

AGENDA

CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, March 15, 2007
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 a. February 1, 2007 b. March 1, 2007	7:08 p.m.
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 <i>Legislative Public Hearing</i>	7:15 p.m.
1. Development Code Amendments	
a. Staff Overview and Presentation of Preliminary Staff Recommendation	
b. Questions by the Commission to Staff	
c. Public Testimony or Comment	
d. Presentation of Final Staff Recommendation	
e. Final Questions by the Commission and Commission Deliberation	
f. Closure of the Public Hearing	
g. Vote by Commission to Recommend Approval or Denial or Modification	
8. REPORTS OF COMMITTEES AND COMMISSIONERS	7:45 p.m.
9. UNFINISHED BUSINESS	7:50 p.m.
10. NEW BUSINESS	
a. Introduction to South Aurora Triangle proposed CPA and Development Code	7:55 p.m.
b. Prepare for joint-meeting with City Council	8:30 p.m.
11. ANNOUNCEMENTS	8:55 p.m.
12. AGENDA FOR	8:57 p.m.
Monday, April 2, 2007: Joint-meeting with City Council	
Thursday, April 5, 2007: Speaker Series	
13. ADJOURNMENT	9:00 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 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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Memorandum

DATE: February 27, 2007

TO: Shoreline City Council

FROM: Paul Cohen, Project Manager

RE: South Echo Lake Development

At this time the eight acre site is being cleared, graded, and prepared for site development and six building pads. The City issued permits for site development and the first building for senior affordable housing. This includes installation of temporary erosion control, utilities, building pads, roadways, and eventually landscaping, plazas, etc. We are currently reviewing the building permits for two additional apartment buildings and a site development permit for the wetland restoration portion adjacent to the lake. We anticipate the submittal for the YMCA building in a matter of weeks. Two mixed-use buildings are planned for the SE corner of N 192nd St. and Aurora Ave. N. Though the City has no deadline to complete the development, it will likely take several years.

Number of Units – To date, we have approved and are reviewing 384 units in 3 buildings. We anticipate approximately 100 units more associated with the mixed use development.

Frontage – Frontage improvements along Aurora Avenue will be temporary in anticipation of the final improvements associated with the Aurora improvement project. The west part of N. 192nd will also be temporary because it is connected to the Aurora improvement. N. 192nd will include a wider sidewalk to facilitate the Interurban Trail traffic to the Park and Ride on Aurora Avenue. Drive access into the site will restrict turning movements east toward the Echo Lake neighborhood.

Stormwater Control – The site will have stormwater detention and water quality facilities prior to discharging into the lake. The stormwater pipe along the northwest boundary conveys waters from Aurora Avenue. The pipe will be replaced with an open swale through the wetland buffer. In the future when Aurora is improved detention and water quality facilities will be installed.

Wetland Buffer – The buffer is 115 feet wide radiating from the lake edge upland. It will contain wetland enhancement and plantings, a boardwalk connecting the Interurban trail and Aurora Avenue, and an unaltered buffer area where building, mowing, spraying, etc will not be allowed. At this point, there is no state approval for a small dock and beach to

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be developed. However, the boardwalk will extend to the lake edge. This wetland improvement must be completed prior to occupancy of the first building. All the existing trees in the buffer will be preserved. The four tall conifers upland will be removed.

Rezone Conditions – Attached.



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CITY OF SHORELINE MISC 25.00
PAGE001 OF 007
08/18/2005 11:22
KING COUNTY, WA
KING COUNTY, WA

RETURN ADDRESS

City of Shoreline
City Clerks Office
17544 Midvale Ave N
Shoreline, WA 98133-4921

Note to Auditor: Please return a recorded original back to the City of Shoreline City Clerks Office.

Please print neatly or type information

Document Title(s)

Concomitant Rezone Agreement and Covenant Running with the Land: Contract Zone
No. CZ-05-01 Ordinance No. 389

Reference Number(s) of related documents

Additional Reference #'s on page _____

Grantor(s) (Last, First and Middle Initial)

City of Shoreline

Additional grantors on page _____

Grantee(s) (Last, First and Middle Initial)

Echo Lake Associates, LLC

Additional grantors on page _____

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

TRACTS 2 AND 3 AND LOT J OF TRACT 4, ECHO LAKE GARDEN TRACTS, DIVISION 1,
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 19,
RECORDS OF KING COUNTY;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE SEATTLE-EVERETT TRACTION
COMPANY FOR RIGHT OF WAY PURPOSES BY DEEDS RECORDED UNDER AUDITOR'S FILE
NOS. 658621 AND 633047;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR STATE
ROAD NO. 1, BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 2173685 AND 2173657,
RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF
WASHINGTON.

Additional legal is on page _____

Assessor's Property Tax Parcel/Account Number

222900040

Additional parcel #'s on page _____

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Shoreline
City Clerk
Receiving
Number
3481

PR-05-CZ-001

**CONCOMITANT REZONE AGREEMENT AND
COVENANT RUNNING WITH THE LAND**

Contract Zone No. RB-CZ-05-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated June 30, 2005, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and Echo Lake Associates (hereinafter "Owners").

RECITALS

A. Owners are the owners of real property located in King County legally described as:

TRACTS 2 AND 3 AND LOT J OF TRACT 4, ECHO LAKE GARDEN TRACTS, DIVISION 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 19, RECORDS OF KING COUNTY;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE SEATTLE-EVERETT TRACTION COMPANY FOR RIGHT OF WAY PURPOSES BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 658621 AND 633047;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR STATE ROAD NO. 1, BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 2173685 AND 2173657, RECORDS OF KING COUNTY, WASHINGTON.

(Hereafter described as "Property").

- B. Owner has applied to rezone the Property from its current zoning, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).
- C. The City has conditionally approved the rezone application provided the Property is developed under conditions and limitations, which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the City and Owners agree as follows:

1. **Title.** Owners are the sole and exclusive owners of the Property described above.
2. **Covenant.** Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned RB-CZ-05-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.
3. **Uses.** The Owners or their successors may construct a mixed use development on the Property subject to the conditions attached hereto.

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- 4. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to the RB and R-48 land use designations existing immediately prior to passage of Ordinance No. 389 or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.
- 5. **Filing.** A copy of this Covenant will be filed for record with the King County Records and Elections Division.
- 6. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.
- 7. **Attorney Fees.** In the event that legal action is commenced to enforce or interpret any provision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNER(s)

CITY OF SHORELINE

Harley D. O'Neil Jr.
Managing Member
Echo Lake Associates, LLC

Robert L. Olander
Steve Burkett, City Manager, Deputy
Robert L. Olander

APPROVED AS TO FORM:

Elannary P. Collins
Elannary Collins, Assistant City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Harley O'Neil, representing Echo Lake Associates appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: June 30, 2005



By: Carol M. Christensen
Notary Public in and for the State of Washington
residing at Edmonds, WA
My commission expires 3-29-06

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that ^{Robert L. Olander} ~~Steve Burkett~~, representing the City of Shoreline, appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the ^{City} City Manager of City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: June 30, 2005



By: [Signature]
Notary Public in and for the State of Washington
residing at Snohomish County
My Commission expires 11/19/2007

**CONDITIONS OF CONCOMITANT REZONE AGREEMENT
AND COVENANT RUNNING WITH THE LAND
Contract Zone No. RB-CZ 05-01**

The rezone of the property is subject to the following conditions:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the property in order to be a valid agreement.
2. The project shall comply with all mitigation measures as specified in the Mitigated Determination of Non-Significance (MDNS).
3. Developer shall provide a 115 foot buffer around the wetland.
4. The zoning designation shall be RB-CZ, Regional Business with Contract Zone. The uses and design of the property, including but not limited to provisions for critical areas, off-site improvements, site grading and tree preservation, landscaping, stormwater control, and dimensional and design standards, shall comply with provisions for mixed use developments in the RB zoning district as set forth in the Shoreline Municipal Code (SMC) with the following additional property conditions:
 - a. Site configuration and uses shall generally comply with the site plan submitted with the application, with housing units mainly contained on the east side of the property and commercial uses on the west side of the property. Up to 10,000 square feet of retail is allowed on the east side of the property. Minor changes to the site plan may be subsequently approved by the City of Shoreline Planning and Development Services Director or designee.
 - b. Residential density on the eastern portion of the site shall be limited to 350 units. The developer will attempt to incorporate up to 100 units of housing affordable to medium and low income households depending on the availability of subsidies for such housing.
 - c. Commercial floor area shall be limited to 182,000 square feet. Commercial floor area may be reduced further as replaced by residential units.
 - d. No more than 50% of the required parking shall be parking open to the sky.
 - e. Parking reduction of up to 20% from the maximum required by SMC 20.50.390 is allowed pursuant to SMC 20.50.400.
 - f. In order to protect solar access for the first 50 feet of the wetland buffer (water-ward), the applicant shall use best effort to demonstrate that the proposed structures will not shade these open spaces on March 21st at noon or September 23rd at noon. Further, solar access shall be considered when designing the final site plan, so as to allow southern exposure to the project's common open areas.
 - g. Maximum impervious surface allowed on the site shall not exceed 90% for development within the commercial portion of the site, and shall not exceed 90% in the residential portion of the site. The open space area required for 100 feet of the wetland buffer shall not be included in this calculation.
 - h. The provisions of SMC 20.50.350 (B) shall not apply to this site outside of the wetland and its buffer. However, the developers shall preserve as many significant trees as possible, consistent with their design parameters. An approved habitat

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restoration plan must be implemented within the wetland buffer prior to Certificate of Occupancy for any of the buildings on the site, in accordance with SMC 20.80.090 and 20.80.350, and with additional conditions listed below.

5. Vermin abatement shall take place prior to and during demolition and decommissioning of current site. Proof of abatement shall be submitted as part of the demolition permit application.
6. Stormwater treatment: At a minimum, Level 2 water quality and stormwater detention are required for development, in accordance with the Shoreline Municipal Code (SMC) and the King County Surface Water Design Manual, as adopted by the City of Shoreline. Additionally, the developer shall consider working with the City to install an oversize a stormwater system to further improve Echo Lake water quality including the possibility of adding a water feature and open water course as the means of discharge into the Lake.
7. Green Buildings. The developers shall consider pursuing a LEED certificate for the buildings in this project.
8. The developers will secure the services of a certified wetland biologist to direct the design of the enhancement and restoration plan for the shoreline of Echo Lake. The plan shall be based upon and consistent with the Department of Ecology's (DOE) "Best Available Science for Freshwater Wetlands Projects," Volumes One and Two. Subject to City approval, the developers will implement this plan.
9. The developers will not take any actions that result in further significant degradation of the wetland or buffer. The developers will use their best efforts to preserve and enhance the existing higher quality shoreline areas at the eastern and western boundaries.
10. The developers will restore and enhance all but a contiguous 70 feet of the lake shoreline, 10 feet of which will be used for a boardwalk to the lake. Within this 70-foot area, the developers intend to apply for a permit to construct a publicly accessible beach and dock.
11. The restored areas of the shoreline will consist of:
 - a. A ten-foot area along the fully submerged portions of the lake's shoreline that will be planted with native plants that are compatible with and will enhance the lake's ecology and wildlife.
 - b. A ten-foot area along the shoreline that has a sufficiently high water table to support native plants that are compatible with and will enhance the shoreline's ecology and wildlife. If necessary and supported by Best Available Science, some grading may be required to establish a new grade that will support wetland plants within this area. Any wetland area created in this manner shall not be considered a new wetland boundary for the purposes of future buffer calculation. This requirement will not apply if the ground water is not sufficiently high to sustain moist soil-dependent plants.
 - c. A 55-foot area along the shoreline that is adjacent to the ten-foot area described above will be planted with native plants that are appropriate for wetland uplands areas and that support the lake's ecology and wildlife.
12. The developers will construct a boardwalk with public access through the buffer area. This boardwalk shall not intrude within the existing natural or newly restored areas described

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above. The boardwalk shall be constructed with kick-rails and signage to discourage public intrusion into the natural areas, and shall utilize materials and construction methods that are based on Best Available Science for natural and wetland areas. The public access shall be ensured through perpetuity through the appropriate legal document.

13. The developers shall ensure that all plantings are established and self-sustaining. The developers will implement a monitoring and maintenance plan, for two years, consistent with the wetland biologist's recommendations.
14. The developers will provide handicap accessible public access from the Interurban Trail to the project site (subject to obtaining easement from Seattle City Light [SCL]). Developer will ensure that the privacy screening required by the SEPA mitigation measure is not compromised by any such access. If access is from the private SCL right-of-way designated Stone Ave. N., the Developer will work with the City to facilitate installation of signage that prohibits public parking on the private road. The public access shall be ensured through perpetuity through the appropriate legal document.
15. The developers will cooperate with efforts of the City and upstream property owners to apply effective water quality treatment to storm water flows originating off-site. This may include the location of water treatment facilities on the project site, so long as there is no additional cost to the developers nor a taking of additional land.
16. The developers will seek actions by the sewer district to remove freshwater flows from sewer pipes that serve the project site, and direct those flows through appropriate water quality treatment facilities to the lake. Developers shall consider utilizing a natural day-lighted drainage feature for this and other drainage flows.
17. The developers shall work with historic preservation organizations to seek to preserve the Weiman house. This assistance includes developer's agreement to offer the house at no cost for removal from site.
18. The developers shall reduce noise and glare impacts to surrounding residential neighborhoods through the following techniques:
 - a. Locate high noise generating uses away from the lake.
 - b. Control construction hours to preserve early morning, night and Sunday morning quiet times.
 - c. Utilize landscaping as sound attenuators
 - d. Incorporate noise reduction techniques in site and building design where practical.
 - e. Employ low-glare, directed lighting to reduce ambient light.
19. The developers will provide public access from Aurora Avenue on the northern half of the site from the Aurora Avenue Frontage to the boardwalk along the lake. This public access shall be ensured through perpetuity through the appropriate legal document.

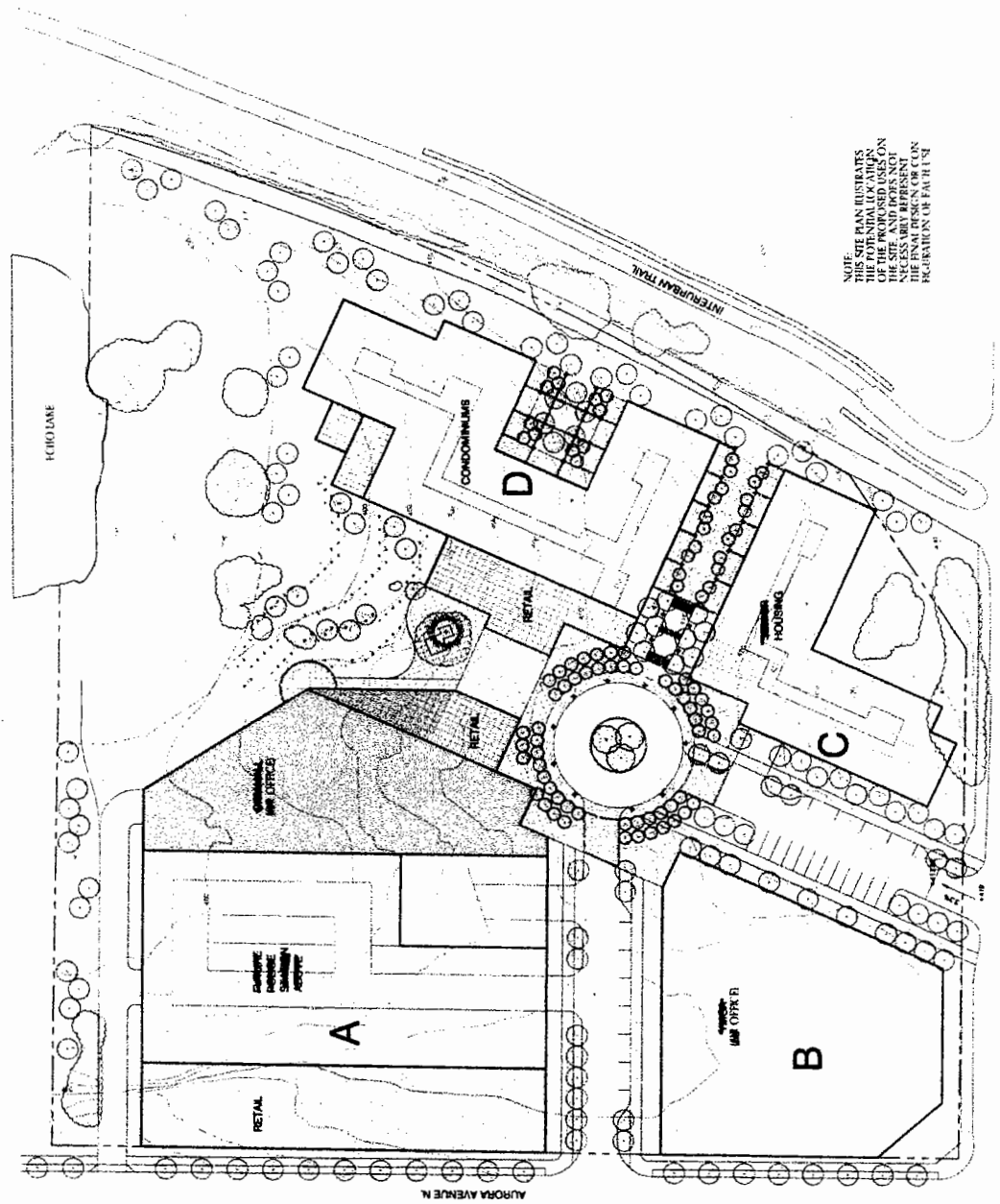
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RECEIVED
 DEC 30 2004
 P.S. DS

ILLUSTRATIVE SITE PLAN

ECHO LAKE
 0405712804

201372



NOTE: THIS SITE PLAN ILLUSTRATES THE POTENTIAL LOCATION OF THE PROPOSED USES ON THE SITE. IT DOES NOT REPRESENT THE FINAL DESIGN OR CONFIGURATION OF FACILITY.

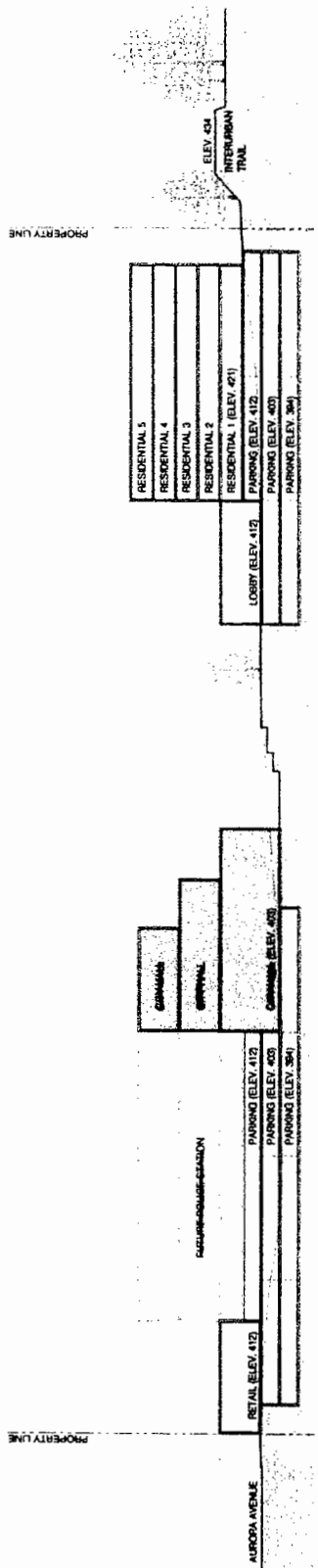


HEWITT
 ARCHITECTS

Agenda Item 4 - Attachment 1

RECEIVED
 DEC 30 2004
 P. S. US

SITE SECTION (Looking North)
 ECHO LAKE
 04057 12804
 201372



NOTE:
 THIS SECTION ILLUSTRATES
 THE PROPOSED MASSING
 OF THE PROPOSED USES ON
 THE SITE, AND DOES NOT
 NECESSARILY REPRESENT
 THE EXACT MASSING OR
 CONFIGURATION OF EACH USE.



HEWITT
 ARCHITECTS

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

February 1, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

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

STAFF PRESENT

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

COMMISSIONERS ABSENT

Chair Piro

CALL TO ORDER

Vice Chair Kuboi 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: Vice Chair Kuboi, Commissioners Broili, Harris, Phisuthikul, McClelland, Hall, Pyle and Wagner. Chair Piro was excused.

APPROVAL OF AGENDA

Because there was no one in the audience to provide testimony on Item 7.1, the Commission agreed to place this item after Item 7.2. The Director's Report was moved to after the public hearings.

APPROVAL OF MINUTES

The minutes of January 4, 2007 were approved as corrected.

GENERAL PUBLIC COMMENT

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

CONTINUED PUBLIC HEARING ON SITE-SPECIFIC REZONE AT 18501 LINDEN AVENUE (PROJECT #201570)

Vice Chair Kuboi reviewed that, at the last meeting, the Commission opened and closed the public portion of the hearing, and the intent of the public hearing is to discuss the staff recommendation and develop a Commission recommendation for the rezone proposal. He reviewed the rules and procedures for the continued public hearing and reminded the Commissioners of the Rules of the Appearance of Fairness Laws. He opened the hearing and invited the Commissioners to disclose any communications they may have received concerning the subject of the hearing outside of the hearing. None of the Commissioners indicated ex parte communications. No one from the audience voiced a concern, either.

Bring Back Tabled Motion

Ms. Simulcik Smith reminded the Commission of the motion currently on the table, which reads as follows:

COMMISSIONER PYLE MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST TO REZONE BOTH PARCELS AT 18501 AND 18511 LINDEN AVENUE FROM OFFICE (O) AND R-48 TO REGIONAL BUSINESS (RB). THE MOTION WAS SECONDED BY COMMISSIONER MCCLELLAND.

The Commission briefly discussed whether or not the motion on the table would have to be withdrawn before a new motion could be made. It was decided that the Commission did not need to withdraw the motion. They could choose not to act on it and put forward a new motion instead.

COMMISSIONER HALL MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST TO REZONE BOTH PARCELS AT 18511 AND 18501 LINDEN AVENUE FROM OFFICE (O) AND R-48 TO COMMUNITY BUSINESS (CB). COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Hall recalled the Commission's previous discussion about whether or not they could condition a rezone or place conditions on a development that go beyond the zoning code requirements. He noted that the City Attorney cautioned against this practice. If the choice is to approve the rezone to CB with no conditions or deny it outright, he would prefer a rezone to community. However, he asked that the City Attorney provide further insight regarding his position.

Mr. Sievers explained that, from his history with the City, he is very reluctant to use contract rezones and concomitant agreements. However, there have been occasions when this concept has been utilized. He said he cautions against contract rezones because they are cumbersome to implement. Instead of a simple zoning designation, a contract rezone requires that applicants agree to the conditions imposed by the City Council and Commission, and this agreement must somehow be identified on the zoning map. In addition, a contract rezone would place an additional constraint on future property owners.

Mr. Sievers explained that the City's current criteria for project rezones are very brief, and there are no rules on what zoning conditions could be addressed through a contract rezone. After further reviewing the issue with staff, he concluded that contract rezone concept probably runs against the intent of the Growth Management Act. He advised that contract rezones have been authorized by Washington Courts since 1967 if conditions agreed to between the developer and the City are permissible exercises of the police power authorized by statute or ordinance (*Myhre vs. Spokane*). Contract rezones were used to impose conditions to prevent harm from possible development, and were one of the only ways to address environmental impacts at the time. Since that time, however, SEPA has become a valuable tool for addressing environmental impacts. In addition, over time, the zoning codes and development standards have become more sophisticated. Also under 1995 regulatory reform, counties and cities were required to adopt a comprehensive planning process under the Growth Management Act. The intent was to restrain the way project permits were processed, with the objective of providing protection to property owners and the public through expeditious and predictable project permit approval.

Mr. Sievers expressed his belief that preserving the process of public participation is one of the underlying purposes of his thoughts on contract rezones. He explained that contract rezones have traditionally been used as a restrictive measure. He noted that the City's current Comprehensive Plan provides a number of zoning designations that would be consistent for the property, and contract rezones allow property owners to obtain approval for higher density zones based on specific conditions outlined in the contract. Once developers figure out they can get whatever zoning designation they want through the contract rezone process, the zoning map could become convoluted.

Mr. Sievers expressed his belief that there should be a lot of public process in creating and amending the Comprehensive Plan Policies and the Development Code. He noted several recent discussions on development regulation amendments (critical areas, cottage housing, trees, etc.) that drew significant public feedback. He expressed his concern that with some of the recent contract rezones the public process might not have been adequate. When the Commission suggests conditions on applications that were advertised to the public as straightforward rezone proposals, the public is often not allowed an adequate opportunity to comment regarding the impacts of the conditions. Because rezones and contract rezones are quasi-judicial actions, the public would not have the ability to talk to the City Council about their concerns after the Commission has forwarded their recommendation. The City Council's hearing would be closed record based on testimony provided at the hearing before the Commission.

Mr. Sievers advised adopted legislative findings indicate that "type of land use" is more than a simple category of occupancy or density. It includes a comprehensive packet of development standards that attach to each land use district to define the appearance and impacts of property use. He suggested there are certain development standards that should be inviolate and not changed at the project review

level. Instead, the project should be changed to fit the framework provided by the Comprehensive Plan and zoning regulations. If the plan and regulations are too restrictive, they should be docketed for amendment so the cumulative impacts of making the change equally available to all properties similarly situated can be fully addressed.

Mr. Sievers explained that while the contract terms often address concerns that are raised by neighboring property owners, it is difficult for the City to enforce the conditions in perpetuity. He suggested it can be misleading for the Commission to review proposed site plans for a property when reviewing a rezone application. It is important to understand that once a rezone is approved, the applicant would not be required to develop as per the design plans that were presented to the Commission.

Mr. Sievers advised that the old King County Title 18 laid out very limited circumstances when the zoning district could be re-opened for conditions in a contract rezone. However, it did not permit reduction of minimum development standards. This was dropped when the new Shoreline Development Code was adopted, but it could be put back in.

Commissioner Hall pointed out that in the three years he has been on the Commission just about every rezone application that has come before them has had a staff recommendation for conditions. He asked what has changed since the last rezone that staff recommended with conditions. Mr. Sievers agreed that many the recent rezone applications have included staff recommended conditions, and that is why he has advised them to stop this practice. He said he has had to redraft many of Commission's recommendations regarding contract rezones before forwarding them to the City Council because they have not been legal as far as the model of a concomitant agreement.

Commissioner Pyle recalled Mr. Sievers' comment that many of the impacts the Commission is trying to address through conditioning a rezone could be mitigated through the SEPA process. However, he pointed out that some of the rezone applications ultimately lead to the subdivision of property that is four lots or less, which would not require a SEPA review. Building a single-family residence would not require a SEPA review, either. Mr. Sievers agreed there are categorical exemptions where projects can go straight through the permit process without a SEPA review, but this would not include the significant parcels. He suggested the City should follow the statute. A property owner has the right to build according to the regulations. If problems arise, the statutes allow the City to fix the regulations, but do not give an excuse to change the rules on a developer or take something away from the public.

Mr. Tovar said that since he was hired as the Shoreline Planning and Development Services Director he has had concerns about how the City's development code was put together and how rezoning has been done in the City in the past. He reminded the Board that the Growth Management Act requires all cities in the State to have a timely, fair and predictable permit process. It also requires that zoning regulations, including the zoning map, be consistent with the Comprehensive Plan. Local governments have a responsibility to make the two documents consistent. Relying on contract rezones or parcel-by-parcel rezones is common practice but is not the intent of the Growth Management Act. A more attractive option would be to legislatively rezone parts of the City to be consistent with what the Comprehensive Plan says they ought to be.

Mr. Tovar agreed with the City Attorney that the City Council could adopt regulations to amend what is permitted in a use zone of the City and create a requirement for discretionary site review, including appropriate conditions. Instead of being a rezone process, it would be a condition of the zone for that property. He said it would take a fair amount of work to reform the City's code to get that kind of an outcome everywhere in the City, but longer term that would be the more sensible direction to move. This would avoid the current problems with the contract rezone process. It would also avoid the risk of potential appeals.

Commissioner Pyle asked if the City would be able to condition 4-lot subdivisions that follow a rezone to a higher density to mitigate any kind of identified problems on the site. Mr. Tovar answered that once the zoning map has been changed, the zoning is set for the property. Future property owners would have the ability to construct whatever the zone allows and would not have any legal obligation to abide by the conditions that were imposed upon the prior property owner. Commissioner Pyle asked if plat conditions could be placed on the property when it is subdivided. Mr. Tovar answered that subdivisions of four lots or less would be categorically exempt from SEPA, unless there were critical areas on the site. Commissioner Pyle noted that the development code could be written in such a way that would allow staff to place conditions on a short plat subdivision as part of the administrative review process.

Commissioner McClelland said she understands the need for consistency between the zoning ordinance, zoning map and the Comprehensive Plan. However, she noted that while the Development Code does not allow flexibility, there are some policies in the Comprehensive Plan that do. She referred to Land Use Policy 18, which states some limited industrial uses might be allowed under certain circumstances. Next, she referred to Land Use Policy 22, which states that City could provide incentives such as increased height and bulk up to 30% of allowed floor/area ratio if a development could provide three of the things on the list.

Mr. Tovar agreed that the Comprehensive Plan does allow flexibility. However, it is important to remember that the Comprehensive Plan provides policy statements, not regulations. The regulations found in the Development Code control what can happen on a property. While the Comprehensive Plan states that the regulations should have flexibility, if the Development Code does not give this flexibility, the Comprehensive Plan policy cannot be implemented. It is the City's responsibility to make sure their Development Code is written in such a way that allows them to implement the policies in the Comprehensive Plan.

Mr. Sievers suggested that the Comprehensive Plan goals and policies speak to those who draft and approve legislative changes to the regulations. They are intended to guide the City by identifying what should be in the regulations. However, they are not meant speak to the Commission and/or City Council when judging a project application. He emphasized that the existing Development Code controls projects, and not all of the policies in the Comprehensive Plan have found their way into the regulations.

Commissioner Hall pointed to the criteria by which the Commission is supposed to evaluate rezone applications. Criterion 1 states that the rezone must be consistent with the Comprehensive Plan, and

Criterion 3 states that the rezone must be warranted to achieve consistency with the Comprehensive Plan. He suggested that under the City's current code, rezones are supposed to be judged by the Commission explicitly for consistency with the Comprehensive Plan. A rezone is a quasi-judicial process that requires a public hearing, and the Commission's job is to balance the competing interests and values of the community. In the past, the Commission has been able to accomplish this goal by imposing conditions on rezones. If this tool is no longer an option, the threshold for approving a rezone would go up. If there is anything about a proposed rezone that would adversely affect the public health, safety or general welfare, the Commission would not be able to mitigate with conditions. Therefore, they would be compelled by the code to reject the rezone application.

Commissioner McClelland referred to the table on Page 42 of the Staff Report and noted that an O zone would allow up to 8 units, and an R-48 zone would allow 15. An RB zoning designation would allow 35, and a CB zone would allow 15. She asked if it would be possible to build 23 units on the subject properties based on the current zone. Mr. Szafran answered no. He explained that the Development Code identifies a maximum density of 24 units per acre for the property zoned O, and 48 units per acre would be allowed on the property that is zoned R-48. The densities cannot be added together.

Mr. Tovar suggested that, at some point in the future, the City should complete an overhaul of the entire zoning code. This would enable them to create zoning categories that are more flexible, but more targeted to what the City wants to achieve. Commissioner McClelland noted that the applicant has the option of taking the application off the table until the zoning code has been revised to address his situation.

Presentation of Final Staff Recommendation

Mr. Szafran said staff's final recommendation is that the Commission accept the original recommendation in the Staff Report to approve a rezone for both of the subject parcels to Community Business (CB).

Final Questions by the Commission and Commission Deliberation

Commissioner Wagner suggested the applicant be invited to share his view regarding the current motion on the table to rezone the properties to CB.

Jim Abbot said the applicant is still willing to be bound by all of the requirements of a CB zone (impervious surface, 60-foot height limit, etc), with the exception of the number of units allowed. They would like to construct 25 units instead of 15. The development would look the same from the outside, but they would like to build smaller apartment units (900 to 1,000 square feet) as opposed to fewer large condominium units (1,700 to 1,800 square feet). He summarized that, while the applicant is not opposed to the staff's recommendation to rezone the property to CB, the CB zone would not allow them to accomplish their intended development.

Mr. Abbot noted that a memorandum from staff indicates that within the next few weeks, they plan to initiate an amendment to the Development Code to permit greater residential densities on CB zoned

properties between approximately Fremont and Ashworth Avenues. The applicant is concerned about postponing the project until the amendments have been approved. He noted that contract rezones and concomitant agreements have been used legally by the City and other communities for a long time. He concluded by stating that what the applicant is proposing would be a good thing for the City.

Ms. Cohn said staff's intent is to move the change to the Development Code forward very quickly. Mr. Tovar said that if a rezone to CB is approved by the City Council, an amendment to remove the unit count limitation in the CB zone would address the applicant's concern. The property would be subject to the amended standards for the CB zone. However, there is a risk that the Commission or City Council would not recommend approval of an amendment to remove the unit count limitation. Mr. Cohn noted that staff has been discussing this Development Code amendment for about two months, so it was not brought up just to address this particular rezone application.

Closure of the Public Hearing

The public hearing was closed at 8:07 p.m.

Vote by Commission to Recommend Approval, Denial or Modification

Ms. Simulcik Smith recapped the motion on the floor as follows:

COMMISSIONER HALL MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST TO REZONE BOTH PARCELS AT 18511 AND 18501 LINDEN AVENUE FROM OFFICE (O) AND R-48 TO COMMUNITY BUSINESS (CB). COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING ON SITE-SPECIFIC REZONE AT 20309 – 8TH AVENUE NORTHWEST (PROJECT #201588)

Vice Chair Kuboi reviewed the rules and procedures for the public hearing and reminded the Commissioners of the Rules of the Appearance of Fairness Laws. He opened the hearing and invited the Commissioners to disclose any communications they may have received concerning the subject of the hearing outside of the hearing. Commissioner Broili disclosed that because he knows the applicant well, he would not participate in the hearing or vote on the application. None of the other Commissioners indicated ex parte communications. No one in the audience voiced a concern, either.

Staff Overview and Presentation of Preliminary Staff Recommendation

Ms. Szafran reviewed the Staff Report for the proposed rezone application to change the zoning designation of two parcels from Residential – 4 Dwelling Units (R-4) to Residential – 6 Dwelling Units (R-6). He advised that the subject properties are identified in the Comprehensive Plan as low-density residential. The block where the subject property is located is currently zoned R-4, while everything

else in the vicinity is zoned R-6. He provided an aerial photograph of the site, showing one home on each of the two parcels. There is currently heavy vegetation and moderate slopes on the properties. He described the surrounding development, which is all single-family residential.

Mr. Szafran reviewed that neighbors have expressed concern about access to the subject properties from 10th Avenue Northwest, and the impact this would have to traffic. However, he emphasized that no access is proposed from this street. The neighbors also expressed concern about the proposed increase in density. The current R-4 zoning designation would allow for the construction of up to 7 homes, and an R-6 zoning designation would allow up to 11 homes. The applicant has proposed 10 homes for the properties. Lastly, the neighbors expressed concern about the removal of significant trees. He reviewed that the City's current code allows a property owner to remove up to 6 significant trees in a 3-year period without a permit, but they would not be allowed to disturb the trees that are located in the sloped areas.

Mr. Szafran referred to the zoning criteria the Commission must consider when reviewing rezone applications and noted the following:

- The rezone is consistent with the existing zones of R-6 to the east, west and south.
- The rezone would provide infill opportunities that reflect the character of the existing single-family neighborhood.
- The development would be located away from the sensitive areas.
- Natural landscaping would provide a buffer from existing homes to the north and south and also from the 8th Avenue Northwest street front.

Mr. Szafran said staff's preliminary recommendation is approval of R-6 zoning for the two subject parcels located at 20309 – 8th Avenue Northwest and 20320 – 10th Avenue Northwest. Staff recommends that, in the future, the City could consider an area wide rezone to change the whole block of R-4 zoned properties to R-6.

Questions by the Commission to Staff and Applicant

Commissioner Hall noted that the Comprehensive Plan Map provided in the Staff Report shows that the parcel immediately to the left of the subject properties has a designation of private open space. He asked if this tract was required as part of a previous subdivision. Mr. Szafran said he didn't know.

Commissioner Wagner asked what would prevent the applicant from providing access to the subject parcels from 10th Avenue Northwest. Mr. Szafran explained that in order to provide access from 10th Avenue Northwest, the applicant would have to gain access through properties owned by two separate people. In addition, the slope would make it difficult to provide access in this location based on current engineering standards.

Commissioner Pyle asked if the applicant would be required to place the steep slope portion of the subject properties into a native growth protection easement. Mr. Szafran answered that the slopes on the subject parcels are not significant enough to be regulated as critical areas.

Larry Blake advised that the properties to the north along 205th Avenue were subdivided a number of years ago. The lots were allowed to be smaller than code, provided that an open space area be designated and maintained.

Commissioner McClelland said the Staff Report indicates that an R-6 zone would allow the developer to build 11 detached single-family houses on one lot. She asked if this would be a condominium type project. Mr. Blake said that is one possibility in order to save the existing vegetation along the property line. He said there would be only one road into the development from 8th Avenue Northwest.

Public Testimony or Comment

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

Presentation of Final Staff Recommendation

Mr. Szafran said staff's final recommendation is that the Commission recommend approval of R-6 zoning for the properties located at 20309 – 8th Avenue Northwest and 20320 – 10th Avenue Northwest.

Final Questions by the Commission and Commission Deliberation

Commissioner Harris asked if the notice that was sent out to surrounding property owners was mailed to all of the owners of R-4 zoned properties. Mr. Szafran answered that about half of these properties are located within the 600-foot radius for which notices were sent out.

COMMISSIONER HALL MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE STAFF'S RECOMMENDATION TO REZONE THE SUBJECT PARCELS TO R-6. COMMISSIONER MCCLELLAND SECONDED THE MOTION.

Commissioner Hall commented that the neighborhood concerns about access off 10th Avenue Northwest are important to consider, but is also important for the Commission to remember the value of having circulation and connectivity in transportation. If they were in a transportation or sub area planning mode, he would actually prefer to see a connection from both 8th and 10th Avenues Northwest in order to improve traffic circulation. Further, he pointed out that there are topographical features on the subject parcels that have resulted in lower density development in the past, but using techniques such as detached condominium development, might create an opportunity for more infill projects that are creative and achieve the densities envisioned in the Comprehensive Plan.

Commissioner Harris said he struggles with rezoning these two parcels to R-6 zoning, while all of the other R-4 zoned properties would remain unchanged. However, he noted that none of the property owners from the R-4 zoned area came forward to express opposition.

Closure of the Public Hearing

There public hearing was closed.

Vote by Commission to Recommend Approval, Denial or Modification

THE MOTION CARRIED UNANIMOUSLY. (Note: Commissioner Broili did not participate in the hearing or the final recommendation.)

PUBLIC HEARING ON DRAFT DEVELOPMENT CODE AMENDMENTS

Vice Chair Kuboi reviewed the rules and procedures for the legislative public hearing on proposed amendments to the Development Code, and then opened the public hearing.

Staff Overview

Mr. Szafran reviewed that the City Council repealed the City's Cottage Housing Ordinance, and the proposed amendments would delete all references to cottage housing from the Development Code. He noted that he would come back before the Commission at a later date with a proposal to remove all references to cottage housing from the Comprehensive Plan.

Questions by the Commission to Staff

None of the Commissioners had questions for the staff during this portion of the meeting.

Public Testimony or Comment

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

Final Questions by the Commission and Commission Deliberation

Commissioner Pyle asked if the Commission has the ability to propose Development Code amendments. Mr. Tovar answered affirmatively and suggested the Commission discuss their ideas for possible Development Code amendments at their March 1st meeting. Commissioner Hall clarified that, after their discussion, they could forward their list of proposed amendments to the City Council, with a request that they be docketed for consideration during the next round of Development Code amendments.

COMMISSIONER HARRIS MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE PROPOSED DEVELOPMENT CODE AMENDMETNS ALL REFERRING TO COTTAGE HOUSING, AS SPELLED OUT IN THE STAFF REPORT. COMMISSIONER BROILI SECONDED THE MOTION.

Closure of the Public Hearing

The public hearing was closed.

Vote by Commission to Recommend Approval, Denial or Modification

THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Mr. Tovar reviewed the following bills related to land use that have been introduced into the Legislature this session:

- **Eminent Domain Notice Requirements.** There was a recent Supreme Court decision that when an agency wants to condemn property, notice to the property owner was sufficient if the agency simply posted notice on its website. The Legislature is currently working on a bill that would require the agency to mail notices to property owners.
- **Transfer of Development Rights.** Representatives from the Cascade Land Conservancy came before the Commission to talk about the transfer of development rights from rural areas or resource lands into urban areas. A study bill has been introduced that would call upon the Legislature to set aside funds and provide direction to the Department of Community, Trade and Economic Development (CTED) to work with a number of organizations and report back to the Legislature about how the mechanism for transferring development rights might be made more practical and useful.
- **Regulatory Fairness and Apparent Conflicts Between Agricultural Uses and Critical Areas Regulations.** The Governor has requested legislation to create a joint gubernatorial and legislative task force to look at matters of regulatory fairness. The goal for the task force is to study the situation and bring back some recommendations on how to increase fairness in the intersection between agricultural uses and environmental protection.
- **Critical Areas.** One bill has been introduced which states that critical areas regulations do not operate within agricultural lands. Another bill says that any buffers, specifically setbacks from critical areas, would be counted for purposes of development potential. A bill will be reintroduced this session that would identify safe harbors for local governments. It calls for the State to promulgate specific ways to regulate critical areas using best available science. If a city or county uses that method, they would have safe harbor and couldn't be challenged for compliance with the Growth Management Act.
- **Vesting of Development Rights.** A bill has been introduced to establish when vesting of development rights should occur. In the State of Washington, development rights are vested at the time an application is made. In most other states, the development rights are vested at the time the permit application is granted by a local government. He pointed out that while the Growth Management Act requires detailed Comprehensive Plans, land use regulations, and capital budgets, the State has one of

the most liberal vesting statutes in the country. Commissioner Broili asked if vesting rights have a sunset. Mr. Tovar said that, according to State law, the vesting rights would extinguish when the permit expires.

Commissioner Pyle asked staff to provide more information about whether the City's current critical areas ordinance allows buffers to be counted for purposes of development potential. Mr. Tovar said the City's current critical areas ordinance does not allow development or other modifications to a critical areas buffer. However, a property owner can receive credit for the buffer area for purposes of establishing lot size and density allowed. Apparently, some jurisdictions in the state require that the buffer area be deducted from the net lot area and/or unit count. The proposed legislative bill would prevent that from happening.

Mr. Tovar advised that the City's 2007-2008 work plan would be published in the next issue of *CURRENTS*. The article would introduce a new City website where citizens can learn more about various issues and projects. The website would provide the work plan chart, as well as links to City programs and/or projects such as the upcoming speaker series, comprehensive housing strategies, recycling construction materials from demolition sites, environmentally sustainable communities, the Ridgecrest process and the South Aurora Triangle project.

Mr. Tovar said the website would also provide a link to the civic center/city hall project, which the City Council recently decided to move forward with. The objective is to have the project under construction within the next year, which would involve a very intense public process and decision making by the City Council. He advised that the University of Washington Students have nearly completed their Town Center Report, and the staff would use this report as a resource when preparing staff recommended town center policies or strategies for the Commission and City Council to consider in April or May.

Mr. Tovar said the City Council has raised concerns about exactly what is meant by the phrase "town center," and he agreed that a clear description of the town center concept must be created. He suggested the description include three distinct tiers: the new city hall, the immediate town center environment, and the residential neighborhoods that lie to the east and west. He said concern has been expressed about whether these residential neighborhoods could remain as viable, long-term residential communities and the intent is to include them in the broader Central Shoreline Sub Area Plan discussions.

Vice Chair Kuboi pointed out that when an article was published in the Enterprise asking for citizens to serve on the Comprehensive Housing Strategies Committee, the City received a lot of response. But there was very little community response from the website, itself. He stressed the importance of making people aware that the website is the primary place to find information about City projects.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Broili reported that the first ABC Team Meeting was held on January 30th, and they spent time covering the ground rules and allowing participants to express their ideas and opinions. The next meeting is scheduled for February 14th. Commissioner McClelland said the City Manager attended the

meeting and commented on the number of talented individuals who were participating on the team. The membership is quite diverse.

Vice Chair Kuboi reported that the Comprehensive Housing Strategies Committee is also made up of talented individuals. They spent the first three or four meetings brainstorming ideas for consideration, and now they are in the transitional process of refining and categorizing the issues. Staff has proposed a work plan that maps out the meetings and agenda topics through June.

Commissioner Harris reported on his attendance at the recent Ridgcrest Meeting, which was well attended. A lot of ideas and dreams were brought forward, and the University of Washington Students were fun to watch. Mr. Tovar noted that the meeting was attended by two Planning Commissioners, three elected officials, five developers and about 110 citizens from the Ridgcrest Neighborhood. Commissioner Harris credited much of the meetings' success to Patty Hale and her leadership.

Commissioner Pyle reported that the Briarcrest Neighborhood recently held their first reform meeting, which was attended by about 35 individuals. He and his neighbor facilitated the meeting to obtain neighborhood feedback. The top issues were related to transportation, planning and neighborhood preparedness. The next meeting is tentatively scheduled for March 12th to work on the issue of planning. They would likely invite planning staff and Commissioners to attend.

Commissioner Broili said he and Commissioner Harris attended the Green Building Forum, along with a few City Council Members. Presentations were made by representatives from various green businesses. The meeting was well attended and interesting.

Commissioner Broili announced that the citizens can now watch the City Council Meetings on the internet.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

No new business was scheduled on the agenda.

ANNOUNCEMENTS

Commissioner Pyle announced that there is a new website available for people who are interested in sustainable energy called citizenrenew.com. He noted that one of the Council's goals is a sustainable community. He explained that the website promotes solar energy, and the company is actually selling solar power back to the public at the grid price. They will put solar panels on roofs and lease them for the price of the power. This company could help the City achieve their sustainability goals without having to put forward a significant upfront cost for solar panels.

AGENDA FOR NEXT MEETING

Mr. Cohn announced that Mark Hinshaw would provide a speaker series presentation at the next Commission Meeting. The format would be the same as that used for the last speaker series. The presentation would be televised and available on the web. Mr. Cohn advised that staff would meet with Mr. Hinshaw a week prior to his presentation, so Commissioners could forward their specific questions to staff.

ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION & PARK BOARD JOINT MEETING SUMMARY

March 1, 2007
7:00 P.M.

Shoreline Conference Center
Arden Room

PLANNING COMMISSIONERS PRESENT

Chair Rocky Piro
Vice Chair Sid Kuboi
Commissioner Michael Broili
Commissioner David Harris
Commissioner Robin McClelland
Commissioner Chakorn Phisuthikul
Commissioner Michelle Wagner

PLANNING COMMISSIONERS ABSENT

Commissioner Will Hall
Commissioner David Pyle

PLANNING & DEVELOPMENT SERVICES STAFF PRESENT

Steve Cohn, Senior Planner
Matt Torpey, Planner II
Juniper Garver-Hume, Planner
Jessica Simulcik Smith, Planning Commission Clerk

WELCOME

Chair Piro of the Planning Commission and Chair Clements of the Park Board welcomed everybody to the meeting and invited everyone to briefly introduce themselves. Chair Piro alerted the Planning Commissioners to the additional materials that were distributed prior to the meeting.

PUBLIC COMMENTS

LaNita Wacker asked that the Planning Commission carefully consider what portion of the City should be zoned commercial in order to sustain the municipality. She noted that the commercial space on Aurora Avenue is very narrow. As the Commission addresses revisions to the Comprehensive Plan, she suggested they consider opportunities for additional commercial space by increasing the height limit in some locations. The City must provide more space for businesses that generate retail sales tax in order to shift the burden away from individual property owners.

PARKS BOARD MEMBERS PRESENT

Chair William Clements
Co-Chair Patricia Hale
Board Member Margaret Boyce
Alternate Board Member Kevin McAuliffe

PARKS BOARD MEMBERS ABSENT

Board Member Carolyn Ballo
Board Member Larry Blake
Board Member Herb Bryce
Board Member Londa Jacques
Board Member Dwight Stevens

PARKS, RECREATION & CULTURAL SERVICES STAFF PRESENT

Dick Deal, Director
Maureen Colaizzi, Parks & Recreation Project Coordinator

UPDATE ON PARK BOARD AND PLANNING COMMISSION ACTIVITIES

Each of the Commission Subcommittees provided a brief update on their work with the following groups: the Aurora Business Corridor Advisory Committee, the Comprehensive Housing Strategy's Citizen Advisory Committee, and the Ridgecrest Commercial Area Community Visioning Workshop.

Parks Board Chair Clements provided an update on the following park projects: the Richmond Beach Saltwater Park Master Plan; the siting of an off-leash dog park; soccer field improvements at Twin Ponds Park; the formation of a trail study group to identify locations for trails and pedestrian paths; tennis court projects at Cromwell (joint park/stormwater project), Hamlin and Shoreline Park; property acquisition; an arts project at Echo Lake Park; an eagle scout project for trail improvements at Northcrest Park; a new park at the Richmond Beach pump station owned by King County Wastewater (funded through mitigation money from Brightwater); and changes to the Park Board's term limits and positions.

DRAFT REQUEST FOR QUALIFICATIONS

Mr. Torpey advised that he and Ms. Garver-Hume are the project managers for accomplishing City Council Goal 6, which is to create an environmentally sustainable community. They worked in conjunction with the Parks, Recreational and Cultural Services Department, the Surface Water Management Group, Public Works Department, and the Street's Department to identify what the City is already doing to create an environmentally sustainable community (see Attachment C). He reported that because the Planning & Development Services Department does not currently have available staff time to come up with a plan to accomplish Goal 6, they have recommended a consultant be hired. He referred to the draft Request for Qualifications (Attachment A) and specifically asked the Planning Commission and Park Board Members to review the scope of work to identify additional items before the draft document is forwarded to the City Council.

Planning Commissioner McClelland suggested the City establish a goal for where they want to be in the future and then identify a method for measuring their success. Mr. Torpey referred to Scope of Work Item 2, which would require the consultant to propose measures of sustainability and recommend a user-friendly tracking system the City could use in the future to set up measurability. Commissioner McClelland added that the consultant should also be asked to identify the City's future expectations.

The group discussed definitions for the term "environmentally sustainable community," and Ms. Garver-Hume reviewed the definition from the City Council's goal language. She explained that environmental sustainability is a new concept of using environmental assets or what the natural world can contribute to improve the quality of life. Mr. Torpey announced that the Public Works Department is planning to do a green street demonstration as a model.

Planning Commissioner Kuboi questioned the role money would play in the City's ability to reach their goal of creating an environmentally sustainable community. He noted that the policies would have an impact to both people and the natural environment. Mr. Torpey agreed that the impacts must be carefully balanced.

Mr. Torpey emphasized that the project is in its infancy, but the intent is that the document become something that could be carried forward for a number of years. Park Board Chair Clements said that while the goal is create an environmentally sustainable community, he would hope the vision would extend towards a regional perspective. He noted that creating great cities can benefit the entire region. The staff pointed out that opportunities to implement the concepts of green streets and creating environmental sustainable communities would be considered as the City reviews their Aurora Avenue and Town Center plans in the future. Mr. Cohn announced that Jim Duvernoy, the Executive Director of the Cascade Land Conservancy, would provide a presentation to the City Council on March 19th. Park Board Chair Clements added that an argument could be made that by allowing greater density along Aurora Avenue, it would keep the density from spilling somewhere else, and that is an environmentally friendly thing to do.

Park Board Member Hale expressed the need to recognize and celebrate environmentally friendly developments that are constructed in the City. For example, the new waste transfer station would be a huge environmental friendly project, but no one in Shoreline really knows about it. Not only does the project utilize green building concepts, but it would result in a significant reduction of impacts to Thornton Creek. The group concurred that environmental friendly changes must be touted to the public as positive efforts.

URBAN FOREST ASSESSMENT BY SEATTLE URBAN NATURE PROJECT (SUNP)

Ms Colaizzi briefly introduced the staff's goals for the urban forest assessment that is currently in progress. She also provided pictures to illustrate the situations that currently exist in the City's urban parks and forests. She introduced Sharon London, the Executive Director for the Seattle Urban Nature Project (UNP), which is a non-profit organization that was founded out of a project developed in Seattle to look at a scientific approach to conducting habitat evaluations. She explained that the Parks, Recreation and Cultural Services Department asked UNP to do habitat mapping and study four parks (Boeing Creek, Shoreview, Hamlin, and Southwoods) that make up the largest urban forest areas in Shoreline. She noted the location of the four parks, particularly identifying the forested areas.

Ms. London described the process UNP would utilize to map and study the four parks. She said the report provided by UNP at the end of the assessment would identify the following:

- The extent of the habitat for each type of park
- How big the trees are
- The type of forest class
- Composition of the under story
- The percentage of native species
- Where and how big the invasive species are

Ms. London explained that UNP is currently in the process of mapping the four parks and reviewing air photographs. They plan to visit the parks next week to make sure the air photo mapping is correct. From April to September, they will conduct field work in the parks. From October to November, they will complete their data analysis and prepare a final report that will be presented to the City in December. She provided air photographs that have already been taken of the parks.

Ms. Colaizzi advised that once completed, UNP's report would be presented first to the Park Board and then to the City Council. The actual report would provide general implementation strategies that would give the City direction on how to tackle some of the concerns that are found in their forests. Once the report is available, the Parks Department staff would be tasked with identifying which area should be implemented first and what the plan of action should be.

Mr. Deal said the Parks Department is delighted to work with the UNP, and the information they provide will be very valuable to the City. The test plots that are done by UNP will enable the City to determine how healthy their forest settings are, whether the native species are thriving or declining, and where the City should focus their efforts. He said staff will be looking for opportunities to work with groups within the community to evaluate the test plots.

Planning Commissioner Phisuthikul asked how long the data collected by UNP would be applicable to identify the location of invasive species. Ms. London answered that the data should be applicable for four or five years. She pointed out that the UNP study would provide baseline information that would enable the City to judge the extent of the problem in the future and identify their priorities.

Planning Commissioner Kuboi asked if the survey would include a review of wildlife. Ms. London said it would not. However, a lot of wildlife information could be inferred based on the type of habitat present. Planning Commissioner Kuboi asked if the UNP has a position regarding the responsible use of herbicides and pesticides. Ms. London said their work is purely science related, and they simply collect the information. They would prefer that pesticides and herbicides not be used, but they are not an advocacy group. Their report would identify standards for best available science, and it would be up to the City to make these decisions. Mr. Deal pointed out that 18 of the City's parks are pesticide free. The only pesticide work they do in their park system is a small amount of Round Up in their shrub beds. They would like to eventually reach the point of being totally pesticide free.

Park Board Member Boyce asked if the UNP would make recommendations for removal of trees or invasive species. Ms. London answered affirmatively. Board Member Boyce recalled that the Park Board previously visited a park on Vashon Island where they did tree removal that actually resulted in a positive impact to the park. She asked if the UNP would provide recommendations for this type of work. Ms. London said they could certainly provide some suggestions for the City to consider.

Planning Commissioner McClelland asked if the City currently has any programs to teach children about nature and how to protect it. Mr. Deal answered that a new program would be added to the City's summer day camp that would teach the children about environmental issues. Ms. Colaizzi added that some school programs have approached the City about the idea of allowing students to participate in the urban forest assessment program. The group discussed the need to nurture volunteer groups so they can become long-term, effective programs.

URBAN FOREST MAINTENANCE TECHNIQUES

Ms. Colaizzi noted that in November of 2005 the Park Board toured Agren Park on Vashon Island. She explained that this park became a second growth forest of predominantly Douglas Fir after the original growth was cut down around the turn of the century. The Vashon Island Park District recognized the trees were overcrowded and lacked some complexity in habitat diversity. In 2004 and 2005, they undertook an ecologically thinning project to open the canopy and implement native species plantings. The project also included building new trails or altering the existing ones and removing invasive species.

Ms. Colaizzi announced that another tour of Agren Park has been scheduled for March 9th starting at 8:30 a.m.. Staff believes the tour would provide valuable concepts for how the City could manage its urban forests. She said two members each from the Parks Board and the Planning Commission are invited to participate. She asked that the Board and Commission identify their participants no later than March 7th.

The group discussed that the Agren Park project was very sensitive to the environment, and it is very difficult to even see that trees were removed. Planning Commissioner Broili said it is important to understand that urban forests offer a potential to positively impact the environment, and the Agren Park project is a good example of this concept. He expressed his belief that once the City has a Comprehensive Urban Forest Management Strategy, there would also be numerous economic opportunities both for the City and private entrepreneurs. He shared an example of a citizen in Seattle who purchases trees that are removed from Seattle Parks and uses them to construct furniture for sale.

TRAIL CORRIDORS PARK BOARD CITIZEN SUBCOMMITTEE

Mr. Deal announced that a subcommittee of citizens has been formed to study trail corridors. The subcommittee members would meet on March 24th to tour the community and review the existing conditions. On March 26th, the subcommittee would start mapping the trail corridors and identifying opportunities for creating trails in Shoreline. The subcommittee is eager and enthusiastic and will be a great resource. With the \$2.5 million identified in the bond issue for trail corridors, the City hopes to create soft-surface loop trails at some of the major parks, provide better connections to and from the Interurban Trail, and identify the best routes to get around Shoreline and to go between the Burke Gillman and Interurban Trails.

Planning Commission Chair Piro said he was glad to hear the subcommittee would be working on connections, since these are a critical component and a key part of the strategy that was expressed in the original Comprehensive Plan and reinforced in the recent update. Mr. Deal announced that the City of Seattle has contributed \$100,000 and is taking the lead on a project that would place a pedestrian activated light on 145th at the very south end of the Interurban Trail. The City of Shoreline has agreed to provide \$20,000 for the project, as well. He noted that many people have complained about the challenge of trying to cross four lanes of traffic in this location. The work should be completed this summer.

Planning Commissioner Broili asked what the City of Seattle is doing to finish the connection from the end of Shoreline's portion of the Interurban Trail to where it picks up again in Seattle. He noted that Seattle's long-range goal is to complete the trail all the way through. Mr. Deal answered that the City of

Seattle has plans to provide signage and striping this summer to create a pedestrian opportunity, but no separate trail has been planned for the near future.

NEXT STEPS FOR CIVIC CENTER/CITY HALL AND HERITAGE PARK

Mr. Cohn reported that the construction of the City Hall Building is on a very tight timeline. The first opportunity for community input is scheduled for March 20th at the Meridian Park Elementary Cafeteria from 6:00 to 8:30 p.m. During the first part of the meeting, the City Manager would provide background information and a basic overview, with time for questions and answers. The second part of the meeting would be an information gathering exercise. Three or four questions would be posed, and those in attendance would be invited to respond to the questions and participate in small group discussions.

Planning Commissioner Broili asked when the City would start looking for an architect to design the new building. Mr. Cohn replied that a Request for Qualifications has been published and submittals are due by March 28th. Staff would review, score and rank each one, and then send out a request for proposal on April 18th to those that make the cut.

Planning Commissioner Kuboi asked why the City Hall Building Project is on such a fast track. Mr. Cohn answered that the City Council has expressed their desire to move forward quickly. He said the goal is to move into the new building in 2 to 2½ years. Ms. Simulcik Smith informed the group of the City Hall Project website that can be accessed via the homepage of the City's website.

Planning Commissioner Broili asked if the City's goal is to obtain a LEED rating for the project. Mr. Deal answered affirmatively but said the exact level is still undecided. Commissioner Broili clarified that LEED is an environmental design rating system for commercial buildings, and the City of Seattle currently requires that all public buildings meet a level of LEED.

Mr. Deal reported that Heritage Park is a small 2½ to 3 acre site north of Walgreens, between Midvale Avenue and Aurora Avenue North. Currently, Ronald Place Road goes through the site. The last section of the Interurban Trail is under construction between 175th and 192nd Streets, and would go through the Heritage Park area once the businesses on the west side of Ronald Place have been vacated. This summer, the City intends to hire a firm to help them develop a master plan for the site, and this effort would involve community input. A variety of possible uses have been identified by the community, and staff believes the site could take on a much greater function than just a linear trail and landscaping.

Planning Commissioner Broili asked how the Heritage Park site would connect to the future City Hall site. Mr. Deal said a trail between the sites would go along the very east side of Walgreens. He noted that the landscaping on both sites should be tied together. Ms. Colaizzi said there has been some internal discussion about providing a pedestrian crosswalk connection that links the park to the City Hall site. Perhaps some directional signage could be provided, as well.

Planning Commission Chair Piro recalled that, upon occasion, the Commission has raised the question of why the planning efforts have not be coordinated for Aurora Avenue North, Heritage Park, and Midvale Avenue as a potential new main street to a Town Center Development. Mr. Deal said that

students from the University of Washington recently completed a plan for this area, and staff just received their final report. Ms. Colaizzi reported that the Parks Department staff has worked with the public works staff on the Interurban Trail and Aurora Corridor Plans, and they will continue to coordinate efforts so there is a level of understanding and continuity between the Heritage Park site, the City Hall site, the Interurban Trail, and Aurora Avenue North.

Planning Commissioner McClelland pointed out that at either end of Midvale, traffic must cut through private property to get to Aurora Avenue North. She suggested that these traffic solutions are unacceptable and should be resolved.

RICHMOND BEACH SALTWATER PARK MASTER PLAN

Ms. Colaizzi reported that the Richmond Beach Saltwater Park Master Plan is in the process of being completed. Final copies would be available within the next month or two. Interested Planning Commissioners could obtain a copy of the plan by contacting Ms. Simulcik Smith.

Ms. Colaizzi announced that the Parks Department is once again partnering with students from the University of Washington, this time with the Restoration Ecology Program. The group of about six students has prepared a proposal to do restoration work at the Richmond Beach Saltwater Park in the area of steep slopes where there is a problem with invasive species. She reported that she is having a great time learning from the students, and they are providing a testing place for some ecologically sound techniques to deal with some of the erosion on the hillside. One of their goals is to reach out to the community to create a “friends of” group.

Park Board Member Hale announced that a group from the Seattle Audubon Society would be volunteering their time at Twin Ponds to map the wildlife and bird habitat. Planning Commissioner Broili suggested the Parks Department Staff also consider utilizing a free service offered through the University of Washington to bring people together to accomplish wildlife mapping.

Ms. Colaizzi said the City is also partnering with Kruckeberg Garden to provide some of the native plants that will be used to replace the invasive species at the Richmond Beach Saltwater Park.

SUMMING UP

Park Board Chair Clements thanked the staff for supporting the Boards and Commissions. He said he is impressed by the City staff’s genuine commitment to involve the public in the City processes.

ADDITIONAL PUBLIC COMMENT

LaNita Wacker said that when she was out soliciting support for the parks fund, a 9-year old girl said she wanted a wiggly bridge like at Cromwell Park. In addition, Ms. Wacker said Richard Louv has written a book called, “*THE LAST CHILD IN THE WOODS*,” which “saves children from nature deficit disorder.” This book was recently featured in *THE SEATTLE TIMES*. Next, Ms. Wacker said she recently viewed a documentary that described how some communities are retrieving native plants from development sites and using them to replace invasive species at parks. Lastly, Ms. Wacker reported that *THE ENTERPRISE* contained an article about the Aurora Triangle and the potential development of 12

stories. The article indicated one building would be commercial and the other would be residential. She emphasized that the City needs commercial space and senior housing opportunities. If she were a member of the Planning Commission, she would be willing to offer a developer extra height for providing additional floors for commercial or senior housing uses. She expressed her belief that the Aurora Triangle is an ideal location for vertical development, because there would be no view impact. Planning Commission Chair Piro noted that the Planning Commission is currently working on the concept of flexible zoning.

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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

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

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

The purpose of this public hearing is to:

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

BACKGROUND / ANALYSIS

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

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

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

TIMING & SCHEDULE

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

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

AMENDMENTS AND ISSUES

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

Docketed Amendments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OPTIONS

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

ATTACHMENTS

Attachment 1: List of proposed amendments.

Table 1

Timeline	Third Bundle Log #	Category	Requested Change	Requested By	Chapter, Section and Title	Proposed Change	PC Recommendation
PC Public Hearing, March 15, 2007	1	New Regulation	Change definition of Single-family attached	City Planning Staff	20.20.016 D definitions	Single-family attached= <u>three or more units attached by common wall.</u>	
PC Public Hearing, March 15, 2007	2	New Regulation	Add the definition of building, ground and structure mounted WTF's	City Planning Staff	20.20.054 W definitions	Add building, ground and structure mounted WTF's to the definition section.	
PC Public Hearing, March 15, 2007	3	New Regulation	Add a reference to site development permits in Type A permit table	City Planning Staff	20.30.040 Table	Add: 20.30.315 to the table.	
PC Public Hearing, March 15, 2007	4	New Regulation	Changing effective date of administrative appeals	City Legal Staff	20.30.220 Filing Administrative Appeals	Add: <u>A decision shall be deemed received three days from the date of mailing.</u>	
PC Public Hearing, March 15, 2007	5	New Regulation	Raise the thresholds for SEPA review	City Planning Staff	20.30.560 Categorical Exemptions-Minor New Construction	Add: <u>up to 20 dwelling units, the addition of 12,000 square feet of gross floor area and up to 40 autos, and the construction of a parking lot for up to 40 autos.</u>	
PC Public Hearing, March 15, 2007	6	New Regulation	Revise code enforcement procedures for junk vehicles	Code Enforcement	20.30.760 Junk vehicles as public nuisance	Add and revise language pertaining to notices and fines.	
PC Public Hearing, March 15, 2007	7	Clarification	Clarify the Notice and Orders section	City Legal Staff	20.30.770 Notice and orders	Referring language to section 20.30.790, replacing the word issuance with service and referring to sections 20.30.220 and 20.30.790.	
PC Public Hearing, March 15, 2007	8	New Regulation	Allow daycare II facilities in R-8 and R-12 zones with a conditional use permit	City Planning Staff	20.40.320 Daycare facilities	Delete R-4 through R-12 and replace with R-8 and R-12.	

Table 1

PC Public Hearing, March 15, 2007	9	New Regulation	Densities in commercial zones	City Planning Staff	20.50.020(2) Density and dimension	For all parcels zoned CB between Fremont and Ashworth, no max densities are required.	
PC Public Hearing, March 15, 2007	10	Clarification	Clarifying when uncovered porches and decks may project into a setback	City Planning Staff	20.50.040 Setbacks-designation and measurements	Uncovered porches and decks, which exceed 18 inches above the finished grade, may project eighteen inches into a required side yard setback and five feet into the required front and rear yard setback.	
PC Public Hearing, March 15, 2007	11	New Regulation	Residential area shielded from outdoor lighting	City Planning Staff	20.50.260 Lighting standards	Add: E. Outdoor lighting shall be shielded and down lit from residential land uses.	
PC Public Hearing, March 15, 2007	12	New Regulation	Do permeable concrete and pavers qualify as an approved impervious surface?	City Planning Staff	20.50.410(A) Parking design standards	Permeable pavement and pavers may be used to park or store vehicles on. Multi-family and commercial uses must be on a paved surface, pervious concrete or pavers.	
PC Public Hearing, March 15, 2007	13	New Regulation	Eliminate requirements for driveway setbacks	City Planning Staff	20.50.420 Vehicle access and circulation-standards	Delete all references to driveway setbacks.	
PC Public Hearing, March 15, 2007	14	New Regulation	Fully developed short plats should be exempt from required improvement standards	City Planning Staff	20.70.030(c)(3)(1) Required improvements	Add an exception: Subdivisions, short plats, and binding site plans where all of the lots are fully developed.	
PC Public Hearing, March 15, 2007	15	New Regulation	Buffer areas for landslide hazard areas	City Planning Staff	20.80.230 Required buffer areas	Add the words <u>very high</u> for the standard buffer from a landslide hazard area.	
PC Public Hearing, March 15, 2007	16	Clarification	Clarify the name of the Wetland Delineation Manual	City Planning Staff	20.80.330(A) Required buffer areas	1997 Washington State Department of Ecology Wetland Delineation Manual.	
PC Public Hearing, March 15, 2007	17	New Regulation	Allow neon signs in North City	Shoreline Citizen	20.90.110 Lighting	Delete: Neon tubes used to outline the building are prohibited. Add: Neon lighting may be used as a lighting element; provided, that the tubes are an integral part of the building design.	

20.20.016 D definitions

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

20.20.054 W definitions

**Wireless
Telecommunication
Facility (WTF)**

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

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

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

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Variances from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21 RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

20.30.220 Filing administrative appeals.

- A. Appeals shall be filed within 14 calendar days from the date of the receipt of the mailing issuance of the written decision. A decision shall be deemed received three days from date of mailing. Appeals shall be filed in writing with the City Clerk. The appeal shall comply with the form and content requirements of the rules of procedure adopted in accordance with this chapter.

- B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.

- C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record. (Ord. 238 Ch. III § 5(f), 2000).

20.30.560 Categorical exemptions – Minor new construction.

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

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

20.30.760 Junk vehicles as public nuisances.

- A. Storing junk vehicles as defined in SMC 10.05.030(A)(1) upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:
1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or
 2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.
- B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a ~~public~~ hearing may be requested before the Hearing Examiner. If no hearing is requested within ~~10~~ 14 days from the certified date of receipt of the notice, the vehicle, or part thereof, shall be removed by the City with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.
- C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.
- D. If a request for hearing is received within ~~10~~ 14 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, with a five-day return receipt requested, to the land owner of record and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle identification number.
- E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in

its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

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

20.30.770 Notice and orders.

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

- A. Subject to the appeal provisions of SMC 20.30.790, a notice and order represents a determination that a Code Violation has occurred and that the cited person is a responsible party.

- B. Failure to correct the Code Violation in the manner prescribed by the notice and order subjects the person cited to any of the compliance remedies provided by this subchapter, including:
 - 1. Civil penalties and costs;
 - 2. Continued responsibility for abatement, remediation and/or mitigation;
 - 3. Permit suspension, revocation, modification and/or denial; and/or
 - 4. Costs of abatement by the City, according to the procedures described in this subchapter.

- C. Any person identified in the notice and order as a responsible party may appeal the notice and order within 14 days of service issuance, according to the procedures described in SMC 20.30.220 and 20.30.790. Failure to appeal the notice and order within 14 days of issuance shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code Violation, and that the named party is liable as a responsible party.

20.40.320 Daycare facilities.

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

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

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

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

20.40.130 Nonresidential uses.

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

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

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

Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB between Fremont Avenue N to the west and Ashworth Avenue N to the east, no maximum residential densities are required subject to all other requirements of the Shoreline Development Code.

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

(2)(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.

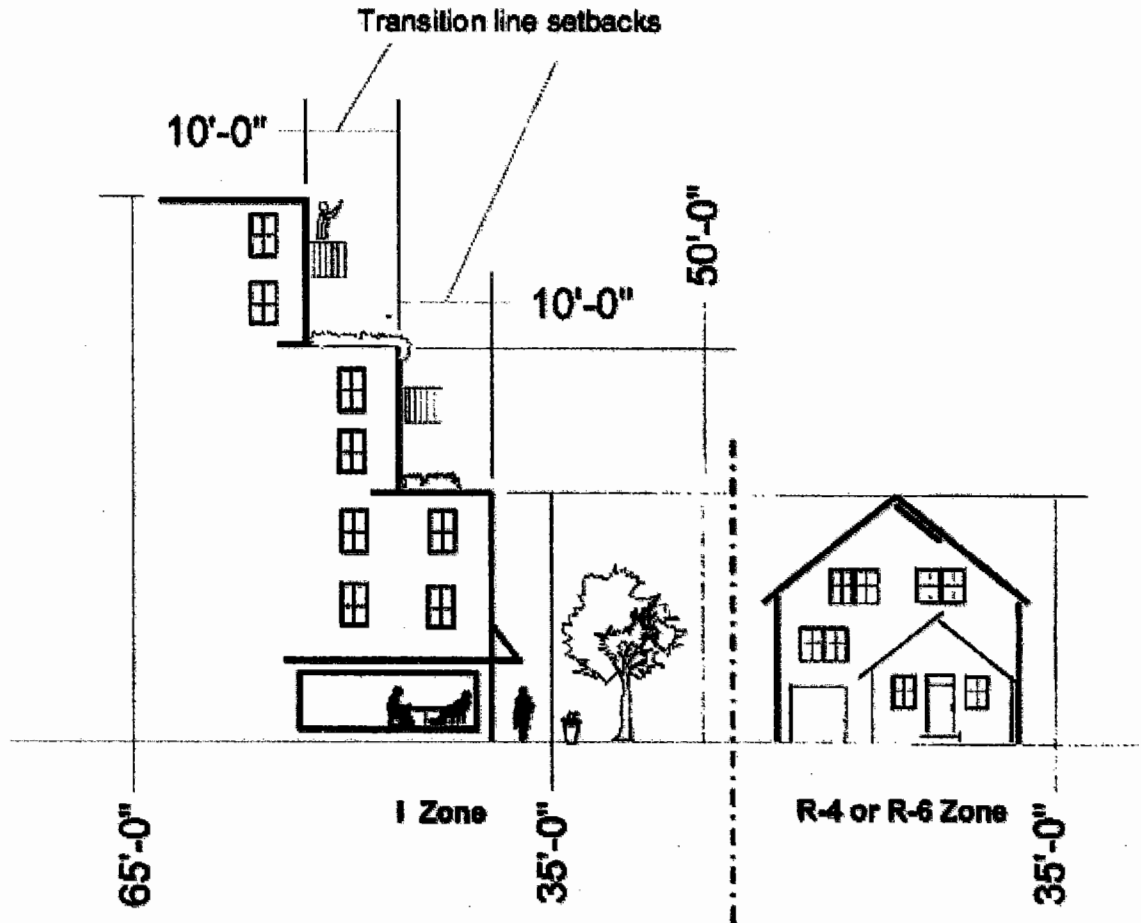


Figure Exception 20.50.020(2): For all portions of a building in the I zone abutting to R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. Sixty-five feet allowed with additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building that are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.

20.50.040 Setbacks – Designation and measurement.

I. Projections into Setback.

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

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

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

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

20.50.260 Lighting – Standards.

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

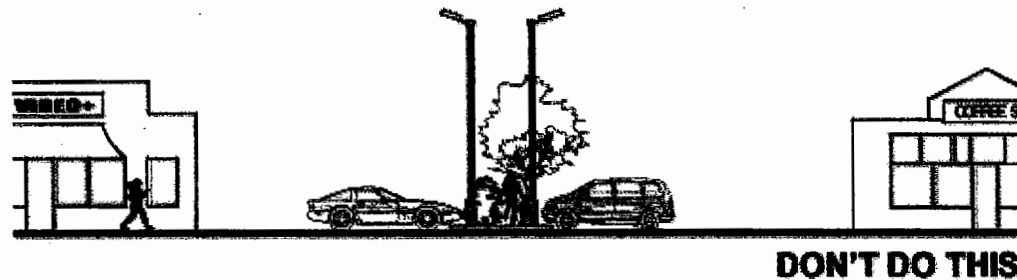
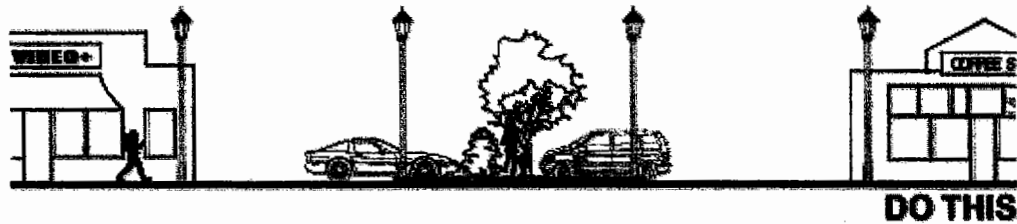


Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.

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

20.50.410 Parking design standards.

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

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

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

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

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

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

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

20.50.420 Vehicle access and circulation – Standards.

A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.

~~B. Access for single family detached, single family attached, and multifamily uses is not allowed in the required yard setbacks (see Exceptions 20.50.080(A)(1) and 20.50.130(1)).~~

~~C. Driveways for single family detached dwellings, single family attached, and multifamily uses may cross required yard setbacks or landscaped areas in order to provide access between the off street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway.~~

D.B. Driveways for non-single family residential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.

E.C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.

F. D. No dead-end alley may provide access to more than eight required off-street parking spaces.

G. E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

H.F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

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

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

 2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- J.H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

20.70.030 Required improvements.

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

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

Exception:

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

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

Exception:

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

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

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

ii. Would conflict with existing public facilities or a planned public capital project; or

iii. Would negatively impact critical areas. and

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

20.80.230 Required buffer areas.

- A. Required buffer widths for geologic hazard areas shall reflect the sensitivity of the hazard area and the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the area.
- B. In determining the appropriate buffer width, the City shall consider the recommendations contained in a geotechnical report required by these regulations and prepared by a qualified consultant.
- C. For very high landslide hazard areas, the standard buffer shall be 50 feet from all edges of the landslide hazard area. Larger buffers may be required as needed to eliminate or minimize the risk to people and property based on a geotechnical report prepared by a qualified professional.
- D. Landslide hazard area buffers may be reduced to a minimum of 15 feet when technical studies demonstrate that the reduction will not increase the risk of the hazard to people or property on- or off-site.
- E. Landslide hazard areas and their associated buffers shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical landslide hazard and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records and Elections. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(C), 2000).

20.80.330 Required buffer areas.

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

20.90.110 Lighting.

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

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Memorandum

DATE: March 7, 2007
TO: Planning Commission
FROM: Joseph W. Tovar
Director, Planning & Development Services
Glen Pickus *GP*
Planner II, Planning & Development Services
RE: Proposed South Aurora Triangle Subarea Plan and Development Code amendments

Introduction

On Jan. 22, 2007 the City Council authorized a proposal by Planning Director Tovar to prepare a Comprehensive Plan amendment and corresponding Development Code amendment for the South Aurora Triangle (SAT) District (see Attachment 1 for a map of the SAT District boundaries). The Director's proposal is in response to the City's current economic development strategy and existing Comprehensive Plan policies calling for higher residential densities along the Aurora Corridor. Also, with the first mile of the Aurora Corridor improvement project nearing completion, new development regulations in support of that investment are appropriate. Finally, new higher density mixed-use developments in Lake City and specific inquiries from developers and Aurora property owners suggest the market will support larger projects than have been previously seen in Shoreline.

The proposal is also a response to the Council's expressed interest in implementing innovative planning techniques to improve the quality and character of new development. The proposal was formally docketed by the Council on Feb. 26, 2007 along with two other proposed Comprehensive Plan amendments (a citizen-initiated Comprehensive Plan Amendment/rezone and the removal of references to Cottage Housing).

Proposal

The proposal has two parts. The first part is a Comprehensive Plan amendment to designate the South Aurora Triangle as a subarea and to create a plan for that subarea to set the policy framework for mixed use, form-based, development regulations for the SAT special district.

The second part is a Development Code amendment to create a new SAT zoning district and unique form-based development standards for that district.

Current Situation

Parcels in the SAT are currently zoned Regional Business (RB), R-48 or R-12. Generally, parcels fronting on Aurora Avenue N are RB, parcels west of Whitman Avenue N and south of N 149th Street are zoned R-48 and four parcels along N 145th Street are R-12. Attachment 1 shows the current SAT zoning.

There is no maximum density in the RB zone, but there is a maximum height of 65 feet. In the R-48 zone the maximum density is 48 dwelling units per acre and the maximum height is 40 feet, while in the R-12 zone the maximums are 12 dwelling units and 35 feet.

The current Shoreline Municipal Code (SMC) design standards are found in Subchapter 3 – Multifamily residential design standards (starting at SMC 20.50.120) and Subchapter 4 – Mixed use, commercial and nonresidential site design standards (starting at SMC 20.50.220). The standards are applied based on the proposed use of the development and not on the zoning designation. The design standards focus on reducing the apparent bulk of structures, screening service areas and creating pedestrian-friendly features but are general standards and not specific to any neighborhood.

Comprehensive Plan Amendment

A new Appendix 6 – South Aurora Triangle Subarea Plan, would constitute the entire Comprehensive Plan Amendment. Attachment 2, a draft of that subarea plan, is based on Director Tovar’s original proposal but modified in response to Council comments and staff discussion.

The subarea plan establishes as a policy the use of innovative regulations, specifically form-based, to achieve the plan objectives. Form-based regulations focus on building envelopes and how they are sited rather than on the uses within the buildings. The objective of form-based regulations is for new development to be supportive and complementary to the public spaces surrounding the development. In the SAT this means crafting regulations so new development will be pedestrian-friendly and supportive of the Aurora Corridor and Interurban Trail improvements. Well written form-based regulations will make incompatible uses either not feasible or will fully mitigate their impact on the surrounding area.

The subarea plan’s role is to establish policies – the community’s vision – for the SAT, which would then be implemented through the Development Code amendments. Clear and concise policies enable the drafting of effective development regulations. That is why the draft SAT subarea plan is brief (only 2 pages) and uses bullets to highlight the most significant policies. Development regulations will be written so it is possible to identify which policy a specific regulation is designed to implement.

Development Code Amendment

The Development Code Amendment is still being drafted by staff. However, the following basic components/concepts will likely be in the draft code presented to the Commission:

1. SMC Chapter 20.40 will be amended to create a new South Aurora Triangle zoning district.
2. The development regulations will be located in a new SMC Chapter 20.95 – South Aurora Triangle District.
3. The SAT district will be divided into three zones; SAT 1, SAT 2 and SAT 3 (see Attachment 3).
4. Permitted uses in the SAT will not be specified. Rather, there will be a short list of prohibited uses.
5. Development standards that will be required will provide connectivity between Aurora and the Interurban Trail, create pedestrian-friendly and transit-oriented projects, and

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incorporate human scale building design at street level use techniques such as articulation and stepping back upper levels to reduce the bulk of structures.

6. Building heights will be regulated by standards based on a combination of feet, stories and floor area ratios (FAR). There will be “base maximums” which can be exceeded through an incentive system but limited by “absolute maximums.” Development beyond the base maximums will be allowed only if certain uses (i.e. street level retail/food service, public restrooms, daycare, public recreation areas, affordable housing) or design features (i.e. “green” development, public art, plazas, underground parking, water features, significant landscape features) are included in the development proposal.
7. There will be no density limits and possibly no limits on building coverage or impervious area. The objectives of building coverage and impervious area limits can be achieved through FAR limits.
8. Parking and sign regulations may be customized for the SAT district.

Process

A 60-day notice of intent to adopt a Comprehensive Plan amendment has already been forwarded to the State Department of Community, Trade and Economic Development (CTED). When the first draft of the development code amendments is completed, CTED will be sent a 60-day notice of intent to adopt development regulations. At that time a public notice of proposed Comprehensive Plan and Development Code Amendments will be published and mailed to owners of parcels inside and within 500 feet of the SAT district.

A SEPA threshold determination (likely to be a determination of nonsignificance) will be made and noticed in April. The Planning Commission’s open record public hearing on the amendments will be at least 15 days after the SEPA determination, probably in May. Staff’s goal is to have the amendments, with the Commission’s recommendation, presented to the City Council in June.

Recommendation

No action is required at this time. However, staff is seeking input from the Commission, which can broadly be described as:

- Policies and code components which the Commission believes staff should consider including in its proposals but are not mentioned above or in the draft Comprehensive Plan Amendment; and
- Policies and code components that have been mentioned which the Commission believes should be removed from consideration.

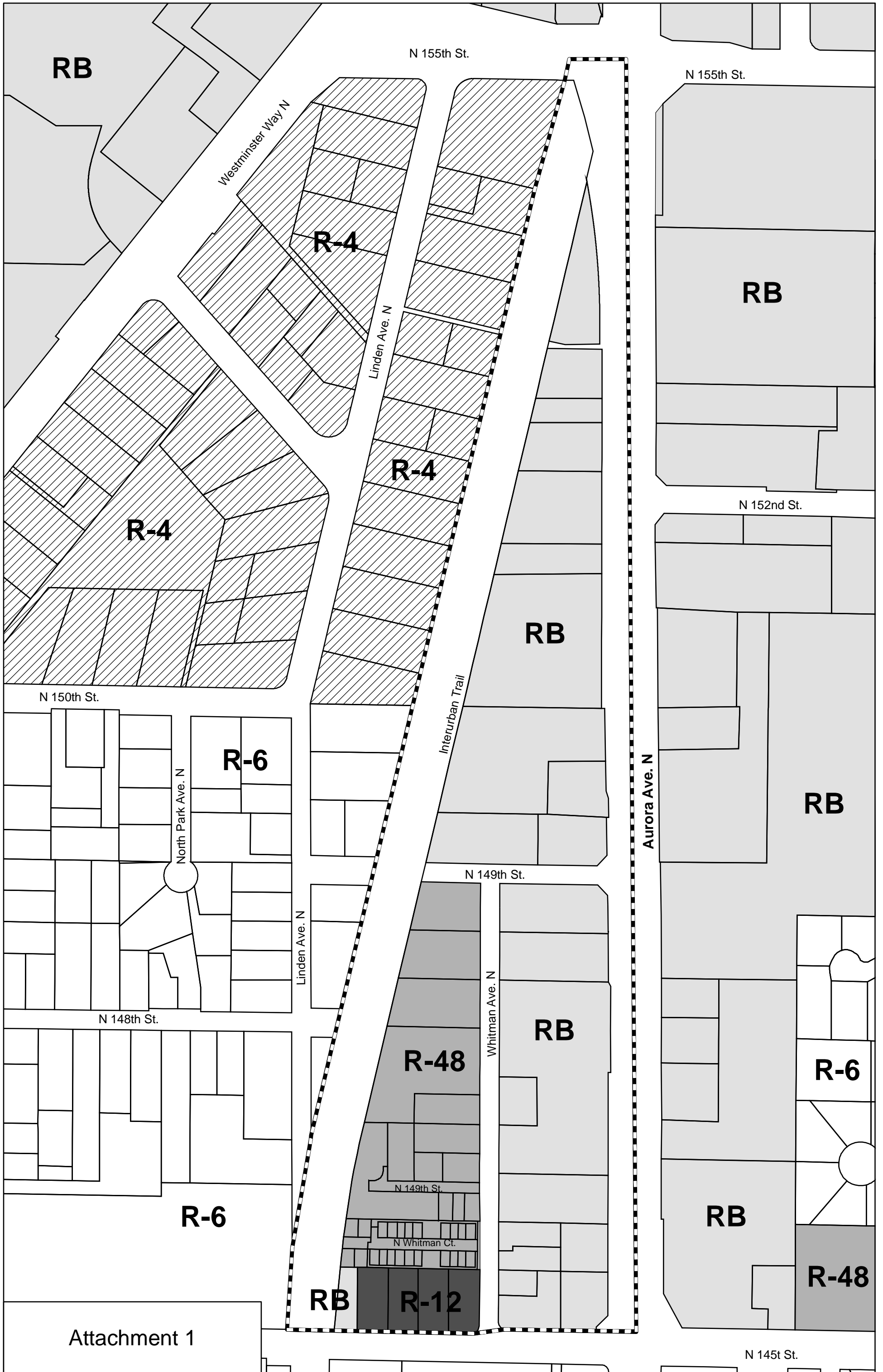
With that input, staff will complete the draft amendments and bring them back to the Commission for its consideration and recommendation, after an open-record public hearing, to the City Council.

ATTACHMENTS

1. South Aurora Triangle Subarea Location and Current Zoning map
2. Appendix 6 – South Aurora Triangle Subarea Plan (draft)
3. South Aurora Triangle District proposed zones map

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South Aurora Triangle Subarea Current Zoning



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Appendix 6 South Aurora Triangle Subarea Plan

Figure LU-1 is the Comprehensive Plan Land Use Designations map for the City. It shows a broken line delineating the three sides of the South Aurora Triangle Subarea – Aurora Avenue North on the east, N 145th Street on the south, and the Interurban Trail on the northwest. The land use designation for this subarea plan is “SAT” which is an acronym for “South Aurora Triangle”.

The City’s objectives for the South Aurora Triangle are to:

- stimulate economic development;
- create a high quality built environment
- maximize the benefit of the City’s investment in the Aurora Corridor and Interurban Trail capital improvement projects.

To achieve these objectives, the City should prepare innovative development regulations that focus on the form and character of new development in the South Aurora Triangle and less on the specific uses or unit count within the buildings themselves. Such regulations should allow for flexibility and variety in the form and height of buildings, while clearly articulating and illustrating standards for site and architectural design. These regulations should promote:

- private construction of public amenities
- lively retail frontage in a walkable, livable and transit-oriented neighborhood environment with “eyes on the street”
- human scale architectural building design
- broad categories of retail, restaurant and office uses permitted outright
- taller structures and high density development
- connectivity between the Aurora Corridor and Interurban Trail
- creation of a distinctive city entryway at N 145th Street
- future accommodation of transferred development right programs

The SAT Comprehensive Plan designation will provide predictability for – and compatibility with – areas surrounding the South Aurora Triangle. It will also provide for high density residential development on Aurora Avenue N, a land use currently absent on this significant City corridor.

The purpose of the SAT Comprehensive Plan designation is to create a tool to implement a number of previously existing comprehensive plan land use policies by applying them with specificity to a distinct geographic subarea of the City. Previously established Comprehensive Plan land use policies specific to the Aurora Corridor include:

- LU25: Pursue opportunities to improve the City’s image by creating a sense of place on the Aurora Corridor for doing business and attracting retail activity.
- LU29: Create opportunities to stimulate development of a “showcase” example and template for future development.
- LU30: Encourage a mix of residential and commercial development in close proximity to create retail synergy and activity.

LU31: Protect adjacent single-family neighborhoods from traffic, noise, crime, and glare impacts of the Corridor through design standards and other development criteria.

LU34: The Interurban Trail should provide cross-town access, enhance the Corridor, connect to other trails, walkways, and sidewalks, accommodate and consider other public facilities and civic improvements, and buffer private property.

LU36: Provide opportunities and amenities for higher density residential communities to form within or adjacent to the Aurora Corridor in harmony with the surrounding neighborhoods.

The South Aurora Triangle area provides an opportunity to realize many of these comprehensive plan policies, particularly in view of several unique circumstances. First, it abuts commercial land uses on two sides and is separated from low density residential uses on the third side by the southern segment of the Interurban Trail as well as a significant mass of mature trees parallel to the trail. Second, the majority of these lands abut the completed first mile of the Aurora Corridor capital improvement project, which is a significant investment of public funds providing major pedestrian, vehicular, transit, landscaping and utility amenities to properties in this area. Third, the recently improved Interurban Trail bridges link the South Aurora Triangle with the rest of the bicycle and pedestrian trail system north of N 155th Street. Taken together, these circumstances make the South Aurora Triangle an ideal location to encourage significant private investments in retail, restaurant, office, and residential uses, as well as mixes of these uses.

The subarea should be divided into distinct designations on the Comprehensive Plan Land Use Designations map. New corresponding development regulations are appropriate in order to meet the subarea objectives while protecting existing land uses. The subarea designations are:

- **SAT 1:** The area north of N 149th Street where a majority of parcels front both Aurora Avenue N and the Interurban Trail. The tallest buildings and highest residential densities in the City would be appropriate here with amenities supporting Aurora-Trail connections, storefront retail and public transit. Specific building envelope regulations will mitigate the impact of the large structures as well as provide for high value public amenities
- **SAT 2:** The area bounded by N 149th Street on the north; Aurora Avenue N. on the east; N 145th Street on the south and Whitman Avenue N. on the west. Within this area is a major entryway into the City. Taller buildings and higher residential densities would be appropriate here with amenities supporting creating a distinctive City entryway, storefront retail and public transit.
- **SAT 3:** The area bounded by N 149th Street on the north; Whitman Avenue N. on the east; N 145th Street on the south; and the Interurban Trail on the west where recent development has been entirely multifamily. Development would be largely higher density multifamily and commercial uses complementary to multifamily uses. Public amenities would support Interurban Trail use.

South Aurora Triangle Subarea Proposed Zones

