

AGENDA
 CITY OF SHORELINE PLANNING COMMISSION
 REGULAR MEETING



Thursday, November 3, 2005
 7:00 p.m.

Shoreline Conference Center
 Mt. Rainier Room
 18560 1st Avenue NE

	<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 REPORT	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. October 20, 2005	
6. GENERAL PUBLIC COMMENT	7:10 p.m.

The Planning Commission will take public testimony on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 6 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and address.

7. REPORTS OF COMMITTEES AND COMMISSIONERS	7:20 p.m.
8. STAFF REPORTS	7:30 p.m.
a. Presentation: Sidewalk Program Update	
9. PUBLIC COMMENT	8:15 p.m.
10. UNFINISHED BUSINESS	8:20 p.m.
a. Workshop continuation: Annual Development Code Amendments	
11. NEW BUSINESS	9:20 p.m.
12. AGENDA FOR November 17, 2005	9:25 p.m.
• Public Hearing: Development Code Amendments	
• Tentative: Update on Richmond Beach Saltwater Park Master Plan	
13. ADJOURNMENT	9:30 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.

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CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING**

October 20, 2005
7:00 P.M.

Shoreline Conference Center
Rainier Room

PRESENT

Chair Harris
Vice Chair Piro (arrived at 7:20 p.m.)
Commissioner Phisuthikul
Commissioner Broili
Commissioner McClelland
Commissioner Hall (left at 8:30 p.m.)
Commissioner Kuboi
Commissioner Sands

STAFF PRESENT

Rachael Markle, Assistant Director, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Kim Lehmborg, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

ABSENT

Commissioner MacCully

CALL TO ORDER

The regular meeting was called to order at 7:03 p.m. by Chair Harris, who presided.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Kuboi, Hall, McClelland, Phisuthikul, Sands and Broili. Vice Chair Piro arrived at 7:20 p.m. and Commissioner MacCully was excused.

APPROVAL OF AGENDA

Item 10a (vote to reconsider eliminating Cottage Housing Code) was placed before Item 8a (workshop on proposed Development Code amendments and confirmation of the official docket). The remainder of the agenda was approved as submitted.

DIRECTOR'S REPORT

Ms. Markle reported that Joe Tovar has been hired as the City's new Planning and Development Services Director, and he will start on October 24th. Mr. Tovar comes most recently from the City of Covington, and prior to that he spent more than 15 years as the City of Kirkland's Planning Director.

APPROVAL OF MINUTES

The minutes of October 6, 2005 were approved as amended.

GENERAL PUBLIC COMMENT

Lanita Wacker, 19839 - 8th Avenue Northwest, urged the Commission to once again vote against the motion to eliminate the Cottage Housing Code. She said she has lived in the area for the past 41 years, and for the past 25 years she has been a real estate broker. She expressed her opinion that the Cottage Housing Code serves the citizens of Shoreline well by providing for the needs of singles, widows, and small households. She suggested that the existing ordinance works adequately but could be modified to require enclosed garages and an additional parking space on pervious soil for each cottage. In addition, the City could require one guest parking space for every two cottages that are constructed to eliminate public concern about there being inadequate parking. Ms. Wacker also suggested that the word "compatible" be eliminated from the ordinance because it is too subjective and cannot be measured. She concluded that people who choose to live in Cottage Housing units do so because they have a small household, and the City must serve these people. They also need to be visionary and recognize that demographics throughout the country are showing the need for small household accommodations.

Nina Gettler, 15603 - 2nd Avenue Northwest, said her comments were related to the maintenance building and utility yard that have been proposed by The Highlands across from 2nd Avenue Northwest. She said she is concerned about the size and placement of the projected facility, and she would submit detailed written comments about this concern. She said that although The Highlands have assured them they will provide adequate landscaping, she has doubts. Unless extremely mature evergreens were planted, it would be 10-20 years before they would make an appreciable difference in quality of life.

Ms. Gettler said when she mentioned her concerns at the meeting that was held with representatives from The Highlands on September 27th, the Project Manager, Mr. Dodd's, reaction was a shrug and a comment to that effect that the neighbors would just have to live with the situation. She said she finds this cavalier indifference to their quality of life alarming. The Highlands say they want to be good neighbors and so do the neighboring property owners. They have every right to use their property, but not in such a way that would devastate the neighboring property values, which is what the project, as planned, would do. If the maintenance building and utility yard were built as planned, the adjacent neighbors would be living across from a commercial facility, in fact if not in name. (Her written comments were identified as Exhibit 1.)

Bob Barta, 15703 - 1st Avenue Northwest, said that when he and his wife moved into their home, they did not realize that the street was used as parking space for visitors to Shoreline Community College.

He said he worked with the City for more than 2 years to designate a residential parking zone, and this had made a huge difference in the neighborhood's quality of life. In 2003 they faced a possible platting of a road across the Highland Terrace Elementary School playground. Through the efforts of the neighborhood association, they got Shoreline Community College to rescind the project. Now the Highlands is seeking a variance to construct a utility yard across from 2nd Avenue Northwest for construction staging. He questioned how this could be considered a neighborly thing to do. He asked that the City respect the sacredness of the R-4 and R-6 zoning regulations. (His written comments were identified as Exhibit 2.)

Bronston Kenney, 1007 Northwest 190th Street, said it is time for the Commission to put an end to the Cottage Housing issue. He said that after 18 months and a substantial expenditure of City resources, Cottage Housing is still overwhelmingly opposed by the residents of Shoreline whose interests the Commission is charged to protect. He suggested that the tenacity of the City to hold onto the concept in the face of such opposition leads many to conclude that they are subordinating the wishes of the citizens to developers and planners and the reasonable and serious concerns of the homeowners have simply been dismissed. The Cottage Housing tour was a sales pitch and the subsequent meeting was carefully stage managed to channel and limit citizen participation in the process. The City has not addressed their concerns about property values and quality of neighborhoods, merely declaring them to be invalid. No one supports the arguments advanced by City staff except the developers.

Mr. Kenney said that while Commissioner Sands previously offered the notion that zoning is not a right, it is an ordinance. As such, it should be supported by the City government and not undercut. The largest investment most individuals have is their homes, and they should not be put at risk for a trivial purpose. He concluded by stating that enough is enough. (His written comments were identified as Exhibit 3.)

VICE CHAIR PIRO ARRIVED TO THE MEETING AT 7:20 P.M.

Andrea Massoni, 19101 Richmond Beach Drive Northwest, recalled that she came before the Commission in June of 2004 with a newly formed neighborhood group, Sensible Growth for Richmond Beach. The group asked the Commission to make the Planning Department accountable to certain codes and to apply the Comprehensive Plan when making decisions for building permits. The Commission told them they could do nothing and the group should obtain the services of an attorney. Ms. Massoni referred to the "Permit" section of the City of Shoreline's Owner's Manual, which states that the purpose is to balance the need of the permit applicant and their neighbors. The outcome should be development that furthers the City's goals that are set forth in the Comprehensive Plan.

Ms. Massoni expressed her belief that the Planning Department staff manipulates the codes to favor the developer. They tell the citizens the codes are too vague to follow and they don't have to apply the Comprehensive Plan. She said citizen groups have had to hire attorneys to look out for their best interests, and their only recourse was to sue the City and the neighbors. She said that if she thought, for one moment, that City staff would be responsible enough to encourage decent Cottage Housing, she would offer support to amend the code. Instead, she recommended the City's zoning ordinance be changed to eliminate the option of Cottage Housing. To meet the City's need for consistency with the

Growth Management targets, they should allow high-rise buildings near the commercial centers. They missed a wonderful opportunity to do this at 185th and Aurora Avenue where condominiums or apartments could have been incorporated within the shopping center development.

Commissioner Kuboi recalled that the Planning Commission, as a body, did not tell Ms. Massoni's group that their only recourse was to get an attorney. Instead, one member of the Commission shared a personal opinion that the group should obtain the services of an attorney. It was pointed out that the Commission did not have the authority to resolve the issue.

Chair Harris advised that the Commission has not received any information regarding the proposed utility yard on 2nd Avenue Northwest.

Randy Hughes, 19802 - 8th Avenue Northwest, referred to previous comments about local minorities "running the show." He recalled that a meeting regarding Cottage Housing was held in May at the Shoreline Fire Training Facility on Aurora Avenue, and there were more than 100 people in attendance. He referred the Commission to the petition that was submitted in opposition to the Ashworth Cottage Housing Project. (The petition was identified as Exhibit 4.) He noted that 112 registered voters living within 3½ blocks of the project signed the petition. Because the Commission and City staff have proven they don't listen to the citizens, many of the petitioners do not attend the hearings. They feel betrayed and that any more involvement would be a waste of time. He summarized that extending the moratorium on Cottage Housing is not appropriate.

Mr. Hughes pointed out that the Planning Commission, City Council and staff are all tired of dealing with the issue, and the end reality of having no Cottage Housing at all would make no difference in meeting the Growth Management Act requirements. Amending the code without much more thought would result in the same situation as the Ashworth Cottages are currently facing. They have had to install sump pumps and fill the basements with gravel. There are water problems on adjoining properties and the structures simply degrade the neighborhood. Projects of this type have the potential of harming the builders, thus putting them out of business. He said he is sure this is not the intent of the Planning Commission, so the best option would be to eliminate the ordinance and visit the concept in a few years.

Greg Logan, 15709 - 2nd Avenue Northwest, reported that along the west side of their property is a large greenbelt area that is owned by the Highlands. Currently, it is approximately 44 acres of forested land. The Highlands have a small utility to the south along 155th, but their plan is to grade about two-thirds of the forested area to significantly expand the utility yard and use it as a storage area during construction. This would be a major change for the neighborhood and would have a significant impact. He pointed out that the R-4 zoning regulations allow for utility yards, but he suggested the vision did not include a utility yard embedded in this type of residential situation. The subject property is adjacent to the backyards of their homes. Heavy equipment would be accessing the site and the amount of noise would be significant. He said he would like to go on record as being opposed to the utility yard in this location.

Leslie Addis, 19802 - 8th Avenue Northwest, recalled that at a previous Commission meeting, it was stated that Cottage Housing should not become an election issue, but it has. In a voter's pamphlet that was sent out this week, two City Council candidates mentioned Cottage Housing directly. Two other candidates mentioned controlling development in Shoreline. At the candidate's forum, the moderator asked only four questions of the candidates, and the last one was directly about their views on Cottage Housing. The moderator would not have asked that question unless she felt the Shoreline citizens had major concerns. She noted that all six candidates were either in favor of extending the moratorium on Cottage Housing or restricting Cottage Housing to high-density zones only. She urged the Commission to support a motion that would eliminate the Cottage Housing code. She said neither the Planning Commission nor the public has time to continue to pursue the matter. It is clear that if all the City Council candidates want to extend the moratorium or kill the existing concept, they are obviously hoping the Planning Commission will give them a clear recommendation they can act upon. She asked that the Commission's recommendation be to eliminate the Cottage Housing code.

James Atcheson, 19009 - 10th Avenue Northwest, agreed that the City is running out of space for building houses, but Cottage Housing is not the answer. Rather he suggested that opportunities for multi-family residential development along main thoroughfares would be a better way to address the need. He suggested that the Gateway Project will result in a waste of space because it should have included high-rise residential units. He said he has driven by Cottage Housing developments that have been constructed previously and noted they are deteriorating, and this does not enhance the City. He asked that the Commission recommend the Cottage Housing code be eliminated.

Guy Oliver, 15224 Dayton Avenue North, pointed out that the Cottage Housing Code has been on the books for over five years, and a moratorium has been in place for the past year. For a great deal of that time the citizens have been asking the City to assess the impact on value, stability and how quickly surrounding houses could be sold. They have also asked the City to present the issue to the public and solicit their input. He said he contacted City residents who live on the east side of Interstate 5, and none of them knew what a Cottage Housing project was. Meanwhile, people who are familiar with Cottage Housing are universally opposed to not just Cottage Housing, but to any high-density housing in R-4, R-6 and R-8 neighborhoods. He summarized that the Commission, staff and City Council have spent a tremendous number of hours dealing with this issue, yet they have not made progress in making it a profitable option. He asked the Commission to accept that they were unable to make it palatable to the vast majority of the citizens of Shoreline.

Bill Nieman, 15250 Dayton Avenue North, said he likes the concept of Cottage Housing and has viewed the Cottage Housing project that was constructed across from the Department of Transportation property. However, he questioned how well Cottage Housing appeals to the public since three of the units have taken a long time to sell in a hot market. In addition, he said he takes exception to Cottage Housing being allowed in areas that are zoned single-family residential. He expressed his opinion that the City's building codes do not encourage quality building. In light of this, he concluded that the concept of Cottage Housing is a problem in single-family residential areas. He suggested that they eliminate the ordinance now and reconsider it again in the future.

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports provide by Commissioners.

UNFINISHED BUSINESS

Vote to Reconsider Eliminating the Cottage Housing Code

Chair Harris recalled that at their last meeting, the Commission voted to reconsider their decision on the motion of June 2, 2005 to eliminate the Cottage Housing Code. Commissioner Sands pointed out that, according to Roberts Rules of Order, the Commission can only reconsider a previous vote after gaining a 2/3 vote on the motion to reconsider and after the entire Commission has been notified that a new vote will take place. Chair Harris explained that the Commission voted to reconsider the motion and notified the Commission that the issue would be discussed again at this meeting. Commissioner Sands said he was confused because the minutes indicated the need for a vote of 2/3 of the Commission in order to reconsider a motion. Does this mean 2/3 of the entire Commission or just 2/3 of those that were present to vote. Ms. Markle said the motion to reconsider would require approval from 2/3 of the members who were present and voting.

Vice Chair Piro said he was considering the option of proposing a substitute motion. He asked if any new information was made available regarding the City Council's proposed Cottage Housing forum. Chair Harris pointed out that once the reconsideration was approved, it took precedence and no substitute motion would be allowed. Commissioner McClelland said that she and Commissioner Kuboi would attend a meeting on October 27th to discuss the format for the Cottage Housing forum. Commissioner Kuboi pointed out that the action the Commission takes now could have a significant impact on the format for the forum.

Vice Chair Piro said that before the Commission takes action on reconsidering the June 2nd motion, he would like them to forward the amendments they have worked on to date to the City Council so they can be considered as part of the public forum. He recalled that while most of the Commissioners were in support of the Cottage Housing concept, they were not all in support of the concept standing alone in the absence of a larger strategy for housing in the City. He said he would hope the public forum would help resolve many of the outstanding issues. He suggested that the Commission postpone a decision on the reconsideration until after the forum has been conducted.

Commissioner McClelland pointed out that even if the Commission votes to eliminate the Cottage Housing Ordinance, the City Council might still want to conduct the public forum and consider the Commission's recommendation.

Commissioner Broili said he would be opposed to the Commission tabling their decision to rescind the Cottage Housing Ordinance. He would like them to make a decision now and then move on. There are other important issues the Commission must work on, and the City Council has asked them to provide a recommendation one way or the other.

COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION RECOMMEND THAT THE COTTAGE HOUSING ORDINANCE BE REPEALED. COMMISSIONER KUBOI SECONDED THE MOTION.

Chair Harris asked if it would be prudent to amend the motion to also eliminate the recommendation they approved at the September 15th meeting. Commissioner Kuboi suggested that if the Commission votes to repeal the Cottage Housing Ordinance, it would be easy for them to eliminate the action they took on September 15th on the proposed amendments. Commissioner Hall said he would rather the City Council adopt the amended version than keep the current one. He said he would not support a motion that would eliminate all of the work the Commission did throughout the summer to create a better ordinance. Commissioner Kuboi agreed that he would like the Commission's work on the amendments to be communicated to the City Council.

Commissioner McClelland restated that she does not believe there is overwhelming opposition or support for Cottage Housing from the citizens at large. She agreed with Mr. Atcheson that the development on Greenwood Avenue is exactly the type of development that should have occurred at the Gateway Project site. However, the elected officials chose not to adopt the Central Shoreline Sub Area Plan, which would have required this type of residential development. She pointed out the problems that some of the Cottage Housing projects have experienced, and suggested that there is something intrinsically wrong with not just the ordinance, but also the administration of the ordinance. She did not feel the problems were adequately addressed by the proposed amendments. She said she would support a motion to put aside the Cottage Housing Ordinance and get back to it at a later date.

Chair Harris said he believes that most homeowners in the community would be opposed to Cottage Housing being constructed next door to their neighborhoods. He said he does not believe the use is appropriate in single-family residential zones in the City.

Commissioner Phisuthikul said he would vote against the motion to repeal the Cottage Housing Ordinance. Cottage Housing is a great concept that provides opportunities for the City in the future. The Commission worked hard to improve the ordinance, and he does not want all of their effort to be in vain.

Commissioner Kuboi recalled that if the Cottage Housing Ordinance were rescinded, the City could revisit the concept in a few years when more information is available from other municipalities. He pointed out that all the Commission and staff's work on the ordinance would still be available for consideration in the future. On top of that, they would have information and insight from other municipalities that have implemented a Cottage Housing Ordinance. He said he does not philosophically disagree with the Cottage Housing concept, but he wants to see it approached from a more integrated perspective in terms of infill and higher density development that would be reasonably compatible with residential neighborhoods. He said it is not clear to him why Cottage Housing has been singled out for particular support in terms of density bonuses. While the concept could likely be made to work at some point, he concluded that the proposed amendments do not address all of the significant concerns.

Vice Chair Piro questioned what new information staff received that would influence the Commission's vote to rescind the ordinance. He said he does not have any new information that would cause him to consider a different position than the one he voted with in September. He asked if new information would be provided at the public forum that could have an impact on the Commission's final action on Cottage Housing. Commissioner McClelland said that if the Commission votes to rescind the ordinance, she would recommend to the City Council that the public forum be cancelled.

Commissioner Kuboi said that up until a few weeks ago, he did not know the Commission had the ability to reconsider the motion to repeal the ordinance. Some of the Commissioners did not believe the option to repeal the ordinance should have been taken off the table so early in the process. Secondly, Commissioner Kuboi said that when the Commission voted on the motion to repeal the ordinance on June 2nd, they had not heard all of the testimony regarding the issue.

Commissioner Sands said he made the motion on June 2nd to rescind the Cottage Housing Ordinance because he didn't want the Commission to spend a lot of time reviewing the proposed amendments if they were ultimately going to vote to rescind the ordinance. He suggested that perhaps the Cottage Housing concept for Shoreline is a bit ahead of its time. He said he believes the concept is good and in 20 years when the demographics have significantly changed, the idea might be more attractive. However, he felt the Commission would be naive in thinking they will be able to revisit the concept any time soon.

Commissioner McClelland said it is important that the citizens who attend their meetings understand that their role is to recommend public policy that would benefit the community as a whole. Just because the Commission does not vote the way they want them to, does not mean they don't hear what they are saying. She said she believes Cottage Housing is excellent public policy in terms of providing the type of housing for today's world given the scarcity of land, housing prices and household size. However, it appears the Commission is having a hard time feeling comfortable with placing Cottage Housing within the community. She said she would be happy to consider the Cottage Housing concept again in a year or two.

Commissioner Broili clarified that if the motion were approved, the Commission would be recommending the City Council repeal the Cottage Housing Ordinance. Mr. Cohen explained that the current motion on the floor sets up an opportunity for the Commission to reconsider the exact motion of June 2nd. If approved, the Commission would not have to reconsider the vote taken on September 15th regarding the amendments to the Cottage Housing Ordinance. However, this would change the Commission's recommendation. He suggested the Commission make their intent clear as they vote on the motion. If they intend to recommend to the City Council that the existing and proposed Cottage Housing Ordinance be repealed, they would not need to take any action beyond the motion that is currently on the floor. Commissioner Sands suggested that even if the Commission votes to recommend the ordinance be repealed, it would still be appropriate to give the City Council the option of considering the proposed amendments to the ordinance if they decide to keep it in the code.

Commissioner Hall agreed that staff worked hard to develop amendments in response to the various issues associated with Cottage Housing. However, he suggested that more important issues have been

raised related to the City's Comprehensive Plan policies. For example, the Commission has discussed whether or not a density bonus should be allowed for small houses in residential zones. The Commission worked hard to recommend adoption of the Comprehensive Plan, and the City Council also worked extensively to review each of the policies before adopting the updated document. He referred to Policy LU-27, which states that the City should allow Cottage Housing in residential areas. He suggested that if the Commission recommends the Cottage Housing Ordinance be rescinded, they should also recommend that Policy LU-27 be eliminated from the Comprehensive Plan. Commissioner McClelland pointed out that Policy LU-27 gives the Commission all the impetus they need to bring the issue up again and start from scratch.

Vice Chair Piro suggested that because of Policy LU-27, the City Council might not be in a position that would allow them to strike the ordinance. He expressed his frustration that the Commission seems to agree that Cottage Housing is a good concept and that there have been both good and bad projects over the past few years. However, there are many issues they would like to fix or address within a larger context. He would like to convey these concerns to the City Council rather than recommend a wholesale elimination of the ordinance.

Commissioner Hall asked when the next Comprehensive Plan Update must be adopted. Ms. Markle answered that all amendments must be submitted by December 31st each year, and the amendments are processed by the end of the following year. Commissioner Hall suggested that the Commission make a note to reconsider Policy LU-27 as part of the next Comprehensive Plan update.

THE MOTION FAILED 4-4, WITH CHAIR HARRIS, COMMISSIONER HALL, COMMISSIONER KUBOI AND COMMISSIONER MCCLELLAND VOTING IN FAVOR AND VICE CHAIR PIRO, COMMISSIONER BROILI, COMMISSIONER PHISUTHIKUL AND COMMISSIONER SANDS VOTING IN OPPOSITION.

Commissioner Hall advised that he had to leave the meeting and would like to provide his comments regarding proposed **Development Code Amendment D-1**, which would allow for the construction of a structure up to 200 square feet in the required side and rear yard setbacks as an exempt structure. He noted that this change was only made in the first paragraph and not in the second.

COMMISSIONER HALL LEFT THE MEETING AT 8:30 P.M.

Vice Chair Piro suggested that a few Commissioners be assigned the responsibility of composing a communication piece to the City Council outlining the Commission's position on the Cottage Housing Ordinance. This document could be shared with the rest of the Commission at their next meeting before it is forwarded to the City Council. Commissioner Broili suggested it would be appropriate to appoint a Commissioner from each side of the vote. The Commission agreed that they would like to hold off sending the Commission's recommendation to the City Council until they have had an opportunity to create and review a transmittal letter explaining the issues the Commission considered.

STAFF REPORTS

Workshop: Introduction of Proposed Development Code Amendments and Confirmation of the Official Docket

Ms. Markle explained that anyone could apply for a development code amendment at any time at no charge. However, only amendments that are supported by the Director of Planning and Development Services, the Planning Commission or the City Council would be considered for adoption. She advised that the Director has agreed to sponsor 21 of the proposed amendments, and the Commission now has the opportunity to review the nine proposed amendments that have not yet been docketed. If sponsored by the Planning Commission, the amendments would be placed on the official docket, which would be used for the SEPA review and to advertise for public comment.

Ms. Markle advised that the Commission also has the ability to recommend additional amendments for the document. However, it would probably not be appropriate to propose and craft complicated amendments to the Development Code at a workshop. She emphasized that, at this point, staff is only asking the Commission to vote on whether they want to add any of the nine amendment not docketed by the director to the list. The docket list would then be advertised for public hearing. She advised that, if time permits, she and Ms. Lehmborg are also prepared to introduce to the Commission the 21 amendments that have been docketed by the director.

Ms. Markle referred the Commission to proposed **Amendment NC-1** regarding density bonuses for cottages, duplexes, triplexes and other types of higher density housing as long as the exteriors and scales of such housing mimic the appearances of existing single-family housing. She noted that Commissioner Kuboi initiated this concept. She explained that staff does support the intent of the proposal, but they need more direction to develop an amendment that could be added to the docket. She concluded that staff also believes it would take time and more public input to develop the concept. Therefore, they are not recommending the Commission pursue the proposed amendment at this time.

Commissioner Kuboi said he made the comment regarding **Amendment NC-1** in the context of the holistic or overall housing strategy. He questioned why the City singles out a particular type of housing (Cottage Housing) for treatment that isn't offered to other forms of housing that might accomplish effectively the same thing. He suggested that if a density bonus were not offered for Cottage Housing, there would likely be very few developments of this type in the City. He suggested that this concept be identified as a Commission work item in 2006.

VICE CHAIR PIRO MOVED THAT THE COMMISSION PLACE THE CONCEPT PRESENTED IN AMENDMENT NC-1 (DENSITY BONUSES) ON THE COMMISSION'S 2006 WORK PLAN AND NOT ON THE 2004 DOCKET OF DEVELOPMENT CODE AMENDMENTS. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Ms. Markle reviewed that a citizen initiated **Amendment NC-2**. The proposal would reduce building heights in R-4 and R-6 zones to no more than two stories and a maximum of 25 feet. Ms. Markle

advised that staff believes a reduction to the allowed building height in low-density residential zones would be too restrictive for residential development. A roof height of 25 feet would barely allow for the construction of a two-story home and would likely promote the construction of flat rooftops that are not effective with Washington's weather. Staff is recommending no change.

VICE CHAIR PIRO MOVED THAT THE COMMISSION NOT PLACE AMENDMENT NC-2 ON THE DOCKET OF DEVELOPMENT CODE AMENDMENTS. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT

The Commission agreed that before they took any further action on the development code amendments they should allow the public an opportunity to provide their comments.

William Vincent, 800 Northwest 195th Street, said he has been involved in the Cottage Housing issue for quite a long time. He said he spent a great number of years in the construction industry, oriented almost entirely around residential. He built hundreds of homes every year back in the time when homes were 1,400 and 1,500 square feet in size, which is similar to Cottage Housing. He said it is important for the Commission to understand that when builders come into City offices for permits to construct Cottage Housing in R-4 and R-6 zones, they are asking for a deviation from the norm. When a deviation is allowed, a builder should expect a certain level of scrutiny. The City should monitor the project early in the process. They have an excellent and knowledgeable staff in the Planning Department, and they have a responsibility to make sure the City's regulations are followed. The Commission should give them the necessary tools they need to enforce the rules and regulations. He suggested that rather than the Commission acting as the review board for Cottage Housing project, a review board of the developer's peers should be formed. He said Cottage Housing should not be that difficult to implement if they recognize that developers who ask for something outside the norm should have to live by a different set of rules.

CONTINUED STAFF REPORT

Continuation of Workshop: Introduction of Proposed Development Code Amendments and Confirmation of the Official Docket

Ms. Markle advised that a citizen also initiated **Amendment NC-3**. The proposed language would reduce the number of trees that could be removed as an exemption from six to two. She said staff believes this change would be too restrictive for residential development and for the homeowner in general. She explained that some homeowners have large numbers of trees and would like to add more light to their property. The change would also be difficult to enforce due to lack of standard procedure and staff for tracking non-permitted tree removal. Staff recommends no change.

Commissioner Broili said that on small lots, the removal of six trees would have a significant impact. He said he would support an amendment that would reduce the number of trees that could be cut from a residential property.

COMMISSIONER BROILI MOVED THAT AMENDMENT NC-3 BE PLACED ON THE DOCKET OF DEVELOPMENT CODE AMENDMENTS. VICE CHAIR PIRO SECONDED THE MOTION.

Vice Chair Piro said he would like to see the number somehow relate to the lot size. Commissioner Broili pointed out that nearly all the lots in Shoreline are smaller in size. He said he would like to see a percentage requirement rather than a specific number. Commissioner Sands pointed out that the code requires the retention of 20 percent of the trees on a lot. Chair Harris clarified that a property owner would be allowed to remove up to six trees in any three-year period. Commissioner Sands expressed his belief that the tree ordinance is already fairly complex, and changing this one rule seems unnecessary.

Chair Harris expressed his belief that the City should not limit the number of trees a property owner can cut down. Commissioner Broili pointed out that the City already has ordinances that prohibit property owners from doing certain things that impact surrounding property owners. He argued that, at the very least, the City should have some method of recourse for property owners who are impacted by tree removal on an adjacent property.

Commissioner Sands pointed out that **Amendment NC-3, Amendment NC-4, Amendment NC-5 and Amendment NC-6** were all proposed by the same citizen and related to the tree ordinance. He suggested that they all be considered together.

COMMISSIONER BROILI AMENDED HIS MOTION TO PLACE AMENDMENTS NC-3, NC-4, NC-5 AND NC-6 ON THE COMMISSION'S 2006 WORK PROGRAM AS THEY REVIEW THE WHOLE TREE ORDINANCE AND NOT ON THE DEVELOPMENT CODE AMENDMENT DOCKET. COMMISSIONER MCCLELLAND SECONDED THE AMENDMENT TO THE MOTION.

Commissioner Broili suggested that there are many reasons for the Commission to revisit the tree ordinance in a more comprehensive fashion. Aside from aesthetic issues, he pointed out that there are stormwater management issues that evolve around trees and vegetation retention. In fact, vegetation and trees is one of the most important mitigation measures for managing and reducing stormwater runoff.

THE AMENDED MOTION CARRIED 6-1, WITH CHAIR HARRIS VOTING IN OPPOSITION.

Ms. Markle referred to **Amendment NC-7**, which was initiated by a citizen. The proposed amendment would add a public notice process for all commercial projects that would expand the building footprint, and this would essentially make the application a Type B Action. She pointed out that the noticing requirements of the proposed amendment would be very costly in terms of actual noticing and staff time. The proposed requirement would also allow for an appeal of a new single-family home or remodel. Staff recommends no change.

COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION NOT PLACE AMENDMENT NC-7 ON THE OFFICIAL DOCKET OF DEVELOPMENT CODE AMENDMENTS. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Ms. Markle advised that **Amendment NC-8** was a citizen initiated proposal requesting a design review process for single-family residential building permits.

COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION ACCEPT THE STAFF'S RECOMMENDATION TO NOT PLACE AMENDMENT NC-8 ON THE OFFICIAL DEVELOPMENT CODE AMENDMENT DOCKET. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Ms. Markle advised that a citizen also proposed **Amendment NC-9**. The proposal would increase the noticing requirements for commercial projects. She reported that staff considered lowering the threshold for SEPA review. However, this would be a change in State law. Any additional requirements for tenant improvements, commercial additions, or commercial new construction would impact commercial and economic redevelopment in Shoreline. She pointed out that if the Commission were to pursue the proposal, it would require an amendment to the Development Code to make these types of applications Type B Actions.

Commissioner McClelland recalled that some citizens raised concerns that they were prevented from providing comment regarding a recent expansion of the Safeway site. Ms. Markle explained that with a Type A permit, even if the public were offered an opportunity to comment on an application, there would be no appeal process and the public would have no recourse. She summarized that making applications for commercial projects less than 4,000 square feet a Type B Action would make them appealable. Right now, small commercial projects are reviewed administratively, without noticing or appeal procedures.

Commissioner Sands pointed out that the Economic Task Force has made a recommendation to the City Council that they ease up on the commercial restrictions to make it easier for new businesses to locate in Shoreline, and the proposed amendment would be contrary to the Task Force's recommendation.

COMMISSIONER PHISUTHIKUL MOVED THAT THE COMMISSION NOT PLACE PROPOSED AMENDMENT NC-9 ON THE OFFICIAL DOCKET OF DEVELOPMENT CODE AMENDMENTS. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Kuboi noted that the Commission has yet to review any proposed development code amendments or an overlay that would implement the Central Shoreline Sub Area Plan. Ms. Markle replied that there is no implementation strategy for the sub area plan at this time. Commissioner Broili asked staff to provide an update regarding the status of the plan and explain why it has not been implemented yet. Commissioner Sands answered that the Economic Development Task Force has been attempting to address the sub area plan issue for the past three or four weeks. One of the things they

will hopefully recommend to the City Council is that they do all the things that are necessary to implement the sub area plan. One of the biggest issues will be funding. He summarized that most of the members of the Economic Development Task Force believe that if the City were to make improvements to Midvale Avenue, change the height restrictions on the Aurora Avenue side, etc., the type of development that was depicted on the renderings presented at the design charette might actually come to fruition. There are other areas within the City where this same sub area plan concept could be applied, but the larger issue is whether or not the City Council would be visionary enough to take the necessary steps to make changes happen. He invited the Commissioners to attend the Economic Task Force Meetings.

Commissioner Kuboi asked what the Commission could do in 2006 to help and encourage the City Council to make code amendments to implement the Central Shoreline Sub Area Plan. Commissioner Sands answered that it might be helpful if the Commission were to take some action saying they want to consider code amendments in 2006 that would implement the sub area plan. Commissioner McClelland said it would be important to send a message to the City Council regarding the City's lost opportunity to provide high-density housing as part of the Gateway Project. She said it is important to note that the Commission supported the concept of high-rise residential development along Aurora Avenue at this location, and the sub area plan would have required residential units as part of a development proposal.

Commissioner Phisuthikul suggested that at the next Commission retreat, the Commission should prepare a report to the City Council. The issues of "sidewalks to nowhere" and implementation of the Central Shoreline Sub Area Plan could be two topics discussed in the report, which could provide a vehicle for the Commission to present their concerns to the City Council early in 2006.

Ms. Markle suggested that, at this point, it would be difficult to consider the necessary code amendments to implement the Central Shoreline Sub Area Plan as part of the 2004 Development Code amendment docket. She suggested that the Commission solicit more public input regarding the sub area plan. She further agreed that a report from the Commission to the City Council would provide a good vehicle for them to obtain additional direction from the City Council on issues they want to consider in the future. The remainder of the Commission concurred.

Commissioner McClelland referred to **Amendment D-8** and requested clarification regarding the meaning of the word "tolled." Ms. Markle said the City Attorney recommended this word. Commissioner Sands explained that if, within the two-year term, there is an administrative or judicial appeal, they would stop counting towards the end of the term until the appeal is over. Then the two-year period would continue. The Commission agreed that staff should work to create different language to make the intent of the section more clear.

Commissioner McClelland referred to **Amendment D-10** and pointed out that the word "construction" was misspelled. In addition, she suggested that **Amendment D-12** should be changed to make the language regarding the location of trees more clear. She suggested that perhaps a diagram would be helpful. She also asked if "tree pits" and "tree grates" were the same thing. Ms. Markle explained that "tree grates" are placed on top of "tree pits" for safety purposes.

Commissioner McClelland referenced **Amendment D-21** and recommended the language be changed to make it clear that neighborhood meetings are held before an application has been submitted. The purpose of the meeting is to solicit public reaction to what it being proposed. She suggested that the word “applicant” be replaced with “proponent” and the word “application” be replaced with “proposal.” In addition, she suggested that the term “property owners of the City” seems redundant and confusing. Further, she said that because no land use decisions are being considered at the time of the neighborhood meeting, the language should be changed to make this more clear. Lastly, she recommended that in the section that lists the items that must be covered in the agenda of a meeting, the word “agenda” should be added after the word “meeting” rather than placed in quotes. She further suggested that Item F in the list should be “sign up sheet” since the proponent must submit a list of attendees to the City.

Commissioner McClelland referred again to **Amendment D-21**. Instead of asking the proponent to provide a narrative description of what took place at a neighborhood meeting, she suggested the proponent be required to fill out a checklist provided by the City. This would be more objective than just one person’s view of what went on at the meeting. The remainder of the Commission agreed with this concept. Commissioner Broili said he would prefer a City Employee to attend the neighborhood meetings. He recalled that the Commission has received numerous complaints from citizens about the proponent having the responsibility of creating an accurate summary of the meeting. Neighborhood meetings are not just an opportunity for a proponent to find out what the public’s objections and concerns might be, but they also provide an opportunity for the City staff to get a handle on the community’s concerns. In the meeting summary, an applicant may choose not to include some of the public’s objections. He suggested that it would be appropriate for the applicant to pay the costs associated with a City employee’s attendance. This would allow the City staff to review the proponent’s written summary for accuracy.

Chair Harris recalled that the concern raised by Commissioner Broili was addressed by the requirement that the summary report be mailed to each of the attendees, who would be allowed to react. Commissioner Sands recalled that when this issue was previously discussed, staff expressed their opposition to sending an employee to the neighborhood meetings for fear of the City becoming liable in the very early stage of the process. Commissioner McClelland said staff also expressed a concern that if they were to attend a neighborhood meeting, they could become the focal point. The citizens would likely turn to the staff to confirm what the proponent says, and this could change the character of the meeting. She said she understands the staff’s concerns, and perhaps staff attendance should be optional.

Commissioner Broili suggested that, at the very least, neighborhood meetings should be recorded so that there is some record beyond just the proponent’s report. Ms. Markle pointed out that most of the applications that require a neighborhood meeting, also offer an opportunity for public comment as part of the review process. The neighborhood meetings offer an opportunity for proponents to hear first hand from the community. There have been cases where developers and neighbors have made deals to make proposals more acceptable, and it would not be appropriate for the City to get involved in these negotiations. She pointed out that neighborhood meetings are often held at times other than normal working hours, and it would be difficult to find sufficient staff to attend the 50 to 60 neighborhood meetings that would be held each year. In addition, providing adequate recording equipment would be difficult.

Commissioner McClelland emphasized the importance of allowing the pre-application meeting to be informal and informative. Having staff present at the meeting could blur the intended result. Chair Harris emphasized that an applicant would not be required to address all of the issues raised by the citizens at a neighborhood meeting as long as the project met the code requirements. However, a reasonable proponent would be able to eliminate many of the problems right up front by listening to the citizens who attend the pre-application meeting.

COMMISSIONER MCCLELLAND MOVED THAT THE CHANGES SHE PROPOSED TO AMENDMENTS D-8, D-10, D-12 AND D-21 BE MADE BY STAFF. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Sands referred to **Amendment D-21** and noted that the numbering makes it difficult to understand. He asked that staff review the entire code and fix all of the situations of this type. Ms. Markle advised that staff could renumber **Amendment D-21**, but they would not be able to review the whole code at this time. Commissioner Sands said it would also be helpful to provide small headings at the top of each paragraph.

Commissioner McClelland referred to **Amendment D-15**, and asked that staff review the proposed language to clarify whether the numbers refer to “square feet” or “cubic feet.” Ms. Markle agreed to review the language.

NEW BUSINESS

There was no new business scheduled on the agenda.

AGENDA FOR NEXT MEETING

Ms. Markle said staff is set to advertise the development code amendments for a public hearing on November 17th. In addition to a continued review of the proposed development code amendments on November 3rd, staff has arranged for the City Engineer to provide a presentation on the pedestrian facility comprehensive study. This report shows the different options that could be considered for sidewalks. Also, the staff had tentatively scheduled an update on the Richmond Beach Saltwater Park Master Plan. However, she noted that the staff member working on the master plan is out of the Country and the presentation might have to be postponed. The Commission agreed that it would be appropriate to schedule a discussion on the development code amendments, as well as a presentation by the City Engineer regarding sidewalk options on November 3rd. They agreed to postpone the update on the Richmond Beach Saltwater Park Master Plan to a future meeting.

The Commission agreed to have a holiday party on December 15th in place of the regular meeting.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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Memorandum

DATE: 27 October 2005

TO: Planning Commission

FROM: Jill Marilley, P.E.
City Engineer

RE: Pedestrian Facility Comprehensive Study Interim Report

At the request of the Planning Commission, I will be presenting an update on the implementation of the sidewalk program. Attached to this memo is a copy of the Council packet from the April 25, 2005 Council meeting. At this meeting we reviewed what had been accomplished during the Transportation Master Plan and the continued work that was occurring at that time. This led to the development of the program for sidewalks in the 2006-2011 CIP that was adopted in July, 2005.

I look forward to addressing this information and developments since this report.

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Council Meeting Date: April 25, 2005

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Pedestrian Facility Comprehensive Study Interim Report DEPARTMENT: Public Works PRESENTED BY: Jill M. Marilley, PE, City Engineer</p>

BACKGROUND

The purpose of this item is to provide an overall view of the current inventory of our sidewalks and what design decisions and financial impacts should be addressed to develop additional pedestrian facilities in the City of Shoreline.

As you are aware, the City of Shoreline developed under King County development standards. At the time most homes were built there were no requirements for sidewalks to be constructed. As a result, many of our neighborhoods do not have the traditional curb, gutter and sidewalk facilities we see in more recent developments. Since incorporation, we have required developers to install a curb, gutter and sidewalk standard or allowed them to provide a “fee in lieu of improvements”.

Previous sidewalk analyses since incorporation have focused on specific needs or had a focused interest. For example, the previous Bond Committee work in 2002 focused on school zones only and the Sidewalk & Curb Ramp Repair Program focuses on adding curb ramps to existing sidewalks only as well as repairing existing concrete sidewalk. To date, Shoreline has not developed a comprehensive sidewalk plan. As we near completion of the 2004 – 2005 Comprehensive Plan review and potential adoption of our first Transportation Master Plan, we provide the following to start a discussion of sidewalks in Shoreline.

As part of this report we will use two different terms for the sidewalk system. “Sidewalk” will refer to the traditional curb, gutter and sidewalk system and “pedestrian facility” will refer to any area that is designated for pedestrians.

DISCUSSION

Existing Facilities

As you can see from Attachment A, Existing Pedestrian Facilities, Shoreline has substantially complete sidewalk systems in a number of major arterial corridors. The east/west corridors of N/NW185th Street, Richmond Beach Road and N 155th Street appear substantially complete. 15th Avenue NE and Meridian Avenue North are excellent examples of north/south routes that provide complete or close to complete systems. Upon completion of the already programmed CIP work, Aurora will have complete sidewalks and the Interurban Trail will provide an excellent north/south trail

ITEM 8.A - ATTACHMENT

route. Please note that Attachment A is a work in progress as we verify and map the results especially regarding non-traditional facilities such as asphalt paths and widened shoulders.

As part of the Transportation Master Plan an inventory of pedestrian sidewalks was completed that identified where facilities are still needed on arterials only. Please note that we are addressing arterials in this analysis due to the magnitude of the need. Residential streets will continue to have sidewalks constructed as part of redevelopment.

Pedestrian Facilities Analysis

In the traditional method of public works construction, citizens are familiar with concrete curb, gutter and sidewalk providing an area for pedestrians to be and remain separated from vehicular traffic. However, as part of this study we investigated the numerous applications of pedestrian facilities that were possible beyond the traditional sidewalk. Obviously, not all applications are possible in all areas without considerable cost and, in trying to extend the impact of limited funding, it was important for us to be creative in the solutions for every street.

Appendix B provides a visual presentation of the numerous potential applications for pedestrian facilities beyond the traditional standards. For this programs analysis we included the following descriptions of pedestrian facilities (see Attachment B):

- Traditional Concrete Curb, gutter and Sidewalk
- Separated Pathway with Swale
- Separated Pathway with Swale or Planting Strip and On-Street Parking
- Separated Pathway on Fill or Wall, with Swale
- Separated Pathway Below Road Grade
- Separated Pathway Above Road Grade
- Separated Pathway on Wall
- Separated Pathway on Boardwalk
- Widened Shoulder (with or without culvert)
- Widened Shoulder with ditch or swale

Please note that widened shoulders are not a strong recommendation and are only to be applied when no other solution can be built or financed. In later phases of our analysis we will be working closely with the Traffic Engineer, Rich Meredith, to find areas where this can be done inexpensively in advance of future sidewalks.

After identifying these possibilities and the potential standard that could be applied, we then reviewed the work already completed in the as-yet unadopted Transportation Master Plan. In the sidewalk section of this plan all arterials in the City were analyzed and a weighted criteria evaluation was utilized. The weighted criteria included school access issues, connections to parks, connections to existing sidewalks, linking 3 or more major destinations and connections to bus lines. It also addressed whether it was part of the 2002 Bond Committee recommendation to the City Council. From this weighted criteria a list of priorities was created and Priority 1, 2 and 3 sidewalk lists were developed. Please see Attachment C "Priority Pedestrian Projects" for the Transportation Master Plan Priorities 1 and 2. For the timing of this analysis we did not pursue estimating Priority 3 sidewalks and will continue to do so as this study continues.

ITEM 8.A - ATTACHMENT

With this list and with the potential options we then began a phase of gathering information to determine which of the facility options would be most effective for each segment to create a range of costs.

The next steps for this program development will include investigating Priority 3 segments and evaluating our prioritization system. Additionally, we will begin a Neighborhood Traffic Plan that may include sidewalk components and allow the citizens of the neighborhood to help prioritize the sidewalk segments. In this way we can address citizen priorities.

FINANCIAL IMPACT

Financial Estimates

For all options we utilized planning level estimates. Actual detailed costs would not be developed until we have an established program and final priorities. For Attachment B, Transportation Master Plan Priority 1 and 2, the range of costs would be \$15 million for concrete sidewalk to \$8 million for other pathway solutions. Widened shoulders are considered the least cost alternative and, as mentioned above, are not recommended as a permanent solution.

As an example of what could potentially be built and in what manner, we developed a representation on Attachment D, "Possible Scenario \$2 Million – 6 Year CIP Program". This \$2 million program completed over 6 years has a mix of traditional and alternate pedestrian facilities and would address a number of different locations (one side of street only). The map in Attachment D is intended to only be a representation of what is possible in a \$2 million, 6 year CIP program. It is not intended to specifically recommend these locations and type of installation as a final recommendation. Additionally, it does not represent the possible benefits that shoulder widening could provide to the program.

Financial Resources

As part of this program it will be critical to leverage any City funds with outside grant sources, surface water funds, other partnerships and future new revenue resources.

Grant resources could include state funds that might become available. For example, the Transportation Improvement Board has a small program for urban arterial sidewalks. However, this program is highly competitive due to limited resources dedicated to the project.

Surface Water funds would be a partner only where installation of the Pedestrian facility changes surface water flows or requires an improvement to the surface water system to install the facility.

Other partnerships could include the Shoreline School District. Some grants become available only with the participation of the School District. Finally, future new revenue resources would have to be identified by City Council as acceptable and could include a bond proposal.

ITEM 8.A - ATTACHMENT

SUMMARY/RECOMMENDATION

No City Council action is required at this time. The purpose of this report and the presentation is to provide possible program solutions to the sidewalk discussions and begin potential financial resource evaluation in the next year.

Attachments: A Existing Facilities
 B Cross Sections of possible Pedestrian Facilities
 C Transportation Master Plan Priority 1 and 2 segments
 D Potential \$2 million Program for a Six Year CIP

Approved By: City Manager ____ City Attorney ____

MAP A

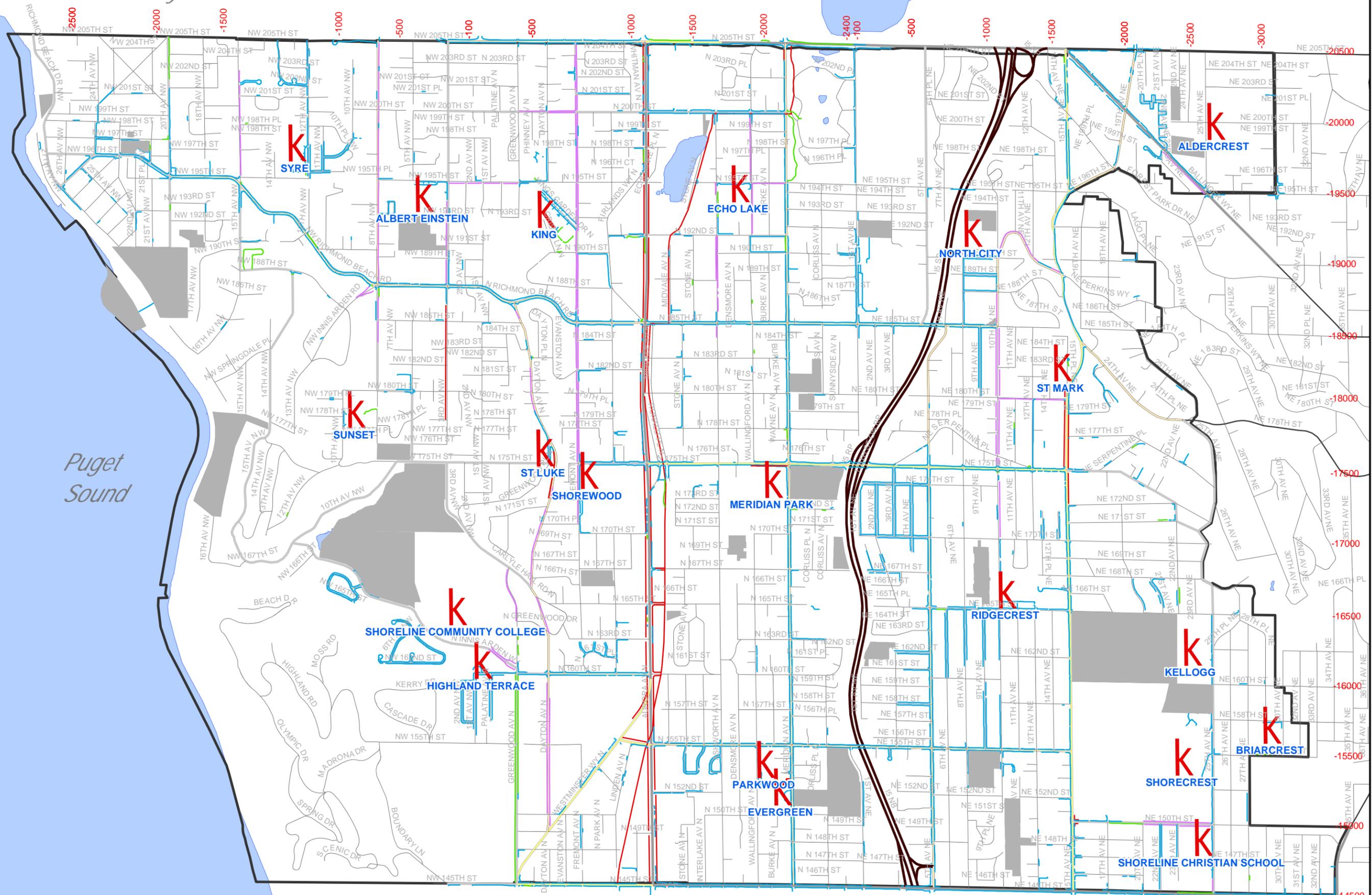
Woodway

Edmonds

Lake Ballinger

Mountlake Terrace

Street/Block #s



SHORELINE

Geographic Information System

Existing Sidewalks, Sidewalks to be built by CIP Projects, and Existing Pedestrian Facilities

Traditional Sidewalks

- █ CIP Sidewalks/ Interurban Trail
37,996 LF
- █ Existing Concrete Sidewalk (2004)
361,781 LF

Pedestrian Facilities

- (All weather, hard surface facilities)
- █ Asphalt Paths
20,038 LF
 - █ Widened Shoulders (Asphalt Shoulders at least 4' wide from fog line)
53,920 LF

- K Schools
- Park

Street

- Arterial Class**
- Interstate
 - State Route
 - Principal Arterial
 - Minor Arterial
 - Collector Arterial
 - Residential Street
 - Outside Shoreline
 - City Boundary

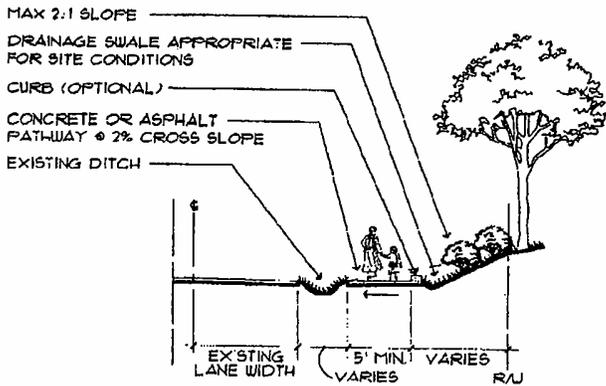


Puget Sound

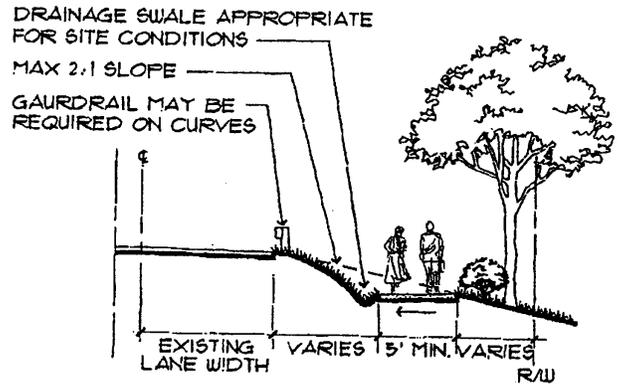
Seattle

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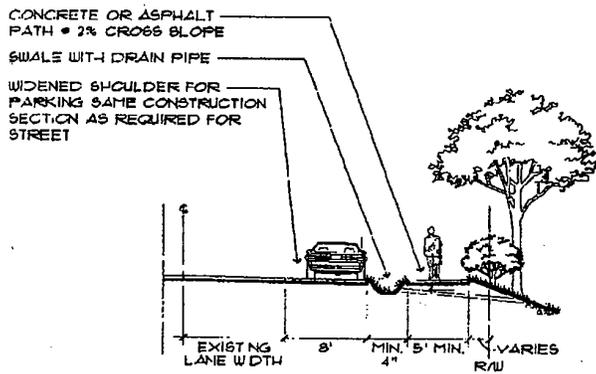
Alternative Pathway Concepts



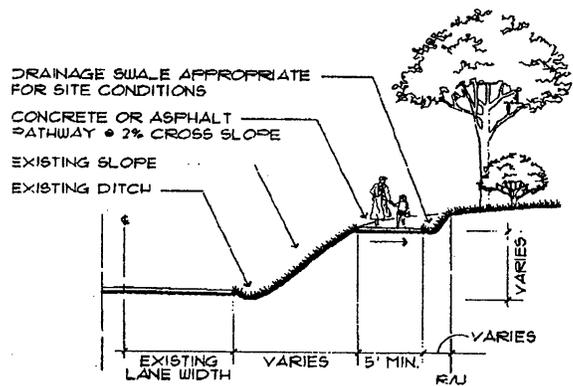
Separated Pathway with Swale



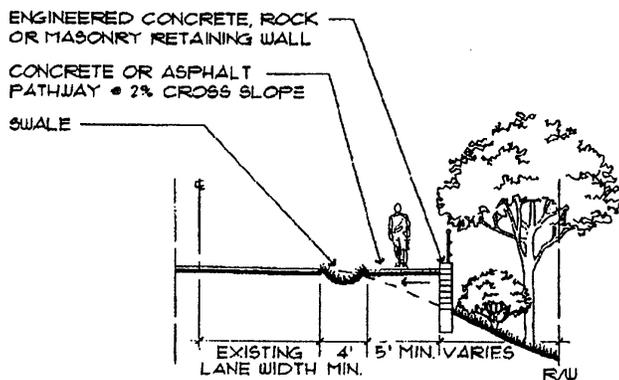
Separated Pathway below Road Grade



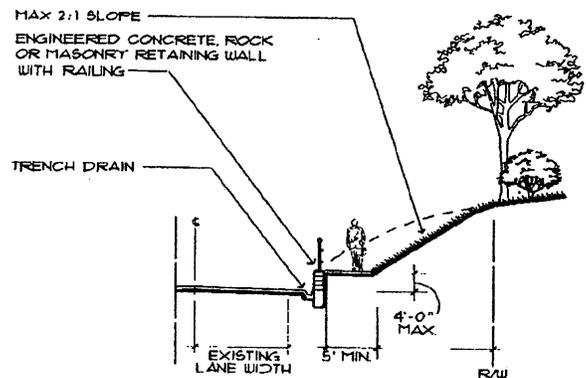
Separated Pathway with Swale or Planting Strip and On-Street Parking



Separated Pathway Above Roadway

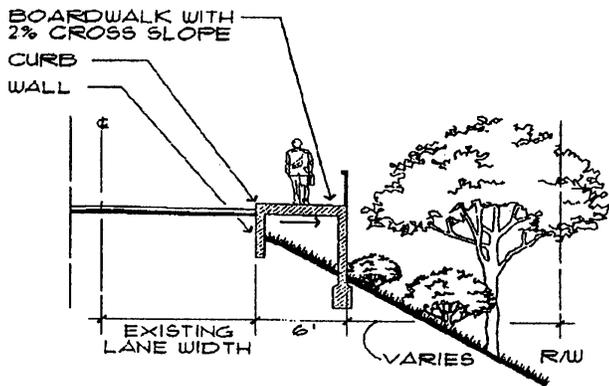


Separated Pathway on Fill or Wall with Swale

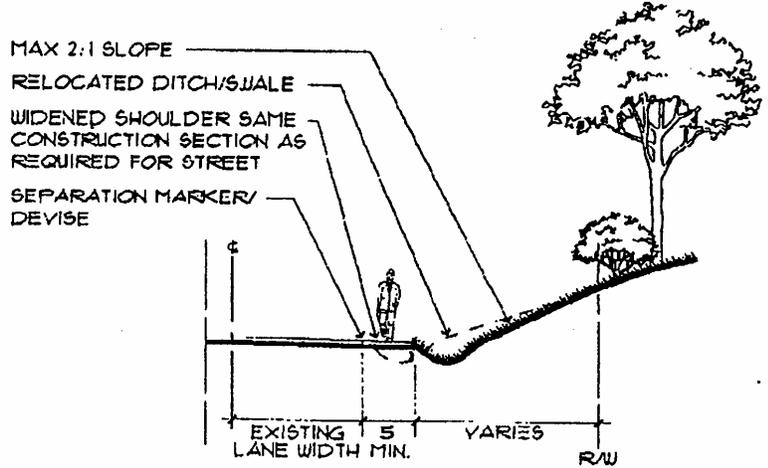


Separated Pathway on Wall

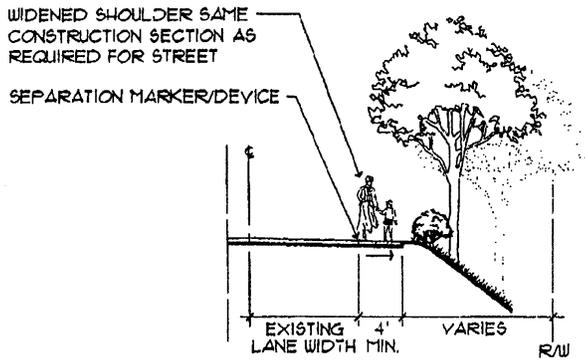
Alternative Pathway Concepts



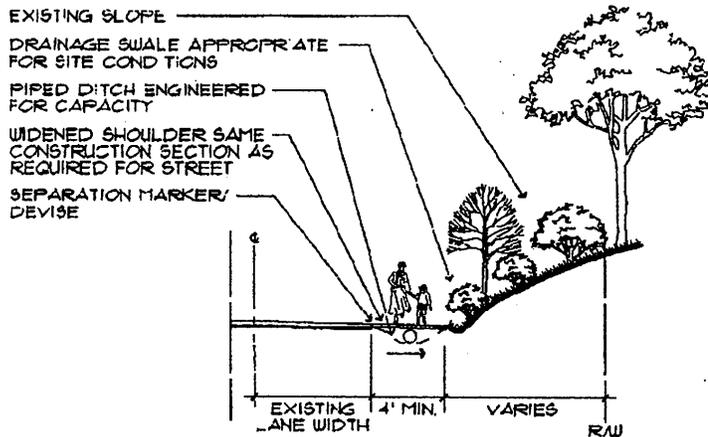
Separated Pathway on Boardwalk



Widened Shoulder with Ditch or Swale



Widened Shoulder



Widened Shoulder with Culvert

MAP C

SHORELINE

Geographic Information System

Priority Pedestrian Projects

Pedestrian Projects
Transportation Master Plan
February 2005

Priority 1 Projects
11.5 Road Miles (60,720 LF)
Estimated Cost Range
of Improvements =
\$8 - \$15 million

Priority 2 Projects
10.2 Road Miles (53,856 LF)
Estimated Cost Range
of Improvements =
\$10 - \$22 million

K Schools

Street Arterial Class

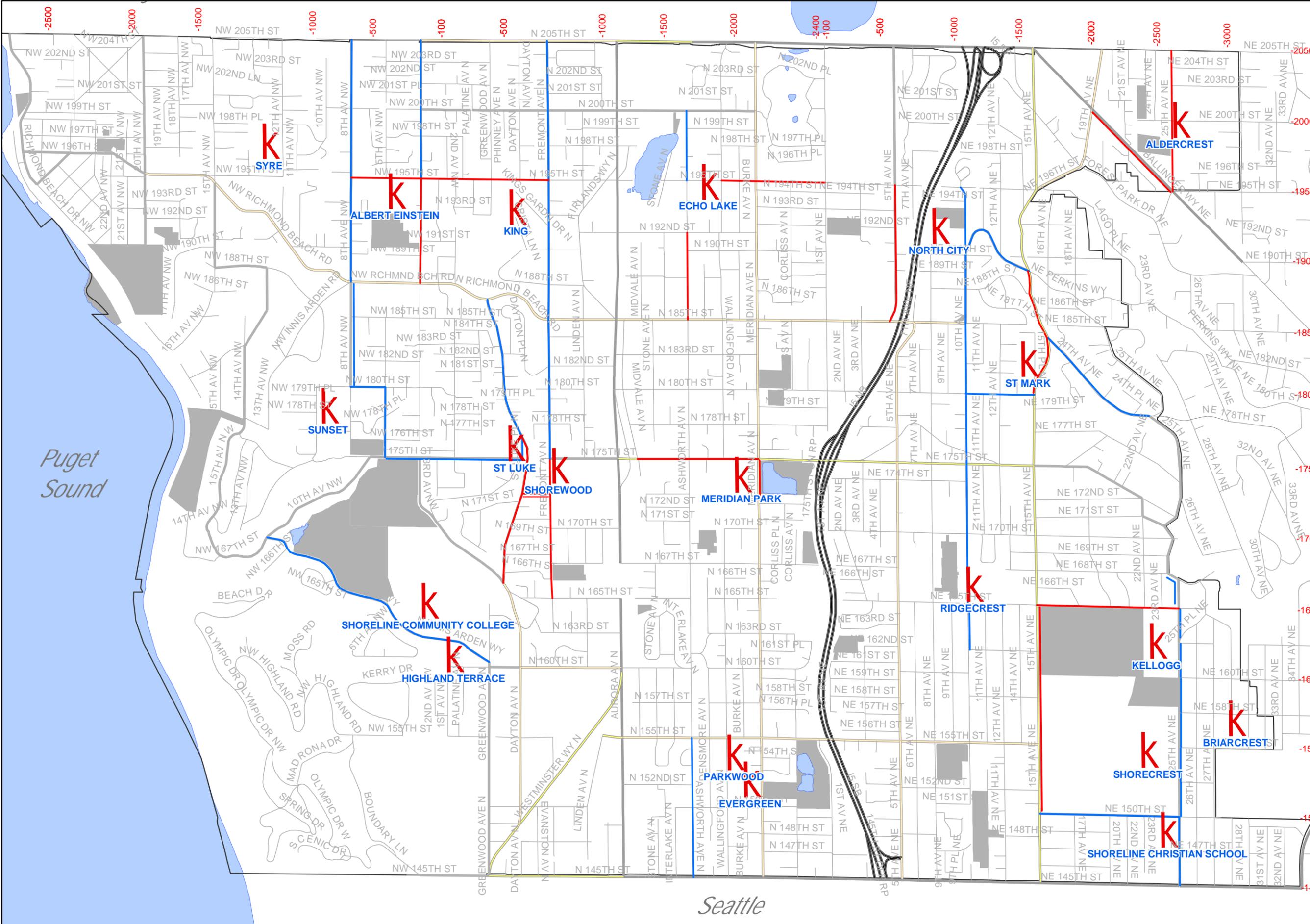
-  Interstate
-  State Route
-  Principal Arterial
-  Minor Arterial
-  Collector Arterial
-  Residential Street
-  Outside Shoreline
-  City Boundary
-  Park



0 285 570 1,140 1,710 2,280 Feet



Plot Date: October 17, 2005
No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.
G:\PWORKS\Engineering\UCurri\GIS Info\MAPS\ Sidewalks\Pedestrian Priorities



Seattle

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Possible Scenario \$2 Million - 6 Year CIP Program

City Funded Projects

Curb, Gutter, and Sidewalk

Separated Pathway with Swale

Potential Partial Grant Funded Projects

Curb, Gutter, and Sidewalk

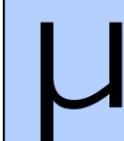
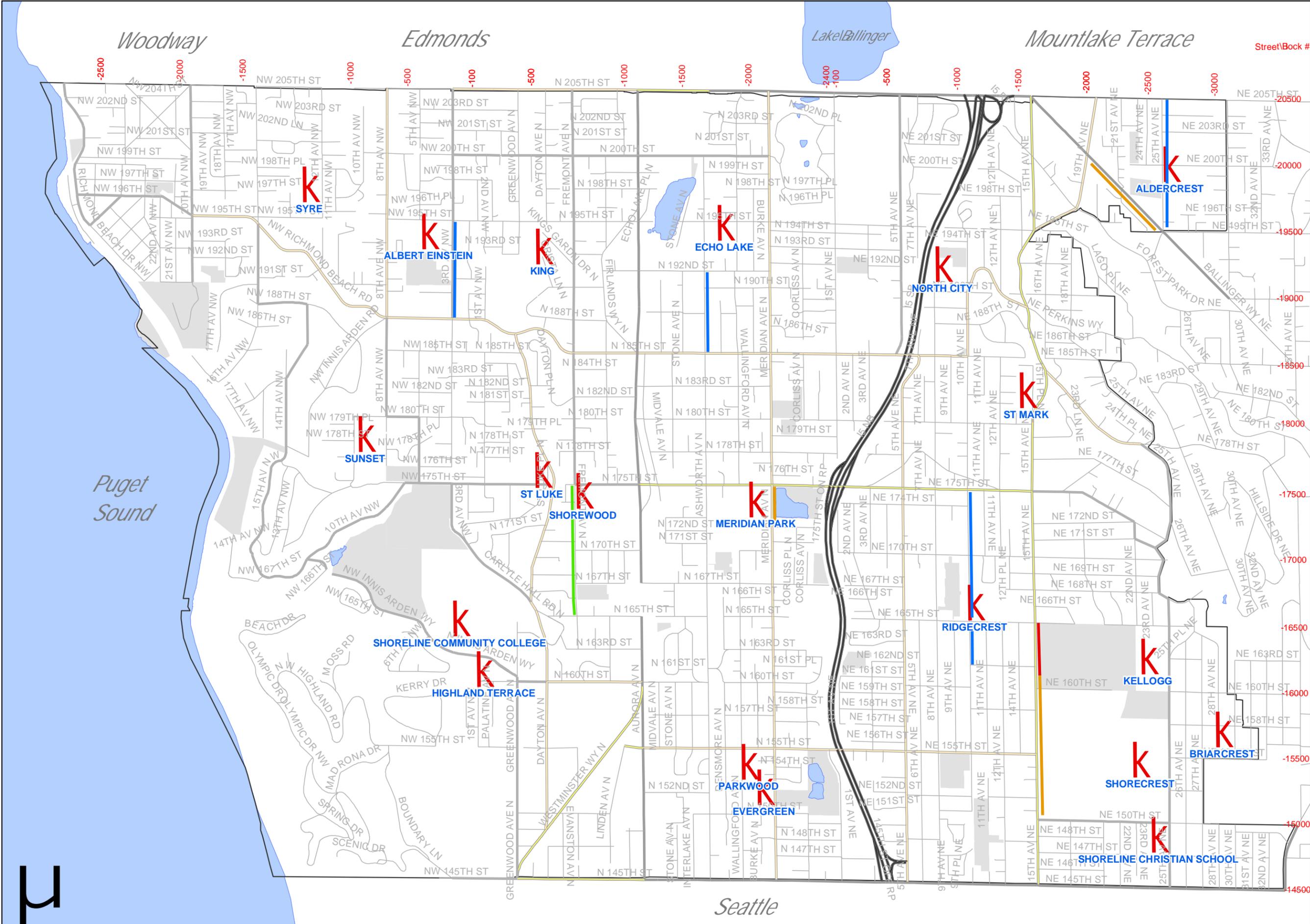
Other Agencies (No cost)

Curb, Gutter, and Sidewalk

Note: All segments one side of street only

Schools

This map is intended to only be a representation of what is possible in a \$2 million, 6 year CIP program. It is not intended to specifically recommend these locations and type of installation as a final recommendation.



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Memorandum

DATE: October 25, 2005

TO: Planning Commission

FROM: Kim Lehmborg, Planner II

RE: Proposed Amendments to the Shoreline Development Code

CC: Rachael Markle, Assistant Director

At its October 20, 2005 meeting, the Planning Commission finalized the official docket for the 2004 Development Code Amendment process. The Planning Commission did not add any amendments to the docket. A copy of the Official Docket (Table I) is attached to this memo. The Planning Commission also requested staff to clarify some of the proposed amendments. Staff has attempted to clarify the language as requested. The amended proposals are attached.

The purpose of this workshop is to identify any additional information or clarification that may be necessary for the scheduled public hearing. Please bring with you to the workshop the October 20th staff report, as it contains the analysis and issues for each proposed amendment.

After the public hearing, which is tentatively scheduled for November 17, 2005, the docketed items will be discussed and a recommendation on whether or not to approve the proposed amendment will be passed on to the City Council for their review.

Please remove the following pages in your Development Code Amendment Binder and replace them with the attached ones.

Table 1 - Docketed Amendments

D-1

D-8

D-10

D-12

D-21

Proposed Development Code Amendments- Docketed

Log #	Category	Requested Change	Requested By	Chapter	Section(s)	Title	Proposed Change	Staff Recommendation
D-1	Dimension	Change the size of allowed exempt structures to 200 Sq. Ft. to be consistent with the IRC.	City Planning Staff	20.50	100(1)	Location of accessory structures within required yard setbacks- Standards	Change allowed size from 120 Sq. Ft. to 200 Sq. Ft. and add requirement for fire separation as identified in the adopted building code.	Staff panel recommends adoption of this change for consistency between the Development Code and the Building Codes.
D-2	Trees	Reduce requirement of tree size for Landmark Tree to 24" DBH.	Boni Biery- Comprehensive Plan Amendment Comment	20.20	48	"T" Definitions	Reduce requirement of tree size for Landmark Tree to 24" DBH.	A reduction in size requirements for a landmark tree may allow for a request for the designation of a landmark tree that is only a significant tree and has not reached a maturity in its life to be considered a landmark tree. However, this reduction in size only affects the eligibility of an application for designation as a landmark tree and does not exempt the application from being evaluated by a certified arborist. Furthermore, the application may only be filed by the property owner, who may desire to preserve the trees on their property. In this case there is no negative effect of reducing the requirements to 24" because the determination is ultimately up to an arborist, and the designation of a landmark tree may not be forced on a property owner. Staff panel neutral regarding this proposed change.
D-3	Clearing and Grading	Change the requirements to be more specific about when a C & G permit is required.	City Legal Staff	20.50	300	Clearing and Grading General Requirements	Remove 20.50.300 (E) , add provision that makes all replacement trees protected trees, modify language around when a clearing and grading permit is required, and modify language regarding compliance with the Critical Areas section of Development Code.	Staff panel recommends consideration of this proposed change.
D-4	Fence	Change fence requirements to make content amendments and allow for construction of a solid 6 foot fence on top of a retaining wall.	City Planning Staff	20.50	110 & 210	Fences and Walls- Standards	Change fence requirements to make content amendments and allow for construction of a solid 6 foot wall on top of a retaining wall. Eliminate language requiring an offset design for fences along private driveways.	The current provision in the code does not allow for the construction of a six foot solid fence on top of a wall, and limits a property owners ability to construct a privacy fence on top of a retaining wall allowing the uphill neighbor to have a full view into the downhill neighbor's yard. Change will also eliminate provision in the code that requires the construction of an alternating type fence on private roads. Staff panel found this to be too restrictive, and may promote the construction of fences and landscaping that can hide burglars/thieves. Staff panel recommends consideration of these proposed changes.
D-5	Security Fencing	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Police Department	20.50	110 (C), 210 (D), 270 (C & D)	Fences and Walls- Standards	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Staff panel recommends consideration of this proposed change.
D-6	Noticing	Add description to Administrative section of code clarifying when noticing is required for each type of permit.	City Planning Staff	Many	Many	Procedures and Administration	Add Clarifying language that the noticing requirement for notice of decision applies to Type B and C actions only.	Staff panel recommends consideration of this proposed change.
D-7	Administrative	Change Street Vacations to Type "C" actions.	City Legal Staff	20.30	70	Legislative Decisions	Change Street Vacations to Type "C" actions.	By changing a Street Vacation action to a Type C action, the appearance of fairness on ex parte communication would apply, and contact made with opponents or advocates of the vacation would be reserved until all evidence is submitted at the public hearing allowing all merits of the action to be identified prior to formation of opinion. Staff panel recommends consideration of this proposed change.
D-8	Vesting	Add provision that allows applicant to apply for a stay if subject to LUPA process.	City Legal Staff	20.30	160	Expiration of Vested Status of Land Use Permits and Approvals	Add language that automatically allows for an extension of vesting under 20.30.160 if the approved land use permit is subject to a pending legal action or appeal.	By changing this section to allow for an automatic extension of vesting the applicant may be granted the full two years before expiration of approved land use action while decision is not subject to legal injunction. Staff panel recommends consideration of this proposed change.
D-9	Technical	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language	City Legal Staff	20.30	740	Civil Penalties for Code violations	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language.	Technical amendment. Staff panel recommends consideration of this proposed change.

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D-10	Technical	Add provision to promote the protection of retained significant trees from damage during construction.	City Planning Staff	20.50	350	Tree Replacement and Site Restoration	Require the bonding of protection measures and tree maintenance to ensure survival and health for 36 months following construction.	This would allow staff the ability to enforce the installation of tree protection measures on site. Sometimes this is not installed properly and leads to significant impact on the trees root system and eventual decline in health. Staff panel recommends consideration of this proposed change.
D-11	Technical	Change every occurrence of "Code Violation" to a capital "V". Change every reference to Director or Designee to just Director.	City Legal Staff	Many	Many	Many	Change every occurrence of "Code Violation" to a capital "V".	This helps provide for consistency. Staff panel recommends consideration of this proposed change.
D-12	Technical	Create an alternative to allow for the planting of trees on the property line side of the sidewalk, not directly next to the street (comment also forwarded to Engineering for consideration in next Engineering Guide update).	David Anderson-Comprehensive Plan Amendment Comment	20.5	480	Street Trees	SMC 20.50.480 (C) allows for this option based on an existing condition. Proposed change would allow for design flexibility based on site conditions, and may allow for improved visibility and safety in some situations. Change would also require that sidewalks with tree pits maintain a minimum four foot passage strip, instead of the two foot strip that is currently allowed through the use of tree pits with a six foot sidewalk.	Damage to streets and sidewalks by tree roots, and impact of restricted root growth to trees would also be minimized by moving trees to private property side of sidewalk. Staff agrees that change should be made to the engineering guide to show this alternate design, and to limit the placement of tree pits when sidewalk is less than eight feet wide. Engineering staff and Staff panel recommend consideration of this proposed change.
D-13	Technical	Change the reference to Fire Code to properly identify the IFC, not the UFC.	City Planning Staff	20.30	290 B(4)	Variance from the engineering standards (Type A action)	Change the reference to Fire Code to properly identify the IFC, not the UFC.	This helps provide for consistency. Staff panel recommends consideration of this proposed change.
D-14	Administrative	Add application expiration limitations.	City Planning Staff	20.30	100	Time limits	Change section 20.30.100 and 20.30.110 to include a clause regulating the expiration of a complete permit application.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development application expiration. Staff panel recommends consideration of this proposed change.
D-15	Technical	Make technical changes to the Animals section of Zoning and Use Provisions.	City Planning Staff	20.40	240	Animals	Technical changes to 20.40.240 to properly describe sizes of cages for birds and eliminate birds from the animal specific section.	These minor changes are due to some inconsistencies found in the code. Staff panel recommends consideration of this proposed change.
D-16	Technical	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	City Planning Staff	20.40	540	Temporary Use	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	A temporary use permit is not listed in the use tables but is found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user. Staff panel recommends consideration of this proposed change.
D-17	Technical	Make technical change to heading of section 20.30.140	City Planning Staff	20.30	140	Time Limits	Make technical change to heading of section 20.30.140.	This change will help clarify the content of the section. Staff panel recommends consideration of this proposed change.
D-18	Clearing and Grading Permit Requirements	Change performance section to individually describe performance and maintenance bonds.	City Legal Staff	20.50	360	Tree replacement and site restoration	Change performance section to individually describe performance and maintenance bonds.	This change helps differentiate between a performance guarantee and maintenance bond. Staff Panel recommends consideration of this proposed change.
D-19	Administrative	Add section regulating the expiration of clearing and grading and site development permits.	City Planning Staff	20.30	165	Permit expiration timelines for Clearing and Grading and Site Development Permits	Add section 20.30.165 that addresses time limits and expiration of site development and clearing and grading permits.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Staff panel recommends consideration of this proposed change.
D-20	Administrative	Add reference to site development permit for subdivision section that references the new permit expiration limitations.	City Planning Staff	20.30	430	Site development permit for required subdivision improvements – Type A action.	Add reference in 20.30.430 to properly identify new section regulating expiration of site development permit.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Staff panel recommends consideration of this proposed change.
D-21	Noticing	Revise neighborhood meeting standards and noticing requirements to better notify the public of potential land use actions and allow potential issues to be identified and resolved prior to Planning Commission public hearings.	Michael Broili	20.30	80-180	Procedures and Administration	No proposed language was submitted. Staff drafted some amendments to try and address the comment. Clarify that the meeting notice include a description of the project, zoning, site & vicinity maps and possible future land use decisions i.e. rezone, SEPA, etc. Add minimum requirements for meeting content i.e. basic agenda for meeting. Add a step to have the City mail submitted neighborhood minutes to all meeting attendees for additions, corrections, etc.	Provide more information in the neighborhood meeting notice to better alert neighbors to potential projects/change. Add some basic structure to the neighborhood meeting to insure that adequate information is being relayed to meeting attendees for the purposes of early discussions. By mailing the meeting summaries submitted by the applicant's to the meeting attendees, attendees could verify the information. This could address concerns that the applicant's minutes are not reflecting the comments at the meeting. Staff panel recommends consideration of this proposed change.

20.50.100 Location of accessory structures within required yard setbacks – Standards.

No accessory structure shall be located within any required setback.

*Exception 20.50.100(1): One uninhabited **freestanding** structure less than 10 feet high and **420200** square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback. **This structure shall retain a fire separation distance as specified in adopted building codes.***

*Exception 20.50.100(2): If the accessory structure, which is less than 420 **200** square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.*

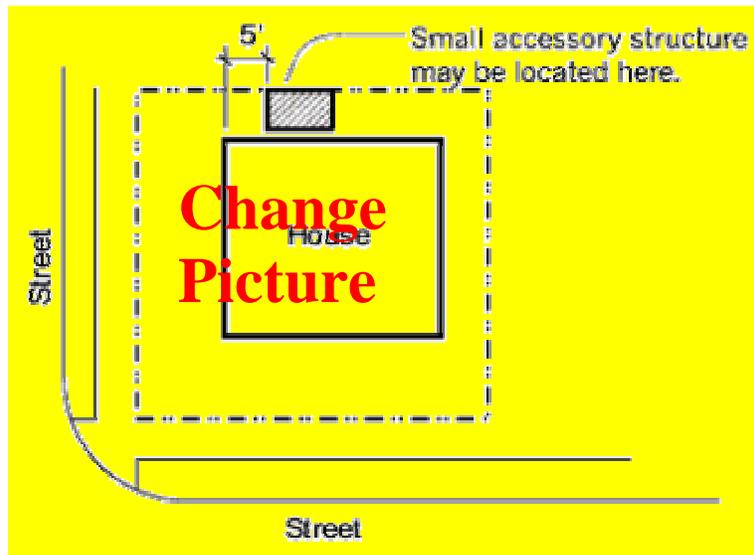


Figure Exception to 20.50.100(2): Permitted location of small accessory structure in side yard.

(Ord. 238 Ch. V § 2(B-4), 2000).

20.30.160 Expiration of vested status of land use permits and approvals.

Except for long plats or where a shorter duration of approval is indicated in this Code, the vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

In such cases if a complete building permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal. (Ord. 238 Ch. III § 4(i), 2000).

20.50.350 Development standards for clearing activities.

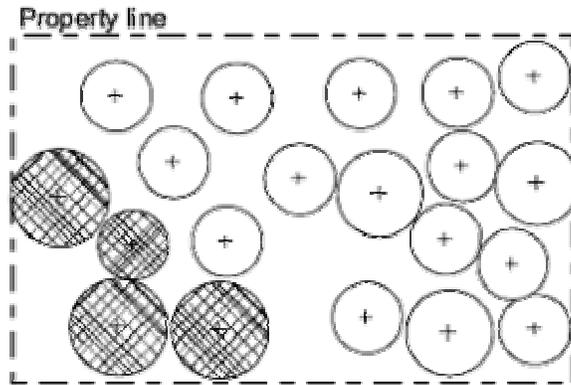
A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.

B. **Minimum Retention Requirements.** All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:

1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, or
2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.

3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during construction through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures. Further preservation of retained trees following construction shall be required for a period of 36 months and shall be guaranteed through an approved maintenance agreement.

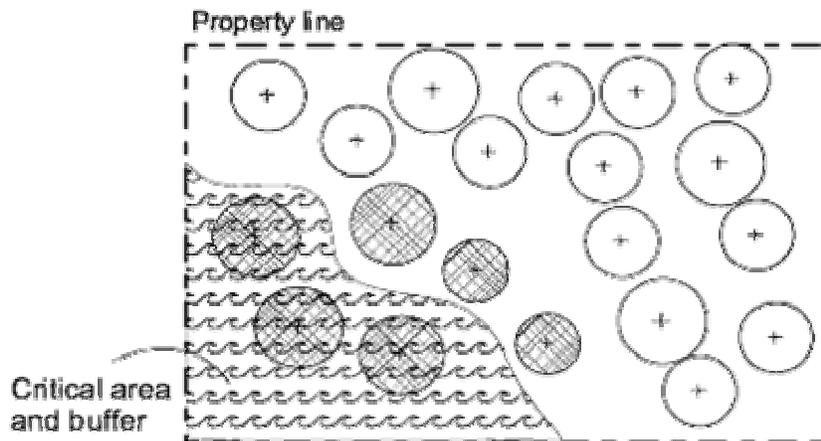
3- 4. The Director may require the retention of additional trees to meet the stated purpose and intent of this ordinance, as required by the critical areas standards, or as site-specific conditions demand using SEPA substantive authority.



LEGEND

⊗ Indicates trees to be retained

Figure 20.50.350(B)(1): Demonstration of the retention of 20 percent of the significant trees on a site containing no critical areas.



LEGEND

⊗ Indicates significant trees to be retained

Figure 20.50.350(B)(2): Demonstration of the retention of 30 percent of the significant trees on a site containing a critical area.

Exception 20.50.350(B):

1. *The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a*

written recommendation of a arborist certified by the International Society of Arboriculture and approved by the City that retention of the minimum percentage of trees is not advisable on an individual site.

2. *In addition, the Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:
There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*
3. *If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC [20.50.360](#) for all significant trees removed beyond the six allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC [20.50.350\(B\)](#).*
4. *In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.*

20.50.480 Street trees – Standards.

- A. Street trees must be two-inch caliper and planted no more than 40 feet on center and selected from the City-approved street tree list. Placement of street trees can be adjusted to avoid conflict with driveways, utilities, and other functional needs while including the required number of trees. Street trees are required for all commercial, office, industrial, multifamily zones, and single-family subdivisions for all arterial streets.
- B. Street landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- C. Trees must be:
- Planted in a minimum four-foot wide continuous planting strip along the curb, or
 - Planted in tree pits minimally four feet by four feet where sidewalk is no less than eight feet wide. If the sidewalk is less than eight feet wide a tree grate may be used if approved by the Director; or
 - Where an existing or planned sidewalk abuts the curb, trees may be planted four feet behind that sidewalk, on the side opposite the curb.
- D. Street trees will require five-foot staking and root barriers between the tree and the sidewalk and curb.
- E. Tree pits require an ADA compliant iron grate flush with the sidewalk surface.
- F. Street trees must meet requirements in the Engineering Development Guide. Trees spacing may be adjusted slightly to accommodate sight distance requirements for driveways and intersections. (Ord. 238 Ch. V § 7(B-3), 2000).

20.30.080 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any Type B or Type C action and/or for an application for a project located within a critical area or its buffer.

Applicants for development permits under Type A actions are encouraged to participate in preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process.

Preapplication meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for preapplication meetings, which shall include a critical areas checklist. Plans presented at the preapplication meeting are nonbinding and do not “vest” an application. (Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(a), 2000).

20.30.090 Neighborhood meeting.

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

A. The purpose of the neighborhood meeting is to:

- 1.** Ensure that **potential** applicants pursue early and effective citizen participation in conjunction with their **application proposal**, giving the applicant **project proponent** the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
- 2.** Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with applicants **project proponents** to resolve concerns at an early stage of the application process.

B. The neighborhood meeting shall meet the following requirements:

- 1.** Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting **and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.**
- 2.** The notice shall be provided at a minimum to property owners located within 500 feet of the proposal, the Neighborhood Chair as identified by the

Shoreline Office of Neighborhoods (Note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department.

3. The notice shall be postmarked at least 10 to 14 days prior to the neighborhood meeting.
4. The neighborhood meeting shall be held within the City limits of Shoreline.
5. The neighborhood meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
6. The neighborhood meeting agenda shall cover the following items:
 - a. Introduction of neighborhood meeting organizer (i.e. developer, property owner, etc.);
 - b. Description of proposed project;
 - c. Listing of permits that are anticipated for the project;
 - d. Description of how comments made at the neighborhood meeting are used; and
 - e. Provide meeting attendees with the City's contact information.
 - f. Provide a sign-up sheet for attendees.

C. The applicant shall provide to the City a written summary or checklist of the neighborhood meeting. The summary shall include the following:

1. A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
2. Who attended the meeting (list of persons and their addresses).
3. A summary of concerns, issues, and problems expressed during the meeting.
4. A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.
5. A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting. (Ord. 299 § 1, 2002; Ord. 238 Ch. III § 4(b), 2000).

Staff will mail the summary of the neighborhood meeting to all persons who attended the neighborhood meeting, signed in and provided a legible address.

20.30.100 Application.

Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.

2. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
3. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
4. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall require:

1. An application form with the authorized signature of the applicant.
2. The appropriate application fee based on the official fee schedule (Chapter [3.01 SMC](#)).

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department. (Ord. 238 Ch. III § 4(c), 2000).