provided in the record. The hearing examiner could either agree or disagree with the information that was presented as part of the record, but could not look for other issues to resolve and impose conditions on. Prior to a public hearing, the examiner reviews the staff report, zoning criteria, comprehensive plan policies and any other information submitted prior to the hearing. The examiner can also ask questions of the applicant and those who provide testimony. This enables the hearing examiner to obtain all the facts needed before the record is closed. Once the record is closed, it is very difficult to add new facts. Hearing examiners are very well trained to follow the law and stick to the facts and criteria in the code when making a decision.

Commissioner Behrens said that at a previous meeting, staff indicated the City would use the City of Seattle's panel of hearing examiners. However, it now appears there are only two potential hearing examiners the City would use. Mr. Tovar said the City currently has a contract with two examiners from the City of Seattle. Some cities contract with law firms and others have their own hearing examiners. Typically, cities the size of Shoreline contract for a hearing examiner. Commissioner Behrens expressed concern that if there are only two hearing examiners to choose from, the public may get the perception that the hearing examiner is a "stacked deck." He said he would like to see a more random process for selecting a hearing examiner. Mr. Tovar said the City does not ask for one examiner over another. They notify the City of who will take the case. He explained that the contract runs for a two-year period. If the City is unhappy with the examiner at the end of the contract, changes can be made using a competitive bid process. He said that in jurisdictions where a lot of issues come before the hearing examiner, the hearing examiner prepares an annual report to review the issues that have been dealt with and make recommendations on how the code and criteria could be strengthened and/or changed.

Mr. Cohn pointed out that it is important for the hearing examiner to know the City's code well. Requiring numerous hearing examiners to learn the City's code might be a lot to ask given that only a small number of items are sent to the hearing examiner each year.

Commissioner Moss recalled that in their subarea plan discussions they have talked about potentially rezoning some areas. She asked how the proposed amendments would impact this process. Mr. Tovar pointed out that rezones associated with subarea planning would be considered legislative actions and would not fall under the purview of the hearing examiner. He referred to the legislative hearing that is scheduled for September 1st regarding proposed Development Code amendments to implement the Southeast Neighborhoods Subarea Plan. The City initiated this legislative process to create consistency with the Comprehensive Plan. The proposed amendment to Table 20.30.060 would only apply to site-specific rezone proposals and zoning map changes. Because an ordinance is required to amend the zoning map, the City Council must make the final decision on site-specific rezones and zoning map changes.

Commissioner Esselman noted that, as proposed, applications for preliminary formal subdivisions, rezones, final formal plats and street vacations would all go to the City Council for a final decision. She asked staff to clarify why they are not recommending the City Council also be the decision-making body for master development plan applications. Mr. Tovar said the City Council has indicated that they like the simple process contained in the Town Center Development Code language because it makes it very appealing for developers to apply for permits. They were interested in having the Economic Development Manager solicit people to look at the City's new code and consider Town Center as a good place to make an investment decision. Master development plans are different in that the City does not have to solicit developers to apply for permits. Mr. Tovar emphasized that staff does not have a strong feeling either way on the process used for master development plans.

Commissioner Kaje asked if the hearing examiner could conduct study sessions when considering proposals such as master development plans. Mr. Tovar answered no. He recalled that pre-application and neighborhood meetings are required before a master development plan application is considered complete. The purpose of these two meetings is to identify issues that should be considered as part of the proposal. Staff would attend the pre-application and neighborhood meetings to answer questions, but the hearing examiner would not hold a separate study meeting.

Commissioner Moss asked if it is possible for the Planning Commission to conduct the public hearing for master development plans, but then allow the hearing examiner to make the final decision rather than the City Council. Mr. Tovar said he has never heard of this type of process being used. Typically, the Planning Commission makes a recommendation and the City Council takes action, the hearing examiner makes a recommendation and the City Council takes action, or the hearing examiner holds the hearing and takes action.

Commissioner Moss recalled that the Commission has heard from a number of citizens that they would like to have a broader, more open process for master development plans. Although they anticipate few applications of this type now, more master development plan amendments may be submitted in the future. She said concern has also been raised that the City Council may not be as well versed in the law

as a hearing examiner when being called upon to make unpopular decisions. Mr. Tovar agreed to seek legal counsel from the City Attorney regarding the option of having the Commission conduct a public hearing and the Hearing Examiner take action. Commissioner Behrens clarified that there is no legal requirement that the hearing examiner must make the decision on master development plans. Mr. Tovar concurred.

Commissioner Kaje said the Commission previously explored this question when discussing the SEPA appeal issue. Following the path through the Washington Administrative Code and the City's Development Code, they concluded that it is not possible to go from the Commission to the hearing examiner. There is some language in State law about how a recommendation from an appointed Commission must go before elected officials for a final decision. Commissioner Kaje asked if it would be possible for the Commission to play an advisory role to review master development plan applications and help build the record before the application is sent before the hearing examiner for a public hearing and final action. Mr. Tovar agreed to review the Commission's By-laws to determine if they could be granted the authority to play an advisory role if they are not the hearing body. For example, the Commission could recommend that they be invited to participate in the pre-application or neighborhood meeting.

Vice Chair Perkowski said another option would be for master development plans to go to the hearing examiner for a public hearing, but the City Council would retain the ability to make the final decision. He expressed concern that if this option were used, many of the advantages of going to the hearing examiner discussed by the Washington Cities Insurance Authority would be lost. Therefore, there would be little benefit associated with reducing the Commission's role by shifting hearing responsibility to the hearing examiner. Mr. Tovar reported that he has talked to staff from other cities that uses the hearing examiner system to make quasi-judicial decisions. He reviewed that in the judgments rendered by courts over the last few years finding damages against cities for the way quasi-judicial matters have been handled, the planning commissions have not been the source of the problems.

Commissioner Behrens asked if it is possible for the Commission to help create the record that goes to the hearing examiner. Mr. Tovar noted that the Commissioners have a right, as citizens of the City, to submit oral and written comments to the hearing examiner. Commissioner Behrens asked if the Commission could conduct a formal review of a master development plan proposal prior to the application being presented to the hearing examiner. Mr. Tovar agreed this would be possible, but he cautioned that it would create an additional step in the process. If the Commission is not the hearing body for master development plans, the staff could brief the Commission on the application during a study meeting. Individual Commissioners could then submit written and/or oral testimony to the hearing examiner.

Commissioner Behrens said allowing the Planning Commission to conduct a formal review would allow the public to voice their thoughts about all the various elements contained in a proposed master development plan before it is presented to the hearing examiner. Mr. Tovar expressed his belief that a hearing before the Commission would be a redundant step in the process since a public hearing would be held before the examiner. He suggested this may confuse the public about their best opportunity to

provide comments regarding a particular proposal. Having a single hearing before the hearing examiner would allow the public an opportunity respond to each other, as well.

Mr. Tovar said that over the last several years the City Council has expressed a desire to reduce the time required for them to review land use issues so they can deal more specifically with code criteria and standards. Because there is clearly written criteria to enable the hearing examiner to make appropriate decisions, they would likely support the proposed amendment. However, they may want to retain their ability to make the final decision on master development plans. The City Council is also interested in freeing up Commission time so they can concentrate on the Comprehensive Plan update, Development Code regulations, subarea plans, etc.

Commissioner Kaje asked why staff is proposing that the hearing examiner have review authority and the City Council have decision-making authority for preliminary formal subdivisions, rezones of property and zoning map changes, and street vacations. Mr. Tovar said State Law requires subdivisions to be approved by the City Council and street vacations and rezones can only be adopted through a City Council ordinance. In addition, the City has proprietary interest in street vacations.

Mr. Tovar explained that the proposed amendment would allow the City to say to the development community that while the City of Shoreline has very rigorous plans and codes and specific criteria, they also have a simple and quick permitting process for projects that are designed to meet the criteria and standards.

Commissioner Moss asked staff to provide additional information about preliminary formal subdivisions. Mr. Tovar said a subdivision is the exercise of dividing land into lots to convey independently. The size of the lots is determined by the zoning. A formal subdivision starts at five lots, and there has only been one application in the past six years for a five-lot plat. The remaining subdivisions have been for four lots or less (short plat). Short plats are handled administratively with no City Council action required. He said he does not anticipate a large number of formal subdivision applications in the future.

Mr. Cohn reviewed the exhibits as follows:

- Exhibit 1 – Staff Report dated August 11, 2011
- Exhibit 2 – Proposed mended Table 20.30.060
- Exhibit 3 – Notice of August 18, 2011 Public Hearing
- Exhibit 4 – February 3, 2011 Planning Commission Minutes of study session
- Exhibit 5 – Email from Joe Tovar to Plancom regarding “WCIA opinion regarding hearing examiner system, sent August 16, 2011. This exhibit includes a letter from Eric B. Larson, Assistant Executive Director of Washington Cities Insurance Authority (Attachment 1)

Public Testimony

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

Final Questions by the Commission

None of the Commissioners had additional questions.

Deliberations

COMMISSIONER BEHRENS MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF TABLE 20.30.060 AS PROPOSED IN ATTACHMENT A. COMMISSIONER KAJE SECONDED THE MOTION.

Commissioner Behrens said he supports the changes as proposed, but he recognized the Commission may want to reconsider the proposed changes related to Master Development Plans (Item 9).

Commissioner Esselman noted that the proposed amendment would result in a more timely permitting process and more professional decisions. In addition, the amendment addresses the City's goal to attract development in Shoreline.

COMMISSIONER BEHRENS MOVED TO AMEND THE MAIN MOTION TO ALTER ITEM 9 SO THAT MASTER DEVELOPMENT PLANS ARE HEARD BY THE HEARING EXAMINER, BUT THE CITY COUNCIL WOULD RETAIN THE DECISION-MAKING AUTHORITY. COMMISSIONER ESSELMAN SECONDED THE MOTION.

Commissioner Behrens pointed out that master development plan permits are rare occurrences. Because they can have a major impact on the City, he feels it is appropriate for the City Council to review the hearing examiner's recommendation and make the final decision. This would allow the public to voice their concerns about the hearing examiner's findings before a final decision is made. Mr. Cohn noted that because master development permits are quasi-judicial actions, the record would be closed after the hearing examiner's hearing, and the City Council would be unable to accept additional testimony.

Mr. Tovar said the City Council may want to retain the decision making authority for master development plans in case they do not support the hearing examiner's recommendation. However, more than one City Council Member has indicated they were frustrated because they could not talk to the public before making a final decision about the CRISTA application because master development plans are quasi-judicial. If the hearing examiner makes the final decision, the City Council would be allowed to discuss the proposal with their constituents, but they would not have the ability to influence the final decision. The City Council would retain their ability to make decisions about policy and code requirements, with the goal of narrowing down the range of the hearing examiner's discretion as much as possible. However, some level of judgment must take place when making quasi-judicial decisions. The hearing examiner would be paid to play a judge-like role to examine the facts and make a final decision.

Commissioner Moss said she did not participate in the Planning Commission's review of the CRISTA Master Development Plan, but she did attend the meetings. Because of the extensive discussion that took place, she recalled some check-in points were established that require the property owner to do certain things at specific points as development progresses. She suggested this was a response by the

Planning Commissioners because they live in the City and have an investment in the City's future. She suggested that perhaps hearing examiners would operate under a different mindset if they don't live in Shoreline. She suggested this may differentiate the way the hearing examiner and Planning Commission approach a proposed action. The Planning Commission would attempt to balance the best interests of the citizens of the City. She summarized that she sees some value in the Planning Commission retaining the role of being the review authority since it would expand the thinking by having five to seven people looking for ways to put checks and balances in place.

Commissioner Kaje pointed out that if a developer were to propose something other than a campus type use for the Fircrest site, both the Comprehensive Plan and zoning map would have to be amended. Ms. Tovar explained that the current master campus zone only allows the existing uses. Changing the uses would require amendments to the Comprehensive Plan and Development Code, both of which would come before the Commission for review. The City Council would be the decision-making authority in both cases. Commissioner Kaje said he is leaning towards supporting the proposed amendment related to master development plans as currently proposed. He reminded the Commission that, as per the motion on the floor, the City Council would still not have the ability to participate in the public hearing and deliberation process. He said he does not have a strong enough read on the City Council's position to suggest something other than what staff has recommended. Commissioner Behrens said he would no longer support his motion to amend the main motion based on the Commission and staff's discussion. Commissioner Esselman noted that the City Council would consider the Commission's deliberation and make a decision about what they want their role to be in the master development plan review process.

THE MOTION TO AMEND THE MAIN MOTION FAILED 0-5.

Commissioner Kaje pointed out that because the proposed amendment would eliminate the Planning Commission's role in all nine of the Type C permits listed in Table 20.30.060, Footnote 3 (referencing the Planning Commission) should also be deleted. The remaining footnotes should then be renumbered.

COMMISSIONER KAJE MOVED TO AMEND THE MAIN MOTION BY AMENDING TABLE 20.30.060 TO ELIMINATE FOOTNOTE 3 (REFERENCING THE PLANNING COMMISSION) AND RENUMBER THE REMAINING FOOTNOTES. COMMISSIONER BEHRENS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Vice Chair Perkowski asked if the "time limit for decisions" would need to be altered, as well. Mr. Tovar responded that the time limits reflect the current State law and do not need to be changed. He explained that the proposed amendments would actually shorten the time required for review.

Vote by the Commission to Recommend Approval or Denial or Modification

THE MAIN MOTION TO RECOMMEND APPROVAL OF TABLE 20.30.060 AS PROPOSED IN ATTACHMENT A, WITH THE FOOTNOTE AMENDMENT, WAS UNANIMOUSLY APPROVED.

Closure of Public Hearing

The public hearing was closed.

DIRECTOR'S REPORT

Ms. Simulcik Smith advised that Commissioners Moss, Wagner and Esselman have confirmed their desire to participate in the American Planning Association Conference in October. Mr. Tovar announced that six staff members are planning to attend, as well.

Mr. Tovar reported that staff has been meeting with representatives from Blue Square Real Estate, the developer of the Point Wells site, to identify potential traffic impacts and mitigation measures. He noted that any agreement the developer commits to would also have to be approved by the City Council. The City Council has given direction for staff to attempt to arrange an agreement that controls the amount of impacts, ensure that impacts are mitigated, and implements the City's Comprehensive Plan Policies for Point Wells. While a number of citizens have expressed interest in the issue, staff has been unable to respond because the negotiations are confidential. Staff will present a proposal to the City Council when they feel they have reached an acceptable agreement, and then the public would be invited to respond. He said he anticipates a draft proposal will be available in the near future. Again, he emphasized that while the negotiations are confidential, the public will have an opportunity to provide comment before the City Council enters into an agreement with the developer. He added that if the City is unable to reach an agreement with the developer, their only recourse will be further litigation.

Mr. Tovar reminded the Commission that a joint Planning Commission/City Council Meeting is scheduled for October 12th.

Mr. Tovar announced that the Shoreline School District has put their Aldercrest property on the market. They are using a website to solicit Requests for Proposals from developers. Staff has been contacted by developers asking what is and is not allowed on the site and what the neighborhood concerns are. He invited them to read through the current regulations, which were written specifically to deal with certain peculiarities of the site and the vicinity. He informed one developer that no hearing would be required if the development proposal is consistent with the code. Another developer asked if a park could actually be developed as part of the project rather than just dedicating the six to seven acres required by the code. He informed the developer that the City would be interested in this concept. He explained that while the site has been included in the PROS Master Plan to aid the City in its efforts to secure grant funding, they do not currently have funds to do a detailed park design. He summarized that the development community has expressed a lot of interest in the Aldercrest property.

Commissioner Kaje said he and his neighbors were pleased to see that the School District framed the Request for Proposals to be very clear and upfront about the special conditions and that they intend to evaluate proposals partly on what they think is the best fit for the neighborhood.

UNFINISHED BUSINESS

No unfinished business was scheduled on the agenda.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Kaje announced that the Ballinger Neighborhood, together with North City and some grant funding from the City, is hosting the Third Annual Outdoor Movie Night on August 27th at the Aldercrest site. It will be a fun event and two local bands will play before the movie. He referred the Commission to the Ballinger Neighborhood Association's website for more information.

AGENDA FOR NEXT MEETING

Mr. Cohn announced that a public hearing on the Southeast Neighborhoods legislative rezone proposal is scheduled for September 1st. Staff included the Staff Report for this item in the Commission's August 18th packet, and the Commission received the attachments earlier, as well. He announced that parliamentary procedure training is scheduled for September 15th.

Mr. Cohn explained that the City Council has spent some time reviewing the Transportation Master Plan (TMP), and they have now decided they want the Planning Commission to make a recommendation regarding policies and code changes. In order to complete this additional work, staff is suggesting the Commission hold a special meeting on September 22nd or September 29th. He explained that staff anticipates two study sessions will be required before the public hearing. An additional study session would be scheduled for the Commission's regular meeting on October 6th. At that time, the Commission could also wrap up their deliberations on the Southeast Neighborhoods legislative rezone.

Mr. Cohn reminded the Commission of the joint Planning Commission/City Council Meeting on October 10th, at which they will discuss the Commission's future work program. The focus will likely be on the Comprehensive Plan update. At that point, the Commission will have had two study sessions on the TMP Comprehensive Plan and Development Code amendments, and they may want to discuss certain elements of the plan with the City Council. Mr. Tovar added that also on October 10th, the City Council will be presented with a proclamation of National Community Planning Month in Shoreline. There will also be a presentation on the International Green Building Code. He suggested Commissioners may be interested in both of these items, as well.

Mr. Cohn noted that the Commission's regularly scheduled meeting of October 20th conflicts with the American Planning Association Conference. Staff is suggesting this meeting be rescheduled to October 27th for a public hearing on the Comprehensive Plan policies and Development Code amendments related to the TMP. The Commission may need to extend their deliberations regarding the TMP to the November 3rd regular meeting. The Commission would also conduct a study session on November 3rd

on a code amendment related to medical marijuana/collective gardens, with a public hearing tentatively scheduled for November 17th. The Commission could have a discussion about the Shoreline Master Program on December 1st and the tree code amendments on December 15th.

Ms. Simulcik Smith agreed to contact Commissioners via email to discuss their availability for the special meeting dates.

ADJOURNMENT

The meeting was adjourned at 8:35 P.M.

Ben Perkowski
Vice Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

TIME STAMP
June 2, 2011

CALL TO ORDER

ROLL CALL: 00:17

APPROVAL OF AGENDA: 00:33

DIRECTOR'S COMMENTS: 00:43

APPROVAL OF MINUTES: 00:48

GENERAL PUBLIC COMMENT: 02:02

LEGISLATIVE PUBLIC HEARING ON TOWN CENTER SUBAREA PLAN AND DEVELOPMENT CODE: 02:17

Staff Overview and Presentation of Preliminary Staff Recommendation: 03:39

Questions by the Commission to Staff and Applicant: 16:50

Public Testimony: 56:20

Final Questions by Commission: 56:25

Deliberations: 56:27

Vote by the Commission to Recommend Approval or Denial or Modification: 1:15:43

Closure of Public Hearing: 1:15:51

DIRECTOR'S REPORT: 1:17:05

UNFINISHED BUSINESS: 1:23:20

NEW BUSINESS: 1:23:25

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 1:23:35

REVIEW OF NEXT MEETING AGENDA: 1:24:57

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PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing on SE Neighborhoods Subarea Legislative Rezone
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Joseph W. Tovar, FAICP, Director P&CD Steven Cohn, Senior Planner Miranda Redinger, Associate Planner <i>MR</i>

BACKGROUND

On May 24, 2010, the City Council adopted the SE Neighborhoods Subarea Plan. Staff has discussed implementation options with the Commission in 5 meetings since then, and at its March 17th, 2011 meeting, the Commission provided direction on implementation of the plan. The direction consisted of two parts:

1. Legislatively rezone portions of the Subarea to conform to the vision of the adopted Subarea Plan.
2. Work with the Commission to develop new regulations that would implement other portions of the Plan. These regulations might have citywide application, might provide for a limited number of pilot projects throughout the city, or may apply only within the boundaries of the Subarea.

Tonight, the Commission will hold a public hearing on item one—the legislative rezone that implements the intent of the Subarea Plan.

Following the public hearing, the Commission will craft a recommendation to be forwarded to the Council. The Commission may or may not complete its recommendation the night of the hearing.

PROPOSAL

This proposal is file number 201868. A threshold SEPA Determination of Non-Significance was issued on June 21, 2011 (Attachment 4). The public comment period ended on July 5. Staff did not receive any comments on the threshold determination, nor have they received additional public comment on the rezone proposal since the last scheduled hearing. Comments received before the hearing will be forwarded to Plancom and provided in the desk packet on September 1.

The proposal implements two objectives of the Subarea Plan:

1. It makes the zoning map for all properties consistent with the Subarea and Comprehensive Plans, and

2. It implements the vision of the Plan to provide better transition between single family areas and areas which are designated for more intense development, and increases the housing potential in parts of the Subarea to accommodate growth in a manner that would increase the demand for shop owners to locate nearby and provide goods and services to the neighborhood.

In order to provide a feel for the magnitude of change that would be allowed if the proposal is adopted, staff has developed the following matrix focusing on the areas where the greatest change is proposed within the Shoreline Analysis Zones located in the Southeast Neighborhoods Subarea (SAZ numbers 104, 105, 106, and 108). The SAZ were used in the Transportation Master Plan (TMP) modeling and break the city up into areas that are assumed to have common traffic patterns. It is important to remember that for each SAZ, there are four numbers listed: the number of housing units currently on the ground, the number of housing units that could be built under *existing* zoning, the number of units that could be built under *proposed* zoning, and the likely number of units that may actually be built over the next 20 years under either zoning scenario. A map that illustrates the boundaries of each SAZ is included as Attachment 6.

The SAZ in the TMP also included information on current and potential jobs numbers. The biggest change affecting the SE Subarea will be the proposed 200 new jobs as part of the Public Health Lab expansion. In areas where NB zoning is replaced by CB zoning, there is a potential for additional jobs because CB would allow a taller building than would NB. However, it is unlikely that developers would want to build multi-story office buildings along 15th or Bothell Way so the likelihood of additional job potential is minimal.

SAZ Number	104	105	106	108
Existing Housing Units	32	278	87	334
20 yr Potential for New Housing Units (current zoning)	101	175	16	182
20 yr Potential for New Housing Units (proposed zoning)	214	355	47	406
Likely # of 20-yr total housing units using a share analysis (3%-10% of citywide total target of 5000)	31-105	52-175	7-24	60-199

Conclusions from this analysis:

- If the area receives its “fair share” of development based on its percentage of citywide land area (3%), it will have 150 new units, or approximately 7.5 new units a year for 20 years. That might translate to 1 new apartment building and 13 new 4-unit townhouses over that timeframe.
- If the area receives as much as 10% of the total housing target for the city (approximately 500 new units over 20 years), that would translate to 3 or 4 apartment or condo buildings and 25 new 4-unit townhouses over the 20 year period.

- The current zoning would permit 474 units, which far exceeds the “fair share” amount of development and would almost allow the “10%” development number of 500 units.

Additional items to consider:

- If redevelopment is somewhat proportional to development capacity, slightly more than half will occur along the 15th NE corridor and slightly less than half will occur along and near Bothell Way. Traffic impacts of development will be mitigated by the fact that traffic will flow in several directions depending on the destination. Some traffic movements may be restricted by the road configuration at a specific curbcut or driveway, but for the most part there are options available.
- There are less than 20 parcels where the adopted Subarea Plan requires a zoning change to be consistent with the adopted Comprehensive Plan map. The other changes are proposed in response to Citizen Advisory Committee (CAC) and Commission direction to provide clear and logical (step-down) zoning transition.
- Currently most of the commercial areas are zoned Neighborhood Business (NB), which would permit mixed use development that could go to a height of 50 feet with a maximum of 24 dwellings per acre. There has been virtually no development on these sites, and it is staff’s conclusion that part of the reason is because there is no demand for mixed use stacked development (i.e., apartments) built at 24 units an acre. After discussion with the Commission, there was agreement that it would be worthwhile to provide a greater density incentive, and therefore most of the NB areas are proposed to be rezoned to Commercial Business (CB).
- The CAC recommended creation of a Neighborhood Mixed Use Zone (NMUZ), similar to the Mixed Use Zone used on Aurora, but more suited to a neighborhood commercial environment. The Planning Commission suggested that instead of creating a new zoning category, and essentially rendering the existing CB zone obsolete, that they examine CB standards when they discuss other potential Development Code amendments to implement the Subarea Plan. It is possible that CB standards will be amended in the future to more closely resemble recommendations for a hypothetical NMUZ. A change to CB standards is not included as part of this proposal.
- The proposed residential rezones are mainly intended to improve the transition from nearby single family zones or to make the existing checkerboard zoning pattern more consistent.

PUBLIC INVOLVEMENT

In addition to the year and a half that the Citizen Advisory Committee met to craft the vision for the subarea, there have been other opportunities for public involvement. In September 2010, staff held a community meeting to explain how the implementation process would work, which was attended by over 50 people. In March 2011, staff convened a meeting of former CAC members and the owner of a majority of parcels along Bothell Way to discuss potential redevelopment of the site, which was attended

by around a dozen people. Staff held another community meeting on June 14, 2011 to explain the proposal being presented at the public hearing and the Planning Commission's recommendation about how to implement other policies from the Subarea Plan, which was attended by almost 20 people.

Although few neighborhood residents attended the Planning Commission Study Sessions, those occurred in July, August, October, and November of 2010 and March of 2011. Staff has also kept the project web page up to date, sent numerous emails to the distribution list, authored articles for the Briarcrest newsletter and been in contact with neighborhood leaders to explain what Planning Commissioners had discussed at the study sessions.

TIMING AND SCHEDULE

SEPA determination issued	June 21, 2011
First Public Hearing Notice*	June 21, 2011
Second Public Hearing Notice	August 10, 2011
Public Hearing	Sept. 1, 2011
*First public hearing cancelled due to lack of a quorum	

Initial Responses to Rezone Criteria

The city may approve or approve with modifications an application for a rezone of property if:

- 1. The rezone is consistent with the Comprehensive Plan; and*

The proposed zoning changes were tailored to be consistent with the Subarea Plan and accompanying map adopted as part of the Comprehensive Plan in May 2010.

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

Redevelopment under proposed zoning would trigger stormwater, street frontage (sidewalk), and other improvements, which would benefit public health, safety and welfare.

- 3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and*

There are a number of parcels that need to be rezoned in order to be consistent with the Comprehensive Plan designations that were adopted as part of the Subarea Plan. Additional rezones are proposed in order to be consistent with the policy recommendations in the Subarea Plan.

- 4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and*

The rezone is intended to encourage redevelopment that is beneficial to the neighborhood. Standards contained in the Development Code will protect the existing neighborhood character and quality of life for residents as redevelopment occurs.

5. The rezone has merit and value for the community.

The rezone is based on recommendations from the Citizen Advisory Committee, and the intent was to increase development options for neighborhood businesses to provide jobs and services, as well as provide clear zoning transition between different uses.

RECOMMENDATION

Staff concludes that the rezone proposal meets the criteria in SMC 20.30.320 (Rezone of property and zoning map change) and forwards the initial findings to Planning Commission for its consideration at the public hearing.

NEXT STEPS

The Commission will hold a public hearing on September 1 and forward a recommendation to the City Council for action.

If you have questions about the rezone proposal, contact Miranda Redinger at mredinger@shorelinewa.gov, or 206-801-2513.

ATTACHMENTS

1. List of Exhibits
2. SE Neighborhoods Subarea Plan
3. Proposed Zoning Map
4. SEPA DNS
5. Maps showing Comprehensive Plan designations, current zoning and proposed zoning for areas near 1^{5th} Ave NE and near Bothell Way
6. Map of Shoreline Analysis Zones
7. March 17, 2011 Planning Commission Study Session Minutes
8. Public comment letter from Diana Herbst
9. Public comment letter from John Davis
10. Public Hearing Notice

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PUBLIC HEARING RECORD

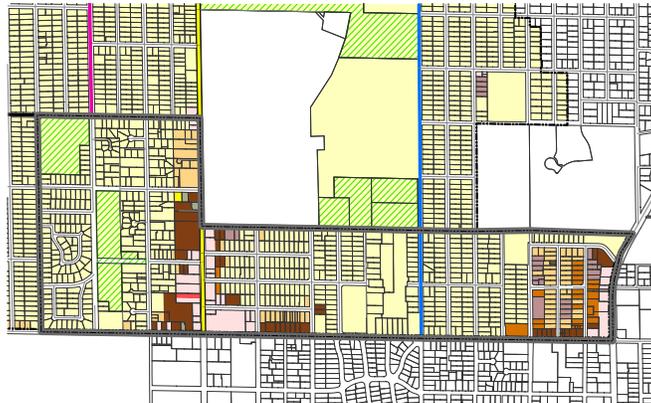
Southeast Neighborhoods Subarea Implementation - LEGISLATIVE REZONE - *September 1, 2011 | List of Exhibits*

- Exhibit 1** September 1, 2011 Staff Report “Public Hearing on SE Neighborhoods Subarea Legislative Rezone”
- Exhibit 2** Southeast Neighborhoods Subarea Plan, Adopted May 24, 2011
- Exhibit 3** Proposed Zoning Map
- Exhibit 4** SEPA DNS
- Exhibit 5** Maps showing Comprehensive Plan designations, current zoning and proposed zoning for areas near 15th Ave NE and near Bothell Way
- Exhibit 6** Map of Shoreline Analysis Zones (SAZ)
- Exhibit 7** March 17, 2011 Planning Commission Study Session Minutes
- Exhibit 8** Comment letter from Diana Herbst, received 7/4/11
- Exhibit 9** Comment letter from John Davis, received 8/19/11
- Exhibit 10** Notice of 9/1/11 Public Hearing

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Southeast Neighborhoods Subarea Plan May 24, 2010



The Southeast Neighborhoods Subarea is bounded on the south by 145th Street, on the west by 8th Avenue, on the north by 155th and 150th Streets, and on the east by Lake City Way. It contains portions of both the Ridgecrest and Briarcrest neighborhoods, and is comprised predominately of single-family households, most of which were constructed after WWII.

When it was annexed, most of the subarea was not assigned Comprehensive Plan designations, but given the place-holder “Special Study Area.” The City of Shoreline worked with a Citizen’s Advisory Committee from July of 2008 until November of 2009 to create a vision and craft policy and zoning recommendations. This subarea plan is a condensed version of their report.

The plan is intended to provide direction for the next 20 years. Many things will change in that time period. By 2030, there will likely be a light rail stop near 145th St. and Interstate 5. New automotive technology may have transformed the fueling, design, and maybe even necessity of cars. Successive generations may have different preferences for building and neighborhood design and amenities. New technologies may spur new industries and the job base and commercial districts will likely grow and evolve.

Yet while contemplating these uncertainties and determining how to incorporate them into the long-range vision for the subarea, the City wants to preserve existing aspects of these neighborhoods. The single-family character, friendly atmosphere, natural amenities, and other characteristics are all of paramount importance. Change may be inevitable, but it can be channeled to provide amenities and improvements and

prevented from negatively affecting the quality of life that is why people choose to live in this part of Shoreline.

Natural Environment

Goal: To provide a healthy and flourishing natural environment for the benefit of both human and wildlife residents, utilizing innovative technology and conservation measures



The community identified a number of natural characteristics that enhanced the quality of life in the neighborhood and were highly valued. These included the extensive tree canopy, vegetative cover, and prevalent wildlife, notably the varied list of bird species. They also acknowledged other existing, natural conditions that could pose problems in the process of development or redevelopment. These included the high groundwater table, poor soil conditions and infiltration rates that exist on some sites. This section attempts to balance natural capital with development.

Natural Environment Policy Recommendations:

NE1: Create incentives to encourage the use of innovative methods of protecting natural resources (solar power for lighting outside space, green storm water conveyance systems, new recycling options).

NE2: Create incentives to encourage innovative strategies to enhance the natural environment on and around developed sites (green roof and green wall techniques, hedgerow buffers, contiguous green zones through neighborhoods, green storm water conveyance systems).

NE3: When redeveloping a site, encourage incorporation of measures that improve or complement the community's natural assets such as its tree canopy, surface water elements, wildlife habitat, and open space.

NE4: Link green open spaces within subarea and then link them to those outside subarea to create trails.

NE5: Support creation of contiguous ecosystems, with attention to wildlife habitat, through development of a "green corridor," as a public/private partnership, including the area between Seattle's Jackson Park, Paramount Park, and Hamlin Park.

- NE6: Protect and renew (“daylight”) streams in the area.
- NE7: Create incentives to encourage enhancement and restoration of wildlife habitat on both public and private property through existing programs such as the backyard wildlife habitat stewardship certification program.
- NE8: Use green street designs in south Briarcrest to provide more green space for residents in that area and to link residents to an east-west trail that connects the area to other trails such as the Interurban Trail.
- NE9: Develop technical resources for better understanding of overall hydrology, including the locations of covered streams in the subarea, and recommend actions and measures to address existing stormwater drainage problems.
- NE10: Create incentives to plan all remodel and new development around substantial trees and groves of trees to preserve tree canopy.
- NE11: Retain and establish new trees, open spaces, and green belts.
- NE12: Use green buffers of specific buffer area to building height ratio between different land uses, especially where transition zoning is not possible.

Land Use

Goal: To promote smart growth, enhancement of local businesses and amenities, connectivity and transition between uses, and compatibility between potential development and the established residential character of the neighborhoods.



Because the Central Puget Sound region is a desirable place to live, its population is expected to grow over the next 20 years. Shoreline, due to its location and amenities, is likely to grow as well.

In general, the plan preserves the single-family character of the neighborhoods. However, a major focus of the plan is to increase housing choice by encouraging styles of “appropriate” infill development, such as Accessory Dwelling Units and small houses on small lots, rather than zoning large areas for higher density. This way, growth is diffused throughout the area, has minimal visual impact on neighboring houses, and provides extra living space for extended families or rental income.

In addition to encouraging infill development, the subarea plan identifies a few areas where access to transit, business corridors, and park amenities would allow multifamily homes and create areas with commercial and residential uses. To create a transition between single family areas and mixed-use commercial areas, the plan provides

for stepping down in zoning intensity from the areas designated for higher density or mixed-use to the single-family core of the neighborhood.

Land Use Policy Recommendations:

- LU1: Promote the analysis of impacts to the full range of systems as part of the planning and development process.
- LU2: Create incentives to use vegetated buffers between types of land use, in addition to transition zoning or open space.
- LU3: Development, as defined in the Comprehensive Plan, should be approached from the perspective of innovative options for increasing density.
- LU4: Establish policies and zoning to provide appropriate transitions between existing and proposed development and dissimilar land uses to minimize conflicts relating to solar access, noise, scale, etc.
- LU5: Place highest-density housing (mixed-use) on transit lines or in already established commercial zones.
- LU6: After updated regulations governing new development and redevelopment have been established, revisit the rules on a regularly scheduled basis for the purpose of enhancing the rules that work and eliminating those that don't work.
- LU7: Consider establishing a neighborhood business zone that would be restricted to non-residential uses, or some other solution to the problem of retail development being overlooked when residential development on the site yields more profit.
- LU8: Establish metrics, targets, baselines and a reporting timeframe to measure progress of social, economic and natural capital when evaluating Comprehensive Plan completeness.
- LU9: As the housing market and transportation technologies evolve to support more options, establish zoning designations for areas that may be appropriate for car-free zones or reduced parking standards.
- LU10: Quality of life for current residents in the subarea should be considered in decision-making processes that involve new development in the community, even though decisions must also take into account overall land use goals and the economic needs of the City as a whole.

Housing

Goal: To promote housing diversity, affordability and adaptability while respecting and maintaining the identified single-family character of the neighborhoods.



The subarea is mostly built out, with very few large tracts of raw land remaining, so most expected growth will occur as infill and/or redevelopment. Given that these options include a wide spectrum of styles and quality, how this housing would fit with the surrounding community posed one of the greatest challenges. Through a visual preference survey, a number of infill development concepts were identified as having good potential for being compatible with the existing neighborhood character. These include: Accessory Dwelling Units (ADU), small houses on small lots, cluster development, duplexes on corner lots, etc. Examples of some of these styles of housing and policy recommendations regarding their incorporation into the neighborhoods are included below.



Housing Policy Recommendations:

H1: Recognize and continue the area’s history of providing affordable yet diverse housing to a variety of residents across the income spectrum.

H2: New housing development that is added in the center of established neighborhoods of the SE Subarea should be consistent with neighborhood character. Lot size to structure ratios and the scale of building are important.

H3: Distribute low-income housing so that it is not all in one place in the neighborhood, prohibiting the development of large, low-income housing groups or units.

H4: Increase housing stock that attracts new residents by appealing to a diversity of buyers’ and renters’ interests, including:

- Energy efficiency
- Parking options
- Density/size/FAR
- Private/shared outdoor open space

- Affordable/quality/sustainable building materials and construction practices
- Multi-family/multi-generational/single family housing options
- Accessory Dwelling Units
- Adaptability

H5: Because existing housing tends to be more affordable than new construction, remodeling and refurbishing current stock should be encouraged over demolition and redevelopment.

H6: Review existing policies and City code on Accessory Dwelling Units and home businesses to promote low-impact density.

H7: Adopt regulations that would allow “cottage style” housing without compromising quality.

H8: Encourage “green” building through incentives, fees and /or tax policies.

H9: Encourage partnerships with non-profit affordable housing providers, land trusts, Community Development Corporations and other organizations whose mission involves increasing the stock of affordable housing.

Transportation

Goal: To promote connectivity, safety, alternative transportation and walkability throughout the subarea’s roadways and trail systems



This subarea faces a number of problems similar to those of other neighborhoods. Certain issues, most notably those related to 145th Street and increasing transit service, cannot be addressed on a subarea level because of complicated jurisdictional and funding logistics. Therefore, this subarea plan focuses on improvements to traffic safety, road treatments, and pedestrian and bicycle networks within the City’s boundaries and purview.

Transportation Policy Recommendations:

T1: Encourage “walkable” and “bikeable” neighborhoods and intra-area connections through incorporation of safe pedestrian and bicycle corridors.

T2: Retain, improve, and expand public transit.

T3: Increase local transit service to economic hubs and schools (in addition to service to downtown Seattle) that focuses on east/west connections.

T4: Improve automobile traffic flow on major arterial corridors to accommodate increased density.

T5: Implement traffic calming measures on priority local streets between 145th and 150th Streets, as well as other local roadways to improve safety and reduce cut through traffic.

T6: Implement improvements along 15th Ave. to revitalize business, increase pedestrian and bicycle safety and usability, and add vehicle capacity where necessary.

T7: Work with neighbors to complete more “green street” type projects that will “complete” the street right of way and add pedestrian ways without adding curb-gutter and sidewalk.

T8: Add bus shelters at busy stops.

T9: As part of potential redevelopment of the commercial area on Bothell Way, address the east/west access issues to promote neighborhood connectivity to businesses, while protecting the residential neighborhood from cut-thru traffic.

T10: As part of the update of the Transportation Master Plan, also consider smaller, innovative solutions to reducing automobile dependence, such as circulator busses, car-sharing, bike rentals, etc.

T11: Encourage the City to work with Seattle, King County, Sound Transit, and WSDOT to undertake a corridor study on 145th St. that would result in a plan for the corridor to improve safety, efficiency, and modality for all users. This plan should include adjacent neighborhoods in the process, and should have a proposed funding strategy for implementation.

Parks, Recreation & Open Space

Goal: To preserve, protect and promote creation of public spaces that balance needs for human recreation, animal habitat, and natural vegetative growth



The subarea contains or is adjacent to several of Shoreline’s parks, including Hamlin, South Woods, and Paramount Park and Open Space. The following policies are proposals for implementation by the City as resources permit, recognizing that the Parks Department and Board have their own Master Plan and processes. The City has an interest in acquiring lands adjacent to Paramount Park Open Space.

Parks, Recreation & Open Space Policy Recommendations:

PR1: Support development of a trail/designated pathway connecting the Interurban trail and the Burke-Gilman trail with Paramount Park (upper and lower), Hamlin Park, South Woods, and Seattle’s Jackson Park.

PR2: Encourage development of sidewalks, footpaths, green streets, and signage on existing walkways near trail areas.

PR3: Use incentives to encourage development of more open/green space.

PR4: For larger-scale developments, establish a standard for proportional area of open space created or green space preserved.

PR5: Provide reasonable signage at main entrances to all parks.

PR6: Redevelop paths in Paramount Open Space to ensure at least one year-round connection between the east and west sides of the Ridgecrest Neighborhood.

Economic Development

Goal: To promote development of businesses that serve needs of local residents, add to vibrancy and socially-oriented identity of neighborhoods, and provide jobs



The neighborhood supports opportunities for establishment of local gathering places and nodes of business activity where needed goods and services are located within walking distance, and could provide employment opportunities for local residents.

Economic Development Policy Recommendations:

ED1: Encourage the creation of community gathering places. Create nodes (indoor & outdoor) for gathering and social interaction.

ED2: Revitalize the local economy by encouraging new business that is beneficial to the community in terms of services, entertainment, and employment.

ED3: Increase small-scale economic development (e.g., retail, office, service) that employs local people and complements residential character.

ED4: Inventory and promote the SE Subarea resources and opportunities, such as redevelopment at Shorecrest, Public Health Labs, and Fircrest.

ED5: Encourage community groups to define specific types of commercial, retail and professional businesses to best serve needs of subarea residents.

ED6: Encourage home-based business within the parameters of the residential zoning to bolster employment without adverse impact to neighborhood character.

ED7: Attract neighborhood businesses with support from the Economic Development Advisory Committee that could be sustained by the community.

ED8: Continue active participation from the City and the neighboring community in determining most beneficial uses, practices, and mitigation in long-term plans for Fircrest.

ED9: Encourage staff to identify potential Capital Improvement Projects that support the adopted subarea plan vision for business areas in the southeast neighborhoods.

ED10: Modify commercial zoning regulations to require that mixed-use buildings be designed to accommodate ground level commercial uses along arterial street frontages.

Community Design

Goal: To encourage well-planned design of systems and appropriate transitions between different uses so that positive impacts of growth are realized and negative impacts may be minimized



Over the next 20 years, the community wished to maintain a reputation of supporting a diverse population base and providing some of the City’s most affordable housing options. Another priority was to retain green and open space so that a variety of wild flora and fauna would also continue to live in the neighborhood. There was widespread support for a thriving business district and alternative forms of housing, as long as they were visually compatible with existing single-family homes. Concentrating on elements of design and transition and articulating standards could provide an effective method to bring the vision to fruition.

Community Design Policy Recommendations:

CD1: Development regulations applicable to the SE Subarea should be predictable and clear, written in a manner that reduces uncertainty for developers, City staff, and the community.

CD2: Development & Land Use designs and patterns should contribute to the vitality of the area as a whole, serving the broader community and immediately adjacent neighbors, using compatibility criteria and incentives to be determined.

CD3: Encourage planning of local “hubs” for provision of services and gathering places.

CD4: Support development of a plan to implement a network of “feeder” pathways/trails (may also be in the form of green streets) to connect neighborhoods to larger, city-wide walkways (such as a potential trail connecting Interurban, Hamlin, Southwoods & Burke-Gilman) and to encourage walkable neighborhoods.

CD5: Encourage redevelopment and revitalization of existing infrastructure (schools, businesses, single and multi-family structures) by providing incentives.

CD6: Community design should be pedestrian-oriented with incentives for development and redevelopment to open new or enhance existing pedestrian access and green spaces.

CD7: Establish rules and incentives that ensure developments are planned in ways that are consistent with the communities' vision of three-pronged sustainability (economic, environmental and social equity).

CD8: Establish density and zoning regulations and design review processes that are flexible enough to allow for creativity in design, but restrictive enough to ensure the protection of the community, especially the immediately adjacent neighbors.

CD9: Use medium- to low-density, multi-family units as transitional areas from high-density residential or commercial properties to single-family homes.

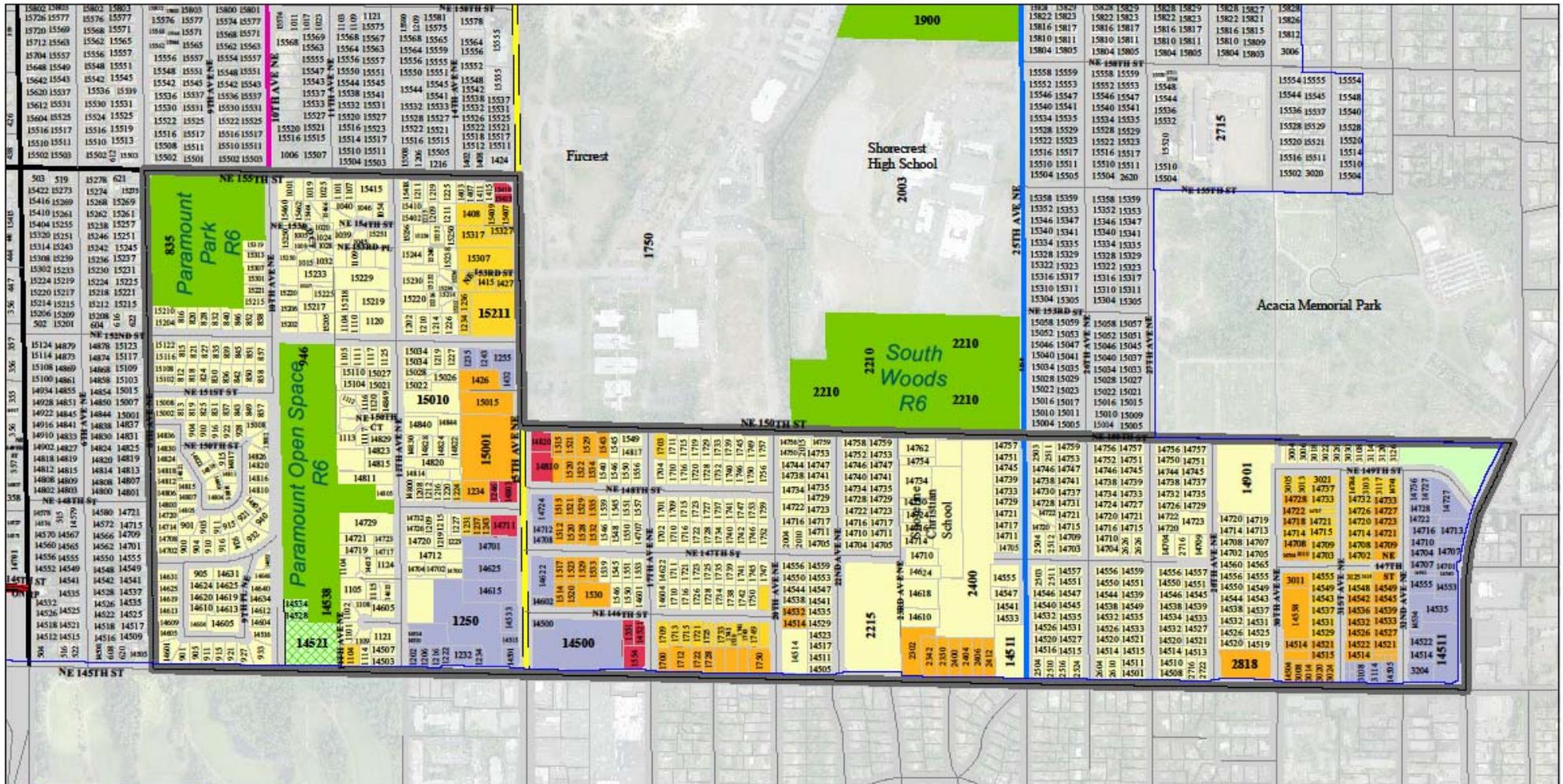
CD10: Modify the existing R-48 transition regulations to permit a 50 foot height limit (60 feet through a conditional use process) only if the subject site is adjacent to R-24 or R-48 residential zones or commercial zones and not adjacent to residential zones with a density less than R-24.

CD11: Take advantage of city, state, and federal pilot projects whose focus is improvement of the environmental health of the community, such as green streets, innovative housing designs, alternative power generation, etc.

CD12: Establish rules and incentives that ensure actions occur in a manner that is consistent with the community's vision, while still promoting and providing incentives for redevelopment.

CD13: Improve the area around 145th St. and 15th Ave. with place-making treatments, such as lighting, benches, and landscaping, to identify it as a gateway to the City.

CD14: Work with community groups, neighborhoods and outside experts to promote "community gardens" for production of food and recreation.



City of Shoreline
Geographic Information System

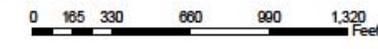
Southeast Shoreline

Project name: CompL1\GIS\Shoreline_11_17_Opt.mxd
File date: 11/22/09

Proposed Land Use

Final Option

- | | | | | | |
|----------------------------|-------------------------------|------------------------------|-------------------|------------------------|---------------------------|
| Comprehensive Plan | Regional Business | North City Business District | City Boundary | Principal Arterial | Park |
| Low Density Residential | Public Facilities | Paramount Special Study Area | Open Water | Minor Arterial | Park Expansion |
| Medium Density Residential | Campus | Private Open Space | Planning Area | Collector Arterial | Unclassified Right of Way |
| High Density Residential | Special Study Area | Public Open Space | Outside Shoreline | Neighborhood Collector | Tax Parcel |
| Mixed Use | Ballinger Special Study Area | | Interstate | Local Street | |
| Community Business | Briarcrest Special Study Area | | | | |



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17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

PROJECT INFORMATION

DATE OF ISSUANCE: **June 21, 2011**

PROPONENT: **City of Shoreline**

LOCATION OF PROPOSAL: **Not Applicable – Non-Project Action**

DESCRIPTION OF PROPOSAL: **Non-Project Action to adopt on specific parcels in the SE Neighborhoods Subarea which implement portions of the SE Neighborhoods Subarea Plan.**

PUBLIC HEARING **July 7, 2011**

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 14 days from the date below.

RESPONSIBLE OFFICIAL: **Steven M. Cohn, Senior Planner**

ADDRESS: **17500 Midvale Avenue North
Shoreline, WA 98133-4905** PHONE: **206-801-2511**

DATE: _____ SIGNATURE: _____

PUBLIC COMMENT AND APPEAL INFORMATION

The public comment period will end on July 5, 2011. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

The file is available for review at the City Hall, 17500 Midvale Ave N., 1st floor – Planning and Development Services

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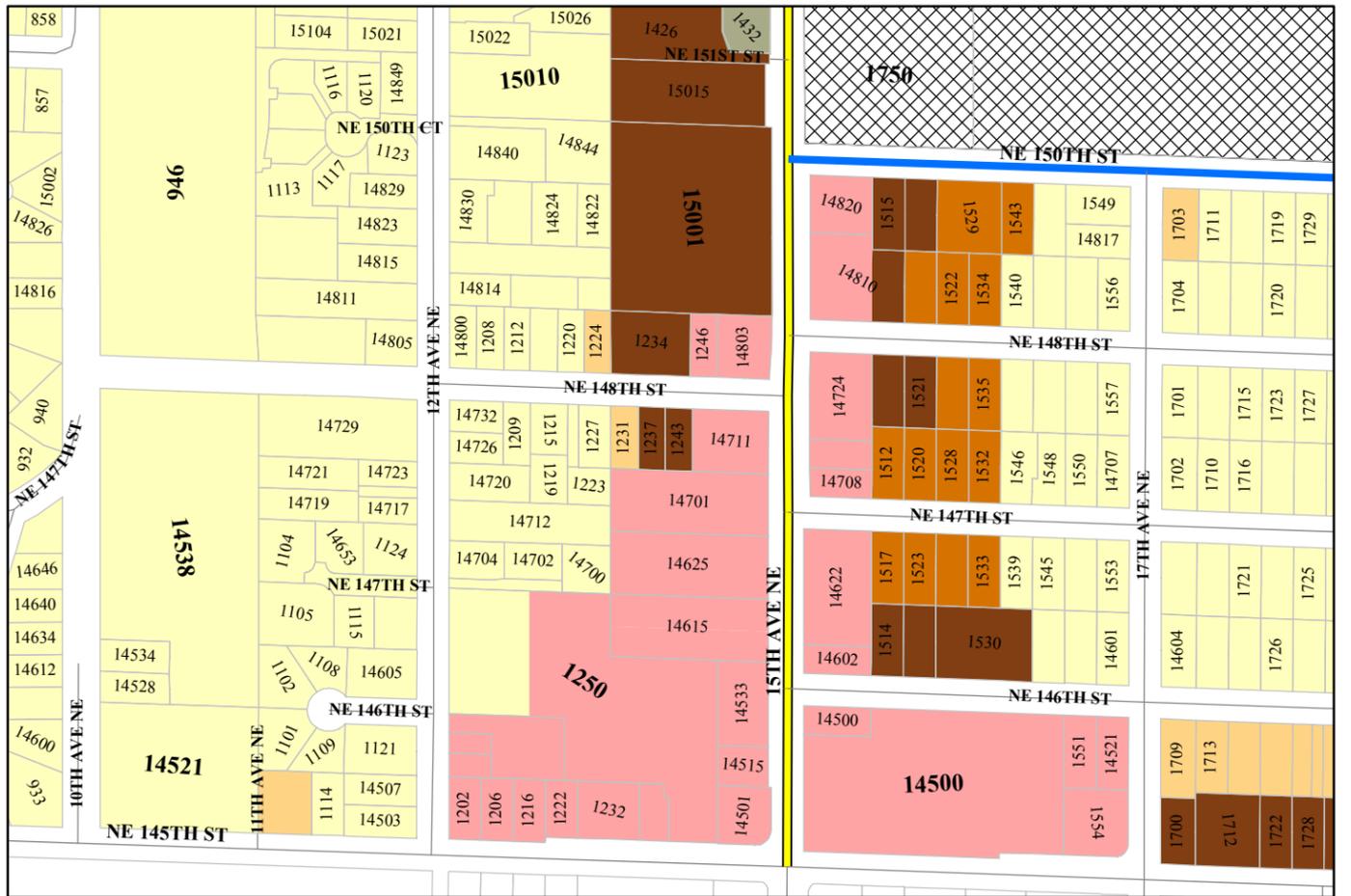
Comprehensive Plan

- LDR; Low Density Residential
- MDR; Medium Density Residential
- HDR; High Density Residential
- MU; Mixed Use
- CB; Community Business
- RB; Regional Business
- PF; Public Facilities
- C; Campus
- Planned Area 3
- SSA; Special Study Area
- BaSSA; Ballinger Special Study Area
- NCBD; North City Business District
- PrOS; Private Open Space
- POS; Public Open Space



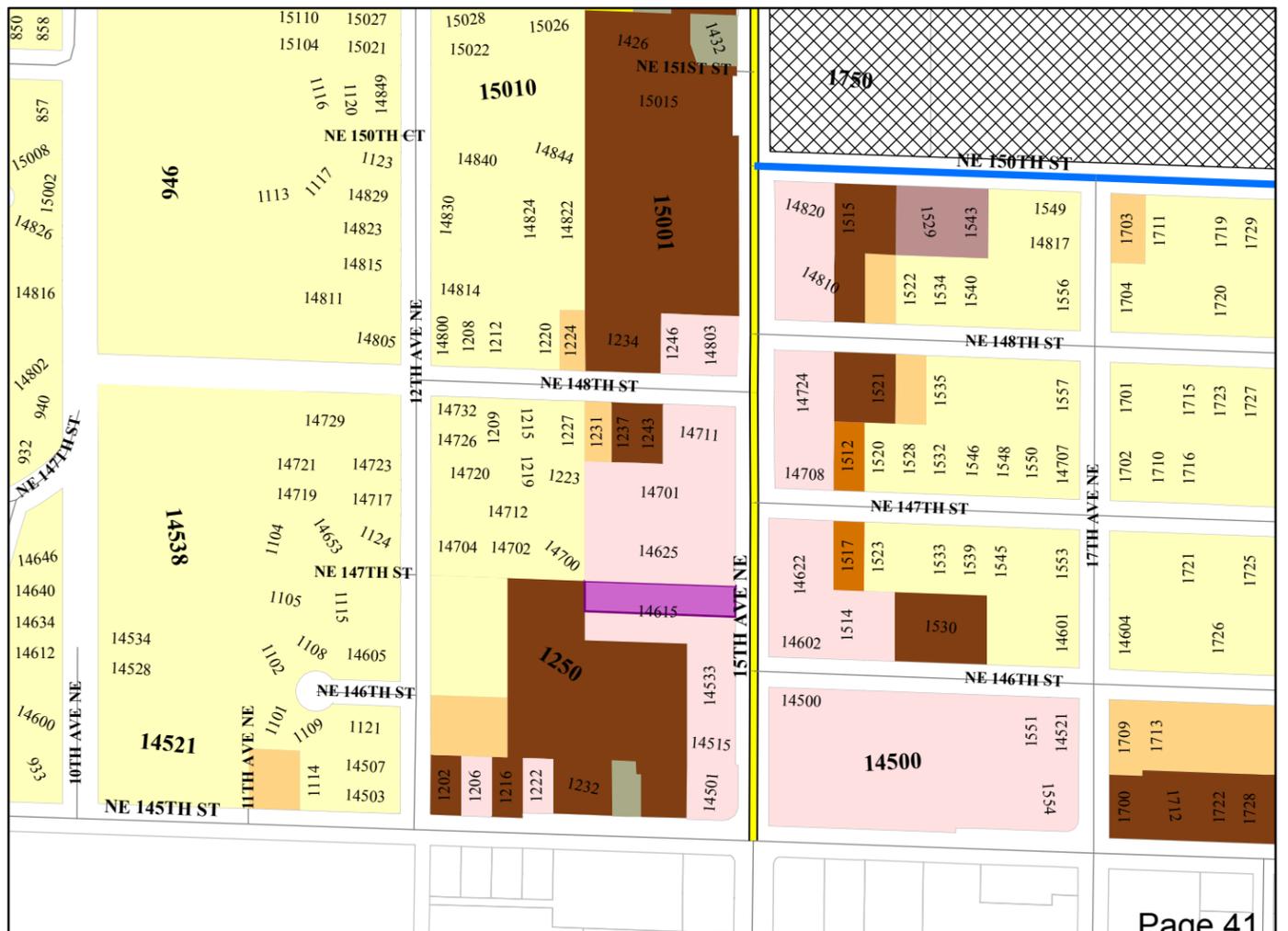
Proposed Zoning

- R-4; Residential, 4 units/acre
- R-6; Residential, 6 units/acre
- R-18; Residential, 18 units/acre
- R-8; Residential, 8 units/acre
- R-12; Residential, 12 units/acre
- R-24; Residential, 24 units/acre
- R-48; Residential, 48 units/acre
- MUZ; Mixed Use Zone
- NMUZ; Neighborhood Mixed Use Zone
- PA; Planned Area
- C; Campus
- NCBD; North City Business District
- O; Office
- CB; Community Business
- NB; Neighborhood Business
- I; Industrial
- CZ; Contract Zone

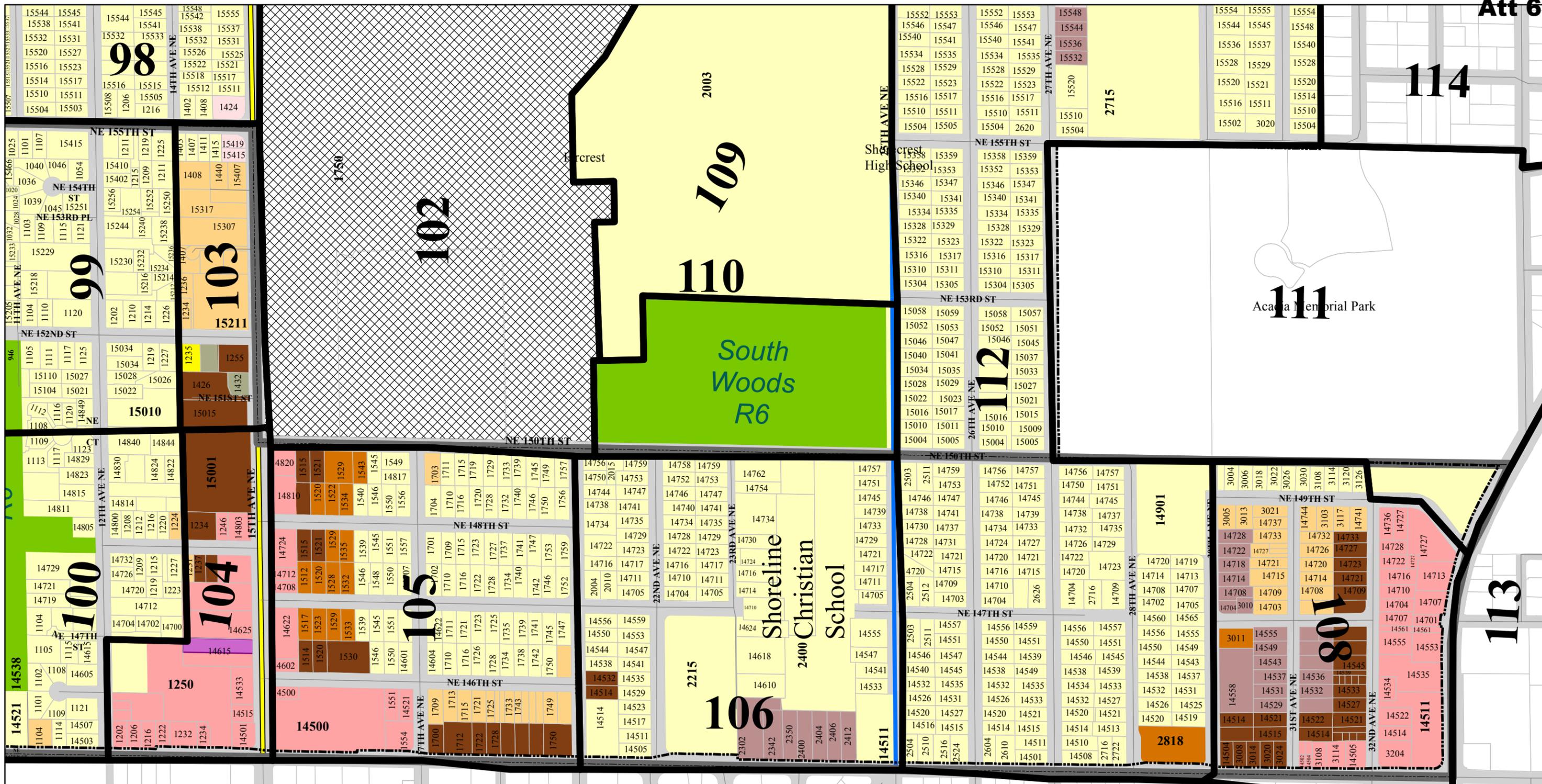


Current Zoning

- R-48; Residential, 48 units/acre
- R-24; Residential, 24 units/acre
- R-18; Residential, 18 units/acre
- R-12; Residential, 12 units/acre
- R-8; Residential, 8 units/acre
- R-6; Residential, 6 units/acre
- R-4; Residential, 4 units/acre
- I; Industrial
- Mixed Use Zone
- Mixed Use Contract Zone
- PA; Planned Area
- C; Campus
- NCBD; North City Business District
- O; Office
- CB; Community Business
- NB; Neighborhood Business
- CZ; Contract Zone



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City of Shoreline
Geographic Information System

Southeast Shoreline

Project name:
ZoningSEShoreline with TAZ.mxd
Plot date: 6/13/2011

SAZ Map and Proposed Changes to Current Zoning Staff Recommendation



Proposed Zoning

- R-4; Residential, 4 units/acre
- R-6; Residential, 6 units/acre
- R-8; Residential, 8 units/acre
- R-12; Residential, 12 units/acre
- R-18; Residential, 18 units/acre
- R-24; Residential, 24 units/acre
- R-48; Residential, 48 units/acre
- MUZ; Mixed Use Zone
- NMUZ; Neighborhood Mixed Use Zone
- PA; Planned Area
- C; Campus
- NCBD; North City Business District
- O; Office
- CB; Community Business
- NB; Neighborhood Business
- I; Industrial
- CZ; Contract Zone



- City Boundary
- Open Water
- Planning Area
- Outside Shoreline
- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Neighborhood Collector
- Local Street
- Park
- Unclassified Right of Way
- Tax Parcel



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Mr. Cohn said they have kept the docket relatively small this year because staff will be heavily involved with reviewing existing Comprehensive Plan goals and policies as part of the major update starting in June.

Commissioner Kaje expressed concern that including the Point Wells and Aldercrest Subarea Plans on the docket implies that the issues are still up for deliberation. Once the City Council has made a decision on these two items, they will become part of the Comprehensive Plan. Mr. Cohn pointed out that the purpose of the docket is to illustrate the actions that are to be taken throughout the year. Commissioner Kaje said he supports the idea of identifying all of the Comprehensive Plan changes, but perhaps those that have already been acted upon could be identified separately. Mr. Cohn agreed that would be appropriate. Commissioner Kaje requested a response regarding this issue from either Mr. Tovar or the City Attorney.

Vice Chair Perkowski asked if a private citizen would be allowed to request an emergency Comprehensive Plan amendment. Mr. Cohn answered that the City Council is the only body that can declare an emergency. A private citizen would have to approach the City Council with this request.

Commissioner Moss asked if the docketed amendments would be considered concurrently with the Comprehensive Plan major update. Mr. Cohn answered that he anticipates the docketed amendments would be adopted by the end of the year, but the Comprehensive Plan major update would not be finished until late 2012.

The Commission accepted the Draft Docket, with the change recommended earlier by Commissioner Kaje to separate the amendments that have already been approved. Mr. Cohn said the Draft Docket would be finalized and forwarded to the City Council for review on April 4th.

Study Session: Southeast Neighborhoods Subarea Plan Implementation

Daniel Taylor, Architect, said he represents the owner of about 60,000 square feet of property located on Bothell Way just east of 32nd Avenue NE. The property is currently occupied by restaurants, and there is no immediate plan for redevelopment. He reported that Ms. Redinger recently set up a neighborhood meeting for the property owner to meet the Citizens Advisory Committee (CAC) to learn more about their ideas about redevelopment of the property. He referred the Commission to an email he prepared to summarize the neighborhood meeting discussion. He summarized that there is clear agreement that the property should be zoned for some type of mixed-use. The property owner would like to have greater density and height to incentivize future redevelopment on the site. He noted that traffic limitations preclude a retail type of development, and the property owner believes that apartments or senior housing would be a proper use of the site at some point in the future.

Ms. Redinger reminded the Commission that the Southeast Neighborhoods Subarea Plan was adopted in May of 2010 and contained a Comprehensive Plan Map and policy recommendations. A community meeting was held in September to discuss implementation options. In addition, a small group meeting was held on March 8th with the CAC and the owner of property on Bothell Way just east of 32nd Avenue NE to discuss the types of amenities that neighbors wanted (i.e. better stormwater control, trees, jobs and

services). The property owners believe that in order for the site to redevelop, they would need to be competitive in what they could offer (height and density) compared to Seattle and Lake City.

Ms. Redinger referred to a list of “pilot ideas” that were gleaned from policy recommendations found in the subarea plan. As they review the pilot ideas, she invited the Commissioners to provide feedback about whether the concepts should be applied to only a specific portion of the subarea through a planned area process, applied throughout the entire subarea using a subarea plan district or equivalent process, or applied citywide through amendments to the Development Code. She reviewed the “pilot ideas” as follows:

1. **Cottage Housing.** Should there be a requirement for separation of such developments? The Commission has discussed this issue before, and there has been some preliminary recommendation that they would be appropriate.
2. **Design Standards.** The current draft design standards were based on the Town Center Design Standards, which have been changed substantially over the last two months. The Southeast Neighborhoods Subarea Draft Design Standards should be updated to be consistent with those of the Town Center Subarea.
3. **Live/Work Lofts.** Should this type of development be allowed in R-48 zones within the subarea? Are there other zones in the City that would be appropriate for this style of development?
4. **Small-Scale Commercial/Office Uses.** Should these uses be allowed in R-48 zones and/or other zones throughout the City?
5. **Transit-Oriented Development.** How can the City encourage transit-oriented development? One option is to reduce parking requirements if certain criteria can be met, such as proximity to a bus stop. Transit-oriented development lends itself to inclusionary housing (affordable, senior, etc.).
6. **Property Tax Exemption for Affordable Housing.** This approach has been used by the City on previous occasions. If the concept is adopted for the Southeast Neighborhoods Subarea, the City may want to create specific standards to address such things as level of affordability, percentage of affordability and how long the property must be maintained as affordable housing.
7. **Additional Hardscape to Accommodate ADA Accessible Housing.** The Southeast Neighborhoods Subarea Plan has recommendations related to aging in place and removing barriers to creating housing for people with disabilities. One option for accomplishing these goals is to exempt the hardscape and/or permeable surfaces that are used for ADA accessible ramps from the calculations.
8. **Modify the Height Allowances for R-48 Zoning.** Currently, if R-48 zoning is located next to high or medium density zoning, the height limit would be 50 feet and 60 feet with a conditional use permit. The CAC felt the height limit for R-48 zones should only apply if they are adjacent to R-24 or R-48 zoning, not R-18 or R-12.

Ms. Redinger recalled the Commission previously discussed the idea of creating a neighborhood mixed-use zone, similar to the one crafted for Aurora Avenue North but geared specifically towards neighborhood use. She invited the Commission to share their thoughts about the following questions:

- Does the Commission prefer to have 2 or 3 tiers for development that would allow a different heights or densities?
- Which standards should be mandated and which should be incentivized? Should there be an incentive to create affordability and/or sustainability in exchange for additional height and density?
- Is there specific direction for what level of green building or affordability would be appropriate?
- Is it preferable to create a Neighborhood Mixed-Use Zone (NMUZ) designation or amend current zones to have different standards?

Ms. Redinger provided two maps (Attachment 1 and 2). Attachment 2 was presented previously to the Commission to illustrate how land could be divided utilizing the planned area concept. Attachment 1 demonstrates how subarea zoning could look if the previously proposed planned area reverted to the underlying zoning and policy recommendations from the subarea plan were implemented through the creation of a subarea plan district. She noted the following changes made to the map since the last time it was reviewed by the Commission:

- Parcels adjacent to 15th Avenue NE and NE 145th Street that are currently zoned Neighborhood Business (NB) are shown as NMUZ. This was done at the Commission's direction.
- Two parcels on NE 146th Street remain designated as NB due to an oversight when the Comprehensive Plan Map was converted from the CAC zoning recommendations. These properties were intended to be Community Business (CB), but were designated as High Density Residential (HDR).
- Four properties along the west side of 31st Avenue NE have been proposed to change to R-18. Staff believes that this change creates a more orderly transition while preserving the intent of the CAC that the interior of this portion of the neighborhood be limited in terms of potential building height to protect solar access and aesthetic appeal.
- There is also one property at 14714 – 30th Avenue NE that is zoned R-12 while its neighbors to the north and south are zoned R-18. Because it does not quite fit the scenario of providing step-down zoning transition to the surrounding neighborhoods as well as the properties mentioned above, staff invites the Commission's feedback of whether this designation should be changed to provide a cleaner and more consistent zoning strategy or left as is.

As requested by Commissioner Behrens, Ms. Redinger provided an illustration comparing the height and density allowed in the new NMUZ zone to what is allowed under the current code in the R-48, CB, and NB zones. Mr. Cohn explained that once the Commission has provided further direction, staff would revise the actual regulations to make them consistent with the Commission's direction, as well as the rest of the Development Code.

Vice Chair Perkowski asked if the Commission could consider all of the "pilot ideas" now for the subarea, and then decide at a later date whether they want to apply them citywide. Ms. Redinger agreed the Commission could provide direction for staff to develop the language, and then they could choose to adopt the concepts as part of a subarea plan district or as part of a Development Code amendment that applies citywide. Mr. Cohn explained that if they develop language for a planned area and then decide

to apply a concept citywide, staff would want to review the language again to make sure it fits with the entire Development Code.

The Commission provided the following comments regarding the "pilot ideas:"

- 1. Cottage Housing.** Commissioner Kaje asked if the Commission is being asked to identify a minimum and/or maximum number of units. Ms. Redinger said the Commission discussed this issue previously and agreed to eliminate the minimum and maximum numbers presented in the draft code. Since that time, staff has researched codes from neighboring jurisdictions and learned that most of them have a minimum requirement of four. The maximum allowed in one development ranged from 12 to 24. Some included a density bonus up to double the underlying zoning, and some had distance requirements between developments ranging between 500 and 1,000 feet.

Commissioner Broili said he is a proponent of cottage housing, but the previous regulations did not start with good design standards, which are critical. Ms. Redinger noted that she understands that the proposed standards for cottage housing were watered down. The public did not like the resulting development and the standards were ultimately repealed. The version they are using now is the version that was never enacted but included more strict design controls. Commissioner Broili suggested the design standards could be tweaked further to make them even more acceptable. He suggested they start by implementing cottage housing as a pilot project within the subarea. Once it has been tested, it could be expanded to other areas of the City.

Vice Chair Perkowski questioned how viable the pilot concept would be if there is no redevelopment activity in the subarea in the near future by virtue of the market or the subarea's location. This may not be the best area to test cottage housing as a pilot program. Chair Wagner noted that because the neighborhood is open to the concept, there is a greater likelihood of success. Commissioner Broili suggested they look citywide for other areas to apply the cottage housing concept as a pilot as opposed to limiting it to just the Southeast Neighborhoods Subarea. Vice Chair Perkowski said he understands the positive aspects of limiting the pilot ideas to just the subarea, but he cautioned against making assumptions of what may happen elsewhere based on what occurs in this one subarea.

Commissioner Broili agreed to provide ideas for how the cottage housing regulations could be further tweaked to be more acceptable across the board. He also agreed to provide information to staff for individuals they could contact for additional help with the cottage housing regulations.

Commissioner Kaje said it makes sense to allow cottage housing generally in the entire subarea because there is some measure of community support for the concept. However, he agreed with Vice Chair Perkowski that a sample of one project is never enough to provide good direction. He suggested they also recommend that a certain number of cottage housing projects be allowed elsewhere in the City.

The Commission discussed what the limit should be for cottage housing projects. Mr. Cohn agreed to provide historical data on the cottage housing projects that have been developed in the City. Commissioner Moss suggested that staff also provide information about the strengths and weaknesses of the previous cottage housing regulations. Ms. Redinger suggested she could arrange a tour of cottage housing developments in the City.

- **Design Standards.** Commissioner Broili recalled that the Commission has discussed the idea of a design review board on numerous occasions. Mr. Cohn said that rather than a design review board, the Planning Director prefers to have clear design standards in place for staff to use when reviewing applications. He noted that in some cities, design review has been very arbitrary.

Ms. Redinger asked direction from the Commission about whether design standards should be applicable in all multi-family, commercial and mixed-use zones throughout the City, throughout the subarea, or only as part of the NMUZ. Commissioner Broili expressed his belief that design standards should be applied citywide, starting with base design standards that evolve over time. However, he acknowledged that it will be difficult to create design standards that allow flexibility for creative approaches to achieve them.

Commissioner Kaje asked staff if the term “multi-family” would include duplex development. Mr. Cohn said duplexes are considered single-family development. Commissioner Kaje agreed that design standards should be applied citywide for multi-family and commercial zones. However, he is not prepared to support the idea that design standards are necessary for single-family zones. He observed that it will require a lot of staff work to develop different design standards for multi-family, mixed-use and commercial zones, and he would be particularly interested in how other jurisdictions have implemented design standards.

Mr. Cohn reminded the Commission that they would be reviewing potential design standards for the Town Center Subarea within the next few months. Their hope is to apply the design standards that are established for the Town Center Subarea to the commercial zones within the Southeast Neighborhoods Subarea.

Commissioner Esselman suggested the design standards for the subarea plan could provide different design standards for R-48 zones that are located on neighborhood streets as opposed to those that are located on arterial streets. These same types of design standards could be applied citywide as well as in the Southeast Neighborhoods Subarea Plan. Vice Chair Perkowski pointed out that applying design standards citywide does not require them to use the same standards everywhere. The standards can be different depending on the location. Ms. Redinger agreed the design standards could be based on the type of use and/or zone.

Chair Wagner cautioned the Commission to be careful about what they are trying to protect and/or achieve with design standards. She agreed with Commissioner Kaje that they do not need to create design standards for single-family development. She said the ultimate goal of design standards is to encourage cohesive and connected developments, and she does not believe that

design standards would be necessarily applicable to multi-family zones, except perhaps the larger developments of several stories.

Commissioner Broili expressed his belief that the design standards should apply to single-family development, too. He said he could provide several examples of single-family homes that are atrocious. Ms. Redinger suggested this issue could be addressed via a mega-house regulation based on either percentage of lot coverage or square footage.

The Commission agreed it would be helpful to both the cottage housing and design standard discussions for staff to provide the materials that were given to the Housing Committee, as well as the visual preference surveys that were presented to the CAC.

- **Live/Work Lofts.** Ms. Redinger noted that the code does not currently provide a definition for “live/work lofts.” She explained that traffic and noise implications must be considered for this style of development because they are essentially home-based businesses. One positive aspect is trip reduction by allowing people to live where they work. It also allows more services to be available in the neighborhoods. Staff is recommending that while live/work lofts are probably not appropriate in low-density zones, they would be another way to encourage a mixture of uses in higher-density zones.

Commissioner Broili suggested this type of use be allowed on a pilot basis in the subarea, and also in one other location in the City. This would be similar to the Commission’s agreed upon approach for cottage housing.

- **Small-Scale Commercial/Office Uses.** Ms. Redinger observed that the Commission appears to want to use the same approach for this pilot idea as discussed for cottage housing and design review.

Ms. Redinger summarized the Commission’s position that they would like the pilot ideas to be allowed in the subarea, but also at least one other location in the City. If the Commission desires to go through a more comprehensive process to review each of the pilot ideas, she suggested they separate the base zoning for the subarea from the use piece. She suggested the Commission could identify the pilot ideas as permitted uses within the subarea to allow the market forces to play out. Once they have a better understanding of the number and type of applications they will get, they could consider opportunities to apply them in other areas of the City.

- **Transit-Oriented Development (TOD).** Mr. Cohn announced that Lake Forest Park has received funding to construct a park and ride facility. Potential locations include the Elks Club property, which is directly across the street from the subarea, Lake Forest Park Town Center, or Kenmore. He emphasized that no decision has been made regarding the location of this new facility, and it will be relatively small. Lake Forest Park is hoping to complete a subarea plan within the next few years to define the future of the Elks Club property and surrounding properties. They will look at a height of three to five stories tall in this area, and there is already one building that is at least four stories tall. Mr. Cohn noted that TOD opportunities could be

considered on just the corner site, on all the properties along Bothell Way, and/or on 15th Avenue NE. Ms. Redinger said application of the TOD concept anticipates better east/west transit service in the future. However, it may be some time before the market can support a TOD project.

Mr. Cohn noted that various incentives, such as a density bonus, could be offered to encourage TOD development. Reducing the parking requirement would be another potential incentive, but they must approach this idea carefully to avoid spillover parking into the neighborhoods. He reported that Ms. Redinger has attended numerous housing meetings over the past several months where it has been suggested that a good way to get more affordable housing in the City is to reduce the parking requirements based on specific criteria.

Commissioner Moss recalled Mr. Taylor's earlier comment that perhaps some of the restaurant uses located on Bothell Way could be redeveloped as housing for seniors or people with disabilities. She noted that people with disabilities rarely drive, and there is already good public transportation along the corridor. She explained that in order to get more frequent headways, you need to have more ridership, and you get more ridership when you have more frequent headways. She suggested that the southeast corner of the subarea has great potential for TOD, particularly if there is support for higher buildings with step backs. With mixed-use development, the ground floor tenants could provide support services for the people who live in the residential units above. If services are available, people would not need a car. She observed that one of the biggest challenges is that there is no grocery store that is within close proximity and located on the bus line. She noted that having a plan that strongly supports TOD development would help the City establish better partnerships with transit providers in the future.

Commissioner Kaje said he is in favor of encouraging TOD development. However, there must be a plan in place to deal with potential spillover parking in the neighborhoods. While he recognizes the streets are public and anyone can park on them, it should be noted that the streets in the subarea are narrow, and there is no street parking along Bothell Way and NE 145th Street.

Commissioner Kaje referred to the comments Mr. Taylor provided earlier on behalf of a major property owner in the subarea. He questioned why this particular property owner did not engage in the significant public process that took place earlier. Substantial effort was made to inform property owners of their opportunities for involvement. He cautioned against undermining what was done throughout the process because someone shows up late with new ideas. He agreed it would be appropriate for the Commission to consider Mr. Taylor's comments and ideas in an effort to kick start development, as long as they are consistent with the work done by the CAC. Ms. Redinger noted that this corner received a lot of attention throughout the process. These parcels represent a gateway to the City, and they are currently being used as a parking lot with code enforcement issues. There are also stormwater drainage issues. The CAC agreed to meet with the property owner to learn more about their vision for the property, and they found the meeting to be beneficial. Commissioner Kaje agreed that it is important to encourage communication between the CAC and this property owner. However, they should also encourage the plan to move forward, since it has involved a lot of citizen input and effort.

Commissioner Moss used Mr. Taylor's suggestion as an example of something that could be explored further. She agreed they should be careful about spillover parking that would have a compound affect on the neighborhood. She suggested they consider providing parking decals to neighborhood residents, allowing them to park on the streets for extended periods of time. However, cars that do not have decals would be subject to the regular parking regulations. Mr. Cohn said this would require enforcement, and it would be difficult to decide where to draw the line when determining which residents would receive parking decals. For example, would multi-family residents receive decals too?

Commissioner Moss advised that Metro has partnered with a number of religious organizations because they primarily use their parking facilities on weekends. She suggested the City consider this option, as well, to enhance opportunities for TOD while being sensitive to the residential neighborhoods. Ms. Redinger said that, at this time, there is no east-west connection between 28th and 30th Avenues NE other than the informal church road. In the near future, they hope to meet with the church leadership and transportation staff to discuss the potential of the church improving and then dedicating the access to the City so that safety issues can be addressed. Opportunities for using the church parking area for transit parking could also be part of the discussion.

Chair Wagner suggested the TOD concept should only be applied to certain classes of streets such as Bothell Way, 15th Avenue NE, etc. Ms. Redinger agreed they could establish criterion that is based on the street classification, or they could identify smaller concentric circles. Chair Wagner suggested that basing the determination on street classification would allow the City to minimize the impacts of spillover parking into neighborhoods.

Mr. Cohn agreed to talk amongst staff and come up with some ideas and suggestions for the Commission's consideration.

- **Property Tax Exemption for Affordable Housing.** Commissioner Kaje said he served on the Housing Committee before joining the Planning Commission, and he believes this concept is a good idea and should be seriously discussed on a citywide scale. He expressed concern that if they massage the concept so that it fits just right for the subarea, it might not be easy to apply to other parts of the City. If they do move forward with the pilot idea as part of the subarea plan process, they should do so with the idea that it should also be applied in other places in the City.
- **Additional Hardscape to Accommodate American's With Disabilities (ADA) Accessible Housing.** Commissioner Broili suggested that Commissioner Kaje's recommendation related to the property tax exemption should also apply to this option. He said he has had a lot of opportunity to deal with ADA accessibility through his work with the Phinney Neighborhood Association and the Well Home Program. This option provides benefits across the board, not only for those that are the recipients of the access, but property/resale values increase dramatically if there is easy access. He summarized that there are numerous reasons to look at this option on a citywide level. Mr. Cohn asked Commissioner Broili if ramps located in front yards have been an issue. Commissioner Broili answered that this is seldom an issue if designed

well. There are numerous ways to achieve accessibility without an unsightly ramp, and they can be constructed with permeable materials. He said that, as long as an applicant can meet the goal of permeability and aesthetics, he sees no reason for prohibiting ramps in the setback areas.

Commissioner Moss pointed out that, oftentimes, ramps are an afterthought. She recalled that at the Commission's study session regarding this topic, she expounded at some length about universal design. She explained that universal design is not about adaptive use for people with disabilities and accessibility issues. It is about designing something so people can age in place. She said she believes there are opportunities for the City to promote universal design on a citywide basis. She suggested they consider offering incentives, which would get away from the need for additional hardscape at some point in the future. Commissioner Broili offered his support for incentives to encourage universal design. Commissioner Moss said she forwarded the Commissioners ideas from other communities that have implemented incentives.

Commissioner Kaje recalled that a resident of the subarea brought this issue up at an earlier study session because his ramp was being counted against the hardscape requirement. He said he would support allowing ramps in front yard setbacks if it is the only practical way to provide ADA access to a home. While they should encourage universal design for new development and redevelopment, they must recognize there are many older homes in the City and the population is aging. He suggested they give thought to an automatic exemption to the hardscape requirement so that a property owner can add a ramp of a certain dimension to accommodate a current resident. He further suggested the exemption should be applied citywide.

- **Modify Height Allowances in R-48 Zoning.** Mr. Cohn explained that, currently, the height limit in an R-48 zone is 40 feet unless adjacent to R-24, R-48 and commercial zones, when the height limit is 50 feet and 60 feet with a conditional use permit. The CAC recommended that the height limits be changed for R-48 zones located within the subarea to only allow a height of 50 feet for properties located adjacent to R-24 or R-48 zones, instead of next to R-12 and R-18 zones, as currently allowed. He invited the Commission to provide feedback about whether they would support this change for the subarea. If so, do they want to consider applying the change citywide?

Ms. Redinger explained that the CAC also recommends that the back side of the R-48 zoned properties adjacent to single-family residential zones should be stepped down to not exceed the residential height limit. She described how the CAC's proposal would be applied to the properties located on the west side of 15th Avenue NE between NE 152nd Street and NE 155th Street. Chair Wagner asked if R-48 development would even be possible if step backs are required and the height limit adjacent to single-family residential zones is limited to 35 feet. Mr. Cohn answered that, generally, a height of 35 to 40 feet would be necessary to develop 48 units per acre. However, parking is a big determinate for the number of units allowed, particularly on smaller lots.

Commissioner Kaje said it is important to remember that the R-6 zone has a height limit of 35 feet with a pitched roof. He suggested that while the illustrations provided by staff (in

attachment 3) are helpful, those representing development in the R-6 zone are drawn too small. When considering the need to limit the height in R-48 zones adjacent to single-family zones we should recognize that future redevelopment of the adjacent R-6 zoned property would likely result in building heights at or close to the allowed maximum of 35 ft. He observed that allowing a little more height, coupled with rules related to bulk, might result in better light penetration. Having two buildings that are a bit taller can create the possibility of open space and light in between. Keeping the height limit low could result in bulkier buildings.

Commissioner Kaje suggested that rather than tying the height limits to adjacent zoning, it might make more sense to tie height limits to the Comprehensive land use designation or its equivalent. He observed that the Comprehensive Plan has more staying power and reflects the City's goals and policies.

Ms. Redinger summarized that the Commission agreed to have a more in-depth discussion of the pilot project options and whether they should be applied citywide as part of a more comprehensive review to be incorporated into staff and Commission work plans. However, the more immediate task would be to finalize zoning, since direction seems to be to use existing zoning rather than using new designations as a tool to implement uses and standards. She suggested they provide specific comments about the proposed zoning map changes. She also invited them to comment about whether there is enough difference between the current NB and CB standards to warrant the creation of a separate Neighborhood Mixed-Use Zone (NMUZ). She noted that most of the subarea could revert back to standard zoning that is already defined in the code, and the overlay of allowable uses in certain districts could be added at a later time.

Chair Wagner suggested that rather than creating a new NMUZ zone, it would be more appropriate to apply the existing CB. Because the CB zoning is underutilized in the City, very few other parcels would be impacted if some changes were made to adapt it to the Southeast Neighborhoods Subarea. She reminded the Commission of the City Council's goal to keep the regulations consistent and predictable. Ms. Redinger summarized that height would be the main difference between the CB and NMUZ zones. She suggested one option would be to change all the properties identified on the map as NMUZ to CB, and then revisit the CB standards later to determine if height and density increases would be appropriate. Chair Wagner said she would like clear information about what is currently located on the subject properties and what the CB zone allows.

Mr. Cohn noted that any changes to the CB standards would impact other CB zoned properties, as well. He suggested that if the Commission chooses to use the CB zoning designation rather than creating a new NMUZ zone, they should also consider amending the CB standards to allow more housing density. He noted that the current CB zoning has not resulted in a lot of activity, and developers have suggested that higher densities are necessary in order to encourage development in a mixed-use zone. He agreed to provide a zoning map to the Commission to identify where the CB zoning is currently located.

The Commission continued their discussion of the proposed zoning map changes and whether it would be more appropriate to establish a new zoning designation (NMUZ) or utilize the existing zoning designations of NB and CB. They provided the following direction:

- It would be appropriate to change the zoning designation on the property at 14714 – 30th Avenue Northeast from R-12 to R-18 to be consistent with the zoning to the north and south.
- The zoning for properties along the west side of 31st Avenue NE (#14543, #14537, #14531, and #14529), should be R-18. For public hearing purpose, they also agreed to consider extending the zoning north (#14549, #14555, #14548 and #3125).
- Rather than creating a new NMUZ zone, all properties identified on the proposed map as NMUZ, would be designated as CB. At some point in the future, the Commission would consider changes to the CB zoning standards to possibly allow for greater height and/or density as identified in the subarea plan.

The Commission discussed collapsing the three separate zoning designations (CB, NB and NMUZ) into a single zone category with different criteria related to the adjacent zoning. They talked about how property owners would be impacted if the CB standards are not updated until next year. Ms. Redinger said that while residential property owners are anxious to know what their zoning and standards will be, the issue is not so immediate for commercial properties. This suggests the Commission has more time for an in-depth discussion of the commercially-zoned parcels to identify specific impacts to single-family neighborhoods.

The Commission took a short break at 9:25 p.m. They reconvened the meeting at 9:31 p.m.

Study Session: Shoreline Master Program (SMP)

Richard Kink, Shoreline, said he was present to speak on behalf of the Richmond Beach Preservation Association. He referred to a letter from Randy Stime, which was written on behalf of the Association and summarized the key points as follows:

- The Association would like to continue a dialogue regarding a common line setback. Seattle has such wording, and Jefferson County's newly approved SMP has similar wording. The Association believes the City can come up with language to address the majority, if not all, of the concerns Mr. Summers raised in his letter.
- The Association does not believe the consultant's concerns about bulkhead replacement are valid because the issue is addressed adequately in Section 20.220.030.A.3, and the wording was drafted in collaboration with the Department of Ecology (DOE).
- The DOE has accepted joint-use docks and ramps, but they do not support single-use facilities. To clarify Table 20.230.081, it is important to understand that permitted does not mean pre-approved. An approval process would still be required for a joint-use dock and/or ramp, including approval from the DOE and fisheries.
- 20.230.140.A.4 talks about joint use being encouraged with new subdivisions. This is boilerplate language from other SMP's, and it appears the City would be granting a more liberal use of undeveloped property than existing property. This runs contrary to the intent of the SMP revisions to let existing development continue, but reign in future development. The language

allows new subdivisions to have joint-use shoreline facilities, whereas the existing development would be limited to a community situation.

- In Table 20.230.080, the consultant calls out changing landfilling from a permitted use to a conditional use. Approved SMP's for Anacortes, Whatcom County, and Jefferson County all allow landfilling as a permitted activity. Anacortes only requires a conditional use for landfilling within the tidelands. Otherwise, landfilling is generally accepted as a permitted use. A conditional use requirement would substantially impact his property. Although the City of Shoreline's consultant also worked with the City of Sammamish, the City of Sammamish allows landfilling in all of their residential environments. He understands the need to reign in new development at Points Wells, but the City should either specifically address this issue or acknowledge the waterfront residential environment.
- The grading provision in Section 20.230.140.4 was changed and is much more restrictive. This would have a direct impact not only on his property, but other properties, as it limits the total amount of grading. He questioned whether this provision would have any impact on the near shore environment, which is the intent of the SMP.
- Section 20.230.170.7 would give more flexibility to new development than to existing development.
- The Association would like the last sentence in Section 20.230.180.B.8 to be changed to "one geotechnical report shall be prepared for multiple properties."
- The Association would like to reiterate their endorsement of being able to use removable or retractable stairs to extend waterward of the existing bulkheads.

Vice Chair Perkowski asked Mr. Kink to further explain his concern about the landfill issue. Mr. Kink said that his home was built in 1963 and there is an 11-foot drop from the street down to the north side of the foundation of his one-story house. He has no garage on the south side, and the drop is about 8 feet. He recently learned that because of the new bridge overcrossing, the City plans to widen and raise the level of the street by one or more feet. This will result in a 12-foot drop, which is rather substantial. When the neighbor to the north developed property, the lot was leveled to be able to put in a garage at a permissible driveway level. Whether his house is elevated or rebuilt, limiting the fill would prohibit him from constructing a basement or garage on the east side.

Vice Chair Perkowski commented that a conditional use permit requirement would not necessarily prohibit landfilling. Mr. Kink agreed but pointed out that a conditional use permit would require a significant public process, which would result in a major expense. He questioned how the near shore environment would be protected by requiring him to spend thousands of dollars to obtain a conditional use permit to level his property. This requirement is not called out in the Critical Areas Ordinance, and the majority of approved saltwater SMPs permit landfilling. Again, he noted that permitting does not mean pre-approved, but it does mean a property owner would not have to jump through inordinate hoops to be able to accomplish a task.

Vice Chair Perkowski noted that a shoreline conditional use permit would not require a public hearing. Ms. Redinger explained that a shoreline conditional use permit would cost \$4,350. Again, Mr. Kink questioned what the permit requirement would accomplish. Vice Chair Perkowski said he would need

more information about why the consultant recommended a conditional use. He agreed that in Mr. Kink's situation, the conditional use criteria probably would allow him to use fill to level his property because the cumulative impacts to the near shore would be minimal. However, there are other situations where landfill may have significant impacts to the near shore environment, and a conditional use requirement would provide protection. Mr. Kink expressed his opinion that the normal permit process would prohibit extreme levels of fill.

Commissioner Kaje said Mr. Kink's comment about why the consultant recommended a conditional use permit for Shoreline and not for Sammamish is irrelevant. Cities hire consultants to obtain goals that may be different than those of another city. He agreed it is important for the Commission to understand the implications of Mr. Kink's issue, but he suggested they move forward with the staff report. Ms. Redinger said staff would review the draft language and provide a response to the questions and concerns raised by Mr. Kink.

Ms. Redinger explained that the changes made to the draft regulations since last reviewed by the Commission were based on comments from the consultant, staff and Commissioners. Most of them had to do with adding standards and definitions and editing for grammar and syntax. She explained that the consultant did a cursory review of the concerns raised in the cumulative impact analysis that would prevent the City from ensuring "no net loss" of ecology function. If the Commission desires, staff could request more information about the changes proposed by the consultant. Rather than reviewing all of them, she suggested they skim through the document and specifically address the concerns raised by the public. She asked the Commission to focus on the "big picture questions" to provide clear direction for staff to move forward with a full SMP and a public hearing. The Commission and staff reviewed each of the questions as follows:

- **Grammar Edits?** Chair Wagner suggested that Commissioner Moss' suggestion that someone on staff review the document for grammatical edits would be the best approach. Ms. Redinger said staff would perform a grammatical review of the document once the content has been generally agreed upon. Commissioner Broili agreed with Commissioner Moss' suggestion that the document be made more readable. Vice Chair Perkowski said he deals with a much larger SMP on a daily basis. He cautioned against thinking of the document as a narrative that can be read from front to back. When reviewing a proposal, staff refers only to the relevant sections. Ms. Redinger said staff would try to strike a balance, but their main goal will be consistency.
- **Individual, Joint-Use, or Community Docks?** Commissioner Broili referred to Table 20.230.081 and noted that under the Waterfront Residential Environment, "ramps" have been highlighted as an issue that still needs to be resolved. Ms. Redinger said the issue is whether the ramps should be community or joint-use. The Richmond Beach Preservation Association has suggested that joint-use ramps and docks (used by two adjoining properties) be allowed. A community ramp or dock would be used by more than four dwelling units.

Ms. Redinger noted that individual docks are prohibited in the DOE guidelines and community docks are preferred. However, the DOE has indicated that joint-use docks would be acceptable, so the matter became a local issue. The balance is ease of access versus ecological function.

Commissioner Broili said he would be in favor of community docks. Commissioner Kaje agreed and added that having a dock and/or ramp between every pair of houses would have more impact than what exists around the fringes of the huge rock wall around Point Wells. He noted that although Section 20.230.140.A.4 references the term "joint-use" in a general sense and not specifically as being shared between two dwelling units, the term should be changed to "community" so the intent is clearer.

The Commission agreed to change the term "joint-use" to "community" throughout the entire document. They agreed the issue should be flagged as a discussion item at the public hearing. As per the change, docks and/or ramps for four or less dwelling units would not be permitted. Community docks must serve more than four dwelling units.

- **Docks, Piers, Marinas at Point Wells?** Vice Chair Perkowski referred to the use table (Table 20.230.081). He noted that, as currently proposed, piers and docks would be prohibited in the Point Wells Urban Conservancy Environment. However, the existing pier structure would be allowed to continue and the use would be allowed to change. Vice Chair Perkowski pointed out that, as currently written, new docks would not be prohibited. He emphasized that he is not against redevelopment of the existing dock, but he is opposed to expansion for ecological reasons and because it is counter to the goals and policies of the Point Wells Subarea Plan. He said he would not support a new overwater structure or an expansion of the existing large structure. He suggested this issue could be addressed more effectively in the development standards rather than the use table.

Commissioner Kaje said he is not an advocate of massive expansion of large docks, but piers and docks are in a different category than marinas. He invited Vice Chair Perkowski to explain how the language could be changed to address his concern in both locations. Vice Chair Perkowski explained that the extent of impact allowed at Point Wells should be limited to the existing footprint. He clarified that the use of the existing structure could be changed to a marina use, but the overwater structure would not be allowed to expand. Commissioner Kaje asked if Vice Chair Perkowski anticipates the impacts would automatically be greater if the use of the existing structure is changed to a pleasure boat marina. Vice Chair Perkowski answered that he does not believe the impacts would necessarily be greater, but the differences could be very subtle. He said he would like to craft the language so the impacts could not be greater than what currently exist. This could be done via conditional use criteria, or they could simply limit overwater coverage to the footprint of the existing facility.

Commissioner Kaje said he understands the impact associated with overwater structures, and he is not looking at allowing them to be increased. However, he challenged Vice Chair Perkowski to suggest some language that would allow the existing facility to convert to a different use if the impacts would not be increased. Vice Chair Perkowski said he is not opposed to a reconfiguration of the existing facility, just not an expansion of the footprint. He agreed with Commissioner Kaje's earlier suggestion that marinas and boat launching ramps should be two separate categories. The remainder of the Commission concurred.

Vice Chair Perkowski noted that establishing shoreline conditional use criteria would offer the City a way to address the expansion of aquatic habitat and impacts. Ms. Redinger said she does not have the subject matter expertise of Vice Chair Perkowski to capture the subtleties in the proposed language, and general direction would not be sufficient for her to craft changes. She asked him to provide examples and more specific suggestions for how the language could be modified.

Commissioner Kaje said that on previous occasions he has asked for examples of how other jurisdictions deal with marinas, but they have not yet received this information. Mr. Cohn said he would be particularly interested in learning how Seattle deals with this issue. Vice Chair Perkowski agreed to forward some model language and additional information to staff. However, he cannot commit to writing new code language. Commissioner Kaje said he is particularly interested in information about whether the existing infrastructure could be utilized in a conducive way to provide a public amenity (marina).

Commissioner Broili agreed the overwater structure should not be allowed to expand. However, he would support a marina that does not add overwater area and maintains a certain clearance between the water and docks surface. Vice Chair Perkowski agreed that the use should be allowed to change, as long as the impacts are not increased.

- **Non-Conforming Uses?** Ms. Redinger explained that the City's current non-conforming use code is relatively lenient, and Vice Chair Perkowski raised the question of whether the standards should be somewhat more stringent in the shoreline environment to make uses more compliant over time. Vice Chair Perkowski pointed out that while residential uses are permitted in the Waterfront Residential Environment, many of the structures do not conform to current setback requirements, which means they are non-conforming. Mr. Cohn said staff would prefer to apply the same non-conformance standards citywide, but he recognized this may not be appropriate in all cases.

Vice Chair Perkowski explained that if there is a reason to set the ecological setback requirement at 20 feet, the setback should be respected when structures are replaced. While he acknowledged there are situations where it is clearly not reasonable for a house to be rebuilt to respect a setback, the code provides ways to address these situations. He clarified that he is not proposing that the City limit a property owner's ability to repair and maintain a non-conforming structure. He also clarified that he would not be opposed to allowing replacement of non-conforming structures that are destroyed by fire or natural disaster as long as the non-conformance would not be increased.

Commissioner Kaje observed that if the City were developing from scratch, the ideal ecological setback would be several hundred feet. He said he does not believe that a 20-foot setback would accomplish a lot of meaningful ecological function, and he does not see the value of having different non-conformance standards for this one group of properties. He further observed that given how long the current structures have been in place, it is not likely the functions would be restored even if the homes were moved back an additional five feet. He expressed concern that if a home is severely damaged or burned, a property owner could lose a chunk of his/her view if

required to set the structure back five feet more than the existing homes on either side. Again, he stated his belief that the City's current non-conformance standards should be applied in this area, as well.

Vice Chair Perkowski observed that with global warming, ocean rise and revetments, the closer a structure is to the near shore environment, the more likely a property owner will legitimately need to increase bank stabilization. They must consider the long-term issues beyond shoreline habitat. He agreed that the 20-foot setback requirement would not result in a significant improvement to the shoreline habitat, but allowing near shore development would result in problems down the road for the City, the property owner, and the environment. While he recognizes they cannot go back in time and make the buffers larger, at some point they must start setting structures back from the near shore more. He acknowledged the issue is not easy.

Ms. Redinger asked if Vice Chair Perkowski is proposing to increase the natural management vegetation area setback for the Waterfront Residential Environment. She explained that because the historic setback was 20 feet, staff recommended a 20-foot setback to avoid the creation of additional non-conformance issues. She observed that while there are a lot of non-conformities associated with the existing structures in the Waterfront Residential Environment, most have to do with lot coverage, hardscape coverage and other things that are not regulated by the SMP. These issues would be addressed by the Development Code. She emphasized that the primary residential structures are outside the 20-foot natural management vegetation area setback already so none would be considered non-conforming based on either the existing or the proposed standard.

Chair Wagner suggested the Commission also discuss whether the proposed 20-foot setback requirement is sufficient. She said she would consider a greater setback requirement, but then be more lenient on non-conforming structures. The other option is to identify a 20-foot setback requirement, but then apply more stringent non-conformance standards.

Commissioner Esselman noted the current 20-foot setback requirement has been in place for a long time. In some cases, the primary residences occupy nearly the entire property. She suggested they use the City's current non-conformance standards to deal with non-conforming structures in the Waterfront Residential Environment. This would prohibit further encroachment into the setback area. Commissioner Broili concurred, and said he would also support a 20-foot buffer, which is consistent with the historic buffer. However, he would like to be more stringent with other non-conforming structures and uses (i.e. docks, patios, and stairs) within the setback area.

Ms. Redinger agreed to provide an enlarged map of the Waterfront Residential Environment so the Commission could view the location of the primary residential structures and identify whether or not they encroach into the setback area. She also agreed to provide clarification about whether the setback requirement would apply to the primary residential structure only or to accessory structures such as docks, ramps, patios, etc. She noted that the more significant issues

would involve the properties on the southern end because the lots are smaller and there may not be room to move a structure back.

Commissioner Broili pointed out that the 20-foot natural management vegetation area is intended to be a buffer between the waterfront and the residential development. Ms. Redinger said the term is used synonymously with "native vegetation conservation area." Commissioner Broili expressed his belief that nothing should be allowed in this setback area but native plants.

- **Common-Line Setbacks?** Ms. Redinger recalled that, at their last meeting, the Commission considered a proposal from the Richmond Beach Preservation Association related to the concept of common-line setbacks. She invited them to provide clear direction about whether or not the concept warrants further consideration. Chair Wagner recalled that the intent of the common-line setback concept was that a property owner would not be allowed to build a house closer to the water than the neighbor's house. She pointed out that the homes are already built close to the 20-foot setback line, and it is not likely someone would want to build further back. Ms. Redinger noted that on some lots, the houses are not constructed at the setback line. The purpose of the Association's proposal is to protect the historic view of properties adjacent to these situations.

Chair Wagner suggested that property owners not be allowed to build any closer to the water than where their structures currently exist. She suggested they significantly expand the buffer area and make all of the structures non-conforming. Existing structures would be allowed to remain, but they could not be moved closer to the shoreline. Vice Chair Perkowski noted that in order to move in this direction, the City must have clear and perhaps different standards for replacement of the existing non-conforming structures in the Waterfront Residential Environment.

The Commission agreed to consider the concept further at a future meeting after staff provides more concrete information about how the concept could be applied in the Waterfront Residential Environment.

PUBLIC COMMENT

No one in the audience expressed a desire to comment during this portion of the meeting.

DIRECTOR'S REPORT

Mr. Cohn did not have items to report.

UNFINISHED BUSINESS

No unfinished business was scheduled on the agenda.

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7/3/11

Dear Planning Commissioners,

Thank you for your work. I am saddened that this important meeting is being held during summer vacation time and adjacent to a long holiday weekend. I could not attend because of family commitments and I know of several others in my neighborhood who are in the same position. I live in the SE area on 30th Ave NE. When I bought my home, it was a single family street, with a few triplexes and a lovely condominiums complex one street down.

I object to the interpretation of step down zoning starting from Bothell Way and working its way into 30th Ave. Approaching zoning in this manner ignores the community who live here in the SE area, its neighborhood feel, and the specific issues of this area. I propose that the zoning should be examined from 30th Ave NE towards Bothell Way. The west side of 30th is zoned R 6. This would make the next logical step up R 12. The east side of 31st block is zoned R12 which is in keeping with the single family/duplexes currently there. It is proposed that 32nd become R48 zoning. A step up from R12/18 to R48 is too big a step. Please consider keeping 32nd residential by zoning it no more than R24. This then would allow for a more gradual increase that would welcome townhouses, community sized development and perhaps cottage housing which I believe will support the community feel of the SE area. The final block facing Bothell Way would then be zoned for community business, which allows for R 48 housing. In none of the meeting sited under the staff report of "community involvement" was the topic of what "community business" parameters are. I do not know what makes up community business outside of some heights that were mentioned. I therefore, cannot comment with any informed consent upon this aspect of the zoning proposal.

Redevelopment of the SE area is very tricky. R 48 density will be difficult to manage unless the increased traffic is designed to enter and exit directly onto Bothell Way and not into an R6 neighborhood. As single family homes, we will be highly impacted by any changes on the 2 streets to our east. 30th Ave is the first street that has a traffic light at the corner. There are no sidewalks on 30th and only 1 streetlight. It is already used as a cut through for neighborhood traffic and people trying to avoid traffic backup during peak travel times. If there is an increase density of even 50 cars, which would significantly impact 30th Ave NE. It would logically make sense that this street will bear the brunt of increased traffic flow. The corner of 145th and 30th already is the scene of many traffic accidents. We have no infrastructure for the increased traffic and there are no funds or plans attached to this rezoning to address the issues of traffic and 145th. The zoning of R6 on 30th Ave prevents owners from selling to any developers, so indeed, we could get the worse of worlds, higher density, traffic, and property value decreases.

Please be certain that the density increases that are planned for Shoreline are distributed fairly throughout Shoreline. I am amenable to the SE area accepting our fair share of development and density as long as the rest of Shoreline also increases their density levels. Please remember that the livability of this area is fragile given its boundary proximities, water tables, and the land locked street pattern that abuts 145th Street and Bothell Way and 30th Ave to the rest of Briarcrest. The gradual step up that I am proposing is in keeping with the CAC land use policy recommendations: "*establish policies and zoning to provide appropriate transitions between existing and proposed development and dissimilar land uses to minimize conflicts relating to solar access, noise, scale, etc.*" page 2, and *H2: New housing development that is added in the center of established neighborhoods of the SE Subarea should be consistent with neighborhood character. Lot size to structure ratios and the scale of building are important.*" page 16

Sincerely Yours,

Diana Herbst

14705 30th Ave NE Shoreline WA 98155

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PO Box 95961
Seattle, WA 98145
July 4th, 2011

Shoreline Planning Commissioners
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

Dear Ladies and Gentlemen:

Greetings once again and thanks for your civic contributions of your time and energy in the service of Shoreline.

The issue of density upgrades in the Southeast corner of Shoreline has been a very long time in being sorted out in a definitive way. I am finally starting to feel mildly encouraged with this slow democratic process. The current proposal from Staff which has been modified and improved upon by the Planning Commission is a good step in the right direction. The CAC Report calls for “transition(s) between single family areas and mixed-use commercial areas;” and thus the plan proposed by the CAC calls for density to step “down in zoning intensity from the areas designated for higher density or mixed-use to the single-family core of the neighborhood.” Most would agree that if these transitions were as smooth as possible then the greater good for the community would be best served.

Today, nearly every single family residence along the west side of 30th Ave. NE stands across the street from R18 and R24 zoning. This spot zoning was inherited by the City from King County. This spot zoning is admittedly a general mess. But the significant fact is that it is already in place, and not much can be done about it at this point in time. Luckily for those citizens, the zoning allowed for **adequate development** that enabled the construction of rather nice buildings that produce sufficient income so that the property owners can, and have, taken good care of their building and their business.

Most of the single family residences along the north side of NE 149th St. stand across from R12 zoning currently. I recommended in my last letter and suggested zoning map that the lots between 30th and 31st on the south side of NE 149th remain R12. I also suggested that those on the south side of NE149th between 31st and 32nd, AND those along the east side of 31st down to NE 147th be increased to R18. Why? It is simply because these lots are immediately adjacent to lots with the approved R48 zoning.

GOING FROM R48 to R12 IS NOT A SMOOTH TRANSITION. A SMOOTH TRANSITION WOULD BE R48 TO R18 TO R12 TO R6, GOING WEST AND NORTH FROM R48'S. This transition is both logical and much smoother! It better fits the Staff's call for a created

“orderly transition while preserving the intent of the committee that the interior of that area of the neighborhood be limited in terms of potential building height to protect solar access and aesthetic appeal.” As I have stated before, the lot size already limits the building’s height to 35 feet for those lots with zoning between R8 and R24; so a R18 should cause minimal problems for those folks across the street to the north when it comes to height considerations. It also makes 14704 through 14728 NE 30th much less of a misplaced “island” of higher density on the zoning map.

I strongly recommended in my last letter and suggested zoning map that the lots on both sides of 31st Ave NE between NE145th and NE 147th be assigned R24 zoning. Why? It is because most of these lots are right next to lots with the approved R48 zoning. **GOING FROM R48 to R18 IS NOT A SMOOTH TRANSITION. A SMOOTH TRANSITION WOULD BE R48 TO R24 TO R18 TO R6, GOING WEST AND NORTH FROM R48’S.** This truly helps smooth out “the irregular shapes created in this corner of the subarea based on a CAC compromise that is in conflict with narrative and policies in the Subarea Plan, which call for smooth transitions and step-down in allowable density.” I truly believe that this orderly and logical transition of going **R48 TO R24 TO R18 TO R6**, from east to west, and from south to north, is the best possible smooth transition for the southern tier of blocks below NE 147th. It also makes 3011 NE 147th much less of a misplaced “island” of higher density on the zoning map.

My suggested zoning map (with additional small improvements) is far simpler, and provides much smoother transitions than all other suggested maps thus far. My I make the admittedly self-serving recommendation that this map be adopted for the legislative rezoning of the Southeast Neighborhood of Shoreline? But even if my self interest were not a role player, I would still recommend my map since it is absolutely the most smooth, logical, and straightforward solution to an otherwise rather complicated mess of spot zoning inherited from King County.

This approach also provides for additional and very much needed affordable and quality housing for our financially struggling citizens. By having this legislative rezone finally put to bed, then modest development can finally resume and bring an end to the growing blight in the Southeast Corner of our city.

Thank you for your thoughtful consideration on this truly

SIGNIFICANT ISSUE OF LOGICALLY SMOOTHING OUT THE DENSITY TRANSITIONS OF THE SOUTHEAST CORNER OF THE CITY OF SHORELINE.

Have a great day.

Sincerely and Smoothly yours,
John and Jill Davis

DAVIS BRIARCREST ZONING PROPOSAL
WITH SMOOTH DENSITY TRANSITIONS
FROM EAST TO WEST & SOUTH TO NORTH

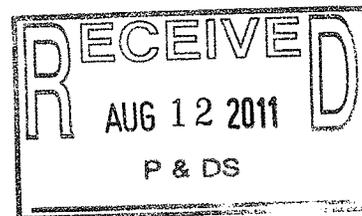
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	14719	3	14720	R 18	14721	3	14720		R48	14723	3		B
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DAVIS BRIARCREST ZONING PROPOSAL
WITH SMOOTH DENSITY TRANSITIONS
FROM EAST TO WEST & SOUTH TO NORTH

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R6	14901	3005	3013	R12	3021	14744	3111	3117	14741	3203				MIXED USE		
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SHORELINE CITY OF
KIM SULLIVAN/PLANNING DEPT
17500 MIDVALE AVE N
SHORELINE, WA 981334905

Re: Advertiser Account #6391000
Ad #: 798933900

Affidavit of Publication

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STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

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

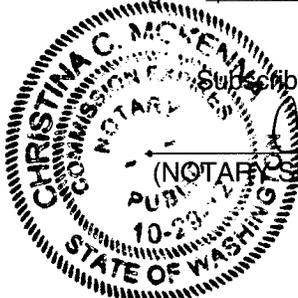
Newspaper	Publication Date
The Seattle Times	08/10/11

Agent MAUREEN E. DUGGAN Signature Maureen E Duggan

Subscribed and sworn to before me on August 10, 2011
(DATE)

Christina C. McKenna
(NOTARY SIGNATURE) Notary Public in and for the State of Washington, residing at Seattle

Christina C. McKenna





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Re Advertiser Account #6391000

Ad # 798933900

Ad TEXT - The City of Shoreline
Notice of Planning Commission
Public Hearing

Application #201868

Project Description: Non-pro
ject action to adopt a Legisla
tive Rezone affecting certain
properties in the SE Neighbor
hoods Subarea.

Interested persons are encour
aged to provide oral and/or
written comments regarding
the above project at an open
record public hearing. The
hearing is scheduled for 7 p.m.,
September 1, 2011, in the Coun
cil Chambers at Shoreline City
Hall, 17500 Midvale Avenue
North. Comments received by
the date of the public hearing
will be included in the hearing
record.

**Questions or More Informa
tion:** Please contact Miranda
Redinger, Planning and Com
munity Development at (206)
801-2513 or mreding
er@shorelinewa.gov.

Any person requiring a disabili
ty accommodation should con
tact the City Clerk at (206) 801-
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mation. For TTY telephone ser
vice call (206) 546-0457. Each re
quest will be considered indi
vidually according to the type
of request, the availability of
resources, and the financial
ability of the City to provide the
requested services or
equipment.