

AGENDA
 CITY OF SHORELINE PLANNING COMMISSION
 REGULAR MEETING



Thursday, August 3, 2006 | 7:00 p.m.
 Shoreline Conference Center | 18560 1st Ave. NE | Mt. Rainier Room

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

7. PUBLIC HEARING	7:15 p.m.
i. Sundquist Rezone File # 201523, 930 N 199th Street (<i>Quasi-Judicial Public Hearing</i>)	
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	
ii. Development Code Amendments Package #1 (<i>Legislative Public Hearing</i>)	8:00 p.m.
a. Staff Overview and Presentation	
b. Questions by the Commission to Staff	
c. Public Testimony or Comment	
d. Final Questions by the Commission and Commission Deliberation	
e. Closure of the Public Hearing	
f. Vote by Commission	
8. REPORTS OF COMMITTEES AND COMMISSIONERS	8:45 p.m.
9. UNFINISHED BUSINESS	8:50 p.m.
i. Retreat Follow-up	
10. NEW BUSINESS	9:30 p.m.
11. ANNOUNCEMENTS	9:35 p.m.
12. AGENDA FOR September 7, 2006	9:39 p.m.
Shoreline Planning Commission & Parks Board Joint Meeting	
13. ADJOURNMENT	9:40 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

July 6, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi (left at 8:30 p.m.)
Commissioner Hall
Commissioner Harris
Commissioner McClelland
Commissioner Phisuthikul
Commissioner Wagner
Commissioner Pyle

STAFF PRESENT

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

COMMISSIONERS ABSENT

Commissioner Broili

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

Item 4 (Director's Report) was moved to Item 10 (Unfinished Business).

APPROVAL OF MINUTES

The minutes of June 15, 2006 were approved as submitted.

GENERAL PUBLIC COMMENT

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

PUBLIC HEARING ON BURT SITE-SPECIFIC REZONE #201518 FOR PROPERTY LOCATED AT 19201 - 15TH AVENUE NORTHWEST

Chair Piro reviewed the rules and procedures for the quasi-judicial public hearing. He also reviewed the Appearance of Fairness Rules and inquired if any Commissioners received comments regarding the subject of the hearing from anyone outside of the hearing. Commissioner Pyle disclosed that during prior employment with the City of Shoreline he heard information about the subject property. However, he does not believe the information would affect his decision making nor did he form an opinion on the proposal as a result of this information. Commissioner Hall pointed out that because the City is the project proponent, the City staff mailed the applications to the Commissioners. However, none of the Commissioners communicated with the staff regarding the subject of the hearing prior to the hearing. None of the other Commissioners disclosed ex-parte communications, and no one in the audience expressed a concern about the participation of any Commissioner, either.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran advised that the application before the Commission is regarding Rezone #201518 for property located at 19201 – 15th Avenue Northwest. He pointed out that the Comprehensive Plan identifies the subject property and adjacent properties to the north and east as high-density residential, and they have been developed as multi-family residential. Properties to the south and southeast have been designated as medium-density residential, which allows up to an R-12 zoning, and the property to the south is currently developed as a single-family home. The parcels to the west have been designated as low-density residential and are developed with low-density single-family homes. The zoning in the immediate area is a mixture of R-6, R-8, R-12, R-18, R-24 and Neighborhood Business. Mr. Szafran provided photographs of the existing development surrounding the subject parcel.

Mr. Szafran advised that the existing fourplex on the subject property would remain unchanged. The parcel slopes from east to west and has a severe incline towards the middle of the property. The western portion of the property is undeveloped, and there is a public street that dead ends into the western portion of the site. Currently, the property owner has an approved right-of-way permit to pave the rest of the street leading onto the parcel and to construct a 5-space parking area. He noted that one of staff's proposed conditions of the zone change would eliminate potential vehicular access to Northwest 192nd Street by tenants of any properties accessing from 15th Avenue Northwest. Access to the subject property currently comes from 15th Avenue Northwest, which is a collector arterial that is close to Richmond Beach Road (a minor arterial). There are currently four parking spaces on the site, and on-street parking is also available along 15th Avenue Northwest.

Mr. Szafran said staff finds that, with the recommend conditions, the proposal would meet several of the goals and policies of the Comprehensive Plan by:

- Accommodating varying types of housing styles.
- Using site and building regulations to create effective transitions between the subject property and properties to the west.
- Matching the densities that exist to the north and east.
- Being consistent with the High-Density Residential Comprehensive Plan designation for the parcel, which would support up to R-48 zoning.
- Improving the safety and traffic of the neighborhood to the west of the subject parcel with the imposed conditions.

Mr. Szafran pointed out that if the zone change is approved with the staff recommended conditions, the site would come into conformance with density standards, and any outstanding building violations could be corrected. In addition, the residential neighborhood to the west would be protected from a potential increase of vehicular traffic and drainage problems. If the zone change is denied, the owner would be allowed to build a parking lot on the west side of the parcel and have access to Northwest 192nd Street.

Mr. Szafran said that, based on the facts and analysis listed in the Staff Report, staff's preliminarily recommends approval of the rezone to R-18 with the following conditions:

- Limit the number of units to four.
- Record a legal document in a form acceptable to the City Attorney that would eliminate the potential vehicular access to Northwest 192nd Street by tenants of any properties accessing from 15th Avenue Northwest.

Applicant Testimony

Richard Burt, Stanwood, advised that he and his wife are the owners of the subject property, but the applicant for the proposed rezone is actually the City of Shoreline. He reviewed that he and his wife purchased the property as a functioning 5-unit complex. When he heard that the previous owner had a problem with the neighbors, he invited the neighbors to contact him regarding their concerns. He learned from neighbors that one tenant was parking a large truck in the back yard, even after he asked him not to. The neighbors contacted the City regarding a solution to this problem, and after further review, the City determined that 2 of the units on the site were constructed illegally. In working with the City, he said he agreed to eliminate one of the units. He emphasized that although the Staff Report indicates that he and his wife did illegal work on the structure that is not the case. They have never made any changes to the building. When they agreed to eliminate the 5th unit, they turned in plans to do some of the things the City asked them to. However, these plans were never approved by the City, and Mr. Tovar has been helping them resolve the problem.

Mr. Burt said he never wanted to construct a parking lot in the back. This was a City requirement that upset the neighbors. His only desire is that his property be allowed to continue as a 4-unit complex. However, he emphasized that none of his property rights should be taken away because of neighborhood complaints. He pointed out that one of the neighbors behind his property has a mother-in-law apartment, and her renters drive on Northwest 192nd Street. The owner across the street has access to

her backyard from another City street. He summarized that the surrounding property owners want to take away his property rights, which are the same ones they enjoy now. He noted that if the zoning in the area were changed in the future to allow a larger building, some of his property value would be lost if access was prohibited from Northwest 192nd Street.

Questions by the Commission to Staff

Commissioner Wagner asked about the City's current parking requirement for the site. Mr. Szafran explained that a 4-unit residential complex would require seven parking spaces. Given the current configuration of the site, the rear portion of the lot would be the easiest place to provide this parking space. Commissioner Wagner pointed out that the current zoning designation would only allow 3 units. Therefore, the City's previous requirement that the property owner provide parking behind the building was intended to address the parking requirement for the 2 illegal units. Mr. Burt said that in order to address the neighborhood's concern, the City is now proposing to eliminate the requirement to provide parking in the back. Mr. Szafran clarified that 5 parking spaces would be required for a 3-unit complex, and the site only provides 4 on-site spaces.

Chair Piro pointed out that staff did not propose any condition that would require the property owner to increase the number of on-site parking spaces to 7. Mr. Szafran explained that the Development Code allows the Director to waive up to 50% of the on-site parking requirement. Commissioner Pyle asked if the Director's decision to waive some of the parking requirement was related to the site's close proximity to transit opportunities. Mr. Szafran answered affirmatively.

Public Testimony or Comment

Bill Kuhn, Shoreline, said he has lived in the area of the subject property for the past 35 years. He drew the Commission's attention to the picture of Page 33 of the Staff Report. He noted that Northwest 192nd Street is a narrow, one-lane road where it crosses 17th Avenue Northwest. This road continues on to abut the subject property. He explained that when Shoreline was under King County's jurisdiction, there was a metal barrier across this roadway, but the barrier was removed around 2000 in an aborted attempt by the previous owner of the subject property to put in a parking lot. While the parking lot proposal was stopped, the steel barrier preventing access to the subject property was not reinstalled. He said he is not convinced of the City's position that Mr. Burt has access rights to his property from Northwest 192nd Street, and he urged the Commission to investigate the situation further.

Mr. Kuhn referred to a letter written by Mr. Burt (Page 67 of the Staff Report), in which Mr. Burt said his ideal situation would be to have the building function as it has for the past 20 years, with parking on the east side and four units. While this is actually what the City is requesting, they have added an addendum to require there be no parking along Northwest 192nd Street by any tenant living in any of the buildings along 15th Avenue Northwest. Also in his letter, Mr. Burt said the reason he purchased the property was for income, and one way to increase his income would be to sell an easement through his property to the neighboring properties to the north and south. Mr. Burt said he could also put a parking lot in the back to make his property nicer out front. Mr. Kuhn agreed that Mr. Burt could certainly put a

parking lot in the back but he should provide access to it from the south side of his property rather than from Northwest 192nd Street.

Next, Mr. Kuhn drew the Commission's attention to Conditional Use Permit #1999-00867, which is relative to the property at 19137 – 15th Avenue Northwest, which is two parcels to the south of Mr. Burt's property. This parcel, together with the property immediately contiguous to Mr. Burt's parcel is owned by Mr. Friedman. In the conditional use permit application, Mr. Friedman was seeking to justify some illegal construction that had occurred. One of his requests was to access his property through the end of the street at Northwest 192nd Street. When the conditional use permit was reviewed by the Planning Commission and Planning Department Staff, it was recognized that the property had a potential for even higher density if brought into full compliance with the Comprehensive Plan. However, it was pointed out that the proposal would create similar traffic impacts as other medium-density developments. Therefore, vehicular access should be provided from the arterial, and not the residential street. Mr. Kuhn indicated that he did not have enough time to share his final point with the Commission.

Commissioner McClelland asked Mr. Kuhn to clarify if the properties to the south of the subject properties are owned by the same person. Mr. Kuhn answered affirmatively.

Commissioner Harris asked Mr. Kuhn to share his last point with the Commission, as well. Mr. Kuhn said he does not believe the proposed staff conditions make sense. He asserted that Mr. Burt has a history of parking his work trucks in the back yard. While Mr. Burt could certainly develop a parking area on the back portion of his property, it would not be appropriate for the access to come from the narrow Northwest 192nd Street. He reminded the Commission that when they reviewed the conditional use permit application in 1999, they agreed they did not want to do anything to impact the nature of this single-family residential neighborhood.

Diane Bowers, Shoreline, said she has lived in the subject neighborhood for the past 29 years. She came to Richmond Beach because of good schools for her children and a quiet neighborhood. The neighborhood has remained quiet and secluded because the street goes nowhere. Her children have grown up and new children have moved in, and she feels a special sense of community. However, this is all being threatened by the potential of opening the dead end of Northwest 192nd Street to create a parking lot for an apartment building that faces onto 15th Avenue Northwest. She pointed out that the subject property had its own parking access from 15th Avenue Northwest, but that space was replaced when two illegal dwelling units were added to the building. She pointed out that parking to the rear of the building could still be accessed from 15th Avenue Northwest if the property owner removed the wall that was built to prevent that from happening.

Ms. Bowers pointed out that the owner does not live in the community and his only interest in the community is the financial benefit he reaps from the building. Now he is proposing that the traffic to this parking lot and potentially other parking lots come down 17th Avenue Northwest and Northwest 192nd Street. Both of these streets are one-lane roads, with a blind intersection. She referred to Mr. Burt's letter stating his plans to sell access from the parking lot to at least one neighbor of his building on 15th Avenue Northwest. The owner of the adjacent property would likely build a parking lot, as well.

Ms. Bowers advised that Mr. Burt threatened this action, plus the sale of access to a second neighbor, when she and Mrs. Petersen spoke to him a few weeks. She said it is inconceivable to her that the Planning Commission would allow this to take place. In addition to narrow roads and blind corners, small children and elderly people use these roads, which have no sidewalks. If the City must rezone the property in spite of the fact that he has violated the law and ignored the demands of the City to remove the illegal units in the building, she asked that parking be required to stay on 15th Avenue Northwest. Northwest 192nd Street has always been a narrow residential dead end road, and the City should make sure it stays that way into perpetuity. She thanked the City staff for making this a condition of the rezone.

Marion O'Brien, Shoreline, reviewed the Development Code criteria that must be considered when reviewing rezone applications as follows:

- *Criteria 1: The rezone is consistent with the Comprehensive Plan.* The two staff recommended conditions are necessary in order for the rezone proposal to be consistent with the Comprehensive Plan.
- *Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.* The proposed conditions would ensure the effective transition between the uses and density and prevent adverse impacts on public health, safety and welfare. Bringing additional traffic down Northwest 192nd Street would be reckless and foolish. On the other hand, 15th Avenue Northwest is a collector arterial and access to the subject property is correctly oriented towards it.
- *Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.* Increased traffic is a recognized development problem, and many cities with more experience dealing with density issues do not allow access to multi-family residential developments through single-family residential zones.
- *Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.* Lengthy history shows that complaints about the property began when construction started, thus proving that the four units have caused a great deal of impact. The original complaints did not come from residents on Northwest 192nd Street. Instead, they came from people on 15th Avenue Northwest. A parking lot at the end of the street, with access for at least one apartment building, would change the character of the neighborhood, decrease property values and diminish the quality of life they enjoy living on a dead end street.
- *Criteria 5: The rezone has merit and value for the community.* The Commission should keep in mind that the rezone must have merit to the community and not for just one individual. She disagreed with the staff's analysis that there would be no additional impact because the use already exists. She emphasized that the use does not legally exist, and complaints began when the construction started.

Ms. O'Brien pointed out that throughout the Staff Report, the apartment building is described as non-conforming and an existing fourplex. The Shoreline Municipal Development Code says that a use or activity is non-conforming if it was lawful prior to the adoption, revision or amendment of the Code but fails to conform to the present requirements of the zoning district. Therefore, describing the building as a non-conforming fourplex is incorrect and misleading. The building is an illegal triplex, with a fourth unit. Calling it anything else gives it validity.

Commissioner Pyle asked if on-street parking is allowed on Northwest 192nd Street. Ms. O'Brien answered that the paved area is very narrow and the shoulders are unpaved. People occasionally park on the unpaved shoulders and in the driveways. Commissioner Pyle asked if people who do not reside on the street would be prohibited from parking on the unpaved shoulders. Ms. O'Brien answered that the street is a public right-of-way, and there are no signs to prohibit parking. Ms. O'Brien emphasized that she supports the staff's recommendation as presented to the Commission.

Shannon Clark, Shoreline, said she spoke before the City Council last summer about this matter, and most of the neighbors are present because of the parking issue. They purchased homes on a dead end road, which is a narrow street. She expressed her belief that the likelihood of a vehicular or pedestrian accident would increase with more street traffic. Since there are a large number of children living in the area, this should be of utmost concern. She noted that a section of Northwest 192nd Street also lacks visibility due to substandard right-of-way width, and possible increased flooding in surrounding areas is also a concern since the neighborhood lies in a depressed area. Storms in 2003 and 2004 flooded parts of two homes. She said that she knows the City of Shoreline values the opinions and concerns of all property owners and residents, and she urged the Commissioners to drive the route necessary to reach the backyard of the Burt property on 15th Avenue Northwest to get a clear view of the neighborhood concerns about the proposed parking lot. She concluded by expressing her appreciation to City staff for being pro-active in helping with the issue.

Erik Dobson, Shoreline, said that over the past year he has seen the densities in both Seattle and Shoreline increase very rapidly. While this is good in many ways, it is also important that the single-family residential zones be preserved. The Commission now has an opportunity to stress the importance of preserving the single-family homes. The City was generous to give Mr. Burt the option of rezoning to R-18. Even though he did not own the property when the fourth unit was built, he assumed all responsibility when he purchased the property. Now he is responsible for making sure the property meets the code requirements. He said he does not think it is necessary to allow Mr. Burt to add a parking lot with access from Northwest 192nd Street. A driveway along the south side of the subject property could provide access to a parking lot on the rear portion of the lot. This would preserve Mr. Burt's property rights, but would also prevent access from a single-family residential street.

Tom Petersen, Shoreline, voiced his support for the staff's recommendation to approve the proposed rezone with conditions. He agreed with previous speakers that a driveway along the south side of the property would be easily possible. The steep slope that Mr. Burt referred to is the result of a landscaping job that was done about 10 years ago. It is a gentle slope that would not present a problem. Mr. Petersen said the Staff Report talks a lot about closing the end of Northwest 192nd Street, and he asked that this be reworded to restrict all vehicular access rather than just most vehicular access. He asked that the condition also close the street and not allow any driveways along back fences to other properties on 15th Avenue Northwest.

Mr. Petersen referred to Mr. Burt's presentation and pointed out that the encroaching vegetation along Northwest 192nd Street is not an issue. While it looks like the bushes come out onto the road, it is important to note that the road is only one lane wide. Mr. Peterson also referred to Mr. Burt's comment

about one property owner who had a mother-in-law rental. That structure is actually a privacy unit for an elderly resident of the home and not a rental.

Viola Gay, Shoreline, said she has lived in her home on Northwest 192nd Street for the past 15 years. She said it is important for the Commission to recognize the large number of small children that live along this street so safety is the most critical issue to consider. Changing the zoning on the subject property to R-18 would require the people living in the R-6 zone to suffer the consequences. If the rezone is approved, she questioned what would prevent Mr. Burt from requesting a fifth or sixth unit. Also, adjacent property owners might decide to request rezones for their properties, as well. Again, she pointed out that there are a number of young children living in the area, and allowing more traffic onto Northwest 192nd Street would be dangerous. The neighbors do not intend to deny Mr. Burt of an opportunity to use his property, but they do not want his tenants accessing the property through the narrow street.

Presentation of Final Staff Recommendation

Mr. Szafran said staff's final recommendation would be to approve the rezone to R-18 for property at 19201 - 15th Avenue Northwest with the following conditions:

- Limit the number of units to four.
- Record a legal document in a form acceptable to the City Attorney that would eliminate potential vehicular access to Northwest 192nd Street by tenants of any properties accessing from 15th Avenue Northwest.

Mr. Szafran said another option would be to eliminate all potential vehicular access, except maintenance and emergency vehicles on Northwest 192nd Street.

Final Questions by the Commission and Commission Deliberation

Commissioner Pyle observed that parking and access from Northwest 192nd Street to the west seems to be a major issue. He asked what would prohibit someone from parking on Northwest 192nd Street to access the subject property. If the tenants cannot park along 15th Avenue Northwest within a reasonable walking distance to the subject property, they will likely start parking on Northwest 192nd Street to access the property by foot. Mr. Szafran agreed that nothing would prevent the tenants of the subject property from parking on Northwest 192nd Street. He also noted that there is some on-street parking available along 15th Avenue Northwest.

Commissioner Pyle inquired if some type of separation treatment would be required between a higher density and lower density zone. He asked if this same treatment could be applied along the back side of the property in conjunction with some type of barrier prohibiting access to the property. Mr. Tovar answered that the City's current code does not have standards to articulate what happens in the circumstance of a higher density zone next to a lower density zone. This rezone application represents the City's attempt to impose conditions that would travel with the rezone. The Commission can recommend whatever conditions they feel are appropriate to create the separation.

Chair Piro said he visited the subject property prior to the meeting. He asked staff to clarify the location of the four units within the structure. He also asked how many of the units have access from the 15th Avenue Northwest side of the building as opposed to Northwest 192nd Street. Mr. Szafran answered that all of the units are accessed from the 15th Avenue Northwest side of the street.

Commissioner McClelland asked how the City would make sure the fifth unit is not used in the future. Mr. Szafran answered that, currently, there is not a fifth unit in the building. The proposed condition would preclude any additional units on the property. Mr. Tovar explained that if the rezone is approved, the applicant would be compelled to apply for a building and electrical permit, which would involve a City inspection to make sure the doors, location of utilities, etc. are designed to only serve four units. However, as a practical matter, it is important to keep in mind that property owners make improvements without permits, and the City is not aware of the situation until someone points it out to them.

Commissioner McClelland concluded that the neighbors appear to be in support of the proposed rezone to R-18 in exchange for restrictive parking on Northwest 192nd Street. Mr. Tovar said he believes the most significant issue for the neighbors to the west is the prospect of additional vehicular traffic on Northwest 192nd Street, and the best way to preclude this would be to place a limiting condition on the rezone. While the property owners in the area would not gain from having a fourth unit on the subject property, the proposed rezone would limit future traffic on Northwest 192nd Street.

Commissioner Hall asked if a permit was ever approved for the conversion of the garage into living space. Mr. Szafran said the building permit for this conversion expired without having a final review. Commissioner Hall referred to Page 50 of the Staff Report which states that work had been done without a permit. In addition, the previous “work without a permit” case had been closed when the previous owner had made application for a permit. He summarized that because the code enforcement case was closed and the permit was never issued, the same violation that existed at the time of the original stop work order still persists.

Commissioner Phisuthikul referred to Page 49 of the Staff Report which states that on February 29, 2000 a building permit was issued. The scope of work under the permit included the conversion of the garage into a dwelling unit. Since the property was zoned as a duplex, he asked if the creation of the additional unit was legal. Mr. Tovar answered affirmatively, but emphasized that the permit expired without being finalized or renewed.

Commissioner Wagner said she drove by the subject property and noted that there were two cars parked on site and an additional car parked on the shoulder of 15th Avenue Northwest. She inquired if it is legal for cars to park on the shoulder. Mr. Szafran clarified that parking is allowed along the shoulder of 15th Avenue Northwest. Commissioner Wagner pointed out that, technically, two cars could be accommodated on the subject property, with three additional spaces available in the right-of-way.

Commissioner Pyle asked about the required width for an access drive along the side of a building to reach a parking lot in the back. Mr. Szafran answered that a width of 20 feet would be required for this type of side access.

Chair Piro explained that the Planning Commission is responsible for providing a recommendation to the City Council, and the City Council would make the final decision. He asked what the status of the property would be if the City Council were to deny the rezone. Mr. Tovar said he inherited this issue when he was hired by the City in October of 2005. The Staff Report contains letters from him to Mr. Burt recounting the City's position and outlining different ways to proceed. In each of these letters, he clearly pointed out that there is no guarantee the Planning Commission and/or City Council would agree to rezone the property. If the rezone is not approved, the City would be back in an enforcement mode, with infractions, fines, liens, etc. However, staff believes a rezone would be the best method for resolving the situation to the satisfaction of the City, the neighbors and the subject property owner.

Chair Piro asked what would happen if the City Council were to ultimately make a decision that the property should revert back to a triplex. Mr. Tovar said the City would have to notify Mr. Burt that the rezone was not approved and that his property would continue to be in non-compliance with several provisions of the code. Mr. Burt would be given some time to comply before City would take action against him. He emphasized that if the rezone is not approved, staff does not believe the City would have a mechanism to preclude access to the subject property from Northwest 192nd Street.

Commissioner Hall asked staff to clarify why the existing fourplex has been designated as non-conforming. Mr. Szafran said the building should be referred to as an illegal use or structure rather than a non-conforming structure.

Commissioner McClelland referred to Page 52 of the Staff Report which states that on March 14, 2006 the City received a letter from the Burts requesting that they proceed with the rezone, and they also agreed to bring the property into compliance with the codes. She pointed out that the Commission never received a copy of this letter, and the letter from the Burts dated June 16, 2006 suggests that they changed their minds. Mr. Tovar agreed that there are some differences between the two letters.

Commissioner Harris clarified that as a conforming triplex unit, Mr. Burt would have legal access off of Northwest 192nd Street to his backyard for a parking lot. Mr. Tovar said that a permit has been approved by the City for a parking lot to occur with access from Northwest 192nd Street.

COMMISSIONER PYLE MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE REZONE TO R-18 WITH THE FOLLOWING CONDITIONS:

- **THAT THE NUMBER OF UNITS ON THE SITE BE LIMITED TO FOUR.**
- **THAT A LEGAL DOCUMENT BE FILED IN A FORM ACCEPTABLE TO THE CITY ATTORNEY THAT WOULD REQUIRE THE RESTORATION AND MAINTENANCE OF THE ACCESS BARRIER AT THE EAST END OF NORTHWEST 192ND STREET.**

- **THAT A 10-FOOT LANDSCAPE BARRIER BE INCLUDED ALONG THE WEST END OF THE SUBJECT PARCEL TO LIMIT THE IMPACT OF THE HIGHER DENSITY DEVELOPMENT. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.**

Commissioner Pyle pointed out the strong attendance of the neighbors living along Northwest 192nd Street. Their overriding concern appears to be access on Northwest 192nd Street. Closing the access from 192nd and installing a landscape barrier would limit the impacts of the increased density on 15th Avenue Northwest.

Commissioner Wagner inquired if the property owner and staff feel that the proposed new conditions would be reasonable. Mr. Tovar said staff feels the 10-foot buffer requirement would be a reasonable condition. Mr. Burt answered that the 10-foot buffer requirement would not be acceptable to him at all. He purchased the property as a 5-unit structure. If the neighbors would have reported the situation when it occurred with the previous owner, everyone would have been better off. He explained that the barricade was placed on Northwest 192nd Street in the 1960's to prevent teenagers from driving their jeeps through the vacant lot. While he wants to be a good neighbor and not construct a parking lot at the rear of his property, he would not support a condition that would take away his right to have some access from Northwest 192nd Street.

Mr. Burt explained that he purchased the property with his sister for additional income. He has already lost \$500 per month by eliminating the fifth unit, and eliminating an additional unit would result in a monetary loss of \$700 per month. His only option for income would be to sell the easement to the neighbors. He has a legal right to have an apartment on the site. He recalled that a few years ago, the neighbors attempted to place an illegal barrier on Northwest 192nd Street, but the City determined that he had legal access to his property. He said he would go along with a condition that would prohibit his tenants from parking on Northwest 192nd Street, but he would like to maintain his access right to do maintenance on his property. He pointed out that it would not be possible to place an access driveway along the south side of his property because the City's waterline runs along this area.

Again, Mr. Burt voiced that he would be opposed to a barrier being placed on Northwest 192nd Street to block his legal access. However, he would not be opposed to eliminating tenant parking in back. He said he would not be opposed to the City requiring a locked gate that only he would be able to access. Commissioner Pyle agreed that a fence and gate, as suggested by Mr. Burt, would serve the intent of his motion.

Commissioner Harris asked Mr. Burt's opinion about the new proposed Condition 3, which would require a 10-foot landscape barrier. Mr. Burt pointed out that blackberries are located along the rear property line. He said he would be happy to pay for a fence to be placed across the rear property line, as well.

Commissioner Hall pointed out that the Commission did not receive all of the comment letters that are identified in the Staff Report. Mr. Tovar said that all of the letters are on file in the City office. Commissioner Hall pointed out that only eight people spoke during the public hearing, but 52 people have also provided written comments. Of the written comments, 51 were opposed to the proposed

rezone and one was in support. He has a hard time giving weight to the written comments because they are not part of the record before the Commission. The remainder of the Commission agreed with Commissioner Hall's concern. They discussed the option of continuing the hearing to a future meeting.

Commissioner Hall summarized that the landowner has indicated he would not support the motion that is currently on the table. On the other hand, neighbors have testified that they could support the proposed rezone with the condition that a fence or gate be added to block the access. However, if there is no recorded document to take away the legal access, a future property owner could choose to utilize this access for a parking lot. He noted that several written comments indicated a concern that the City was offering preferential treatment for this one property owner who has violated the code. He questioned if it is appropriate for the City to initiate a rezone application to address a long-standing code enforcement problem. If the garage had not been turned into an illegal dwelling unit, there would be two parking spaces in the garage, thus providing adequate parking for a triplex. In fact, there would even be adequate parking for a fourplex. He also emphasized that the structure is an illegal use and not a non-conforming use. The illegal use has an ongoing negative impact not only because of the extra dwelling unit but because parking space was taken away when the garage was converted.

Commissioner Hall asked Mr. Burt if he would support the rezone, if one condition required him to record on the property title a prohibition from ever getting vehicular access to the property from Northwest 192nd Street. Mr. Burt said he would support a prohibition of vehicular access to his property for the tenants only, but he would like to maintain his right to access the property for maintenance purposes.

Mr. Burt said it is important for the Commission to understand that the City issued a permit for the garage to be converted into the fourth unit, and they never followed through when the previous property owner put in a door to make a fifth unit. He said he wants to make sure that other property owners do not have similar experiences. When the City issues a red tag, they need to follow up to make sure the property owner gets the permit and that the work is done according the permit approval. If not, they should put a lien on the title so that future property owners can be notified of the situation.

Mr. Tovar referred to Mr. Szafran's alternative language for the second condition, which would allow access for maintenance. If Mr. Burt's intent is to access the property with his own vehicle for maintenance purposes, staff contemplates this as an appropriate exception to vehicles coming from the west. However, the access should not be used on a daily basis by his tenants.

Commissioner Hall asked if Mr. Burt would have the ability, as per the motion, to grant an access easement to property owners further east for future uses. Mr. Tovar said the rezone conditions could prohibit this type of access easement, as well.

Vice Chair Kuboi left the meeting at 8:30 p.m.

COMMISSIONER PYLE WITHDREW HIS MOTION SO IT COULD BE RESTATED FOR ADDITIONAL CLARITY. COMMISSIONER PHISUTHIKUL CONCURRED.

Chair Piro expressed his concern about the precedent that might be set by the City approving a rezone application just to make a structure legal. Ideally, he would have liked the property to remain developed as a triplex with ample parking from 15th Avenue Northwest to meet the conditions of the code. Because that was not the case, the issue has become very complex and difficult to resolve.

Commissioner Wagner clarified that Mr. Burt did not want to give up his future property rights in case he moves back into the property at some point in the future. He felt that a permanent barrier on Northwest 192nd Street would be an infringement on his personal property rights. She noted that the proposed conditions would still allow for the future potential use of Northwest 192nd Street as a primary access road.

COMMISSIONER PYLE MOVED THAT THE HEARING BE CONTINUED TO ANOTHER DATE TO ALLOW THE COMMISSION TIME TO REVIEW THE ADDITIONAL WRITTEN COMMENT LETTERS. THE MOTION DIED FOR LACK OF A SECOND.

COMMISSIONER PHISUTHIKUL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF REZONING THE PARCEL TO R-18 WITH FOUR CONDITIONS:

- **LIMIT THE NUMBER OF UNITS TO FOUR.**
- **RECORDED A LEGAL DOCUMENT IN A FORM ACCEPTABLE TO THE CITY ATTORNEY THAT WOULD ELIMINATE VEHICULAR ACCESS TO NORTHWEST 192ND STREET EXCEPT FOR MAINTENANCE OR EMERGENCY VEHICLES.**
- **PROHIBIT ACCESS EASEMENTS ACROSS THE SITE TO SERVE OTHER PROPERTY OWNERS.**
- **REQUIRE A 10-FOOT LANDSCAPE BUFFER ALONG THE WESTERN EDGE OF THE PROPERTY.**

COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Pyle clarified that the intent of the required landscape buffer along the western edge of the property would be to provide some separation between the high-density residential development and the low-density residential neighborhood. Rather than just placing a large fence at the end of Northwest 192nd Street, the landscaping could provide a residential feel to the end of the street.

Commissioner Hall said that while he appreciates the attempt to negotiate a compromise for a long-standing code enforcement issue, he would have to vote against the motion. He said he is concerned that approval could set a precedent in the future for the City to fix problems with zoning changes. Whether the current owner knew about the historical violation on the property or not, it was his responsibility to research and learn this information before purchasing the property. Therefore, he suggested that the current property owner's only reasonable expectation at the time of his purchase would have been for a legal use. A due diligence investigation would have determined that two of the units were illegal.

Commissioner Hall referred to the Comprehensive Plan policies. Land Use Policies 63 and 65 speak about adequate parking and off-street parking. This situation is an illegal use that took away the parking that was part of the originally approved permit for the triplex. Land Use Policy 99 states that the City should pursue active enforcement of its construction guidelines.

Commissioner Pyle said he would support the motion because he feels the staff's approach to addressing the problem has been unclear over the years. The City has changed its mind prior to Mr. Tovar's leadership. If the City had taken a clear course to resolve the process, he would feel much more strongly that they would be setting a precedent. But because the City has changed its mind the proposed rezone is one way to resolve the situation.

Commissioner McClelland clarified that if the rezone application is denied, the property owner would be able to enact the right-of-way permit that would allow him to construct parking off of Northwest 192nd Street. Mr. Szafran said the property owner would have to pay for the pending permit before the parking spaces could be constructed, but the current permit would allow the property owner to do work within the Northwest 192nd Street right-of-way. Chair Piro asked if the property owner would also be required to bring the property into full compliance with the code. Mr. Szafran answered that if the rezone is denied, the code enforcement case would remain open and pending until the violations are corrected.

Closure of the Public Hearing

COMMISSIONER WAGNER MOVED THAT THE PUBLIC PORTION OF THE HEARING BE CLOSED. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Vote by Commission to Recommend Approval, Denial or Modification

THE MOTION CARRIED 5-2, WITH CHAIR PIRO AND COMMISSIONER HALL VOTING IN OPPOSITION. (VICE CHAIR KUBOI HAD LEFT THE MEETING AT 8:30 P.M.)

STUDY SESSION ON DEVELOPMENT CODE AMENDMENT PACKAGE #1

Mr. Tovar explained that since he started working for the City, staff has experienced increasing backlogs and delays in processing development permits. Part of this is related to the lack of City resources to complete the civil review. Staff submitted a request to the City Council for a mid-year budget adjustment. If this adjustment is approved, the City would be able to hire a second Development Review Engineer. While this should help the situation, better communication between the Planning and Development Services and Public Works Departments is also necessary. In addition, code amendments are necessary to speed up the development permit review process.

Mr. Tovar explained that as the staff reviewed the existing Shoreline Municipal Code (SMC), the internal development guide, and past practices for dealing with permit issues, it became clear that some

systemic problems must be fixed. Some can only be resolved by amending the SMC, and that is the purpose of Development Code Amendment Package 1.

Mr. Szafran noted that all of the code amendments in the package were proposed by the staff. He briefly reviewed the proposed amendments and the rationale for each one as follows:

- **Amendment 1** would clarify when a site development permit is needed.
- **Amendment 2** would add language referring to procedural requirements for a pre-application meeting and to better inform an applicant during the meetings as to what permits might be necessary and what the time frames would be.
- **Amendment 3** is a new code section referring to site development permits. At this time, it is not clear when a site development permit is needed.
- **Amendment 4** would delete condominiums from requiring a binding site plan. A binding site plan would only be used for commercial and industrial development in Shoreline.
- **Amendment 5** has to do with modifying building coverage and impervious areas for “zero” lot line developments. The maximum coverage would still apply to the overall site, but the individual “zero” lot line lots would be allowed flexibility.
- **Amendment 6** applies to driveways. Currently, the development code requires a 5-foot setback for residential driveways from a property line. Most of the short plats coming into the City are on existing lots with homes where they may not have enough room to provide a new driveway to a new back lot. Other sections of the code allow anything less than 18 inches tall (patio, deck, etc.) to go up to the property line, so a driveway should be allowed to do the same.
- **Amendment 7** reorganizes the easement and tract language. No new language was proposed.
- **Amendment 8** would allow private streets to be located within an easement. This would allow a property owner more flexibility and could result in the potential for creating an additional building lot.

Commissioner Pyle requested clarification for **Amendment 6** which would allow a developer to put the driveway down the side of a property line. He noted that in the past, a 5-foot separation has been required when a driveway crosses over the property line. He asked if the proposed amendment would allow a variation from this design standard, which is in the Engineering Design Handbook. If not, he asked if the Engineering Design Handbook would be amended in conjunction with the code amendment. Mr. Szafran answered that the Engineering Design Handbook requirement would still apply. Commissioner Pyle said that this would require that the driveway be meandered away from the property line where it meets the street in order to provide a 5-foot separation. Mr. Szafran clarified that this provision would only apply to the interior lot area.

Mr. Tovar said the City would be working on revisions to the Engineering Design Handbook in the near future to make it more internally consistent and more consistent with the code language, as well. These changes would be done administratively, but could be brought before the Commission for their information.

Commissioner Harris referred to **Amendments 6 and 8** which would allow driveways within all required setbacks and private streets within an easement. He explained that easements, tracts and driveway widths are three very well-used issues to either limit or encourage back lot development. He

asked if there has been a recent change in philosophy to try to encourage development of some of the back lots. Mr. Tovar said this change was generated by the staff. He said direction from the Growth Management Act is to use the urban land more efficiently. This does not mean putting too much density where it is not appropriate, but many of the existing code requirements make it difficult for property owners to do infill development on the passed-over pieces of property.

Commissioner Hall inquired if staff would propose any policy changes to the Comprehensive Plan to promote a more efficient use and redevelopment of residential properties. If there is a common theme driving the proposed development code amendments, perhaps they should also review the land use section of the Comprehensive Plan. Mr. Tovar said that a review of the Comprehensive Plan policies could be part of the City's future discussion regarding Comprehensive Housing Strategies.

REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided additional comments during this portion of the meeting.

UNFINISHED BUSINESS

Director's Report

Mr. Tovar announced that the Annual American Planning Association would be held on October 4, 5 and 6 in Yakima, Washington. He invited the Commissioners to notify the staff of their intentions to attend the event. Mr. Cohn also announced that an Affordable Housing Conference has been scheduled for September 11 and 12 in Bellevue, Washington. He encouraged the Commissioners to contact staff as soon as possible if they plan to attend.

Mr. Tovar announced that a property rights measure was filed today with the Secretary of State. 225,000 signatures were required to qualify for the ballot, and they submitted 315,000 signatures so it is highly likely that the issue would be on the next ballot. In the near future, staff would review information that has been generated by the Association of Washington Cities and consider the best way to inform the staff, Planning Commission, City Council and the community about the impacts of this measure.

Mr. Tovar recalled that a joint meeting has been scheduled with the Planning Commission and the Parks Board on September 7th to discuss the issue of urban forests, the Cascade Land Conservancy's Cascade Agenda, etc. This is good timing, since the City Council recently adopted their 2007-2008 goals.

NEW BUSINESS

No new business was scheduled on the agenda.

ANNOUNCEMENTS

No additional announcements were provided during this portion of the meeting.

AGENDA FOR NEXT MEETING

Mr. Tovar distributed binders to each of the Commissioners in preparation for their July 20th retreat. The binders include survey results, the City Council's 2007-2008 goals, agenda planners, etc. He said he would be prepared to discuss how the Commission would be involved in implementing the 2007-2008 goals at the Commission retreat.

Mr. Cohn said the Assistant City Manager has indicated that she would like the Commissioners to discuss their work program at the upcoming retreat. She suggested they each come up with three items that could be part of the Commission's upcoming work program. She would be going through a process with the Commission and staff to identify their top three work items.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Type C Action: Rezone Application for a portion of one parcel generally located at 932 N. 199th St. 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, Eric Sundquist, proposes to modify the existing zoning category for a portion of an 18,039 square foot parcel located at 932 N. 199th Street. This application before the Planning Commission is a request to change an approximately 7,300 square foot portion of the site from R-12 (Residential - 12 dwelling units per acre) to R-24 (Residential 24 dwelling units per acre).

The applicant is proposing to construct 8 townhomes and one single-family home (6 of the townhomes and the single-family home were previously noticed and have building permits issued). The zone change is only on the portion of the site where the townhomes will be located (See **Attachment 4**). The proposed zone change will allow two more townhomes to be built. The portion of the lot where the single-family home will be built will remain at an R-12 zoning.

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 High 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).

With the current zoning of R-24 and R-12 there is the potential to build 7 dwelling units on the subject site subject to the Shoreline Development Code Standards. The proposed rezone would allow the construction of 2 additional townhomes, subject to the requirements of the Shoreline Municipal Code (SMC) section 20.30.

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.

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 north side of N. 199th St. between Aurora Ave N. and Linden Avenue. There was a single-family residence on-site that was recently demolished. The parcel measures 18,039 square feet in area (approximately .4 acres). Currently the parcel has a split zoning of R-12 and R-24. Approximately 7,300 square feet of the parcel is zoned R-24 and 10,700 square feet of the parcel is zoned R-12. The site is gently sloping up from east to west. The site has been cleared of most vegetation.

2. NEIGHBORHOOD

The project site is located in the Hillwood Neighborhood. Access to the property is gained from N. 199th Street, a street that is classified as a Local Street. As indicated previously the site is zoned R-12 and R-24 and has a land use designation of High Density Residential. The current zoning of the parcel to the north is also R-24 and R-12 and is developed with a condominium complex developed at approximately 21 dwelling units per acre. To the west are two single-family homes zoned R-6, to the east is an apartment complex zoned R-24 and R-48 developed at approximately 44.5 dwelling units per acre and to the south, across N. 199th St. is a single-family home zoned R-24 and a duplex zoned R-12. Parcels to the north and south have a land use designation of High Density Residential. Parcels to the east have a land use designation of Community Business and parcels to the west are designated for Low Density Residential development. The zoning classifications and Comprehensive Plan Land Use designations for the project sites and immediate vicinity are illustrated in **Attachments 2 and 3**.

3. TIMING AND AUTHORITY

The application process for this project began on March 11th, 2005, when a pre-application meeting was held with the applicant and city staff. The applicant then held the requisite neighborhood meeting on March 3^{0th}, 2005. The formal application was then submitted to the City on April 4th, 2006. The application was determined complete on April 17th, 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 27th, 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 18th, 2006. Due to a flaw in the notice, a corrected Notice of Application was sent out on June 29th, 2006 and a corrected Notice of Public Hearing was sent out on July 20th, 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 (**Attachment 4**). The comments are addressed in the zoning criteria section under Criterion 4.

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. Because the criteria are integrated, similar themes and concepts run throughout the discussion.

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

The Comprehensive Plan land use map identifies the subject property as *High Density Residential*. The site is currently underutilized—the parcel is developed with one single family home—this is not consistent with the density goals and policies of the Comprehensive Plan which plans for this site to accommodate up to 48 dwelling units per acre. The proposed zone change will allow the parcels to be developed to a higher level that was anticipated in the Comprehensive Plan.

If R-24 becomes the adopted zoning for the site there will be the ability for the applicant to place a maximum of 9 homes on the subject parcel.

The following table summarizes the bulk requirements for the current zoning and the potential R-24 zoning.

Standard	R12 Development	R24 Development
Front Yard Setback	10'	10'
Side Yard Setback	5'	5'
Rear Yard Setback	5'	5'
Building Height	35'	35' (40' w/pitched roof)
Building Coverage	55%	70%
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 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-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.

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 more affordable than the typical new single-family detached home. 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 attached homes for residents that don't need a large home and want something other than typical suburban development.

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 High Density Residential Land Use designation, the R-24 zoning category will allow up to 9 homes to be built instead of 7 allowed under the current R-24 and R-12 mixed 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. The site will be redeveloped with 9 dwelling units at a density of 21.7 du/ac. The townhomes will be compatible with the existing condominiums to the north and the apartments to the east. The single-family home that is being relocated on the site will be compatible to the existing single-family homes to the west and south.

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 not adversely affect the public health, safety and welfare of the surrounding neighborhood and community.

- The applicant has submitted letters from the sewer and water district stating that the necessary infrastructure currently exists to accommodate new development.
- The proposed new development will be required to install landscape buffers on the north and east sides of the property to buffer adjacent home owners from the future new dwelling units.
- Sufficient parking is proposed for garages and in the driveways of the new townhome units.
- New development will be required to install sidewalks which will add to the public safety of the surrounding community.
- Staff has concluded the traffic impacts will not be a substantial burden on the surrounding community. The proposed rezone would add two additional townhomes to a site that has already been approved for six townhomes and one single-family home.

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

The subject parcel is currently zoned R-12 and R-24. Right now, the site is developed with one single-family house which is underdeveloped under the current zoning category. The application to change the zoning on a portion of the parcel to R-24 was made in order to develop the site at a density similar to that developed adjacent to the site on the north. The site's Comprehensive Plan land use designation is *High Density Residential*. Consistent zoning designations for this land use include: R-12 through R-48.

The current zoning in the vicinity of the project includes R-6, R-12, R-24, R-48, and Regional Business zoning. The uses in the area include single-family houses, duplexes, triplexes, multi-family apartment buildings, a new tire store, restaurants, Aurora Village Shopping Center and the Aurora Village Park and Ride. The subject property will take access from N. 199th Street, a local street. The Comprehensive Plan

states that the High Density Residential Land Use designation is intended for areas near employment and commercial areas; where high levels of transit service is present or likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity uses.

The applicant's proposal for 8 townhomes and one single-family home is supported by the goals and policies of the Comprehensive Plan. R-24 zoning is an appropriate designation for the subject site, as it reflects a transition from regional business zoning along Aurora Ave to the R-12 and R-6 density residential development to the west.

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

At this time the proposed rezone appears to have minimal negative impacts to the properties in the immediate vicinity. Development of the property under the proposed rezone would result in equal or lesser densities than those currently existing north and east of the subject parcel. The Richmond Firs Condominiums directly north are developed at 21 du/ac and the Condominium development directly east is developed at 44.5 du/ac. It provides a reasonable transition to the R-12 density to the west.

Concerns have been raised by adjacent neighbors concerning appropriateness of the zoning, less privacy, increased traffic and noise, no parking, and work without permits. The following brief summary demonstrates how the project addresses each of these.

Zoning as Transition

The City adopted the Comprehensive Plan and designated certain areas as areas where higher densities should occur. The subject parcel is in one of those areas higher density areas. R-24 is an appropriate zoning category under the High Density Residential land use designation. The R-24 zoning category also matches the R-24 zoning category on the parcel to the north creating a logical transition between the two properties.

Less Privacy

The applicant will be required to comply with the landscaping and screening standards mentioned in the Development Code. This generally includes a five foot landscape buffer consisting of trees, shrubs and ground cover. The building setback is five feet from the property line in either the R-12 or R-24 zoning category.

Traffic/Circulation

The applicant is proposing to build 8 townhomes and one single-family home on the subject parcel. The P.M. peak hour vehicular trips will be 1.01 (1.01 X 1) for the single-family home and 4.32 (.54 x 8) for the townhomes. The total P.M. peak hour trips for the total development are 5.33. Since the P.M. peak hour trips are not greater than 20, a traffic study was not required (SMC 20.60.140(A)).

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

Parking

Each dwelling unit on-site is required to have at least two parking spaces. The single family home has a two-car garage and space in the driveway to park additional cars. The townhome units have a one-car garage and one space in the driveway for parking. The development is meeting parking requirements per the City's Development Code.

Work without Permits

The adjacent property owners to the north have commented on site work being done without permits; specifically removal of trees and grading of the site. The City requires the property owner obtain a permit for clearing more than six significant trees and grading more than 50 cubic yards of material. The City relies on complaints from the community if significant work is being done without permits. No complaints were ever filed with the City. By the time the owner submitted building permits to the City, the site was cleared and evidence of any trees could not be confirmed.

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. The proposed townhomes are an affordable option compared to new detached single-family construction. Additionally, this site is an appropriate place to accommodate higher density development considering the intensity of the adjacent Commercial and High Density uses to the east, because it is free of environmentally sensitive features, and because of close proximity to alternative transit options and infrastructure.

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 is underutilized per the density guidelines listed in the Comprehensive Plan for the *High 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 a portion of the site at 932 N 199th Street (parcel number 2227900032) 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 approval to rezone, with conditions, a portion of the site at 932 N 199th Street from R-12 to R-24 based on findings presented in this staff report and additional findings by the Planning Commission.
3. Recommend denial of the rezone application. 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 a portion of the property generally located at 932 N 199th Street (parcel number 2227900032). 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

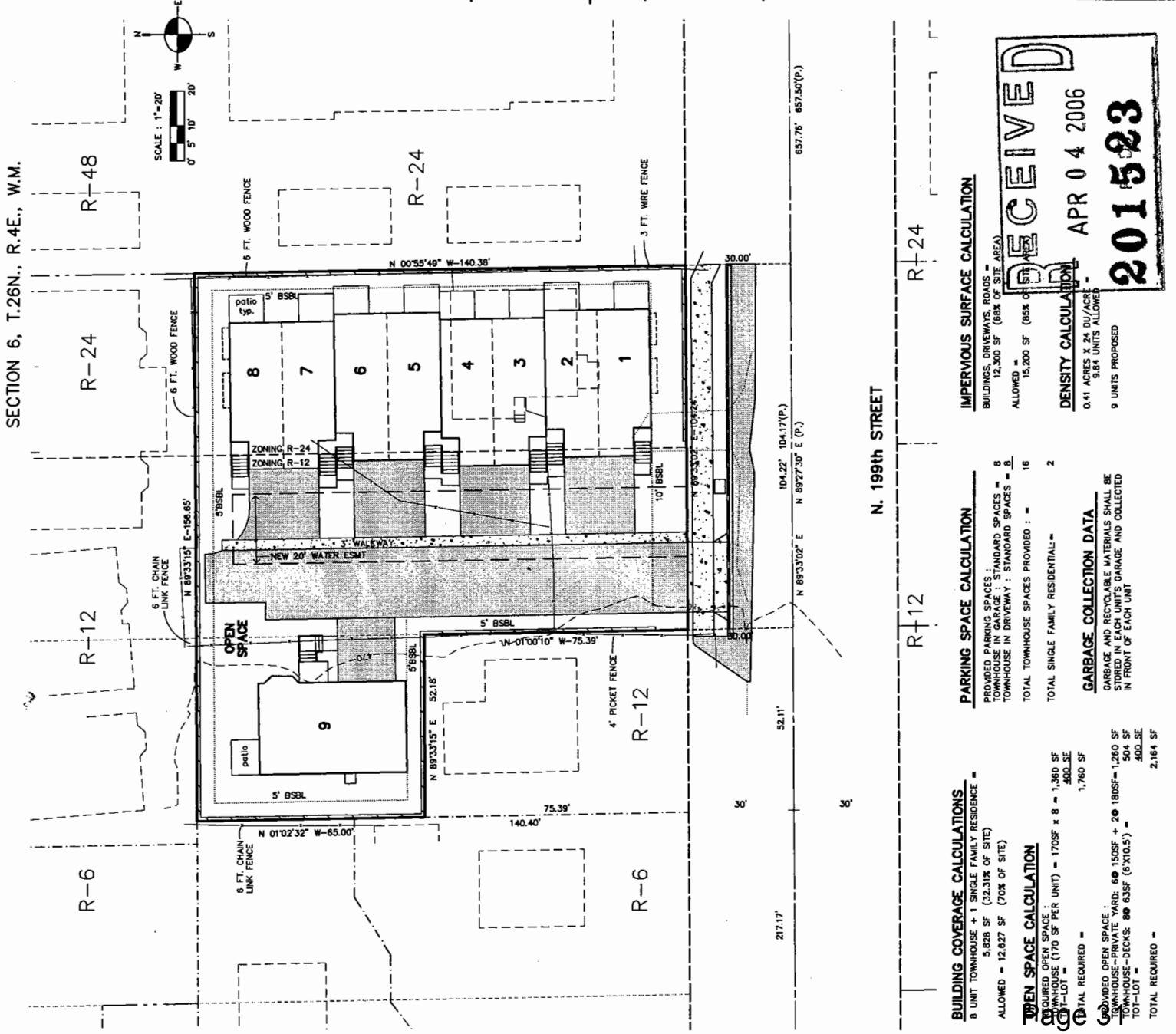
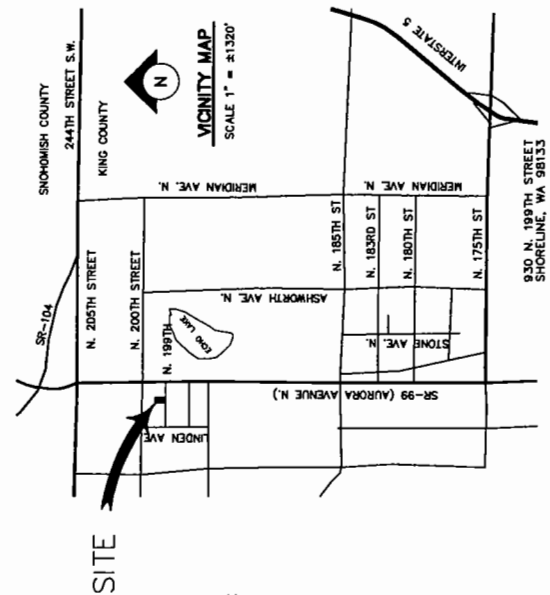
Attachment 3: Vicinity Map with Comprehensive Plan Designations

Attachment 4: Map depiction of the Proposed Zone Change

Attachment 5: Public Comment Letters

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SECTION 6, T.26N., R.4E., W.M.



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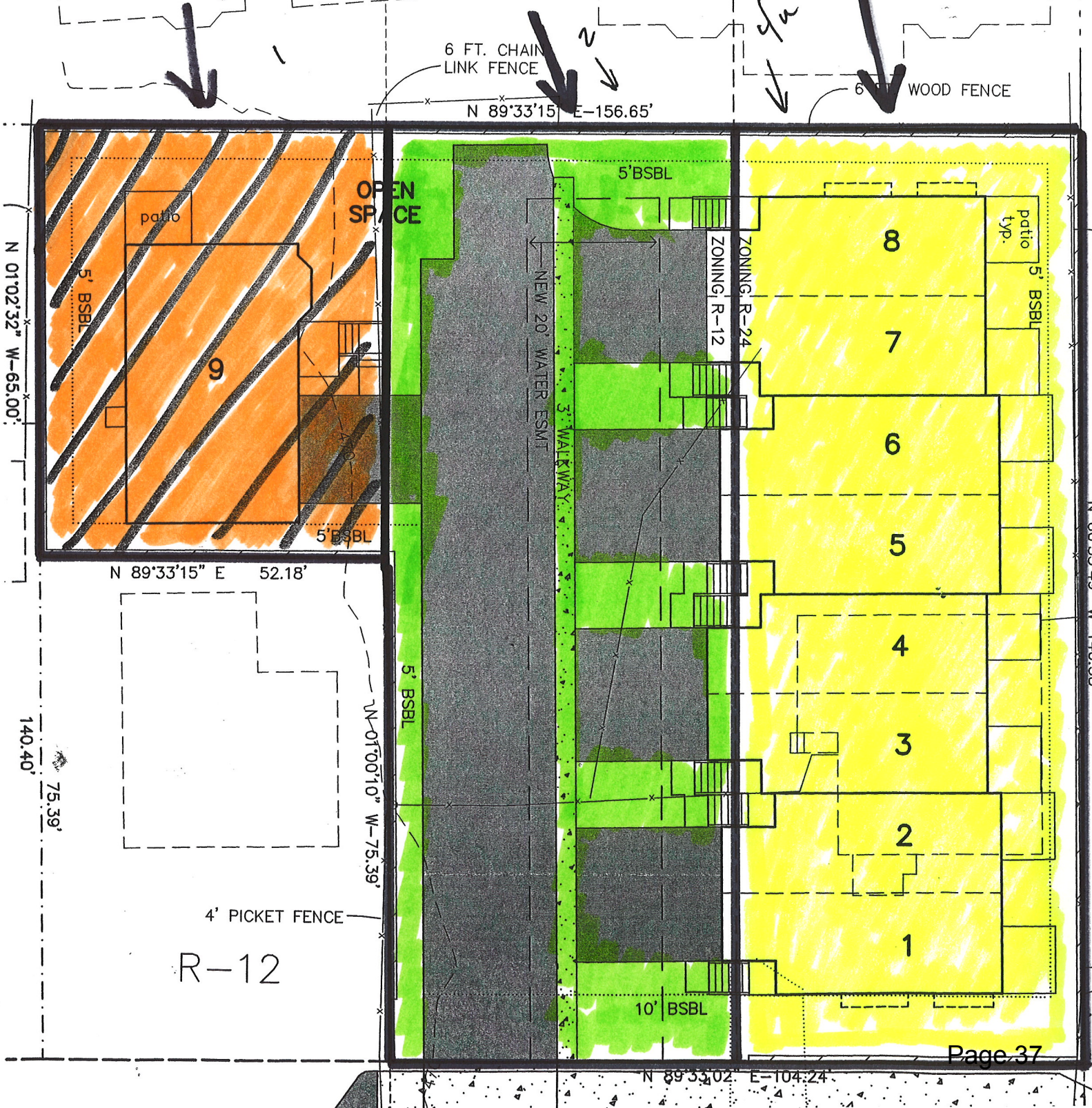
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SECTION 6 T.26N.

STAYING R-12
CHANGING FROM R-12 TO R-24
CURRENTLY R-24



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Laurie Hennessey
917 N 200th ST #200
Shoreline, WA 98133
Laureldiane@hotmail.com

July 11, 2006

Steven Szafran
Planning and Development Services
City of Shoreline
17544 Midvale Ave N
Shoreline, WA 98133

Re: Site Specific Rezone
932 N 199th St aka 930 N 199th St
Shoreline, WA 98133

Dear Mr. Szafran,

This letter is to object to the proposed rezoning of the above mentioned property from R-12 to R-24. I am a home owner adjacent to the proposed rezoning of the lot 2227900032 purchased by Quality Built Homes NWLLC. It is my belief, along with the majority of home owners within Richmond Firs Condominiums, adjacent to the north of this proposal, that the Cities original plan of zoning is appropriate for the neighborhood. As I understand the existing plan allows higher density closest to highway 99 and gradually decreases density to single family dwellings directly to the West of the proposed rezoning. This rezoning will leave no gradual transition from high density to low density and if approved, when completed will have 9 homes on the lot.

I had the opportunity to review the plans at the city office and found that in addition to the row of town homes there is also a single home planned (ten feet from the property line) for that lot. It is my understanding from your department that this home will be included in the condominium complex. This additional home has not been mentioned in the proposal but does exist on the submitted plans. It appears a bit deceitful in their proposal to omit this very important fact. They are not requesting eight town homes, they are requesting nine homes.

The only one to benefit from the increase in density will be Quality Built Homes not the neighbors who will be left with less privacy and increased noise and traffic, and nowhere to park cars. Greed appears to be the motivation of the developer who I'm sure will not be occupying any of the proposed homes. I understand that a single car garage is planned for each unit. However, the latest study dated April 2005 by Dr. Anne Vernez Moudon , Professor, for Department of Urban Design and Planning , University of Washington and Washington State Transportation Center, lists that each home owner averages in Washington State

2.02 cars.(partial copy of this report attached). Since there is no parking on the street where will these cars be parked? As the zoning exists this increases the number of cars on N. 199th St by 14.14 vehicles. An additional two units will increase an already high density area by another 4.04 cars for a total of 18.18 vehicles.

The parcel # 210900000 directly to the east of the proposed rezoning is in the process of converting the existing 30 apartment units to condominiums. This will also increase traffic and cars on both N 200th St and N 199th St. As it exist already, in the mornings we have problems leaving our driveway because the traffic blocks our driveways. Since N 200th St is the closest road to allow both right and left hand turns onto Highway 99 and access to I-5, the existing plans will greatly increase the amount of daily traffic on our street, let alone allowing two additional units.

Last July(2005) I returned home from work and the property in questioned had been cleared of more than six (6) significant trees and graded in preparation of this project.(This took approximately 2 working days from start to finish) Along with more than 50 cubic yards of Earthwork done including moving and removing the material. According to your department an A-13 type permit had not been issued for this site. In fact the first permit for work on this site was issued on 6/29/2006; almost a year after that work was completed. The whole lot had been cleared of any vegetation. I recently took photographs of the property including where they moved earth onto my property and the 5 ft weeds that now occupy what once were privately owned woods.

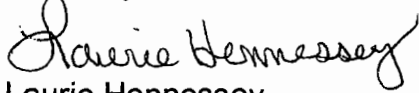
Along with denying the increase in zoning I would also ask that the City require the Developer to replant a buffer zone to replace the one they illegally removed and install fencing around their property immediately. I would also ask that you pursue fines etc. to the fullest extent of the law. I am currently looking into who else may be notified of this illegal act and what additional laws have been violated.

Although two additional units to their proposal may seem small, over crowding an already crowded area robs all neighbors of a little bit more of their privacy. I was born, raised, raised my son and continue to live (48 years) in Shoreline. I have volunteered in many areas of this city including serving on the committee to form the city government when the city began. This is my third home in Shoreline. I love this City. I understand the fine balance of allowing growth and maintaining the privacy of its citizens. I along with our condominium association vehemently oppose the rezoning of this property for the profit of the developer and the loss to the neighborhood.

Lastly, I would like to thank your department for all the help they gave me in this complicated process of zoning, rezoning, building laws and regulations. They all

took the time to answer all my questions and helped to educate me along the way.

Sincerely,



Laurie Hennessey

Vice President, Richmond Firs Condominium Association

Cc: Mayor Bob Ransom
Deputy Mayor Maggie Fimia
Shoreline City Council
Keith McGlashan, Rich Gustofson
Cindy Ryu, Janet Way & Ron Hansen

Final Research Report
Agreement T2695, Task 65
Trends in Commuting

TRAVEL INDICATORS AND TRENDS IN WASHINGTON STATE

by

Dr. Anne Vernez Moudon
Professor

Gwen Rousseau
Graduate Research Assistant

D.W. Sohn
Graduate Research Assistant

Department of Urban Design and Planning
University of Washington, Box 355740
Seattle, Washington 98195

Washington State Transportation Center (TRAC)
University of Washington, Box 354802
1107 NE 45th Street, Suite 535
Seattle, Washington 98105-4631

Washington State Department of Transportation Technical Monitor
Elizabeth Robbins
Transportation Planning Manager
Strategic Planning and Programming Division

Prepared for
Washington State Transportation Commission
Department of Transportation
and in cooperation with
U.S. Department of Transportation
Federal Highway Administration

April 2005

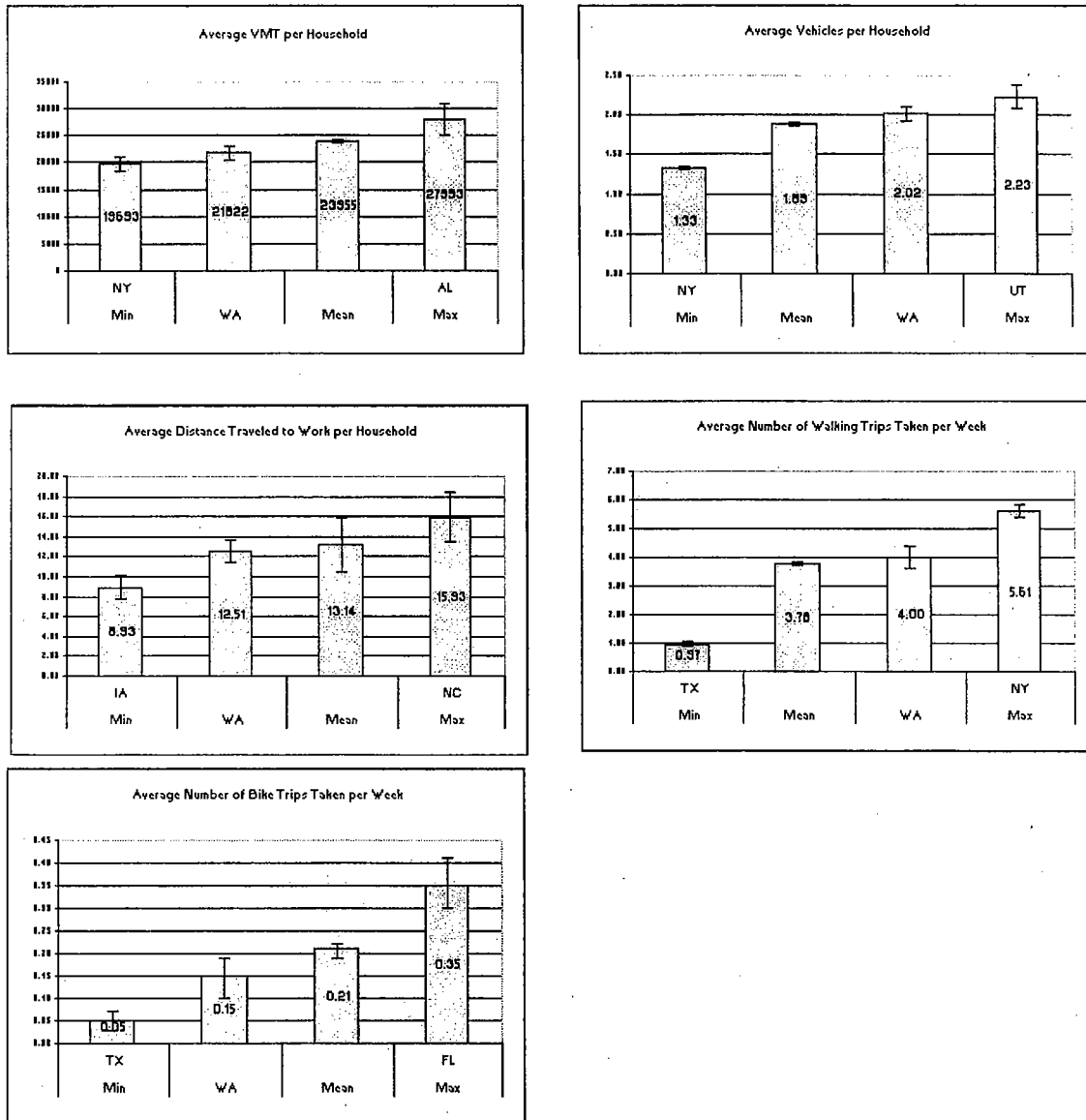


Figure 1: Travel behavior comparisons between Washington State and the nation.

Richmond Firs Home Owners Association

To:
City of Shoreline
Office of Planning and Development.

Re: Project at 932 N 199th St.

Dear Planning Department:

This letter is to officially notify you in writing that I am a home owner in the Richmond Firs Condominiums located at 917 N 200th St. It has just been brought to my attention by one of our Home Owner Association (HOA) members, that there is a request pending in your office for development of the property located at 932 N 199th St. I live within 500 feet of the proposed project and was not notified by the developer or their assigns. It is my understanding that this a requirement.

It most certainly is not in the best interest of our HOA or other adjacent neighbors to have this project proceed as requested and it could be cause for financial harm to me.

Therefore, I respectfully request that the City immediately deny this application for cause. Baring that, I request the City cease and desist any further processing of this request and to not grant any permit with or without variance for any development at this site, at this time. Furthermore, I am requesting that the if the developer desires to start anew, that all applicable rules, laws and regulations both by their letter and intent, will be strictly adhered to by your office and the developers.

Thank you very much for your prompt attention to this manner, in addition to your time and consideration.

Sincerely,

Markene S. Lem #301

Richmond Firs Home Owner
917 N 200th St.
Shoreline, WA 98133

Richmond Firs Home Owners Association

To:
City of Shoreline
Office of Planning and Development.

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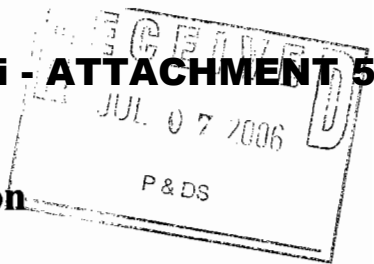
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Sincerely,



Tammy Smith
President, Richmond Firs HOA
917 N 200th St. #101
Shoreline, WA 98133



Richmond Firs Home Owners Association

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City of Shoreline
Office of Planning and Development.

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Thank you very much for your prompt attention to this manner, in addition to your time and consideration.

Sincerely,

Carole Reinke #404

Richmond Firs Home Owner
917 N 200th St.
Shoreline, WA 98133

Richmond Firs Home Owners Association

To:
City of Shoreline
Office of Planning and Development.

Re: Project at 932 N 199th St.

Dear Planning Department:

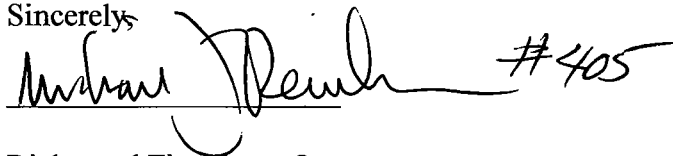
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Sincerely,



Richmond Firs Home Owner
917 N 200th St.
Shoreline, WA 98133

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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

SUMMARY

At its next meeting, the Commission will hold a public hearing on a set of Development Code amendments. An amendment to the Development Code is used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City.

Staff has suggested a large number of amendments, and has divided the requests into groups based on importance. Most in the first group deal with Engineering and Utilities development regulations.

A summary of the amendments can be found in **Attachment A** which was sent to the Commissioners prior to the study session on this topic. The proposed amendment language is found in Exhibit 1 of Attachment A: Notebook of Proposed Amendments.

I. PROPOSAL

The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code."

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

Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. Amendment #7 proposes to reorganize the code section and does not propose changes to the language of the section.

The following is a summary of the proposed first batch code amendments, with staff analysis.

Amendment #1: 20.20.046 (Site Development Permit Definition). This amendment clarifies when a Site Development Permit is needed. City Staff has added the word “redevelop” to clarify that a Site Development Permit may be needed when an applicant redevelops a site.

Amendment #2: 20.30.080 (Preapplication Meeting). This amendment adds language referring to the procedural requirements for a preapplication meeting. The reason for the added language is to inform an applicant that additional permits may be needed and the time and procedure for obtaining those permits. In the past applicants have discovered mid-process that additional approvals were necessary and their timelines could not be met.

Amendment #3: 20.30.295 (New Code Section). This is a new code section explaining the purpose, general requirements and review criteria of a Site Development Permit. The Site Development Permit process has not been well defined as to its applicability. Section 20.30.295 explains the purpose of a SDP, when a SDP is required and the review criteria for a SDP.

Amendment #4: 20.30.480 (Binding Site Plans). This amendment deletes the condominium section from the binding site plan requirements. Binding Site Plans are a division of land for commercial and industrial lands and should only apply to commercial and industrial divisions of land. A condominium is not a division of land, it is a form of ownership, and should not be considered as such.

Amendment #5: 20.50.020(1) (Densities and Dimensions in Residential Zones). The purpose of this Development Code Amendment is to modify building coverage and impervious area for zero lot line developments. Maximum building coverage and maximum impervious area requirements will still apply over the entire site, not on individual zero lot line lots. The Development Code currently allows modified standards for lot width, lot area, and front, side and rear yard setbacks. By allowing modified standards for maximum building coverage and impervious surfaces, more flexibility is given to applicants while the impact of overall impacts is not increased.

Amendment #6: 20.50.040 (Setbacks). The amendment deletes the requirement for residential driveways having to comply with setback standard. Residential driveways will be allowed to go up to the property line with no setbacks required. When a property owner wants to subdivide an existing parcel, many times they do not have the room to place a new driveway and still meet the required side yard setback. This amendment will allow the property to have more flexibility to subdivide an existing parcel while helping meet the City’s growth targets.

Amendment #7: 20.70.010 (Easements and Tracts). The amendment revises and clarifies language regarding easements and tracts. No content has been added to this section; however, the amendment reorders and clarifies the section making it easier to follow and understand.

Amendment #8: 20.70.160 (A) (1). This amendment is the result of a situation that arose during a short plat application. Under SMC 20.70.160 private streets are allowed, subject to City approval, when specified conditions are present. One of those conditions is that the street is to be located within a tract. Since the acreage within a tract is subtracted from the buildable lot area, the current process can result in a reduction in the number of lots permitted on a site. The City can improve customer service and code administration by simplifying and clarifying the process for determining density and how many lots can be realized on a piece of property.

II. FINDINGS

TIMING AND AUTHORITY

The application for this set of amendments was made on July 6, 2006 and deemed complete. The Notice of Public Hearing and SEPA Determination was advertised on July 13, 2006. The Planning Commission held a study session on this item on July 6, 2006.

Applications for amendments to the Development Code are evaluated according to the criteria outlined in Section 20.30.350 of the Shoreline Municipal Code (SMC). The City Council may approve an application for amendments to the Development Code if the decision criteria are met.

CRITERIA

The following discussion responds to the decision criteria set forth in Section 20.30.350 of the SMC.

Criteria 1: The amendment is in accordance with the Comprehensive Plan.

One of the city's roles in the economic development process is to ensure that development can occur in a timely and predictable manner. Policy ED-37 addresses this:

ED-27: Ensure a customer, service-oriented permitting process for commercial improvements, expansions, and developments.

Though this policy specifically applies to commercial development, the proposed changes to the permit review process will also benefit residential development and redevelopment.

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

Staff's review of the proposals concludes that the amendments will result in improvement to the permit review system and will have a positive affect of the general welfare of the public.

Criteria 3: The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The proposals increase flexibility and represent an improvement to the current Development Code.

III. CONCLUSION

The proposal meets the criteria set forth in the SMC.

IV. PLANNING COMMISSION ROLE AND OPTIONS

As this is a Type L 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 approval, modification, or denial. The City Council will consider the Commission's recommendation prior to its decision on the application.

V. PRELIMINARY STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed amendments and enter into findings based on the information presented in this staff report that the proposal meets the decision criteria amendments to the Development Code as outlined in SMC 20.30.350.

NEXT STEPS

Questions about application of the code amendments can be complicated and require additional analysis. Because of this, if Commissioners formulate questions prior to the meeting, we request that you contact Steve Szafran prior to the meeting so that he can prepare a complete answer. Steve's number is 546-0786.

ATTACHMENT

Attachment A: Notebook of Proposed Development Code Amendments.

The Planning Commissioners received printed copies of this document. Copies of the notebook are available on line at www.cityofshoreline.com and at the Planning and Development Services Office at 17544 Midvale Avenue North in the City Hall Annex. If you have any questions regarding how to obtain or view a copy of this information, please call the Planning Commission Clerk at 206-546-1508.



Memorandum

DATE: July 26, 2006

TO: Planning Commission

FROM: Joe Tovar, Director, 546-3227
Steve Cohn, Senior Planner, 546-1418

RE: Further Discussion of Work Program

We want to spend some time at your next meeting to discuss the retreat summary - though the summary is not ready yet, we hope to be able to send it to you prior to the meeting--and continue our dialogue about the development of next year's work program.

At the retreat, three items gathered the most interest through the "dot exercise". They were:

- Subarea planning for special study areas
- Town Center (Plan/Vision/Facilitate its creation)
- Comprehensive Housing Strategy

Staff will discuss our thoughts about next year's work program, how we currently foresee allocation of staff time, and how we would propose to address the workplan items that drew the Commissioner's interest.

If you want to share your thoughts about the retreat or workplan prior to your next meeting, feel free to contact us by phone or email.