

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, June 15, 2006  
7:00 p.m.**

**Shoreline Conference Center  
18560 1<sup>st</sup> Ave. NE | Rainier Room**

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S REPORT</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b> a. June 1, 2006	7:08 p.m.
<b>6. GENERAL PUBLIC COMMENT</b>	7:10 p.m.

*The Planning Commission will take public comment 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.*

<b>7. PUBLIC HEARINGS</b> <i>Quasi-Judicial Public Hearings</i>	7:15 p.m.
i. <b>Jay Finney Site Specific Rezone #201508</b>	
ii. <b>Becker Site Specific Rezone #201522</b>	
a. Staff Overview and Presentation of Preliminary Staff Recommendation	
b. Applicant Testimony	
c. Questions by the Commission to Staff and Applicant	
d. Public Testimony or Comment	
e. Presentation of Final Staff Recommendation	
f. Final Questions by the Commission and Commission Deliberation	
g. Closure of the Public Hearing	
h. Vote by Commission to Recommend Approval or Denial or Modification	
<b>8. REPORTS OF COMMITTEES AND COMMISSIONERS</b>	8:45 p.m.
<b>9. UNFINISHED BUSINESS</b>	8:50 p.m.
<b>10. NEW BUSINESS</b>	8:55 p.m.
a. Retreat Update	
<b>11. ANNOUNCEMENTS</b>	9:15 p.m.
<b>12. AGENDA FOR July 6, 2006</b>	9:19 p.m.
<b>Two Public Hearings &amp; Development Code Amendment Workshop</b> Burt Site Specific Rezone #201518; Sundquist N 199th Site Specific Rezone #201523	
<b>13. ADJOURNMENT</b>	9:20 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**

June 1, 2006  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

**COMMISSIONERS PRESENT**

Chair Piro  
Vice Chair Kuboi  
Commissioner Broili  
Commissioner Harris  
Commissioner Phisuthikul  
Commissioner McClelland  
Commissioner Hall  
Commissioner Wagner  
Commissioner Pyle

**STAFF PRESENT**

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

**CALL TO ORDER**

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

**ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Broili, Harris, Phisuthikul, McClelland, Pyle, Hall and Wagner.

**APPROVAL OF AGENDA**

The agenda was approved as submitted.

**DIRECTOR'S REPORT**

Mr. Tovar said he would like to discuss the Commission's agenda planner at some point, but he suggested that this discussion be postponed until after the public hearing and Commission deliberation on the Hazardous Tree Ordinance and Critical Areas Stewardship Plan have been completed.

Mr. Tovar announced that the joint City Council/Park Board/Library Board/Planning Commission meeting has been scheduled for Tuesday, June 27<sup>th</sup> instead of Thursday, June 29<sup>th</sup>. Therefore, the Commission could decide to schedule a special meeting on the fifth Thursday (June 29<sup>th</sup>) if need be.

### **APPROVAL OF MINUTES**

The minutes of May 18, 2006 were approved as submitted.

### **GENERAL PUBLIC COMMENT**

**Bob Barta, 15703 – 1<sup>st</sup> Avenue Northwest**, pointed out that when any of the plans (Development Code, Shoreline Municipal Code, and Comprehensive Plan) are incongruous with the intent of Shoreline’s policy to promote public health, safety and general welfare, corrections must be made as soon as possible. Secondly, Mr. Barta suggested the Commission hold a discussion at a future meeting to determine at what point a City representative or employee would be required to represent or assist the public at neighborhood meetings when land use development projects are being considered. He suggested that one attendee from the neighborhood should be designated as a contact person so the City could verify how an issue was settled. He also suggested that a video or tape recording be made. He said that, in his experience with neighborhood meetings, the public tends to be aced out of the process. Lastly, Mr. Barta encouraged the Commission to schedule a future discussion about ways to accommodate affordable housing in Shoreline, especially for younger couples. The City needs to have children in the community to keep the schools full. He submitted documents regarding the concept of community land use trusts (Exhibit 3) for the Commission’s consideration.

**Dennis Lee, 14547 – 26<sup>th</sup> Avenue Northeast**, reminded the Commission of the concept of “neighborhood sub area planning” which is called out in the Comprehensive Plan. This concept was designed to protect the character of the existing neighborhoods. He briefly reviewed recent issues that have come up in the City regarding minimum lot size, cottage housing, multi-family residential housing, etc. He also reminded the Commission of a previous suggestion that the City create design standards to prevent developers from taking advantage of the intention of cottage housing (smaller units with lots of open space). Mr. Lee asked the Commission to consider the opportunity to complete a sub area plan for the Briarcrest Neighborhood. This would be a neighborhood driven development process, and the end result would have to be consistent with the Comprehensive Plan. He pointed out that there are some 2 and 3 bedroom starter homes on 7,200 square foot lots in the Briarcrest Neighborhood, but these would likely be replaced in the future with larger homes. The properties along 145<sup>th</sup> would likely be developed as multi-family units. A neighborhood sub area planning process would allow them to balance the uses, preserve the neighborhood character, and offer home ownership opportunities.

Chair Piro asked staff to contact Mr. Lee and advise him about what is currently happening with sub area neighborhood planning in the City. Mr. Tovar said staff recently discussed the concept of neighborhood planning with the City Council, and they plan to give a short report to the Commission on June 15<sup>th</sup>. Chair Piro also requested that staff provide an update on the City’s progress in reviewing housing issues. Mr. Tovar reminded the Commission that the City Council has scheduled two town hall meetings to solicit public input regarding their 16 draft goals, including the issue of housing choices,

neighborhood planning, etc. The meetings are scheduled for June 6<sup>th</sup> at 6:30 p.m. at the Historic Museum and June 14<sup>th</sup> at 6:30 p.m. at the Shoreline Center.

## **CONTINUED PUBLIC HEARING ON PERMANENT HAZARDOUS TREES REGULATIONS AND CRITICAL AREAS STEWARDSHIP PLAN**

Chair Piro reviewed the rules and procedures for the continued public hearing. He explained that, typically, oral comment would only be accepted from those who did not testify on May 18<sup>th</sup>. However, because revised provisions have been offered that were not included in the May 18<sup>th</sup> draft, oral comment would be accepted from people who previously testified, as well. He asked that they limit their testimony to the new provisions, only. He noted that previous comments have already been included as part of the record.

### **Staff Briefing**

Mr. Tovar referred to a memorandum from staff dated May 25, 2006, and reviewed the four attachments as follows:

- Attachment A – Proposed text showing staff recommended revisions in strikeout/underline format.

Mr. Tovar referred to Item “h” and explained that the proposed new language would require the director to establish a list of arborists, and persons seeking an exemption would have to choose one of the arborists from the list. The arborist would make a professional recommendation in accordance with the standards of the International Society of Arboriculture, and the Director would make the final determination. He noted that changes were also made in Items “i” and “j” to reference the list.

Mr. Tovar referred to Item “i” and recalled that issues were raised about whether walkways, trails, and sidewalks should be identified in the text of the code. He said it is clear that approved paths made of asphalt or concrete are places where people would walk. However, the issue is not so clear with unimproved trails. Rather than redefining “trails,” staff has proposed language in the code provisions for trees that would give the Director the discretion to determine whether or not a trail is a designated trail for purposes of constituting a target. Mr. Tovar also reviewed the minor changes that have been proposed for Item “j”.

- Attachment B – City of Shoreline Trails Information

Mr. Tovar pointed out that the Shoreline Municipal Code’s definition for trails might be useful for describing where some trails in the City might be, but it does not describe all trails. Again, he reviewed that the recommended changes to Item “i” of Attachment A would allow the Director the discretion to determine whether a trail is a designated trail for purposes of constituting a target.

- Attachment C – Memorandum from City Attorney and Planning Director

Mr. Tovar said this memorandum was written in response to public comments regarding the relevance and effect of prior litigation, including Viking versus Holm, on the City's authority and discretion to craft the proposed regulations.

▪ Attachment D – Additional Public Comment Letters

Mr. Tovar advised that the Planning and Development Services Department has received a number of additional written comments, which were included as Attachment D.

Mr. Tovar advised that since the staff report was written, the City Attorney received additional correspondence on a number of subjects, including the relevance of the Viking versus Holm decision and the City's right to pass critical areas regulations that might conflict with the Innis Arden Covenants. He read the additional memorandum that was provided by the City Attorney to supplement his earlier response to this concern.

Mr. Torpey provided two maps. One identifies the critical areas within the City, including streams, lakes and wetlands and slopes. The other map shows the location of the Innis Arden Reserves. He noted that Reserve M is a City-owned property, although it is contained within the Innis Arden neighborhood. In response to a question from the Commission, he said staff could provide, on a request basis, a map of critical areas for any area of town.

**Continued Public Testimony or Comment**

**Beverly Meln, 1440 Northwest 186<sup>th</sup> Street**, said she would like to address the preservation of the Innis Arden Reserves, which comprise much of the sensitive critical areas in Innis Arden. Some have suggested that strict preservation of these areas would violate the property owners' "right to a view." She expressed her belief that the City cannot violate rights that do not exist. She explained that in 1992, the King County Superior Court mandated that the Reserves are not governed by the view amendment and trees in the Reserves cannot be cut for views under that amendment. She concluded that only residential lots could be cut for views. She emphasized that all the Reserves were, and still are subject to the enforcement of the Critical Areas Ordinance. She urged the Commission to do all they can to protect and preserve all of the sensitive critical areas in Shoreline. They are important to ensuring a healthy quality of life in the City. She submitted legal documents to support her statement, which were identified as Exhibit 4.

**Wayne Cottingham 17228 – 10<sup>th</sup> Northwest**, said he has lived in Innis Arden for the past 41 years. He pointed out that there are no Innis Arden Covenants, and they are not a covenanted community. They have restrictive mutual easements that were impressed on the land by Mr. Boeing through the first master deed for each of the three subdivisions. As Mr. Boeing addressed the restrictive mutual easements, his operative words were "subject to." When subsequent lots were sold, they referred back to the master deed and made each lot "subject to." Mr. Cottingham explained that in 1949, when Mr. Boeing wrote the restrictive mutual easements for Innis Arden 3, addressing Section 13 of Paragraph 13, he wrote "Reserve M may be divided into residential lots at which time they shall become subject in all respects to the restrictive mutual easements of Innis Arden 3 in the same manner as all of the other

residential lots.” That was the only tract that could be divided and the only one that was not given to the Innis Arden Club. It was the only tract that could be amended. Thirteen months after Mr. Boeing wrote the deeds, he offered to purchase stock in the Innis Arden Club, Inc. and asked that they be bound by the restrictive mutual easements. Upon receiving that assurance, he quick claim deeded the Reserves to the Innis Arden Club, but not subject to those certain restrictive mutual easements.

**Art Wright, 1304 Northwest 8<sup>th</sup> Street**, said he is a 20-year resident of Innis Arden. When his lot was first developed, it was not clear cut. It was a wooded lot. In his deed, the word “covenant” does not appear. Instead, the words “restrictive mutual easements” was used. The Commission should understand there is a distinction between a covenant and an easement as far as property rights are concerned. Likewise, the word “view” does not appear in the papers drawn up by Mr. Boeing in the 1940’s. There is a paragraph concerning fences, hedges and walls and the noxious use of property. In this day and age, the public does not consider trees to be a nuisance. The only nuisance in Innis Arden might be said to be the club house because of the noise it creates. Trees absorb carbon dioxide to help the atmosphere, and most cities are working hard to get greenbelts. However, the Innis Arden Board wants to eliminate their greenbelt. Mr. Wright said he supports the proposed ordinance, which would help preserve the greenbelts within the City.

**Mike Jacobs, 18301 – 8<sup>th</sup> Northwest, Innis Arden Club President**, advised that Mr. Cottingham, Ms. Meln, Ms. Phelps and a few other residents have sued the club. They have some unique ideas as to what the covenants consist of and require. This matter is in King County Superior Court. To date, they have filed a number of motions, but they have yet to be successful with any of them.

Mr. Jacobs referred to Attachment C (the memorandum submitted by the Planning Director and City Attorney) and said the club is very concerned about its content. The memorandum suggests that the Innis Arden Club representatives have overstated the effects of prior litigation. Mr. Jacobs specifically referred to the Viking Decision (August 2005), and said the court concluded that the City has no authority to invalidate restrictive covenants. Yet, that is essentially what the City is proposing to do now.

Mr. Jacobs pointed out that, as proposed, the Stewardship Plan would prevent Innis Arden residents from removing any trees within critical areas that are less than 10 acres in size, and this includes all private properties. It also limits the removal of trees to the view that existed at the time the plan was submitted. He suggested that this would result in an arbitrary and capricious taking situation. The City Attorney states in his June 1<sup>st</sup> memorandum, that “The right to have trees cut for view and the owner’s right to cut for view on his or her own property are both subject to local land use regulations, which are not arbitrary or capricious.”

Mr. Jacobs pointed out that in 2002, the club presented a vegetation management plan to the City for Grouse Reserve, which is a critical area. As per the approved plan, the City permitted the club to remove approximately 70 trees in the critical area. He submitted a copy of the vegetation management plan, which was identified as Exhibit 6. He questioned why it was permissible in 2002 to remove trees within a critical area and now it is not. He questioned the science that would support the proposed prohibition of even one tree being removed from a critical area. He asked that the Commission reject

the proposal and allow the club to work further with staff to come up with a plan that is mutually acceptable and beneficial to all.

**Fran Lilleniss, 17730 – 14<sup>th</sup> Avenue Northwest**, referred to the list of invasive species that were reviewed at the last meeting and noted that the list did not include human beings, even though they are the most invasive species on the planet. Humans have chosen to live the way they want to without regard to the environment and habitat. She referred to Mr. Ellison's comments at the last meeting that property owners along Boeing Creek are not controlling the invasive species, and this is devastating the habitat. She provided a pictures of an invasive species property that is not being cared for, and asked what the City intends to do about the situation. The pictures were entered into the record as Exhibit 7. She said she does not feel that property with trees cut down would be ugly.

Ms. Lilleniss pointed out that Mr. Boeing paid extra money to give Innis Arden property owners protective mutual easements, which they call covenants. Legally, she suggested that protective mutual easements are actually stronger than covenants. She noted that the Reserves were not included in Judge Ellington's lawsuit because, at the time, the property owners adjacent to the Reserves dealt with trees that were growing in their views.

**Harley O'Neil, 18645 – 17<sup>th</sup> Avenue Northwest**, said he is a resident of Innis Arden. He pointed out that when Mr. Boeing sold the lots, he specified which ones were view lots and they were sold for a higher price. Secondly, Mr. O'Neil expressed his belief that the majority of Innis Arden residents are concerned about the critical areas. However, he is not convinced that some of the trees in question are doing a better job than another type of tree that could be used for soil stability, water absorption, etc. He urged the Commission to review best available science to determine what could be done to secure and protect the critical areas and, at the same time, provide the views people were given when they purchased properties. It is sad to see what has happened to the views over the years.

**Pam Smit, 18229 – 13<sup>th</sup> Avenue Northwest**, said she also lives in Innis Arden. She said she is confused about the process for reviewing the proposal. She asked why the City didn't use more of a collaborative effort. Since the Innis Arden community would be most impacted, she suggested the City should have held a meeting with the people living in that neighborhood. She urged the Commission to stop the debate about whether or not the covenants should be valued. Since the critical areas stewardship plan provision would only apply to properties that are 10 acres or larger, she questioned how the City would deal with trees being cut from individual private properties within critical areas.

### **Commission Deliberation and Final Recommendation on Proposed Hazardous Tree Ordinance**

Chair Piro reminded the Commission that a motion was put on the floor at the last meeting that still needs to be voted on at some point. He also reminded the Commission that new language was proposed by staff subsequent to the motion on the floor.

Commissioner Broili referred to Item "i" on Attachment A and asked staff to explain how the City would track improved trails over time, and at what point the process would take place. Would the City keep a permanent record of trails? Mr. Tovar said that a trail could be identified at the time an

application for a stewardship plan is submitted. While property owners could wait until they have a hazardous tree situation, he would encourage them to let the City know about trails as soon as possible. Once information has been submitted to the City, it would be digitized and identified on the City's base map as a recognized trail.

Commissioner Wagner suggested that the list of targets contained in the proposed ordinance seems redundant since the same information is included on the Tree Evaluation Form. Mr. Tovar said that many citizens have raised questions about what portions of a larger critical area would be considered a "target."

Commissioner Hall pointed out that the revised proposal would require an arborist to conduct an evaluation of a tree. It would also give the Director the discretion to make the determination on whether or not it is a hazard. He asked if the proposal includes any guidelines or provisions to indicate the required level of evaluation, and how the Director would ensure the consistent application of his discretion over time. Mr. Tovar explained that all the arborists on the City's list would likely interpret the facts somewhat differently. But if all the reports are submitted to the same decision maker, there would be a consistent control point.

Commissioner Wagner suggested that instead of the Director making a final call and having the City take on the liability, it would be more appropriate to have a second arborist evaluate the situation. Mr. Tovar recalled that citizens expressed a concern that the review process not be redundant. Therefore, staff recommends that a second arborist opinion only be required if the Director deems it necessary.

Vice Chair Kuboi pointed out that there are still elements of the proposed language that are not clear, such as how trails can be defined and how the approved arborist list would be created and maintained. He asked at what point in the process these additional elements would be defined. Mr. Tovar said the Commission could decide they want all of the details worked out before making a recommendation to the City Council or they could forward a recommendation on the proposed language and rely on the City administrators to address the details. He pointed out that staff creates a number of forms, procedures and checklists administratively to enforce other parts of the codes where there is no specific statutory direction.

Commissioner Broili referred to Item "h" of Attachment A and asked if it would be appropriate to include language to make it clear that payment for the arborist would be made by the City and reimbursed by the property owner. This would make it clear that the arborist is responsible to report to the City and not the applicant. Mr. Tovar advised that, typically, when cities use a consultant as part of a three-part contract, the applicant would pay the City, the City would pay the consultant and the consultant would report to the City.

**COMMISSIONER HALL WITHDREW HIS MAIN MOTION FROM MAY 18<sup>TH</sup> TO RECOMMEND APPROVAL OF THE PROPOSED CODE AMENDMENT LANGUAGE REGARDING HAZARDOUS TREES. COMMISSIONER BROILI WITHDREW HIS SECOND.**

Commissioner Pyle referred to Items “h” and “i” on Attachment A, and suggested that the two items conflict with each other as to who would have the ultimate authority to grant approval for removal of a tree. Item “h” implies that the final determination would be granted to the Director, but Item “i” alludes to the fact that the city-approved arborist would have the ultimate authority. Mr. Tovar agreed and suggested that Item “i” be revised to read, “Approval to cut or prune vegetation may only be given if the Director, upon the recommendation of the city-approved arborist concludes that . . .” The Commission agreed this would be an appropriate change.

Commissioner Wagner questioned if it would be appropriate to replace the word “vegetation” with “trees” to be consistent with the other sections of the proposed language. Commissioner Broili expressed his belief that the underbrush and other vegetation could be just as important as trees to the functionality of a slope in a critical area. Commissioner Hall agreed and pointed out that the hazardous tree provisions are intended to apply citywide to all hazardous trees inside or outside of critical areas and would not alter the protection of critical areas as provided for in the Critical Areas Ordinance. Mr. Torpey agreed that nothing in the hazardous tree provisions would override the protections identified in the Critical Areas Ordinance. The Commission agreed that “vegetation” should be replaced with “tree” in Item “i” of Attachment A.

**COMMISSIONER HALL MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL STAFF’S JUNE 1<sup>ST</sup> RECOMMENDED PROPOSED CODE LANGUAGE REGARDING HAZARDOUS TREES (20.50.310) WITH THE FOLLOWING AMENDMENTS TO SECTION 20.50.310.a.1.I: STRIKE “VEGETATION” AND INSERT “TREES;” UN-STRIKE “DIRECTOR” AND INSERT “UPON THE RECOMMENDATION OF THE” [upon the recommendation of the City approved arborist]. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Hall emphasized the importance of having the Planning Commission enter their findings and conclusions into the record to support their motions. He suggested the following findings:

- Some members of the public expressed support of the staff proposal, and some opposed it. Some indicated they would support the proposal if it had more stringent conditions for removal of a hazardous tree. Others indicated they would support it if it had less stringent conditions.
- The record supports the finding that removing hazardous trees has the potential to reduce hazards to human life, health and property.
- The record also supports the finding that cutting trees in steep slopes has the potential to reduce slope stability and possibly create a hazard to human life, health and property.
- Cutting trees anywhere in the City, inside or outside of critical areas, has the potential to degrade ecosystems and the natural environment and to alter the character of Shoreline and its treescape.

Commissioner Hall concluded that the staff’s proposal strikes a careful balance between the goal of protecting human life, health and property from the hazards of falling trees and the goal of protecting

human life, health and property, as well as the natural environment, from the consequences of cutting trees both inside and outside of critical areas in the City of Shoreline.

Commissioner Pyle indicated his support of Commissioner Hall's findings and conclusions. However, the proposed language does not address circumstances where a hazardous tree becomes a serious threat and the property owner does not have time to contact the City's Customer Response Team and go through the process of obtaining the necessary approval to remove the tree. Commissioner Harris suggested that if there were a significant storm, a property owner would likely experience a delay in finding someone to cut the tree down, as well.

Commissioner McClelland said it is important for the City to make an effort to inform the residents of Shoreline of the new Hazardous Tree Ordinance. This could be as simple as a brochure or information on the City's website. They should not just assume that most people would know about the ordinance without being specifically informed.

Commissioner Phisuthikul reminded the Commission that the provision would only apply to properties where six significant trees have already been removed within a three-year period. Commissioner Hall agreed, but pointed out that the "six tree" provision would only apply to properties that are outside of critical areas.

Commissioner Harris clarified that, as per the proposed language, the City would provide a list of numerous arborists. Mr. Tovar said he anticipates the staff would use a recruitment process to identify qualified arborists. This would likely include an interview process to find out about their qualifications, their availability and their experience. The City's Forester would likely participate in the selection process. Commissioner Harris asked if the City would establish a pre-set fee with each of the arborists on the list. Mr. Tovar said this would likely be spelled out in a three-party contract that all of the arborists on the list would sign. Commissioner Harris said he would prefer that the issue of monetary compensation be between the arborist and the applicant rather than mandated by the City. Mr. Tovar said he would prefer a set fee so an arborist would not be influenced by how much he/she is getting paid.

#### **Closure of Public Hearing on Proposed Hazardous Tree Ordinance**

**COMMISSIONER BROILI MOVED THAT THE COMMISSION CLOSE THE PUBLIC HEARING ON THE HAZARDOUS TREES PORTION OF THE HEARING. COMMISSIONER HARRIS SECONDED THE MOTION.**

Commissioner Hall asked that when the staff prepares findings and conclusions for the City Council's review, they should add the finding that public notice was provided, that the proposed amendments were consistent with the topical area that was discussed and properly publicly noticed, that the changes made by the Commission were designed as improvements, and that there would be adequate opportunity for additional public comment and notice when the item comes before the City Council in a legislative public hearing.

Vice Chair Kuboi pointed out that if the Commission were to close the hearing for the proposed Hazardous Tree Ordinance, they would not be able to further direct staff to craft specific language about how arborist lists or trails would be defined. These details would have to be developed after the fact, with no involvement from the Commission. Chair Piro said his interpretation is that after the public hearing is closed, the Commission would still have the ability to direct staff to do additional work.

**THE MOTION TO CLOSE THE PUBLIC HEARING CARRIED UNANIMOUSLY.**

**Continued Commission Deliberation and Recommendation on Proposed Hazardous Tree Ordinance**

**COMMISSIONER WAGNER MOVED THAT THE COMMISSION STRIKE ALL OF “c” IN 20.50.310.a.1 AND STRIKE “OR CLEARING VEGETATION” FROM “d.” COMMISSIONER PYLE SECONDED THE MOTION.**

Mr. Tovar pointed out that if Item “c” were removed, he would not necessarily have the authority to require that a report be done by the City’s forester. He added that the term “peer review” does not appear in the draft Hazardous Tree Ordinance, but it is used in the draft language for Critical Area Stewardship Plans. He recommended that if the Commission takes Item “c” out of the draft Hazardous Tree Ordinance, they should place it in the draft Critical Area Stewardship Plan Ordinance, instead.

Commissioner Phisuthikul said he would be in favor of retaining Item “c”, as written, since this would allow the Director to use peer review (a third party), if necessary, when making final decisions regarding hazardous trees, as well. Commissioner Harris recalled that the intent of creating a list of approved arborists was to eliminate the City’s need for additional peer review. Commissioner Pyle said his understanding of the proposed language is that the Director could go to a third party (the City’s forester or another arborist on the approved list) to review the submitted application. However, the cost of the third party review would be the City’s responsibility. Commissioner McClelland reminded the Commission that the term “peer review” is no longer included in the proposed Hazardous Tree Ordinance, so there is no need to retain Item “c”.

**CHAIR PIRO PROPOSED A FRIENDLY AMENDMENT TO STRIKE ALL OF “c” FROM 20.50.310.a.1 AND INSERT THE LANGUAGE INTO 20.80.087, THE CRITICAL AREAS STEWARDSHIP PLAN SECTION OF THE DEVELOPMENT CODE. COMMISSIONERS WAGNER AND PYLE ACCEPTED THE FRIENDLY AMENDMENT.**

**THE MOTION, AS AMENDED, WAS APPROVED 8-1, WITH COMMISSIONER PHISUTHIKUL VOTING IN OPPOSITION.**

Vice Chair Kuboi asked staff to explain how a trail would be documented for the purpose of applying the proposed language. Mr. Tovar explained that if the proposed language were adopted by the City Council, staff would develop a form for this purpose. An applicant would be asked to submit a scale drawing or map, indicating the location and alignment of the trail. Once a trail has been approved by staff, it would be identified on the City’s digitized GIS map as an improved trail. Staff could consult the

map whenever someone submits a Hazardous Tree Form. Vice Chair Kuboi said that, in theory, it would be possible for someone to construct a trail near a tree that has some hazardous conditions just to create a target situation that would allow them to cut the tree down. There is nothing in the proposed language that would enable the City to establish whether or not the trail was in place before the tree reached a hazardous situation. Mr. Tovar said that when reviewing trail forms, he would require a property owner to demonstrate that the trail is used on a frequent basis.

Commissioner Pyle cautioned against adding improved trails to the City's GIS mapping system, since this could end up degrading the quality of the GIS system. However, GPS mapping or legal descriptions of the trails might be useful. It would also be useful to hand sketch the trails and attach the drawings to titles.

Commissioner Wagner expressed her concern with the language regarding "recreational trails." She suggested that it would be duplicative to identify the target as part of the tree evaluation form, and then have separate language in the proposed language to define what a target is. She suggested that the language in the regulation should be illustrative and the determination should be based on the risk assessment form.

The Commission discussed the idea of eliminating the list in Item "i" of Attachment A. It was suggested that, instead, the section should refer to the Tree Evaluation Form, which is straight forward. Mr. Torpey said that, from an administrative perspective, without listing the actual targets, anything could be considered a target. Chair Piro cautioned against referencing a form in the code language. The majority of the Commission concurred.

**COMMISSIONER WAGNER MOVED TO UN-STRIKE "RECREATIONAL TRAILS" FROM 20.50.310.A.1.i AND STRIKE THE STAFF'S INSERTED LANGUAGE "AND ANY TRAIL AS PROPOSED BY THE PROPERTY OWNER AND APPROVED BY THE DIRECTOR FOR PURPOSES OF THIS SECTION." COMMISSIONER HALL SECONDED THE MOTION.**

Commissioner Hall noted that on May 18<sup>th</sup>, he made a motion to strike "recreational trails," but the motion failed unanimously. He took that as the Commission's intent to retain the term. In the staff report, it was noted that trails are defined elsewhere in the code and are used in the Parks and Recreation Comprehensive Plan.

**THE MOTION CARRIED 5-2-2, WITH COMMISSIONERS HALL, HARRIS, MCCLELLAND, WAGNER AND PIRO VOTING IN FAVOR AND COMMISSIONERS PHISUTHIKUL AND PYLE VOTING AGAINST. COMMISSIONERS BROILI AND KUBOI ABSTAINED FROM VOTING.**

Commissioner Pyle said his understanding of the motion is that Item "i" would revert back to the original text. Commissioner Wagner explained the intent of her motion.

**COMMISSIONER HALL MOVED THAT THE COMMISSION RECONSIDER THEIR VOTE ON THE PREVIOUS MOTION. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION TO RECONSIDER WAS APPROVED UNANIMOUSLY.**

**COMMISSIONER WAGNER MOVED THAT THE COMMISSION UN-STRIKE “RECREATIONAL TRAILS” FROM 20.50.310.A.1.i. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED, 6-2-1, WITH COMMISSIONERS HARRIS, MCCLELLAND, PHISUTHIKUL, PYLE, WAGNER AND PIRO VOTING IN FAVOR AND COMMISSIONERS HALL AND KUBOI VOTING AGAINST. COMMISSIONER BROILI ABSTAINED.**

**THE MAIN MOTION TO RECOMMEND APPROVAL OF STAFF’S JUNE 1<sup>ST</sup> RECOMMENDED PROPOSED CODE LANGUAGE REGARDING HAZARDOUS TREES (20.50.310) WAS UNANIMOUSLY APPROVED AS AMENDED.**

**Commission Deliberation and Final Recommendation on Proposed Critical Areas Stewardship Plans**

**COMMISSIONER HALL MOVED TO RECOMMEND DENIAL OF STAFF’S PROPOSED CRITICAL AREAS STEWARDSHIP PLAN IN SECTION 20.80.087 OF THE DEVELOPMENT CODE. COMMISSIONER WAGNER SECONDED THE MOTION.**

Commissioner Hall pointed out that a lot of work has occurred regarding the issue of “Critical Areas Stewardship Plans.” However, testimony from both sides indicates that neither side supports the current proposal. The Innis Arden Club has encouraged the Commission to send the issue back to staff for additional work with the help of club representatives. The Innis Arden Club expressed their opinion that the proposed language would make it too difficult to cut trees to protect views. Other citizens expressed opposition to the staff’s proposal because it would make it too easy to cut trees in critical areas and that the proposal would create an undue hardship on the City’s critical areas and ecosystems. While he doesn’t know what the right answer is, he concluded that they did not hear overwhelming support from either side regarding the current proposal.

Commissioner Pyle asked regarding the current mechanism for removing trees within critical areas, aside from a critical areas reasonable use permit. Mr. Tovar said that is the only option available for removing trees in critical areas.

Chair Piro commended the staff and citizens for their hard work on the issue. However, he said he has significant concerns about the proposed language because the definition for “view” is too open ended. Therefore, he would not support bringing the issue of “view” into the Critical Areas Ordinance at this time. He concluded that he would support the motion to deny the proposed language for Critical Areas Stewardship Plans.

Commissioner Harris said he would support the motion to deny the proposed language, as well. Because the stewardship plan could be applied for various reasons throughout the City, he suggested

that the issue of view be removed. Instead, the concept should rely on science and require applicants to prove that critical areas would not be impacted. Rather than focusing on the covenants, the issue should be about whether or not critical areas could be protected and/or improved on a basis of science.

Commissioner Pyle agreed with Mr. Crook's testimony from the May 18<sup>th</sup> meeting in which he cautioned the Commission to craft an ordinance that does not attempt to resolve an internal dispute. He said he would vote against the proposed language because it has "view" strictly identified as a trigger mechanism for approaching a Critical Areas Stewardship Plan.

Commissioner McClelland expressed her concern that much of the testimony offered to the Commission was not on point with regard to the Commission's responsibility. She reminded the Commission that the City is required by law to adopt and enforce a Critical Areas Ordinance. The Commission is in a difficult and unique situation of trying to figure out how to abide by the law and still allow covenants to be effective. She expressed her belief that the proposed language does not resolve this issue. She suggested there must be some method that would allow the staff, the community and the Commission to work together to develop a solution so that it does not end up in an expensive court battle.

Commissioner Broili said he would also support the motion to deny the proposed stewardship plan language. He said he is in favor of the disparate parties coming together under the umbrella of the City to devise some type of management strategy for the reserves. He said he would not be in favor of the Commission getting involved in the middle of the dispute. Another option would be to form a group, similar to the Economic Development Task Force, to create criteria for a Critical Areas Stewardship Plan.

The Commission discussed whether it was their job to reflect state law or the community values and concerns. Commissioner McClelland said she feels the Commission's responsibility is to find the nexus between what the State law requires of the City's government and what the community feels they are entitled to. Chair Piro agreed that their job is to try to do both. Commissioner Hall pointed out that while State law requires the City to protect critical areas, it does not say how or to what extent they must do so. While the City's Critical Areas Ordinance must meet the test of best available science, state law allows communities to consider what the proper balance should be. He summarized that it is the Commission's job to reflect the values of the local community and do the best they can to make recommendations that are consistent with these values.

Chair Piro summarized that the Commission has a responsibility to deal with the issue of critical areas, and he commended the staff for trying to create ordinance language that would balance the state requirements, as well as the community values. However, it appears the Commission does not feel the proposed language is ready to move forward to the City Council for consideration.

Commissioner Phisuthikul applauded the staff for creating an excellent draft ordinance, which provides and adequate opportunity for check and balance. It also allows flexibility to the applicants to propose certain concepts if they are concerned about view protection. The proposal would not be a blanket "view protection" ordinance, but it would offer property owners an opportunity to present plans that

would result in no net loss to the critical area. If no net loss would result from the removal of a tree, the City should have some mechanism to allow this to occur.

**Closure of Public Hearing on Proposed Critical Areas Stewardship Plans**

**COMMISSIONER HALL MOVED TO CLOSE THE PUBLIC HEARING ON CRITICAL AREAS STEWARDSHIP PLANS. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**Continued Commission Deliberation and Final Recommendation on Proposed Critical Areas Stewardship Plans**

Commissioner Hall pointed out that the City's current Critical Areas Ordinance is intended to protect all critical areas throughout the City, and not just Innis Arden. He further pointed out that most of the testimony provided was not really on point with the decision before the Commission. He noted that neither the current regulations nor the proposed regulations would likely end the controversy or litigation between private parties within the community. He did not feel the proposed motion would either hinder or further any of the current private litigation.

Commissioner Pyle asked if the Commissioners would be more willing to support the draft language if the section pertaining to "views" was deleted from the proposal. The ordinance could then be applied unilaterally throughout the City. This would allow a property owner to alter a critical area if they could put together a plan that proves there would be no net loss of function or values. He noted that, with the exception of the section related to views, the remainder of the proposal is positive and would provide the staff with a tool to adequately deal with tree removal and tree management on properties regardless of use.

Commissioner Hall agreed that the "view" section is a significant challenge, but removing it would not likely resolve the issues raised by the community. Most of the opposition was against cutting trees in critical areas regardless of the purpose. He concluded that it would be difficult to craft stewardship plan language until the community is ready to accept that active management of critical areas might be acceptable.

Commissioner Pyle pointed out that one of the requirements of a critical areas reasonable use permit is actually proving there would be no net loss of functions and values. All the proposed language would do is change the process a little. It would take the Hearing Examiner out of the process and make it an administrative decision, but it would still require the same documentation. Anyone could apply for a critical areas reasonable use permit because they are under a hardship, and they would have an opportunity to present their case to the Hearing Examiner. As long as they could prove a hardship and that there would be no net loss in functions or values, their application would be approved.

Commissioner Broili expressed his belief that the City needs to do something. They need a strategy that would allow for no net loss or improve the existing functions and values. He noted that the functions and values of the City's wetlands have been badly degraded and need to be improved. He said that while they cannot get back to an old growth forest, they can obtain an urban forest that functions the

same as an old growth forest but looks different. He urged the City to take the lead and develop an Urban Forest Management Strategy that would restore the functional qualities of both the critical areas and the forested areas. Mr. Tovar invited the Commissioners to attend the town hall meetings that are scheduled of June 6<sup>th</sup> and June 14<sup>th</sup>, where the issue of Urban Forest Management would be discussed.

**THE MOTION TO DENY THE STAFF'S PROPOSED CRITICAL AREAS STEWARDSHIP PLAN IN SECTION 20.80.087 OF THE DEVELOPMENT CODE WAS APPROVED 8-1, WITH COMMISSIONER PHISUTHIKUL VOTING IN OPPOSITION.**

Commissioner Hall asked if the approved motion would preclude the staff from taking the proposal to the City Council for consideration. Mr. Tovar answered that because the Planning Department initiated the proposal, he would expect them to, at the very least, report to the City Council and explain how the process moved forward. The Commission's recommendation would be provided to the City Council, and the City Council would be asked to provide staff with direction on how they want them to proceed.

**REPORTS OF COMMITTEES AND COMMISSIONERS**

Chair Piro announced that the Puget Sound Regional Council (PSRC) is actively engaged in the public comment period for the four-county regional strategy revision of the Vision 20/20 Plan. He noted that several Commissioners attended the kick-off event. He said citizens could access and provide comments on the four alternatives being proposed by visiting the PSRC's website at [www.psrc.org](http://www.psrc.org).

**UNFINISHED BUSINESS**

Mr. Tovar noted that the special meeting that was tentatively scheduled for June 29<sup>th</sup> would not be necessary.

**NEW BUSINESS**

There was no new business scheduled on the agenda.

**ANNOUNCEMENTS**

There were no additional announcements provided during this portion of the meeting.

**AGENDA FOR NEXT MEETING**

Chair Piro reviewed that the June 15<sup>th</sup> agenda would include two public hearings. Mr. Tovar said the hearings would be regarding two site-specific rezones. In addition, the Assistant City Manager would be present to talk to the Commission about their retreat agenda.

Commissioner Hall reminded staff that a joint meeting with the Parks Board is a priority of the Commission. Mr. Tovar suggested that the joint meeting would likely be scheduled for September 7<sup>th</sup>.

**ADJOURNMENT**

The meeting was adjourned at 9:52 p.m.

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Rocky Piro  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Type C Action: Rezone Application for one parcel generally located at 14539 32<sup>nd</sup> Avenue NE from R-12 (Residential 12 dwelling units/acre) to R-24 (Residential 24 dwelling units/acre).

**DEPARTMENT:** Planning and Development Services

**PRESENTED BY:** Steven Szafran, Planner II

**I. PROPOSAL**

The applicant, Jay Finney, proposes to modify the existing zoning category for an 8,460 square foot parcel located at 14539 32<sup>nd</sup> Avenue NE. This application before the Planning Commission is a request to change the zoning designation from R-12 (Residential - 12 dwelling units per acre) to R-24 (Residential 24 dwelling units per acre). In addition, the applicant is proposing to construct two duplex buildings for a total of four units at a density of 21 units per acre. A site plan showing the site configuration of the proposal is included as **Attachment 1**. A vicinity map showing existing zoning for the project site and adjacent properties is located in **Attachment 2**. The parcel has a Comprehensive Plan Land Use designation of Mixed Use, and both the existing and proposed zoning are consistent with this designation (**Attachment 3** illustrates the Comprehensive Plan Land Use designations).

Under the Appearance of Fairness Doctrine, local land use decisions that are not of area wide significance shall be processed as quasi-judicial actions. Because this is a Site Specific Zone Change it shall be processed per RCW 42.36.010 as a Type C quasi-judicial action.

With the current designation of Mixed-Use and a zoning of R-12 there is the potential to build 2 single-family residences on the subject site subject to the Shoreline Development Code Standards. There is currently a condemned single-family home on-site that will be demolished in the near future. The proposed rezone would allow the construction of up to 5 dwelling units but the applicant is proposing 4 units, also subject to the requirements of the Shoreline Municipal Code (SMC) section 20.30.

This report summarizes the issues associated with this project and discusses whether the proposal meets the criteria for rezone outlined in the Shoreline Municipal Code and the goals of the Comprehensive Plan. Type C Actions are reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to City Council, which is the final decision making authority for Type C Actions.

## **II. FINDINGS**

### **1. SITE**

The subject site is generally located on the west side of 32<sup>nd</sup> Avenue NE, approximately 400 feet north of NE 145<sup>th</sup> Street. The parcel is developed with one condemned single-family residence that will be demolished in the near future. The parcel measures 8,460 square feet in area (approximately .19 acres). The site is gently sloping at an average grade of 4 percent toward the west. The highest elevation is approximately 242 feet at the northeast corner and the lowest elevation is 236 feet at the west property line.

There are a few trees on site. The main significant tree is located at the western edge of the site. A “significant tree” is defined in the Shoreline Municipal Code Title 20 as a healthy, windfirm, and nonhazardous tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater at breast height if deciduous.

### **2. NEIGHBORHOOD**

The project site is located in the Briarcrest Neighborhood. Access to the property is gained from 32<sup>nd</sup> Avenue NE, a street that is classified as a local street. As indicated previously the site is zoned R-12 and has a land use designation of Mixed Use. The current zoning of the parcels immediately adjacent to the subject properties on the north and south are R-12, and are developed with single-family homes (these parcels also have a Mixed Use Comprehensive Plan Land Use Designation). The current zoning of the three parcels immediately adjacent to the subject properties on the west are R-18 and are developed with two triplexes and one duplex (these parcels have a Mixed Use Comprehensive Plan Land Use Designation). The current zoning of the parcels to the east, across 32<sup>nd</sup> Avenue NE are a mix of R-24 and Neighborhood Business. These parcels are developed with apartments, restaurants and fast food establishments and mostly gain access from Bothell Way NE. The zoning classifications and comprehensive plan land use designations for the project sites and immediate vicinity are illustrated in **Attachments 2 and 3**. The site is also within walking distance of Hamlin Park, Briarcrest Elementary School and Shorecrest High School as identified in **Attachment 4**.

### **3. TIMING AND AUTHORITY**

The application process for this project began on August 25<sup>th</sup>, 2005, when a pre-application meeting was held with the applicant and city staff. The applicant then held the requisite neighborhood meeting on February 15<sup>th</sup>, 2006. The formal application was then submitted to the City on February 15<sup>th</sup>, 2006. The application was determined complete on March 6<sup>th</sup>, 2006. A public notice of application and public hearing was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the sites on March 9<sup>th</sup>, 2006.

Comments were received at the neighborhood meeting and staff received a letter of petition in support of the proposed project during the required comment period (**See Attachment 5**). The comments are listed in the Table below:

<b>Name</b>	<b>Comment</b>	<b>Staff Response</b>
Scott Solberg	I am in support of this application	None
Vasillios Tsafos	Signed petition with no additional comment	None
Angelos Savranakis	Signed the petition with no additional comment	None
Kevin Dwinelle	Thank You	None
Gregory Sankey	This would greatly improve the area and take away the abandoned structure and the danger to the children and community.	The existing structure on-site will be demolished before the approval of this zone change.
Christine Chmielewski	Signed the petition with no additional comment	None
Monica Anderson	This development will improve the neighborhood and I can't wait.	Staff agrees with the comment.
Jackie Ollestad	Opposes the development. Would rather see single-family homes than townhomes	Townhomes are allowed even if the zone change is not approved.

Rezone applications shall be evaluated by the five criteria outlined in Section 20.30.320 (B) of The Shoreline Municipal Code (SMC). The City Council may approve an application for rezone of property if the five decision criteria are met.

#### **4. CRITERIA**

The following discussion shows how the proposal meets the decision criteria listed in Section 20.30.320(B) of the SMC. The reader will find that each of the criteria is integrated, and similar themes and concepts will run throughout the discussion of each.

##### ***Criteria 1: The rezone is consistent with the Comprehensive Plan.***

The Comprehensive Plan land use map identifies the subject properties as *Mixed Use*. The site is currently underutilized—the parcel is developed with one single family home (developed at a density of 5 dwelling units per acre)—this is not consistent with the density goals of the Comprehensive Plan which plans for these sites to accommodate 8 to 24 dwelling units per acre to support housing targets within the City. The proposed zone change will allow the parcels to be developed to the level anticipated in the Comprehensive Plan.

The maximum density allowed in the R-24 zone is 24 dwelling units per acre. Based on this density, the maximum number of dwelling units that could be constructed on this .19 acre site is 5. At this time, the applicant is proposing 4 units. The number of units may be limited due to property line configuration, setback requirements, location of unique features such as significant trees, and the need to accommodate other code

requirements such as open space, parking, and storm drainage improvements. The following table summarizes the bulk requirements for the current and proposed zoning categories.

<b>Standard</b>	<b>R12 Development</b>	<b>R24 Development</b>
Front Yard Setback	10'	10'
Side yard Setback	5'	5'
Min Side and Rear Setback (From R-4 and R-6)	NA	NA
Base Height	35'	35' (40' with pitched roof)
Max Impervious Surface	75%	85%

The Shoreline Comprehensive Plan has established a growth target of 1,600-2,400 new housing units during the next 20 year planning period. The Comprehensive Plan identifies areas of the City where growth will likely occur and can be accommodated. The Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In many instances this change occurred in areas that had developed at a much lower intensity (as is the case of the subject parcel) and more dense development is anticipated in the future when the underutilized parcels are redeveloped.

R-24 zoning is an appropriate designation for the site in order to achieve many goals and policies of the Comprehensive Plan, including:

*Goal LU I: Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline’s sense of community.*

The proposed development will develop at densities supported by the Comprehensive Plan using the parcel more efficiently than previously developed.

*Goal LU IV: Encourage attractive, stable, quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services.*

The proposed townhomes are within walking distance to transit, employment, and shopping areas.

*LU 8: Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the future needs of Shoreline citizens.*

The proposed townhomes will be an attractive addition to the existing single-family and multi-family units in the area.

*Goal H I: Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.*

The parcel will provide four dwelling units where one single-family home currently exists.

*H 6: Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.*

The proposed townhomes will be identical to the townhomes built four parcels to the south and with multi-unit buildings to the west. The proposed townhomes will have a 5 foot landscaping strip with a six-foot fence around the perimeter of the site, buffering the townhomes from the existing housing to the north and south.

*Goal CD III: Enhance the identity and appearance of residential and commercial neighborhoods.*

Redevelopment of this area of Shoreline is encouraged by goals and policies in the Comprehensive Plan. The existing single-family home on the parcel has been condemned for quite some time and comments from adjacent property owners suggest the proposed townhomes will be a welcomed addition to the neighborhood.

***Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.***

The property has been vacant for the past 12 years and although the house has been boarded up since 1995, the dwelling and the rear yard has become a dumping ground for itinerant neighbors and passer-bys. The site is currently home to rats, appliances and a great volume of refuse.

Staff believes the proposed rezone and redevelopment of this site will positively affect the public health, safety and welfare by removing a condemned structure that is unsafe and an eyesore and replacing it with new construction that promotes neighborhood

renewal. The proposed townhomes fit in with the type of development that has been developed in the immediate area and will be an upgrade to the neighborhood.

***Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.***

The subject parcels are currently zoned R-12. The application to change the zoning of this parcel to R-24 was made in order to develop the sites in similar fashion to those that have been previously developed in the immediate vicinity of the project. The sites' Comprehensive Plan land use designation is *Mixed Use*. Consistent zoning designations for this land use include: R-8, R-12, R-18, R-24, R-48 Office, Neighborhood Business, Community Business, Regional Business, and Industrial.

The uses in the area include single-family and multi-family residential development, restaurants and small and large scale retail developments. The subject property will take access from 32<sup>nd</sup> Avenue NE via NE 145<sup>th</sup> Street and Bothell Way NE, both Principal Arterial Streets with transit routes. Higher intensity development is encouraged along arterials where vehicular trips can be accommodated. R-24 zoning is an appropriate designation for the subject site, as it reflects a similar level of current and planned intensity as those uses near it.

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

There appears to be no negative impacts to the properties in the immediate vicinity of the subject rezone. The proposed rezone would allow uses on the site that are similar to those uses found on the parcels to the west and south. There could be questions regarding the project's impact on infrastructure such as water, sewer, stormwater, and traffic/circulation. Also there are concerns expressed about the loss of existing mature vegetation. The following brief summary demonstrates how the project addresses each of these.

*Water & Sewer*

Conditional statements from the Shoreline Wastewater Management District and Seattle Water Department indicate that adequate capacity exists for development at the R-24 zoning level.

*Stormwater*

All stormwater must be treated and detained per the requirements of the 1998 King County Surface Water Design Manual and the Surface and Stormwater Management sections of the SMC (20.60.060 through 20.60.130). There is no indication that special requirement for stormwater measures should be taken.

*Traffic/Circulation*

The applicant is proposing to build four townhomes on the subject parcel. The P.M. peak hour vehicular trips will be 2.16. Since the P.M. peak hour trips are not greater than 20, a traffic study was not required (SMC 20.60.140(A)). At the time of the

development proposal submittal (building permit application), traffic and pedestrian requirements/mitigation specific to the details of the project will be required.

During site development sidewalks will be required along the eastern boundary of the project area. Sidewalks are developed in pieces in this general area as new projects get built. It appears that there is adequate vehicular and pedestrian access to the rezone site.

#### *Tree Removal*

Most of the comments from surrounding neighbors were pertaining to the Conifers located on-site. The neighbors are in support of redevelopment of the site as long as the trees are saved. The applicant can remove up to six significant trees without a permit and be excluded from all other portions of tree retention and protection requirements in the Code. From the site plan submitted to staff, it does not appear any of the existing trees will remain. However, street front landscaping will be required when the applicant submits building plans to the City.

#### **Criteria 5: *The rezone has merit and value for the community.***

The applicant states that this rezone provides an opportunity for the City to take a condemned dwelling that is unsafe for the neighborhood and replace it with a project that fits the goals and policies of the City in terms of denser neighborhoods adjacent to commute corridors. Additionally, four new owners and investors will become Shoreline residents, hopefully continuing some positive momentum on a pivotal gateway to the City.

The redevelopment of the site will contribute to an increase in housing stock, which will help the City to achieve its housing targets. The redevelopment will improve both the safety and aesthetics of the site. In all likelihood the new development will increase the amount of impervious surface area on the site; however this water will be treated and released a rate no greater than what historically flowed from the site in a pre-developed condition.

Further, a policy of the plan is to “preserve environmental quality by taking into account the land’s suitability for development and directing intense development away from natural hazards and important natural resources” (Comprehensive Plan policy LU1). The site does not have any identified critical areas, it is generally flat, and it has good access to public facilities. It is logical to encourage, within the provisions of the Development Code, redevelopment and intensification of uses on of parcels such as these.

Therefore staff concludes that these improvements will add benefit to the community.

### **III. CONCLUSIONS**

- 1. Consistency-** The proposed reclassification for the subject property is consistent with the Washington State Growth Management Act, the City of Shoreline Comprehensive Plan, and the City of Shoreline Development Code.
- 2. Compatibility-** The proposed zoning is consistent with existing and future land use patterns identified in the Comprehensive Plan.
- 3. Housing Targets-** The site can be developed at higher densities than the current R-12 zoning designation per the density guidelines listed in the Comprehensive Plan for the Mixed Use land use designation. The project assists the City of Shoreline in meeting housing targets as established by King County to meet requirements of the Growth Management Act.
- 4. Environmental Review-** It has been determined that per WAC 197.11.600 (2) the SEPA obligations for analyzing impacts of the proposed rezone are fulfilled by a Determination of Nonsignificance issued on March 30<sup>th</sup>, 2006.
- 5. Infrastructure Availability-** There appears to be adequate infrastructure improvements available in the project vicinity. This includes adequate storm, water, and sewer capacity for the future development. The development of this site will also require that the infrastructure accommodate existing and anticipated stormwater improvements be installed as part of the development proposal.

### **IV. PLANNING COMMISSION ROLE AND OPTIONS**

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

Planning Commission has the following options for the application:

1. Recommend approval or approval with conditions to rezone parcel number 1568100330 from Residential 12 units per acre (R-12) to Residential 24 units per acre (R-24) based on the findings presented in this staff report.
2. Recommend denial of the rezone application and the Residential 12 units per acre (R-12) zoning remains based on specific findings made by the Planning Commission.

### **V. PRELIMINARY STAFF RECOMMENDATION**

Staff recommends that the Planning Commission move to recommend to the City Council that R-24 zoning be adopted for the property generally located at 14539 32<sup>nd</sup> Avenue NE (parcel number 1568100330). And enter into findings based on the information presented in this staff report that this proposal meets the decision criteria for

the reclassification of property as outlined in the Shoreline Municipal Code Section 20.30.320.

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Vicinity Map with Zoning Designations

Attachment 3: Vicinity Map with Comprehensive Plan Designations

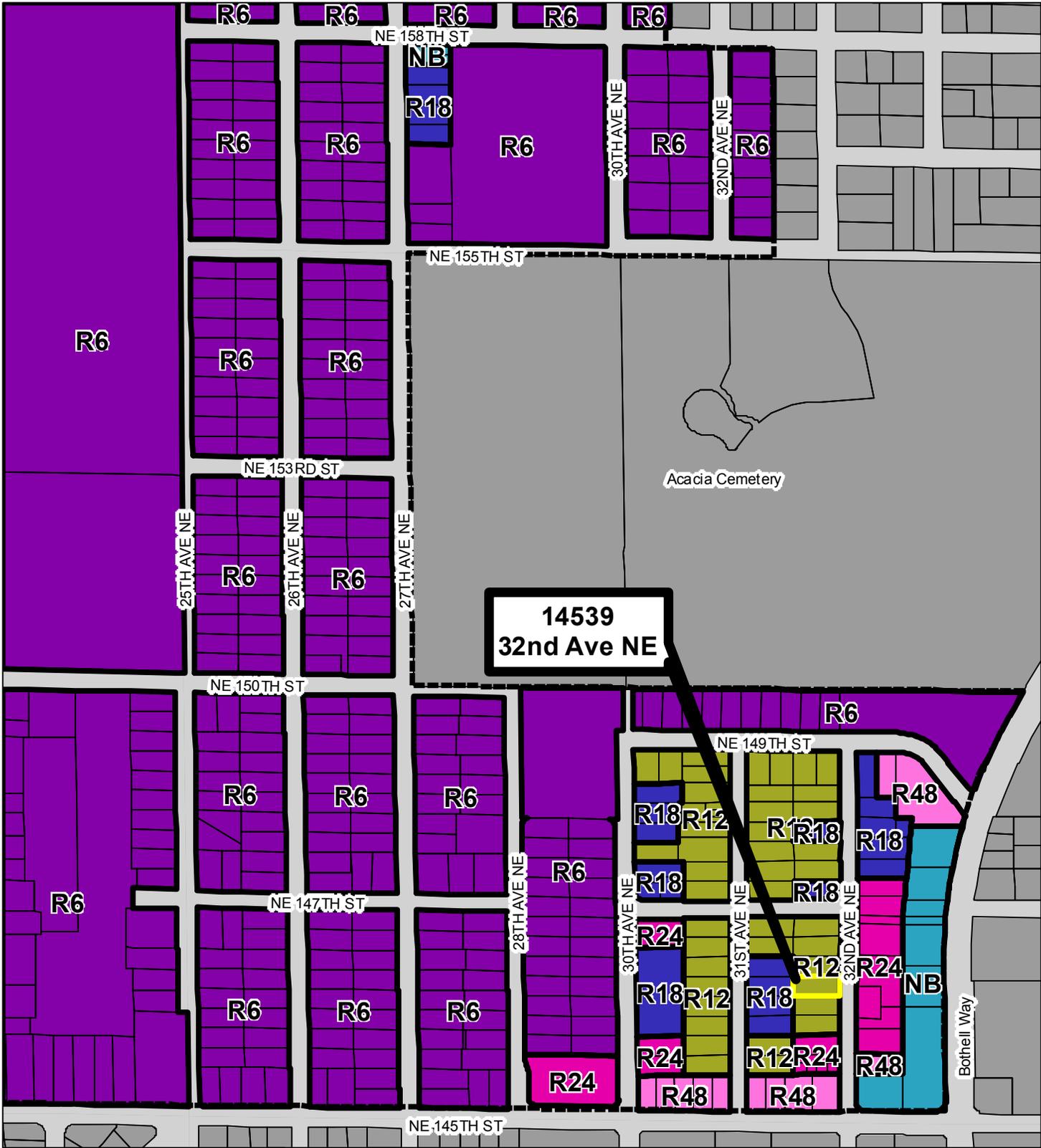
Attachment 4: Vicinity Map with Sidewalks, Schools and Parks

Attachment 5: Petition in support of the proposed development

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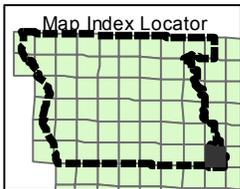
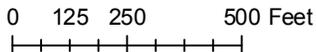
**SHORELINE**  
Geographic Information System  
**City of Shoreline Zoning**

Representation of Official Zoning Map Adopted By City Ordinance No. 292.

Shows amendments through June 21, 2005.

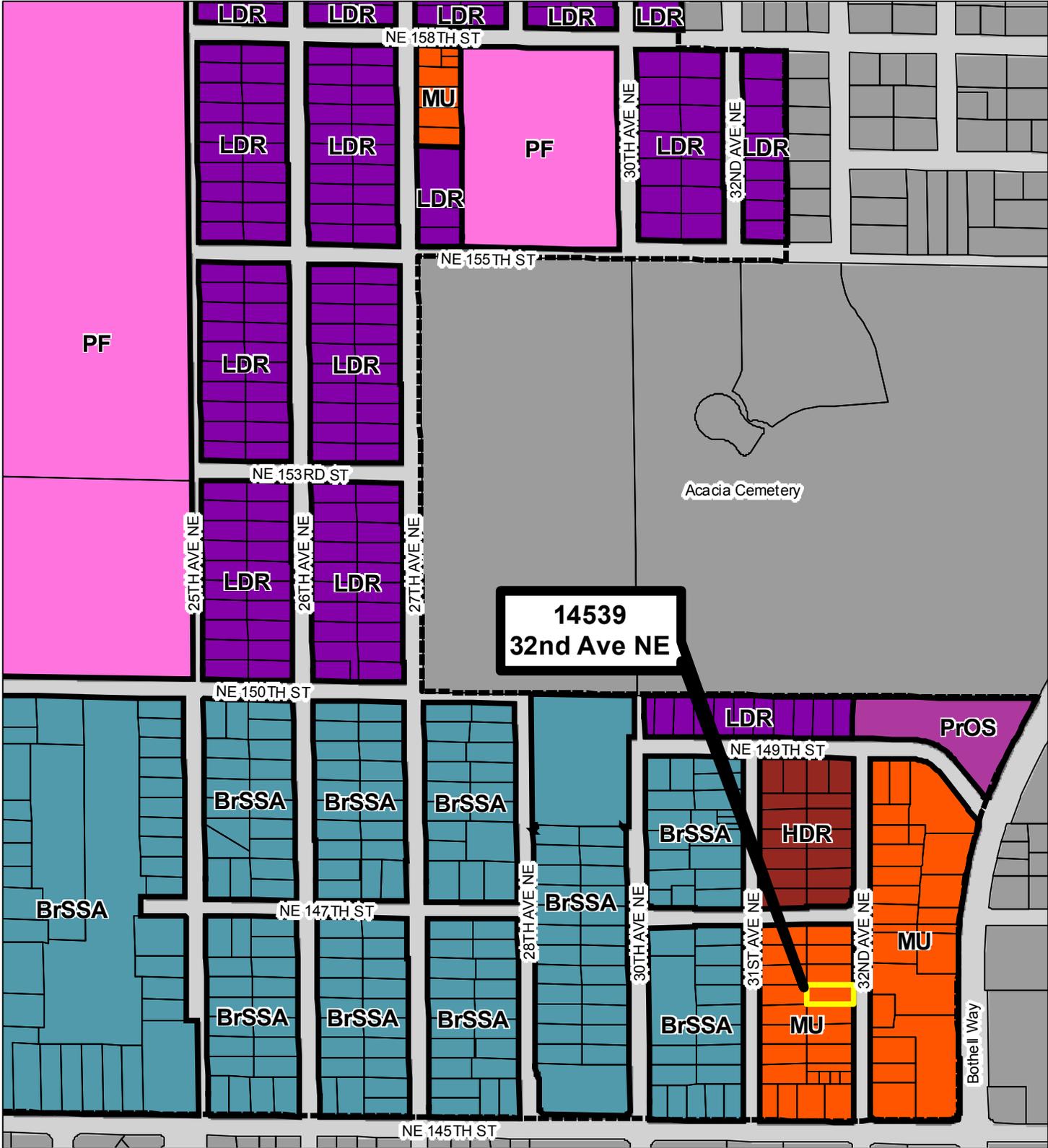
- Legend**
- CB - Community Business
  - CZ - Contract Zone
  - I - Industrial
  - NB - Neighborhood Business
  - NCBD - North City Business District
  - O - Office
  - R12 - Residential 12 units/Acre
  - R18 - Residential 18 units/Acre
  - R24 - Residential 24 units/Acre
  - R4 - Residential 4 units/Acre
  - R48 - Residential 48 units/Acre
  - R6 - Residential 6 units/Acre
  - R8 - Residential 8 units/Acre
  - RB - Regional Business
  - RB-CZ - Regional Business/Contract Zone

- Parcel Line
- Zone District Boundary
- City Boundary
- Unclassified Right of Way



No Warranties of any sort, including accuracy, fitness, or merchantability accompanying this product.

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**SHORELINE**

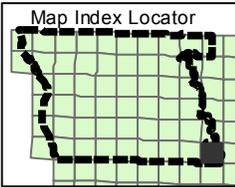
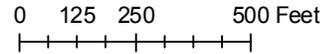
Geographic Information System  
**City of Shoreline**  
**Comprehensive Plan**

Representation of Official  
 Zoning Map Adopted By  
 City Ordinance No. 292.

Shows amendments through  
 June 21, 2005.

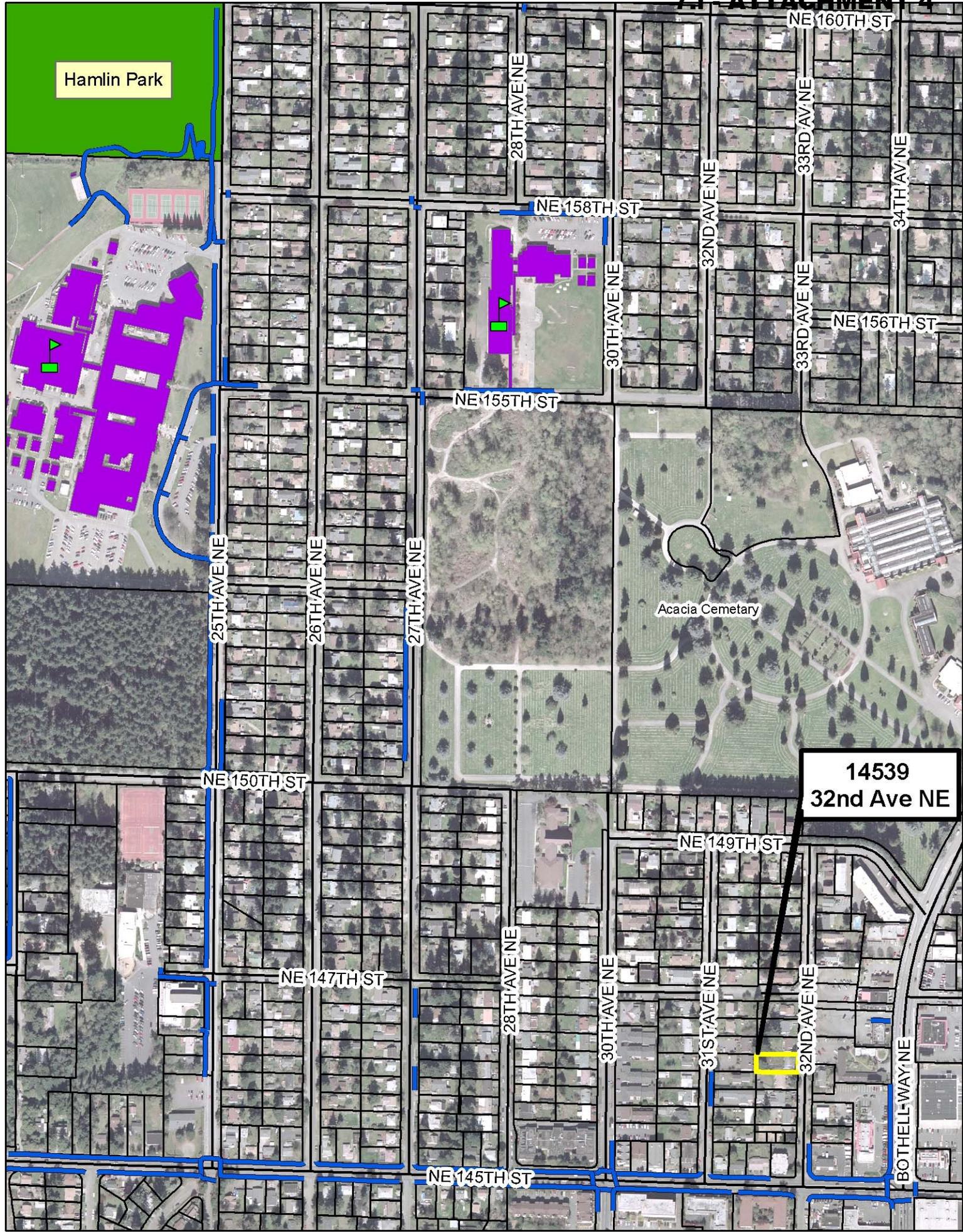
- Legend**
- Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Mixed Use
  - Community Business
  - Regional Business
  - Public Facilities
  - Single Family Institution
  - Special Study Area
  - Ballinger Special Study Area
  - Briarcrest Special Study Area
  - North City Business District
  - Paramount Special Study Area
  - Private Open Space
  - Public Open Space

- Comprehensive Plan Land Use Boundary
- Parcel Line
- City Boundary
- Unclassified Right of Way



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

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**14539  
32nd Ave NE**



**Legend**

- Parcel Line
- School
- Park
- Street
- Sidewalk

0 187.5 375 750 Feet



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*Supports*



**Petition to City of Shoreline**

<p>Petition summary and background</p>	<p>As property owners in the neighborhood of the subject site, 14539 32<sup>nd</sup> Ave NE, we support the rezone as proposed by Real Property Development Company, LLC. RPDC completed a four unit townhome project four doors south of this property in July, 2005 and it fits in well with the character of this street; a similar project would be a significant enhancement to the subject site.</p>
<p>Action petitioned for:</p>	<p>A rezone of the property located at 14539 32<sup>nd</sup> Ave NE, from R-12, to R-24. This would allow the development of four units on the site, rather than two which is what the current zoning would allow.</p>

Printed Name	Signature	Address	Comment	Date
Nancy Tommon	<i>[Signature]</i>	14522 32nd Avenue	As long as they leave the corners.	Dec 5 2005
John Mack	<i>[Signature]</i>	14527 32 Avenue		Dec 6 05
Robert Baxter	<i>[Signature]</i>	14574-32 Ave NE		12/6/05
Katie Crawford	<i>[Signature]</i>	14545 32nd Ave NE		12/12/05
ERIK SPICER	<i>[Signature]</i>	14549 32nd Ave NE		12/12/05
Susan-Jane	<i>[Signature]</i>	14513 32nd Ave NE		12/12/05
Richard Lasage	<i>[Signature]</i>	14548-31 <sup>st</sup> Ave NE	BEEN WAITING FOR ABOUT 10 YEARS!	12/12/05

Printed Name	Signature	Address	Comment	Date
Richard Lee	<i>Richard Lee</i>	14511 32nd Ave NE		12/15/05
ANDY TENG	<i>Andy Teng</i>	2116 N 125TH ST		12/15/05
<del>Carolyn Volk</del>	<i>Carolyn Volk</i>	14527-32nd Ave NE	Leave The conifers	12-15-05
Alice WATTS	<i>Alice Watts</i>	14521 32ND SEATTLE WA		12-15-05
Marc Toenyan	<i>Marc Toenyan</i>	14522 32 AVE NE Shoreline WA	Save the trees	12/15/05
Isaac Meek	<i>Isaac Meek</i>	15525 15th Ave NE		12/16/05
Roxanne Volk	<i>Roxanne Volk</i>	14527 32nd Ave NE		12/16/05
RICHARD W. FLAUCH	<i>R.W. Flauch</i>	14529 32nd Ave NE	SAVE THE TREES	12/17/05
Linda L. Jordan	<i>Linda L. Jordan</i>	14529 32nd Ave NE		12/17/05
Nancy M Leckemby	<i>Nancy M Leckemby</i>	14529 32nd Ave NE	Before demo fumigation for rats	12/17/05
Richard Black	<i>Richard P. Black</i>	14534 32 AV NE	Save Trees!	12/17/05

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Type C Action: Rezone Application for one parcel generally located at 18016 Stone Avenue N from R-8 (Residential 8 dwelling units/acre) to R-12 (Residential 12 dwelling units/acre).

**DEPARTMENT:** Planning and Development Services

**PRESENTED BY:** Steven Szafran, Planner II

**I. PROPOSAL**

The applicant, Scott Becker, proposes to modify the existing zoning category for a 15,200 square foot parcel located at 18016 Stone Avenue N. This application before the Planning Commission is a request to change the zoning designation from R-8 (Residential - 8 dwelling units per acre) to R-12 (Residential 12 dwelling units per acre). In addition, the applicant is proposing to construct four low-impact single-family homes at a density of 11.5 units per acre. A site plan showing the site configuration of the proposal is included as **Attachment 1**. A vicinity map showing existing zoning for the project site and adjacent properties is located in **Attachment 2**. The parcel has a Comprehensive Plan Land Use designation of Medium Density Residential, and both the existing and proposed zoning are consistent with this designation (**Attachment 3** illustrates the comprehensive plan land use designations of the surrounding vicinity).

Under the Appearance of Fairness Doctrine, local land use decisions that are not of area wide significance shall be processed as quasi-judicial actions. Because this is a Site Specific Zone Change it shall be processed per RCW 42.36.010 as a Type C quasi-judicial action.

With the current designation of Medium Density Residential and a current zoning of R-8 there is the potential to build 3 single-family residences on the subject site subject to the Shoreline Development Code Standards. There is currently one single-family home on-site that will be demolished before construction would begin for the new proposed homes. The proposed rezone would allow the construction of up to 4 dwelling units and the applicant is proposing 4 low-impact single-family homes, subject to the requirements of the Shoreline Municipal Code (SMC) section 20.30.

This report summarizes the issues associated with this project and discusses whether the proposal meets the criteria for rezone outlined in the Shoreline Municipal Code and the goals of the Comprehensive Plan. Type C Actions are reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for

approval or denial is developed. This recommendation is then forwarded to City Council, which is the final decision making authority for Type C Actions.

## **II. FINDINGS**

### **1. SITE**

The subject site is generally located on the east side of Stone Avenue N between N 180<sup>th</sup> Street and N 183<sup>rd</sup> Street. The parcel is developed with one single-family residence. The parcel measures 15,200 square feet in area (approximately .35 acres). The site is gently sloping down from east to west at an average grade of 2 percent. There are many significant trees on site. A “significant tree” is defined in the Shoreline Municipal Code Title 20 as a healthy, windfirm, and nonhazardous tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater at breast height if deciduous. Per the Shoreline Development Code, 20% of Significant Trees must be maintained. **Attachment 1** includes a tree plan that shows the type and location of all significant trees on-site and which trees will be removed.

The existing home on-site is on the Historic Property Inventory List (**Attachment 4**). The home was built in 1923 and is significant because of its association with suburban development of Shoreline in the 1920’s. Staff has contacted Preservation Planner Charlie Sundberg at the King County Historic Preservation Department for further comment on the proposed development of the site. Mr. Sundberg states that this property seems to be of marginal interest; little is known about it and it doesn’t appear to be eligible for landmark designation. The house could be moved but its masonry fireplace, its only redeeming feature, would be difficult to reassemble.

### **2. NEIGHBORHOOD**

The project site is located in the Meridian Park Neighborhood. Access to the property is gained from Stone Avenue North, a street that is classified as a Local Street. Stone Avenue N connects to N 185<sup>th</sup> Street to the north but does not connect through to N 175<sup>th</sup> Street to the south. There is a 15 foot access easement on the north side of the subject parcel for the property directly to the east to gain access to their home. No change is proposed to the easement. As indicated previously the site is zoned R-8 and has a land use designation of Medium Density Residential. The current zoning of the parcels immediately adjacent to the subject properties on the north, south and east is R-8, and the uses on these sites include low to medium density residential (these parcels also have a Medium Density Residential Comprehensive Plan Designation which allow up to an R-12 zoning). The current zoning of the parcels to the west, across Stone Avenue North, are R-12, and the uses on these sites are a mix of single-family, duplexes and triplexes (these parcels are a mix of Community Business and Mixed Use Comprehensive Plan Designations which allow high density residential, commercial and industrial land uses). The zoning classifications and Comprehensive Plan Land Use designations for the project sites and immediate vicinity are illustrated in **Attachments 2 and 3**.

### 3. PRIOR APPLICATIONS

There have been a number of land use actions in the recent past that have been changing the density and character of this particular neighborhood, specifically between N 180<sup>th</sup> to the south, N 185<sup>th</sup> to the north, Aurora Avenue to the west and Ashworth Avenue N to the east. Examples of development include Meridian Park Cottages (15.7 du/ac), Elena Lane Subdivision (12.8 du/ac), the new Gateway Center and the Interurban Trail.

In December of 1999, the Planning Commission recommended denial of a zone change of the Elena Lane development (Subdivision directly north of the subject parcel) from R-6 to R-12 for a 16-lot subdivision. The recommendation was appealed to the City Council. In February 2000, the City Council recommended approval of a rezone to R-8 for the Elena Lane subdivision. The R-8 zoning allowed 11 homes to be built in the subdivision. *Note: At that time, the Mayor made a comment that smaller, less tall or attached units would appear less dense and would justify an R-12 zoning.*

In August of 2000, the City Council approved an application for rezone (Ordinance 246) at 18042 Stone Avenue N to change the zoning from R-6 to R-8. The staff and the Planning Commission recommended denial of R-12 and approval to the R-8 zoning designation. The issue that was cited for denial was that the density and buildings were out of scale for the neighborhood. The application was approved with an R-8 zoning as well as a two-lot short plat.

### 4. TIMING AND AUTHORITY

The application process for this project began on February 3<sup>rd</sup>, 2006, when a pre-application meeting was held with the applicant and city staff. The applicant then held the requisite neighborhood meeting on March 3<sup>rd</sup>, 2006. The formal application was then submitted to the City on April 4<sup>th</sup>, 2006. The application was determined complete on April 7<sup>th</sup>, 2006. A Public Notice of Application was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on April 13<sup>th</sup>, 2006. The Notice of Public Hearing and SEPA Determination was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on May 4<sup>th</sup>, 2006.

No comments were received at the neighborhood meeting but staff has received comment letters in regards to the proposed project during the required comment period. The comments are listed in the Table below:

Name	Comment	Staff Response
Laura Brent, AICP	Removal of trees may affect trees on adjacent lot, loss of screening, access easement, construction noise, drainage from increased impervious	Comments will be forwarded to appropriate individuals for response concerning tree removal and drainage. These are issues that are addressed

	surfaces.	during the building permit stage. Hours of construction may be conditioned during the building permit process
Yefim Leibman and Ella Goltsman	Rather see two homes instead of four, increased traffic, water draining to adjacent properties, trees falling onto adjacent property, new development adjacent to subject parcel will add to drainage concerns.	Under current zoning, owner can build three homes by right, there will be more traffic by not a substantial increase, trees will be inspected and drainage will be reviewed by Drainage Engineer.
Martin Kral	Historic structure on the site, R-12 would be spot zoning, out of character for the neighborhood and loss of trees.	The King County Preservation Planner says the structure is of marginal interest and not eligible for landmark designation, the Medium Density Residential Comp Plan designation allows an R-12 zoning, four single-family homes in a single-family neighborhood are not out of character and the applicant is proposing to retain 65% of the trees on-site, 42 % more than the Code requires.
Cong-Qiu Chu and Hon Bai	Adverse environmental impacts, devalue homes in the neighborhood, would like to see two homes maximum.	Environmental impacts will be better mitigated through this proposal and the owner has the right to build three homes under the current zoning.

Rezone applications shall be evaluated by the five criteria outlined in Section 20.30.320 (B) of The Shoreline Municipal Code (SMC). The City Council may approve an application for rezone of property if the five decision criteria are met.

**5. CRITERIA**

The following discussion shows how the proposal meets/ or does not meet the decision criteria listed in Section 20.30.320(B) of the SMC. The reader will find that each of the criteria is integrated, and similar themes and concepts will run throughout the discussion of each.

**Criteria 1: The rezone is consistent with the Comprehensive Plan.**

The Comprehensive Plan land use map identifies the subject properties as *Medium Density Residential*. The site is currently underutilized—the parcel is developed with one single family home (developed at a density of 2.8 dwelling units per acre)—this is not consistent with the density goals and policies of the Comprehensive Plan which plans for this site to accommodate 8 to 12 dwelling units per acre to support housing targets within the City. The proposed zone change will allow the parcels to be developed to the level anticipated in the Comprehensive Plan.

If R-12 becomes the adopted zoning for the site there will be the ability for the applicant to place a maximum of 4 homes on the subject parcel.

The following table summarizes the bulk requirements for the current zoning and the potential R-12 zoning. *By placing four homes on one lot in the R-12 zone, R-6 standards are applied concerning the building coverage and impervious surfaces.* Development will be less intense than three homes on three separate lots which the R-8 zoning allows.

<b>Standard</b>	<b>R8 Development</b>	<b>R12 Development</b>
Front Yard Setback	10'	10'
Side Yard Setback	5'	5'
Rear Yard Setback	5'	5'
Building Coverage	45%	<b>35% *</b>
Max Impervious Surface	65%	<b>50% *</b>

*\* Note: Maximum building coverage and impervious surface shall be the same as R-6 standards when three or more single-family homes are located on one parcel zoned R-12.*

The Shoreline Comprehensive Plan has established a growth target of 1,600-2,400 new housing units during the next 20-year planning period. The Comprehensive Plan identified different areas of the City where growth will likely occur and can be accommodated. A Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In many instances this change occurred in areas that had previously developed at a much lower intensity (as is the case of the subject parcel) and more dense development was anticipated in the future when the underutilized parcels were redeveloped.

R-12 zoning is an appropriate designation for the site in order to achieve many goals and policies of the Comprehensive Plan, including:

*Goal LU I: Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline's sense of community.*

*Goal LU IV: Encourage attractive, stable, quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services.*

The neighborhood will benefit by this development by having new homes that are architecturally different from houses in the area while retaining trees and natural vegetation. The site is currently underdeveloped and this project will match densities expected in the Comprehensive Plan making more efficient use of the land. The site is within walking distance to schools, parks, shopping and transit.

*LU 8: Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the future needs of Shoreline citizens.*

The development proposed are smaller single-family homes for residents that don't need a large home and want something other than apartment living.

*LU 96: Encourage the use of "green" building methods and materials that may reduce impacts on the built and natural environment, such as to:  
Reduce stormwater impacts to protect local watersheds and salmon,  
Conserve energy and water,  
Prevent air and water pollution and conserve natural resources,  
Improve indoor air quality, and  
Enhance building durability.*

*LU 145: Promote development design which minimizes runoff rate and volume by limiting the size of the building footprint and total site coverage, maximizing the protection of permeable soils and native vegetation, and encouraging use of permeable pavements and surfaces.*

This proposal meets LU 96 and LU 145 by incorporating low impact development techniques. Building footprints will be smaller than the typical new single-family home, 65% of significant trees will be retained, extensive use of porous surfaces, environmental friendly building materials and less impact on the environment than developing under the current zoning designation.

*Goal H I: Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting*

*the creative and innovative use of land designated for residential and commercial use.*

Under the Medium Density Residential Land Use designation, the R-12 zoning category will allow four homes to be built instead of three allowed under the current R-8 zoning designation. The proposed homes have small building footprints and square footage to promote alternative housing types for existing and future residents.

*H 6: Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.*

The site is currently underutilized at a density of 2.8 du/ac. The site will be redeveloped with four low-impact single-family homes at a density of 11.5 du/ac. The single-family homes will be compatible with existing homes in the area by reduced building mass and scale, low building height and natural screening.

*CD 3: Encourage development that is visually stimulating and thoughtful, and that convey quality architecture, workmanship and durability in building materials.*

Mr. Becker's proposed designs are similar to the Reserve Cottages which won an American Institute of Architect's Home of the Month award.

*CD 23: Where clearing and grading is unnecessary, preserve significant trees and mature vegetation.*

Mr. Becker has made an effort to site the building footprints and frontage improvements around significant trees and other vegetation.

***Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.***

Staff concludes the proposed rezone and redevelopment of this site will positively affect the public health, safety and welfare of the surrounding neighborhood and community. The new construction will promote innovative architecture and building techniques, strives to protect the nature features and vegetation of the site and will be a positive addition to the neighborhood. Unlike other recently added subdivisions in the immediate area, the applicant proposing to place the new dwelling units around the natural features of the lot without disturbing most of the mature trees and vegetation. The latest in low impact development techniques are proposed for stormwater management, 65% of the significant trees on-site will be retained and required sidewalks will meander around very mature trees along Stone Avenue N. and not result in their removal.

**Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.**

The subject parcel is currently zoned R-8. Right now, the site is developed with one single-family house at a density of 2.8 dwelling units an acre which is underdeveloped under the current zoning category. The application to change the zoning of the parcel to R-12 was made in order to develop the sites in similar fashion to those that have been previously developed in the immediate vicinity of the project. The sites' Comprehensive Plan land use designation is *Medium Density Residential*. Consistent zoning designations for this land use include: R-8 and R-12.

The current zoning in the vicinity of the project includes R-6, R-8, R-12, R-24, Office and Regional Business zoning. The uses in the area include single-family houses, duplexes, triplexes, multi-family apartment buildings, a bank, a mini-storage development and retail uses. The subject property will take access from Stone Avenue N, a local street. The Comprehensive Plan states that the Medium Density Residential Land Use designation is intended for areas where single family detached dwelling units might be redeveloped at slightly higher densities; and to areas currently zoned for medium density residential. Single family dwelling units, duplexes, triplexes, zero lot line homes, and townhouses will be permitted. Apartments will be allowed under certain conditions.

The applicant is proposing four low-impact single-family detached dwelling units which are fully supported by the goals and policies of the Comprehensive Plan. R-12 zoning would be an appropriate designation for the subject site, as it would reflect a similar, if slightly less, level of intensity as those uses near it.

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

At this time there appears to be minimal negative impacts to the properties in the immediate vicinity of the subject rezone. The proposed rezone would be less dense than developments that have been recently built such as Meridian Park Cottages (15.7 du/ac) and the Elena Lane Subdivision (12.8 du/ac net density) to the north. Concerns have been raised regarding this project's impact on infrastructure such as water, sewer, stormwater, and traffic/circulation as well as the loss of existing mature vegetation. The following brief summary demonstrates how the project addresses each of these.

*Water & Sewer*

Conditional statements from the Ronald Wastewater Management District and Seattle Water Department indicate that adequate capacity exists for development at R-12 zoning levels.

*Stormwater*

The applicant is proposing low impact development techniques in addition to on-site retention. Examples of the features that could be used are rain gardens, small building footprints, restrictive use of impervious surfaces and other low impact measures.

### *Traffic/Circulation*

The applicant is proposing to build four single-family homes on the subject parcel. The P.M. peak hour vehicular trips will be 4.04 (1.01 X 4). Since the P.M. peak hour trips are not greater than 20, a traffic study was not required (SMC 20.60.140(A)). At the time of the development proposal submittal (building permit application), traffic and pedestrian requirements/mitigation specific to the details of the project will be required.

During site development sidewalks will be required along the western boundary of the project area. Sidewalks are developed in pieces in this general area (See **Attachment 5**). As parcels redevelop new sidewalks will be required. It appears that there is adequate vehicular and pedestrian access to the site.

### *Tree Removal*

The SMC requires retention of at least 20% of the significant trees (SMC 20.50.350(B) (1)) on-site and the site design for the development proposal must also meet the requirements of 20.50.350(D) (1-9) which stipulates that trees be protected within vegetated islands and stands rather than as individual, isolated trees. There are a number of significant trees located on the subject site, illustrated on the map in **Attachment 1**.

The applicant is proposing to retain at least 65% of the significant trees on-site, 42% more trees than the code requires. The applicant is exceeding all code requirements in terms of tree retention and protection by proposing to keep as many of the significant trees as possible and place structures in and around the natural features of the parcel. The trees left in place will continue acting as a natural screen between properties to the north, east, west and south.

### **Criteria 5: *The rezone has merit and value for the community.***

The redevelopment of the site will contribute to an increase in housing units and help the City to achieve its housing targets. By approving this specific redevelopment proposal, the aesthetics of the structures and site planning will be much more environmental friendly than if the site developed without the proposed rezone. Under the current zoning of R-8, the property owner could develop three single-family homes, cover much more of the site with impervious surfaces, and cut down most of the trees on-site without taking into account the neighbors' objections. Staff believes by granting this rezone and conditions as presented to the Planning Commission, the City and the surrounding community will get a much better product that tries to fit into the natural aspects of the site rather than destroying it. In all likelihood the new development will increase the amount of impervious surface area on the site as compared to the current condition; however this water will be treated and released at rate no greater than what historically flowed from the site in a pre-developed condition.

Further, a policy of the plan is to "preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources" (Comprehensive Plan policy LU1).

The site does not have any identified critical areas, it is generally flat, and it has good access to public facilities. It is reasonable to encourage, within the provisions of the Development Code, redevelopment and intensification of uses on of parcels such as these.

Therefore it has been shown that these improvements will add benefit to the community.

### **III. CONCLUSIONS**

- 1. Consistency-** The proposed reclassification for the subject properties is consistent with the Washington State Growth Management Act, the City of Shoreline Comprehensive Plan, and the City of Shoreline Development Code.
- 2. Compatibility-** The proposed zoning is consistent with existing and future land use patterns identified in the Comprehensive Plan.
- 3. Housing / Employment Targets-** The current residential density of 2.8 dwelling units per acre indicates the site is underutilized per the density guidelines listed in the Comprehensive Plan for the *Medium Density Residential* land use designation. The project assists the City of Shoreline in meeting housing targets as established by King County to meet requirements of the Growth Management Act.
- 4. Environmental Review-** It has been determined that per WAC 197.11.600 (2) the SEPA obligations for analyzing impacts of the proposed rezone are fulfilled by previous environmental documents on file with the City. The FEIS prepared for the City of Shoreline's Comprehensive Plan, dated November 9, 1998, and is incorporated by reference to satisfy the procedural requirements of SEPA.
- 5. Infrastructure Availability-** There appears to be adequate infrastructure improvements available in the project vicinity. This includes adequate storm, water, and sewer capacity for the future development. The development of this site will also require that the infrastructure accommodate existing and anticipated stormwater improvements be installed as part of the development proposal.

### **IV. PLANNING COMMISSION ROLE AND OPTIONS**

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

Planning Commission has the following options for the application:

1. Recommend approval to rezone with conditions the site at 18016 Stone Ave N (parcel number 7276100285) from Residential 8 units per acre (R-8) to Residential 12 units per acre (R-12) based on the findings presented in this staff report with added conditions.

2. Recommend approval to rezone the site at 18016 Stone Avenue N from R-8 to R-12 based on findings presented in this staff report and additional findings by the planning Commission with modified conditions.
3. Recommend denial of the rezone application. The Residential 8 units per acre (R-8) zoning remains based on specific findings made by the Planning Commission.

## **V. PRELIMINARY STAFF RECOMMENDATION**

Staff recommends that the Planning Commission move to recommend to the City Council that R-12 zoning be adopted for the property generally located at 18016 Stone Avenue N (parcel number 7276100285) with the following conditions. Enter into findings based on the information presented in this staff report that this proposal meets the decision criteria for the reclassification of property as outlined in the Shoreline Municipal Code Section 20.30.320.

Condition #1- The scale and architecture of homes must exhibit characteristics of those presented at the Planning Commission such as small building footprints, lower building heights and less intrusive homes to neighboring properties.

Condition #2- Low impact development techniques must be used.

Condition #3- Building heights shall not exceed 25 feet.

Condition #4- At least 60% of significant trees shall be retained.

Condition #5- Trees acting as a natural screen on the north, west, east and south shall not be substantially modified from their current state. See **Attachment 1** for details.

## **ATTACHMENTS**

Attachment 1: Site Plan and Tree Inventory

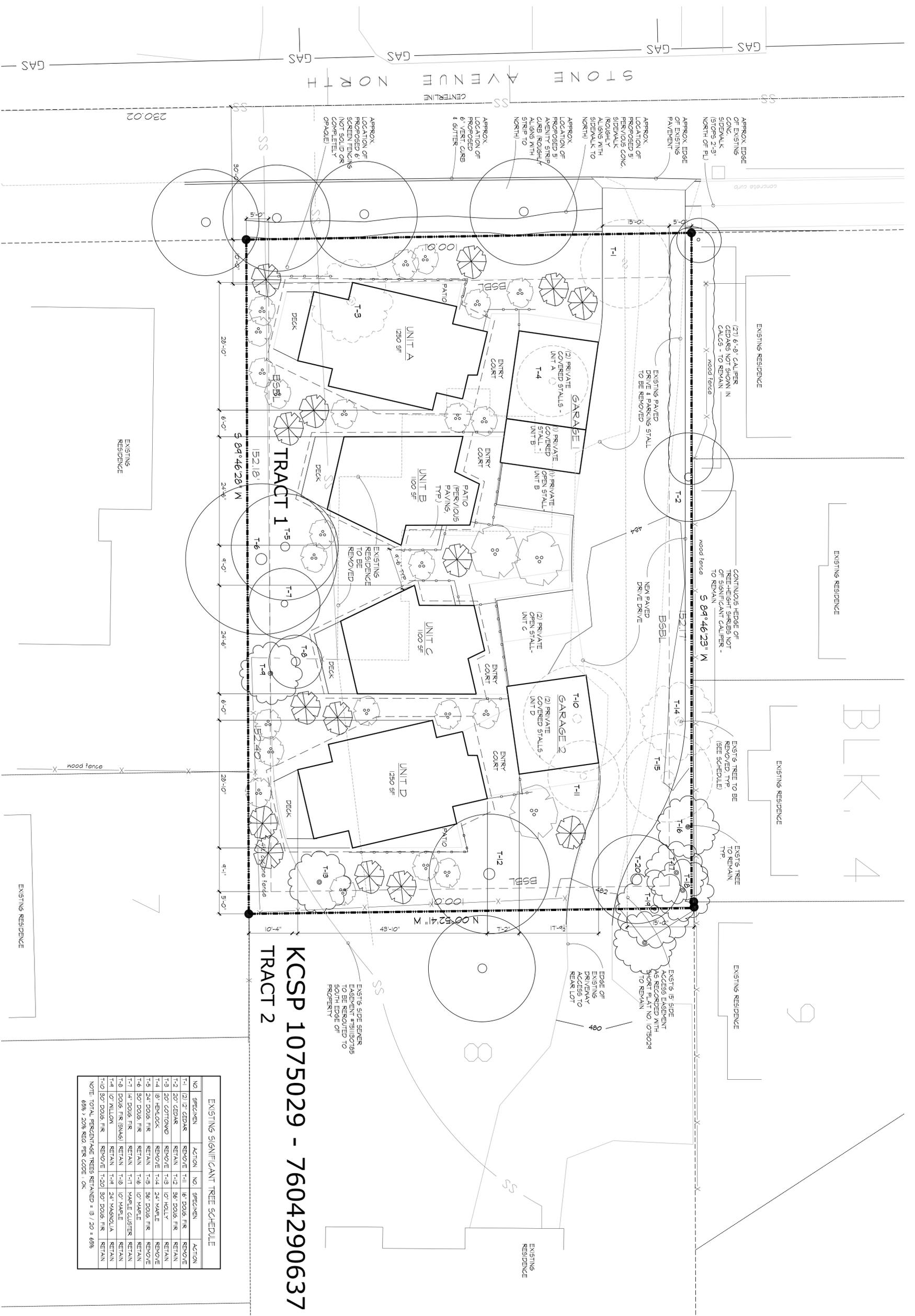
Attachment 2: Vicinity Map with Zoning Designations

Attachment 3: Vicinity Map with Comprehensive Plan Designations

Attachment 4: Historic Property Inventory Form

Attachment 5: Vicinity Map with Sidewalks, Schools and Parks

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PRELIMINARY ARCHITECTURAL SITE PLAN



KCSP 1075029 - 7604290637  
TRACT 2

NO.	SPECIMEN	ACTION	NO.	SPECIMEN	ACTION
T-1	12' CEDAR	REMOVE	T-11	16' DOUG FIR	REMOVE
T-2	20' CEDAR	RETAIN	T-12	36' DOUG FIR	RETAIN
T-3	20' LOTTWOOD	REMOVE	T-13	10' HOLLY	RETAIN
T-4	18' HEMLOCK	REMOVE	T-14	24' MAPLE	REMOVE
T-5	24' DOUG FIR	RETAIN	T-15	36' DOUG FIR	REMOVE
T-6	30' DOUG FIR	RETAIN	T-16	10' MAPLE	RETAIN
T-7	14' DOUG FIR	RETAIN	T-17	MAPLE CLUSTER	RETAIN
T-8	DOUG FIR (SMALL)	RETAIN	T-18	10' MAPLE	RETAIN
T-9	10' WILLOW	REMOVE	T-19	24' MAGNOLIA	RETAIN
T-10	30' DOUG FIR	REMOVE	T-20	30' DOUG FIR	RETAIN

NOTE: TOTAL PERCENTAGE TREES RETAINED = 19 / 20 = 95%  
69% / 20% REMOVAL PER CODE - OK

#8023 REGISTERED ARCHITECT  
SCOTT M. BECKER  
SITE OF WASHINGTON

THIS DOCUMENT, AND THE IDEAS AND DESIGNS IT CONTAINS, ARE THE PROPERTY OF SCOTT M. BECKER ARCHITECT. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF SCOTT M. BECKER ARCHITECT.

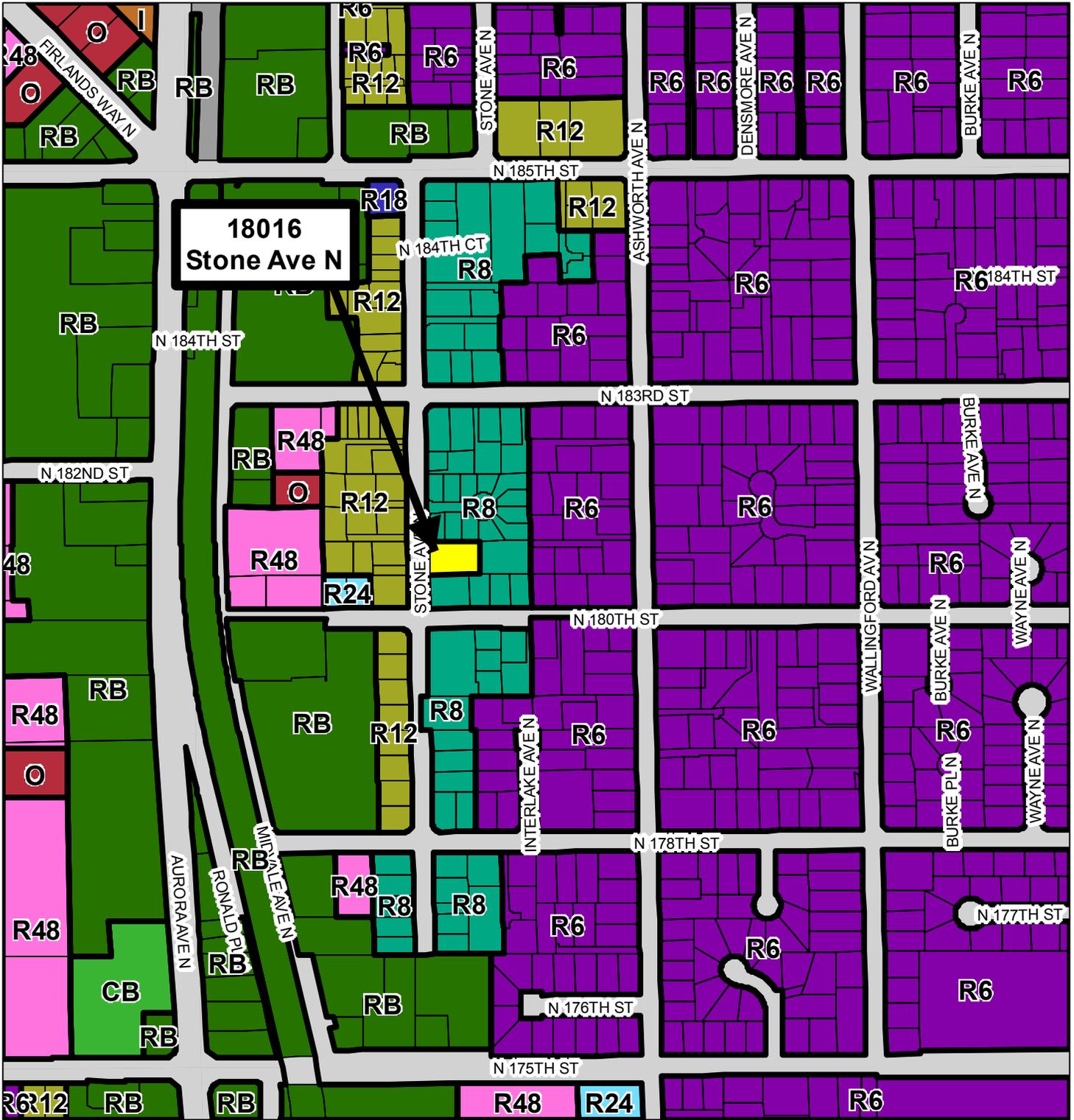
THE RESERVE ON STONE  
SINGLE FAMILY HOMES  
1806 STONE AVENUE N  
SHORELINE, WASHINGTON

PROJECT NUMBER: RSRV06-0301  
PROJECT MANAGER:  
DRAWN BY:  
DATE: 05/20/06  
04-04-06 REZONE APPLICATION  
06-15-06 PLANNING COMM.  
REVIEW

fourfold  
KIRKLAND: 218 N. NE 108TH ST. KIRKLAND, WA 98033  
SHORELINE: 218 N. NE 108TH ST. SHORELINE, WA 98177  
TEL: 425-827-3199 FAX: 425-827-3199

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**SHORELINE**  
Geographic Information System  
City of Shoreline Zoning

Representation of Official Zoning Map Adopted By City Ordinance No. 292.

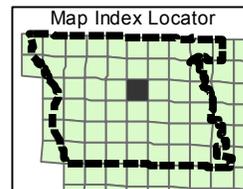
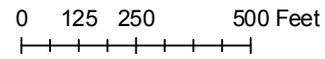
Shows amendments through June 21, 2005.

Created on April 18, 2006

**Legend**

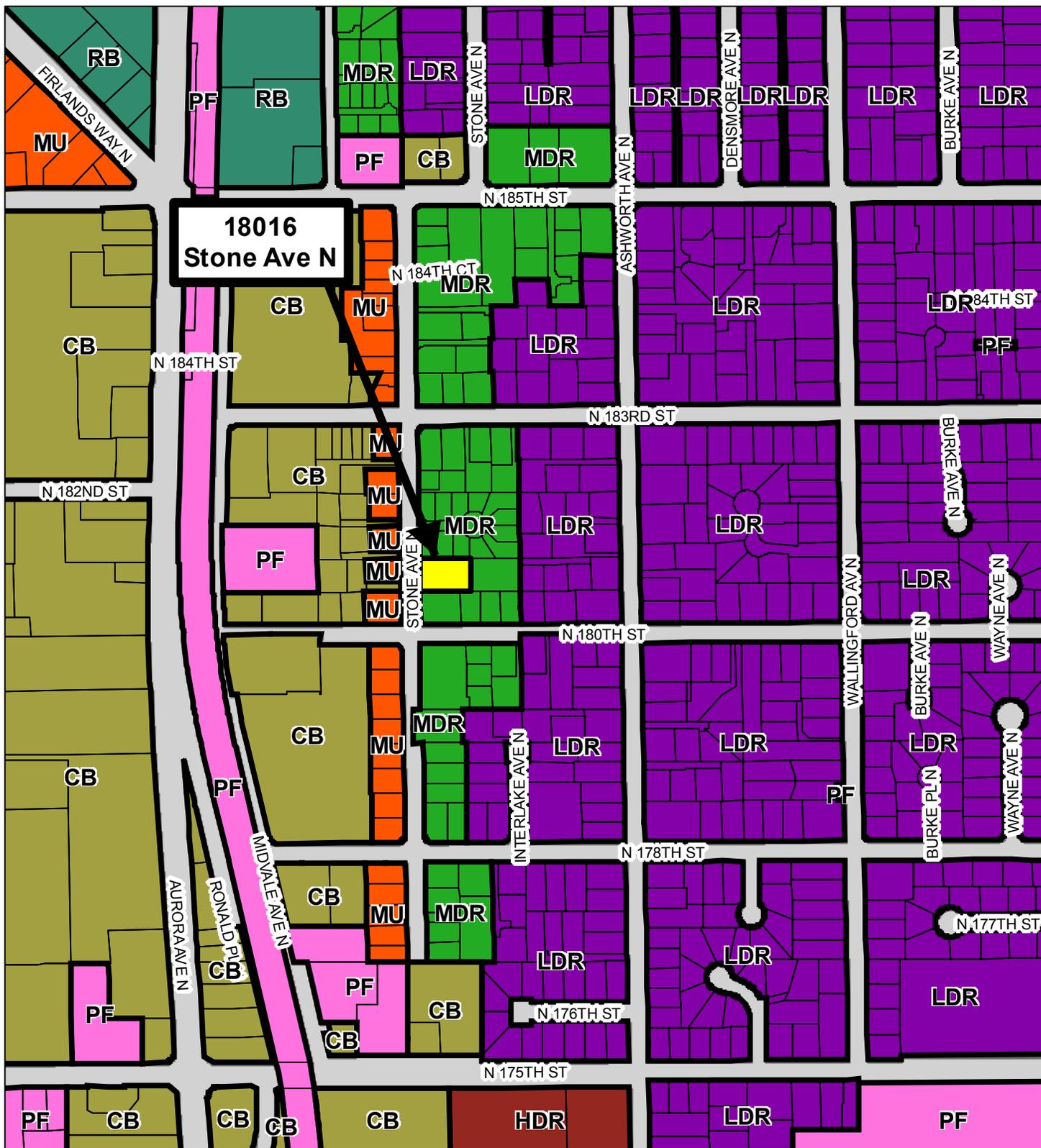
- CB - Community Business
- CZ - Contract Zone
- I - Industrial
- NB - Neighborhood Business
- NCBD - North City Business District
- O - Office
- R12 - Residential 12 units/Acre
- R18 - Residential 18 units/Acre
- R24 - Residential 24 units/Acre
- R4 - Residential 4 units/Acre
- R48 - Residential 48 units/Acre
- R6 - Residential 6 units/Acre
- R8 - Residential 8 units/Acre
- RB - Regional Business
- RB-CZ - Regional Business/Contract Zone

- Parcel Line
- Zone District Boundary
- City Boundary
- Unclassified Right of Way



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

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# SHORELINE

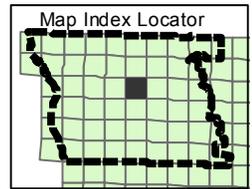
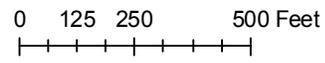
## Geographic Information System City of Shoreline Comprehensive Plan

Representation of Official  
Zoning Map Adopted By  
City Ordinance No. 292.

Shows amendments through  
June 21, 2005.

- Legend**
- Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Mixed Use
  - Community Business
  - Regional Business
  - Public Facilities
  - Single Family Institution
  - Special Study Area
  - Ballinger Special Study Area
  - Briarcrest Special Study Area
  - North City Business District
  - Paramount Special Study Area
  - Private Open Space
  - Public Open Space

- Comprehensive Plan Land Use Boundary
- Unclassified Right of Way
- Parcel Line



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

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**NARRATIVE SECTION**

**Study Unit Themes (check one or more of the following)**

- Agriculture
- Architecture/Landscape Architecture
- Arts
- Commerce
- Communications
- Community Planning/Development
- Architecture
- Conservation
- Education
- Entertainment/Recreation
- Ethnic Heritage (specify) \_\_\_\_\_
- Health/Medicine
- Manufacturing/Industry
- Military
- Politics/Government/Law
- Religion
- Science & Engineering
- Social Movements/Organizations
- Transportation
- Other (specify) \_\_\_\_\_
- Study Unit Sub-Theme(s) (specify) \_\_\_\_\_  
Residential

**Statement of Significance**

Date of Construction **1923**

Architect / Engineer / Builder

In the opinion of the surveyor, this property appears to meet the criteria of the National Register of Historic Places.

In the opinion of the surveyor, this property is located in a potential historic district (National and/or local).

This house, located in the Richmond Acres plat, is significant for its association with the suburban development of the Shoreline district in the 1920s, as growing private automobile ownership and road improvement projects opened the area for suburban development. This house, on a wooded lot, typifies the semi-rural life sought by people who moved to the area in the 1920s. Built soon after the platting of Richmond Acres in 1920, the house was located several blocks E of the North Trunk Road, a paved brick route to the county line, and several blocks from the Interurban rail line. Both these routes ran near what is now Highway 99. The original owner has not been identified. According to the tax records, Nellie M. Lichtfield purchased the property in 1937.

**Description of Physical Appearance**

This low-lying one-story cottage draws on Craftsman design elements, including the gable roof and cross gable porch (now enclosed), shingle siding, and brackets supporting the gable ends. The main volume of the original house measures approximately 27' x 30'. The original front door remains in the side entry. The door features 4x2 panes above four vertical panels. The house is clad in wood shingle. The roof was originally wood shingle as well; it is now clad in composition shingles. The house was remodeled in the 1930s; a 14' x 17' addition, with a lower roof than the main section, was likely added at that time. A large cobblestone chimney located in the addition is a prominent feature. The gable roofed front porch may have been enclosed in the 1930s as well. These changes, made during the depression, are considered part of the historic development of the house. In the 1930s, the house had a single garage and a large shed, perhaps used for an associated small-scale agricultural activity. When the house was built, the lot had been logged over, but smaller trees remained. The trees have grown back; the wooded lot to evokes the home's original semi-rural suburban setting.

**Major Bibliographic References**

King County Property Tax Records





0285

Metro 72761

DISTRICT:	ROAD	SCHOOL	WATER	FIRE	PK & REC SHLN
3		179412	X	4	

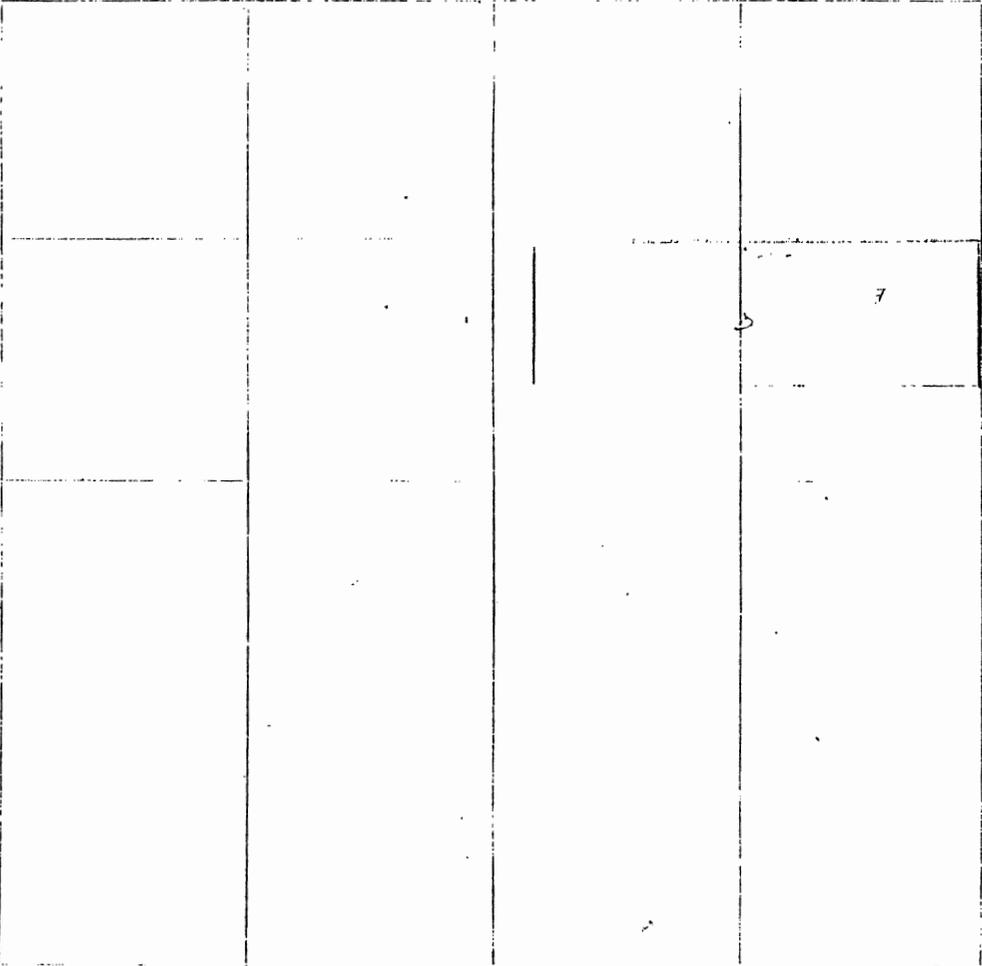
727610-0285

910 1300 4500 JATION

YEAR	AC	RECORD OF ASSESSED VALUE			DATE	BY	REASON	LAND		BUILDING	
		LAND	BLDG'S.	TOTAL				DECREASE	INCREASE	DECREASE	INCREASE
1958		100.	380.	480.							
1938		100	300	400							
1939		100	380	480	10/18/38	J. G. C. H.	REV.				
1946		140	380	520	8-44	J					
1947		140	700	840	2-46	S	RV				
1952		200	700	900							
1957		220	700	920	5-29-56	J. G.	REV.				
1963		910	1300	2210	5-35-63	L					
1964		1450	1300	2750	12-15-67	R. H.					
71	L	3300	B	2600	T	5900	*727610-0285-0	B/Y			
1912		2200	4000	6200	1-19-11	J. G.					
72	L	5711	B	3660	T	9377	*727610-0285-0	9/11			
73	L	7200	B	4510	T	11810	*727610-0285-0	9/11			

IF USED AS SECTION SCALE ONE INCH 600 FEET OR 60 ACRES OR 3200 FEET  
 IF USED AS 1/4 SECTION SCALE ONE INCH 200 FEET OR 40 ACRES OR 1200 FEET  
 IF USED AS 1/2 SECTION SCALE ONE INCH 100 FEET OR 10 ACRES OR 600 FEET

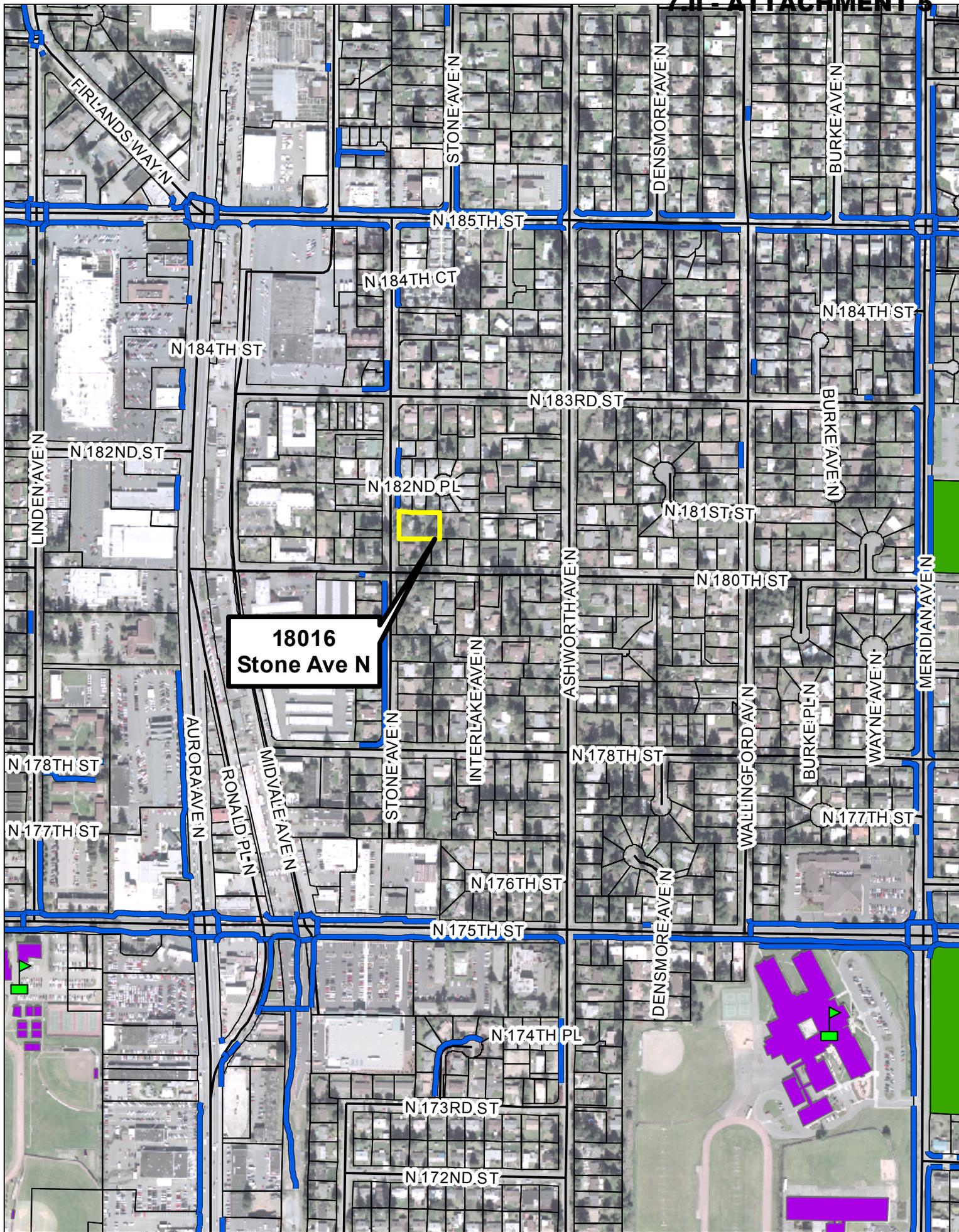
- LAND USE ACRES
- 111 CULTIVATED # PASTURE
- 20 TIMBER
- XX STUMP
- ... GRAVEL OR USELESS
- V SWAMP
- LAND TYPE ACRES
- A SHOT CLAY
- B BOG
- C PEAT
- D SILT
- E LOAM
- F GRAVEL
- G BOTTOM
- H UPLANDS
- K HILLY



SECTION 7  
 TWP. 26 N  
 RANGE 4 E  
 PARCEL NO  
 TAX LOT NO

INDICATE BY AREAS, USE OF LAND BY MARKS AND TYPE BY LETTERS  
 THIS SQUARE INDICATES ACRES

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**18016  
Stone Ave N**

**Legend**

- Parcel Line
- School
- Park
- Street
- Sidewalk

0 225 450 900 Feet

