

AGENDA
CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING



Thursday, June 19, 2008
 7:00 p.m.

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

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. June 5, 2008	
6. GENERAL PUBLIC COMMENT	7:10 p.m.
<p><i>During General Public Comment the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or scheduled for this agenda. Each member of the public may comment for up to two minutes. However, General Public Comment will be limited to a maximum period of twenty minutes. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. Speakers must come to the front of the room to have their comments recorded and must clearly state their name and city of residence.</i></p>	
7. STAFF REPORTS	7:20 p.m.
a. Development Code Amendments	
8. PUBLIC COMMENT	8:00 p.m.
9. DIRECTOR'S REPORT	8:30 p.m.
10. UNFINISHED BUSINESS	8:35 p.m.
11. NEW BUSINESS	8:45 p.m.
12. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	8:50 p.m.
13. AGENDA FOR July 17, 2008	8:55 p.m.
Development Code Amendments – Public Hearing	
14. 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.

This page intentionally blank

CITY OF SHORELINE
SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

June 5, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Kuboi
Vice Chair Hall
Commissioner Broili (arrived at 7:07)
Commissioner Behrens
Commissioner Kaje
Commissioner Piro
Commissioner Perkowski
Commissioner Pyle

Staff Present

Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Planner, Planning & Development Services
Belinda Boston, Commission Clerk

Commissioners Absent

Commissioner Wagner

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi, Vice Chair Hall and Commissioners Behrens, Kaje, Piro, Perkowski, and Pyle. Commissioner Broili arrived at 7:07 p.m. and Commissioner Wagner was excused.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

Steve Cohn reported that Mr. Tovar would be absent for the next four to six weeks for health related reasons.

APPROVAL OF MINUTES

The minutes of May 15, 2008 were approved as amended.

GENERAL PUBLIC COMMENT

Les Nelson, Shoreline, commented that the notice for the Planning Commission meeting was not posted on the City's meeting information line and the meeting packet was not available to the public until Tuesday afternoon. In addition, he noted that it is difficult for people with dial-up internet to download the large packets. Commissioner Kaje asked if it would be helpful if the packets were broken into pieces to make them easier for the public to download. Mr. Nelson suggested that perhaps a smaller version of the packet, without the maps and diagrams, would be easier to download. Mr. Cohn agreed to address this concern.

Mr. Cohn reported that they are in the process of training a new staff member to update the City's information line, and that is why there was a problem with the meeting notice. He invited citizens to notify City staff if they cannot find the new information or have trouble downloading the packets. Staff would work to resolve the issue as soon as possible. Chair Kuboi pointed out that the website also provides a short narrative in the center of the page to outline the general topic of upcoming meetings.

STAFF REPORT -- CRISTA MINISTRIES MASTER PLAN

Mr. Szafran explained that the reason for the study was to give CRISTA an opportunity to present its Master Plan concept. Mr. Szafran briefly reviewed the proposed CRISTA Ministries Master Plan. He provided a map to illustrate the location of the subject property and explained that the CRISTA campus is located on property that is zoned primarily low-density single-family residential (R-6), with a small portion being zoned high-density residential (R-24). He noted that, at this time, any development proposals for the subject property, with the exception of residential, would require a conditional use permit. However, the City would prefer a master plan permit to address the long-term build out of the plan, since this would allow them to consider and address the overall impacts at the same time.

Mr. Szafran explained that master plan permit applications are processed as Type C Permits, which require a quasi-judicial process. A public hearing would be conducted by the Planning Commission, and they would forward a recommendation to the City Council. The City Council would make the final decision. He noted that the current proposal would be dependent upon the City Council adopting the Development Code Amendments the Commission recently forwarded to them regarding master plan permits. If the City Council does not adopt the amendments, staff could initiate a subarea plan for the area or CRISTA could continue to apply for conditional use permits for every project.

Commissioner Behrens questioned how the Commission could proceed with a quasi-judicial review of the proposed CRISTA Master Plan when the City Council has not even approved the process yet. Mr. Cohn explained that this study session would become part of the record. In order to be conservative, the issue was advertised as a quasi-judicial process. Therefore, the Commission should carefully observe

the rules and procedures pertaining to quasi-judicial reviews. He explained that the proposal is preliminary at this point because no mitigation requirements have been identified.

Paul Aigner, Project Manager, lead the presentation on behalf of CRISTA. He advised that they have been working on their master plan for more than a year. He introduced the key members of the project team and advised that about a year ago, City staff invited CRISTA to develop a long-term comprehensive master plan for the entire campus. The goal of the plan was to give both the City and the neighbors a better understanding of CRISTA's future growth plans. In addition, once a master plan has been approved, CRISTA would no longer have to piece projects together and obtain a conditional use permit for each one.

Mr. Aigner announced that the proposed master plan identifies a three-phased approach. He used a map of the area to orient the Commission and public as to the location of the CRISTA campus. He explained that while CRISTA is made up of a number of different ministries, the master plan focuses on schools and senior facilities. He reviewed each of the three phases as follows:

5-Year Plan

- A new building (Cristwood D) would be constructed in the area where the practice field is currently located. The building would be an expansion of three existing buildings (Cristwood A, B, and C) and would provide about 60 new senior units in a 3-story building located above a parking garage. One of the main purposes of the master plan is to locate as much parking as possible underground and avoid surface parking as much as possible.
- The practice field would be relocated to the top of the hill right off of 1st Avenue.
- Two or three new junior high buildings would be constructed at a height of 2 to 3 stories. A new math building and new science building would be constructed, as well.
- In an effort to create a town center approach at the main access, the plan calls for demolition of numerous out-dated facilities. To be more competitive in the current market, CRISTA would make improvements to provide common amenities for the residents. He noted the location of the proposed new residential units, which would be 2 to 3 stories in height. He explained that they would step back in height from the street.
- The existing CREST building would be replaced with a new building.
- CRISTA currently has 227 independent living residents, 81 assisted living residents, and 144 skilled nursing residents. At the end of the first 5-year plan, they would be at 355 independent living residents, 51 assisted living residents, and 96 skilled nursing residents.

10-Year Plan

- A one-story building of about 20,000 square feet would be constructed to serve as an early childhood center.
- A 1-story great hall or theater building of about 20,000 square feet would be added. Because the building would be used as a theater, the potential height could reach 40 to 50 feet.
- Two new residential buildings would be constructed to complete the town center approach along the main entrance.

- The existing skilled nursing and assisted living structures would be replaced with new buildings, which would be 2 stories in height and provide about 120,000 square feet of space.

15-Year Plan

- A new elementary school would be constructed on the northern side of the campus. The school would be 2 to 3 stories in height and provide about 65,000 square feet of space. The footprint would be approximately 37,000 square feet.
- An existing building (Chestnut Court) would be remodeled.

Mr. Aigner reported that throughout the master plan process, CRISTA received eight public comments from residents of the neighborhood. He reviewed each of these concerns and discussed potential mitigation as follows:

- **Density** – When the proposed master plan has been completed in 15 years, the campus would have added approximately 400 students. They currently have 525 existing senior residents, and at the end of the 15-year period there would be 625 seniors. All independent living residents would have assigned parking spaces, which would be located below grade as much as possible. Although the Staff Report recommends R-12 zoning for the entire site, their proposed plan calls for R-24 zoning.
- **Traffic** – Traffic studies indicate the proposed master plan would result in a net zero impact. The plan would double the size of the drop off and pick up areas for schools, and this would decrease the amount of queuing that takes place on the street. CRISTA is willing to work with the community to address concerns related to parking on the streets.
- **Parking** – The current campus provides 997 on-site parking spaces. A survey conducted on December 5, 2007 indicated that only 665 of the spaces were being utilized. The proposed master plan would eventually eliminated 604 existing surface stalls, but these would be replaced with 391 new surface stalls and 406 new underground stalls. There would be a net increase of 193 stalls. At the end of 15-years there would be 1,187 parking spaces, and a projected utilization need of 850 stalls. During special events at the schools, more of the underutilized parking areas would have to be used. A parking management plan would be implemented to facilitate this need.
- **Street Improvements** – The plan recommends a soft surface meandering pathway along Fremont Avenue North, which would be utilized by the residents in the area. New curbs, gutters and sidewalks would be provided on the north side of North 190th Street, on the east side of Greenwood Avenue North and on the south side of North 195th Streets.
- **Trees** – There are 1,337 significant trees (8” or larger conifer or 12” or larger deciduous) on site. To accommodate full build out of the master plan, approximately 391 of these would have to be removed. As per City code, CRISTA would be required to plant 987 new trees (a ratio of 2.5 for every one removed), so the total count of trees would be 1,939. This represents a 45% increase to the existing amount of trees. A proposed tree retention map was provided to address public concern that all of the trees along Fremont Avenue would be eliminated. All of the existing trees in this location would remain.

- **Stormwater** – Proposed improvements include new stormwater detention vaults off of North 190th Street and Fremont Avenue North. A new storm main would be installed along Fremont Avenue North, as well.
- **Practice Field Relocation** – The proposed new practice field would replace the existing field. The current plan identifies 23 parking stalls, but this is open to negotiation. CRISTA would be willing to downsize the number of stalls to accommodate emergency access and ADA parking only. A natural meandering path would be developed from the Mike Martin Gym to the new practice field to provide easy access for the students. The students would not be allowed to park near the practice field. Possible mitigation could include “no parking” signs of the street or fencing around the new practice field. While lighting has been included as part of the master plan, CRISTA would be willing to go through a separate SEPA review for this addition.

Commissioner Kaje asked if the proposed underground parking spaces were intended to support the independent living facility, only. Mr. Aigner answered that the proposed underground parking would provide 132 stalls for only 60 units. The additional parking capacity would serve other on-site parking needs.

Todd Kilburn, Kilburn Architects, clarified that all of the new independent living buildings that have been identified as part of the master plan would include underground parking garages. CRISTA’s goal is to provide enough space for each of the residents, as well as additional parking space that could be used to address the parking demand elsewhere on the campus.

Commissioner Broili requested clarification on the process for reviewing the proposed master plan. Mr. Szafran noted that the intent of the study session is to allow CRISTA an opportunity to explain their proposal to the Commission, and allow the Commission an opportunity to ask questions about various elements of the proposal.

Anne Erickson, Shoreline, said she has seen a lot of changes at CRISTA during the 38 years she has lived directly south of the campus, including unbelievable increases in traffic. She appreciates the work CRISTA does, and she understands that some of their buildings are very much in need of upgrading. She said she also appreciated the neighborhood meetings that have been conducted, and she would like them to continue. Ms. Erickson voiced her concern that the master plan does not adequately address issues such as parking, traffic, and excessive growth in a residential neighborhood. She said Fremont Avenue North is like a freeway in the morning and evening. She was surprised to hear that there were unutilized parking spaces on the CRISTA campus during the day since numerous people park on the streets. This results in dangerous situations for the residents who use the streets for access and for walking. She suggested that if there are available parking spaces, people should not be allowed to park on the streets.

Ms. Erickson said it appears from the proposed plan that every residential building on the main campus would be demolished and replaced over the next 15 years. This would leave the neighborhood in a constant state of construction, with the associated noise, trucks and debris. She said she is not looking

forward to this taking place on a continual basis. She noted that all of the school buses and cars that come to CRISTA use North 190th Street to access the campus. North 190th Street used to be a quiet residential street. She questioned how the traffic report could identify a net zero impact to the neighborhood. The impact of traffic over the last 10 to 15 years has been devastating, and additional traffic would make the situation worse.

Ms. Erickson voiced her concern about environmental issues and tree retention. She said it seems like the proposed master plan would cover every square inch of the property with buildings. She noted that replacing mature Douglas Fir trees with deciduous 3” trees would hardly be a fair trade. It would be 20 years before the trees are big enough to adequately replace the trees that were removed, and most of them wouldn’t even be native trees.

Ms. Erickson said she is concerned about the steep hill in the area where the new practice field would be located. Mr. Aigner noted the field would be constructed in the flat area at the top of the hill. Ms. Erickson expressed her belief that it would not be possible to construct buildings on this site because of the steep slope. She suggested the neighbors near the proposed new location for the practice field would be unhappy because it is currently an extremely quiet, wooded neighborhood.

Ms. Erickson suggested the Planning Commission consider putting a hold on the permit until the Comprehensive Plan has been updated by the City. It is important to make sure the master plan permit application is in compliance with the Comprehensive Plan requirements. This would give the City and others an opportunity to find some solutions to the concerns.

Lisa Thwing, Shoreline, agreed with the comments provided by Ms. Erickson. She expressed concern that although CRISTA could install “no parking” signs, it would not prevent people from parking on the other side of the street where there are no signs. She noted that when there are big events at CRISTA the people from other schools park throughout the neighborhood. CRISTA is like a huge commercial business located on residential streets.

Ms. Thwing asked that the Commission address the traffic nightmare of people attempting to get out of their driveways when parents and students are coming and going from the school. It is very difficult for people living on North 195th Street to get out of their driveways when people who are queuing up to access the elementary school won’t let them through. She pointed out that CRISTA has been unable to address these bad behavior problems in the past. In addition, she noted that CRISTA has not addressed concerns related to the exhaust that comes from all the diesel vehicles that access the site via the neighborhood, which literally stinks. The plan does not address the emergency calls that go to CRISTA, either. Doubling the population of the facility would double the number of emergency calls, too.

Commissioner Behrens commented that, as work on the master plan continues, it is important that both CRISTA and the people who live in the neighborhood have an opportunity to raise their concerns and comments. It is important that both sides respect each other. He invited the residents to present their specific ideas for resolving concerns such as traffic, parking etc. He agreed it would be appropriate for CRISTA to conduct more neighborhood meetings so both sides could reach some common conclusions

for resolving problems and ensuring that the neighborhood stays intact. Rather than creating more impacts, the proposed master plan should address the existing impacts and make them better.

Ms. Thwing said she doesn't see the point of attending any more neighborhood meetings since CRISTA does not follow through on the promises they make to the neighbors. However, she said she would be willing to meet CRISTA half way. She recognized that CRISTA has a right to redevelop the property, but she questioned their right to put additional burden on a residential neighborhood.

Boni Biery, Shoreline, referred to the written comments she submitted prior to the meeting. She suggested it is very important for CRISTA's new management to learn about the history of how neighbors have been ignored or left out of decisions in the past. At this time, there is a lot of justified ill will. However, she said she is interested in changing the situation. She invited City staff and CRISTA staff to respond to the following questions:

- How many of the buildings would be developed or upgraded to meet the low-impact development standards?
- Would the proposal increase CRISTA's ability to sustain itself (i.e. solar panels, water retention systems, etc.)?
- What is the current amount of impervious surface on the campus and how would this change in the next 15 years?
- What is the breakdown of the City's cost for providing medical, fire and police response to the property?
- Does the City receive income to off-set these costs?
- How do all the emergency calls made to CRISTA impact the response to others? The aid car can't be in two places at the same time.

Ms. Biery said she is very concerned about the removal of trees. She explained that it takes at least two decades for the replacement tree to have enough stature to replace a mature tree. She expressed concern that the replacement trees identified on the landscape plan are primarily non-native and low-growing trees. Replacing 200-foot tall trees with trees that only reach a height of 20 to 30 feet would have an impact to the neighborhood. If 3-story buildings are constructed on site, the trees would not even be visible to the neighbors. Removal of the trees would impact wildlife, as well.

Ms. Biery pointed out that the City of Shoreline has been blessed with three pair of pileated woodpeckers (a pair on Boeing Creek, a pair in the Hamlin Park Southwoods Area, and a pair living somewhere in Hillwood). She noted that pileated woodpeckers are species of concern, and they require a large area for their territory. If they are not living in the wooded area on the subject property, they are definitely utilizing it as part of their territory. She encouraged CRISTA not to remove any trees from the wooded area. She also expressed concern that the construction that takes place in the area would be disruptive to the wildlife.

Ms. Biery questioned why the new field would that would be constructed for the elementary school couldn't serve as the practice field, as well. If the practice field is necessary, she suggested it be made

smaller and rotated so that fewer trees would be impacted. Rotating would also result in less impact to the residential properties on 1st Avenue.

Ms. Biery noted that there is currently surface parking provided for Cristwood Buildings A, B and C. She suggested that this surface parking be returned to native habitat as a mitigation measure. The parking need could then be addressed by providing additional underground parking beneath the new buildings.

Ms. Biery said that a lot of construction has taken place on the CRISTA campus over the past 40 years, but nothing has been done to improve the streets. She said it is important to recognize that most of the traffic coming to and from the CRISTA campus is not from the neighborhood, and many of them are not even Shoreline residents. While the number of people coming and going from the site may not change, the current amount of traffic on the street that is not related to the neighborhood must be addressed. She said it is generous for CRISTA to propose sidewalks and curbs along the streets, but it would be nice for them to extend this offer to include both sides. She referred to the comment made earlier by Mr. Aigner that on-site parking would be provided as much as possible. She suggested that “as much as possible” is not acceptable. Parking must be provided for every vehicle that is used on the lot or the campus should not be allowed to expand.

Ms. Biery pointed out that the water main that runs along the front of the building is 75 years old. The plan should identify a combined effort to replace this line as part of the construction project. She concluded her remarks by suggesting that CRISTA consider an alternative plan of relocating to the Fircrest site and vacates their existing buildings in Hillwood. This could be done via a land swap that would provide them with a clean slate on which to build, an arterial on a bus line, and local businesses and restaurants to serve their growing population. She urged the Planning Commission, CRISTA, City staff and the neighborhood residents to keep in mind that the southeast corner of the Hillwood Neighborhood (185th and Aurora Avenue toward CRISTA) is under a phenomenal development impact at this time. There are already 2 and 3-story units in the area, and now there will be 6-story units on 185th. These replace what were single-family, 1-story homes. The Aurora Corridor is also redeveloping, as is the Interurban Trail and the Park-and-Ride at 192nd. In addition, there is a lot of foot traffic between CRISTA and the bus stops at 192nd and 185th Streets. She pleaded with the Commission to consider every piece of information they can obtain. She encouraged all the planning entities to work together to make sure there is a holistic plan that is best for the neighborhood and for CRISTA.

Dan Thwing, Shoreline, praised the excellent presentation that was provided by Mr. Aigner, which answered many of his questions and was very informative. He echoed the parking concerns that have been raised by others. He said that he, too, was appalled that only 665 of the 997 parking spaces were utilized at the time of the traffic count. All of Fremont Avenue North is lined during the day with at least 15 cars end to end. They usually block the sidewalk so that people with strollers and walkers have to go around. He noted that the meandering soft trail proposed as part of the master plan wouldn't be very friendly for walkers and wheelchairs.

Mr. Thwing also expressed concern about the impact to the neighborhood if construction goes on for long periods of time. He noted that a garbage truck comes to the site at 6:00 a.m. every morning,

blaring the back up horn and revving up the engine. He disagreed with CRISTA's traffic study assessment that there would be no impact associated with increasing the number of housing units and parking spaces. He pointed out that even the residents of the skilled nursing facility would require some parking spaces for visitors. He urged them to recalculate the traffic impacts. Mr. Thwing pointed out that, right now, North 190th Street and Kings Garden Way provide the main access points for the entire 54-acre campus. There is very little access to the campus from North 195th and none from Greenwood Avenue or 1st Avenue. He suggested they consider opportunities to provide access from other streets.

Les Nelson, Shoreline, suggested that until the Commission knows the final outcome of the proposed 2008 Development Code amendments, it would be inappropriate for them to proceed with the master plan permit application. He recalled that a few weeks ago the Planning Commission considered a rezone proposal from Northwest Center. The City Attorney allowed them to present their development proposal, but then advised that the Commission should not take any of the development proposal information into account when considering the rezone application. If the development plans were not supposed to be considered, the applicant should not have been allowed to present them to the Commission. He suggested that the current application could pose the same dilemma. The Commission should base their decision on what the appropriate land use would be and not on the proposed development plan.

Mr. Nelson suggested the land use identified in the Comprehensive Plan is intended to be R-6 since the property is located next to an R-6 neighborhood. While different uses could be allowed, the goal should be to limit the height of the buildings to be compatible with the single-family neighborhood. Mr. Cohn clarified that the proposal before the Commission is a master plan permit application, and not a Comprehensive Plan amendment. The Comprehensive Plan amendment was recommended for approval by the Commission at their last meeting and would allow the City to consider the master plan permit. He emphasized that the current discussion is a study session. If the City Council accepts the Commission's recommendation and defines what the master plan permit process should be, the applicant would come back before the Commission with a master plan permit application with mitigation, and the action would be considered quasi-judicial. If the City Council does not approve the proposed Comprehensive Plan amendment, staff would move forward with a sub area plan as per the existing planned area regulations.

Mr. Cohn explained that a master plan permit application is different from a rezone application. If a master plan permit is approved for the CRISTA Campus, only development identified on the master plan would be allowed to occur. Any deviation would require an amendment to the master plan. Approval of a rezone application would not limit an applicant to a specific use or site plan. Issues such as density and height would be considered as part of the master plan permit review process. However, staff is not asking the Commission to make these decisions now. The current discussion was intended to allow CRISTA an opportunity to present their proposal to the Commission and to hear from the public about their concerns. The information gathered from this meeting would allow staff to start considering mitigation measures to include in the final proposal.

Commissioner Pyle summarized that in order for the proposed master plan permit application to move forward, the City Council would have to take action to adopt the Comprehensive Plan amendment to put

into place the planned area Comprehensive Plan land use designation for the site. Concurrently, the property would be rezoned to be consistent with the land use designation, to include a planned area zoning designation on the zoning map. That would validate the potential to put in place the master plan. Mr. Cohn agreed that is the decision before the City Council. If they choose to go a different way, staff would have to discuss a different process for reviewing CRISTA's proposal.

Commissioner Kaje noted that as the master plan is implemented, each new building would be required to obtain a building permit and be consistent with the master plan. He questioned if all projects identified in the master plan would be vested under the current stormwater controls or if each building proposal would be required to meet the future revised stormwater standards. Mr. Szafran said his understanding is that the master plan permit would vest CRISTA under the existing regulations. Mr. Cohn added that staff is currently working with the stormwater staff to make sure Planning and Development staff has a correct understanding of the rules.

Vice Chair Hall said he would be interested in hearing a fairly complete discussion of the vesting issue when the issue comes back before the Commission for additional review. Commissioner Pyle pointed out that vesting occurs upon complete submittal of a building permit, not upon submittal of overarching administrative or other types of action. He requested staff seek an assessment from the City Attorney with regard to how CRISTA would vest at each point in their build out scenario. It is important for the Commission to have a clear understanding of the vesting issue.

Commissioner Broili clarified Mr. Cohn's statement that whatever stormwater code is in place at the time of acceptance of a master plan permit, that is what the applicant would be required to build out to over the next 15 years. Mr. Cohn pointed out that the master plan would identify the maximum amount of development that would occur on the site and propose mitigation to deal with the impacts, including stormwater.

Commissioner Behrens recalled that at the last meeting when the Commission asked questions related to vesting, Ms. Markle advised there was currently no system in place to process a master plan permit. Mr. Cohn agreed that, at this time, there is no process in place for reviewing master plan permit applications. The current Comprehensive Plan states a master plan process is required in order to put a master plan in place for properties such as CRISTA. While the Comprehensive Plan talks about the types of things that should be considered, it does not talk about the process, itself. He pointed out that when this presentation was originally scheduled on the Commission's agenda, staff assumed the City Council would have finished their deliberations on the proposed amendments.

Chair Kuboi agreed it would be appropriate for staff to provide a report to the Commission to clarify the vesting rules and to clearly describe the process a master plan permit application would follow. He noted that the CRISTA plan has been in the process for quite some time. He reminded the Commission that the purpose of their discussion is to gather information. The application would then be placed on hold until the City Council renders a decision related to the Comprehensive Plan amendments. Mr. Cohn agreed the Commission would not consider the proposal again until the City Council has decided on the process and the amendments have been adopted.

Chair Kuboi called a 5-minute recess at 8:25 p.m. to allow the chair to confer with staff regarding the process. The meeting resumed at 8:30 p.m.

Chair Kuboi said that after conferring with staff, both he and staff see tonight's discussion as an opportunity to gather information. It is understood that the purpose of the discussion is not to convince the Commission one way or another, but to learn what the applicant is considering. He noted that the applicant has invested a lot of time and money to prepare a presentation and provide consultants to answer the Commission's questions. He suggested they transfer as much information as possible from the applicant's representatives to the Commission so they can have a better understanding of the proposal when it is presented in a more formal setting in the future. He reemphasized that the Commission should ask questions to gather information, but they should not expect the answers they receive to convince them to make a decision one way or the other.

Commissioner Pyle recalled that the Commission recently considered a proposed Comprehensive Plan amendment to create a criteria-based master plan review process. However, the current applicant does not include any assessment of the criteria. He hopes that when the application is presented to the Commission, the proposal would be repackaged to identify how it complies with the criteria. While a lot of good information has been provided by the applicant, it does not get at the nuts and bolts of how it complies with and is consistent with the criteria proposed for adoption by the City Council. Mr. Cohn reminded the Commission that the current discussion was for information purposes only. Staff did not intend for the Commission to make any decisions related to the proposal at this time. When the proposal is presented to the Commission for future consideration, staff would provide a report outlining how the proposal is or is not consistent with the criteria.

Commissioner Piro pointed out that many citizens expressed appreciation for the presentation provided by the applicant, and he appreciated the presentation, as well. He noted that a number of good issues were raised by the neighbors. He questioned if the Commission should merely focus on the merits of the master plan application, or if they should delve into specific issues about parking, sustainability, and design. Mr. Cohn answered that because the application is not a full proposal and does not include mitigation, it would be appropriate for the Commission to identify issues the applicant should address in the future. Chair Kuboi cautioned that while the Commissioners could ask any questions they want regarding the proposal, they should recognize that the staff and applicant may not be able to provide an answer now.

COMMISSIONER PIRO MOVED TO EXTEND THE MEETING TO 9:30 P.M. COMMISSIONER KAJE SECONDED THE MOTION. THE MOTION CARRIED 6-2, WITH VICE CHAIR HALL AND COMMISSIONER BEHRENS VOTING IN OPPOSITION.

Commissioner Piro said he understands the benefits of moving towards a master plan process as opposed to the current process of sub area planning. He asked staff to identify the pros and cons of each option. He said he would also like the applicant to provide more detailed information about the sustainability concepts CRISTA is considering. It would also be helpful to have an accurate and detailed account of the proposed parking spaces, and he would like to encourage them to place as much of the parking as possible underground. He challenged staff to come with a master plan for the entire

area that addresses concerns such as parking on neighborhood streets. This would help alleviate some of the neighborhood concerns.

Commissioner Perkowski asked if Commissioner Piro is interested in requiring the applicant to provide a parking management plan. Commissioner Piro said he would like staff to identify if and when a parking management plan would be required. He suggested the parking management plan should be provided as early in the process as possible, given the concerns related to parking.

Commissioner Kaje said he shares concerns voiced by the neighbors about tree removal. He reminded the applicant that the first step in mitigation is avoidance of the impact, and the second step is to minimize the impact. He asked the applicant to describe the site alternatives that were considered to avoid taking out mature trees. He also asked them to share the steps they went through to minimize tree removal. He expressed his belief that removal of 400 trees could have a significant impact in a neighborhood. Mr. Aigner advised that careful planning was involved in trying to minimize the number of trees that had to be removed. He summarized that the property is blessed because it has so many beautiful trees, but the trees minimize growth potential by limiting where the new buildings can be placed. The 55-acre parcel is quite developed, and the areas that are undeveloped are wooded sites. They are sensitive to critical slopes and try to avoid those as much as possible, too. Again, Commissioner Kaje suggested the applicant provide some illustrations to explain why certain options have been ruled out.

Commissioner Kaje said he was surprised with the results of the spot parking survey. If only 2/3 of the parking spaces are filled yet people are parking all over the street, this suggests there is some serious inconvenience associated with parking on site. He encouraged the applicant to not only think about the number of parking spaces that would be provided, but also address issues such as on-site traffic circulation, ingress and egress, etc.

Mr. Aigner explained that one outcome of the survey was the need to do a parking management plan to fully evaluate the parking situation. Kyle Roquet, Executive Director of Project Development and Management, CRISTA Ministries, said they would love to eliminate student parking on Fremont Avenue North, and their parking enforcement officer is continually trying to notify people who block driveways. They encourage the City to ticket people who park in “no parking” zones. He explained that 300 of the available parking stalls are located by the Mike Martin Gym, which is a long way from other facilities. They currently work with the County and other municipalities to encourage ridership on busses or carpooling, etc. However, they have hired Transpo Company to help them address the more internal issues such as providing incentive for people to park down below. While they can mandate that student’s park in other locations, it is difficult for them to police the requirement at all times. They are in the process of putting together a plan to address this issue. In addition, they are adding security cameras, lighting and a pathway to the gym to make this parking area safer for the students. He said a draft of their parking management plan has already been prepared, and the CRISTA staff would be meeting in the next week to talk about how to implement the plan. He agreed to include this information as part of their formal submittal to the Commission in the future.

Commissioner Broili asked if CRISTA has received a list of the master plan criteria that has been proposed to the City Council. Mr. Cohn answered affirmatively. Commissioner Broili said he would like the applicant to think about opportunities for redirecting traffic throughout their site. They should also consider options for relocating the parking so it is more desirable. It doesn't make sense to force things to happen in a way that is unnatural. Good site design happens by looking at the whole site, figuring out how people operate, and then designing appropriately. The parking and traffic flow should be tied together. Mr. Aigner noted that the parking management plan would somewhat address traffic flows through the campus.

Commissioner Broili said he is also concerned about stormwater issues. He said he would not be amenable to a proposal that allows the applicant to stick with the present stormwater codes. He encouraged the applicant to present a proposal that manages all stormwater on site, and he felt the necessary tools are available for this to occur. He also encouraged the applicant to consider low-impact development approaches, which are becoming standard practices nationally.

Commissioner Perkowski agreed with Commissioner Broili's concern related to stormwater issues. He said he would like the applicant to provide a summary of the traffic study. Mr. Cohn suggested the Commission postpone this summary until a final proposal has been presented by the applicant. He noted that the final proposal would not only be reviewed by the City's Traffic Engineer, but mitigation measures would be identified, as well.

Commissioner Pyle said he is interested in seeing how low-impact development practices could be implemented as part of the proposal. He agreed the applicant should manage stormwater on site as much as possible. If the applicant would be required to develop sidewalks, curbs and gutters around the entire property, he suggested they consider using a bio retention system. He suggested they also consider using a type of pathway surface that includes bio infiltration swales that grow up over time to provide a buffer between the neighborhood and the site. He recommended the applicant find ways to soften the environment and still provide the same sort of amenity.

Commissioner Pyle asked how long it would take until the new trees that are planted would become hydrologically mature and be considered significant. He suggested that perhaps it would be possible to allow tree removal at a rate that is the equivalent to tree growth. He agreed with Ms. Biery's comment that a habitat study should be required as part of the proposal, and he questioned if the code would require the applicant to provide this study. Mr. Szafran said this would be part of the SEPA process, and mitigation may be required to address the issue.

Commissioner Pyle asked if CRISTA would be opposed to a conditional use permit requirement for special events when traffic and parking would exceed the amount modeled for in the study or observed by the traffic engineer. He noted that he lives directly adjacent to Shorecrest High School, and traffic and parking is a problem whenever special events are held. He summarized that the situation is not unique to this one community; there are many other schools in Shoreline that face the same thing on a day-to-day basis. Redevelopment options are being considered for all public schools in Shoreline, and he suggested the City might learn useful tools from this process that could be used to address issues elsewhere in the City.

Vice Chair Hall referred to the procedures outlined in the draft Development Code Section 20.91.040 and invited staff to provide direction about how the review criteria would be applied to the proposal. He also referred to the design departure section and invited staff to provide additional feedback to distinguish between the terms “variances,” “modifications,” “deviations,” and “design departures.” He suggested that whatever is approved should be considered a covenant between the neighborhood and CRISTA, and the City should ensure that the final master plan is implemented as adopted.

Commissioner Behrens suggested the applicant carefully consider the traffic flow through the CRISTA property as part of the traffic plan. It would also be helpful to include neighbors and the City in this discussion. He noted that one neighbor mentioned a stream that runs underground across the CRISTA property. He suggested the applicant investigate this situation further and possibly find a way to get the stream above ground. This stream may be useful as part of the drainage system, as well. Commissioner Behrens pointed out that the proposal appears to be a plan to replace all of the existing buildings. He suggested the applicant consider opportunities to reuse materials from the existing buildings, or possibly remodel and reuse existing structures. He asked that the applicant’s architect be prepared to share ideas regarding this option. Mr. Aigner said sustainability is at the forefront of the design team’s mind. They are considering options such as LEED Certification, etc. CRISTA is a good steward of the environment, and they want to make sure this continues throughout the construction process.

Commissioner Pyle noted that the principle permitted uses for the site includes a “tent city.” He asked the staff and applicant to provide a response in the future about whether or not this type of use would require the applicant to obtain a special use permit. He noted that allowing the use to occur as an outright permitted use as part of the master plan would limit the public’s ability to receive notice and provide input. Mr. Szafran noted the reference to the Development Code section that would require CRISTA to apply for a special use permit in order to allow a tent city use on their property.

Chair Kuboi agreed with Commissioner Perkowski’s desire to learn more about the traffic study. He said he is specifically interested in a presentation that shows how the traffic engineer came to the conclusion there would be no impact associated with the proposed new development. He suggested that a lot can be explained through narrative, diagrams, etc. to make the traffic study information clearer to the public. Jennifer Lowe, Transpo Company, referred to the Mr. Aigner’s comment that the traffic study concluded there would be zero net impact. She clarified that this conclusion was related to the proposed senior housing facilities. She noted that a full transportation study has been completed, which recognizes that additional trips would be generated. However, most of the new traffic would be generated by the additional school facilities and not by the senior housing facilities. She agreed to provide a clear summary of the traffic study at a future date.

Mr. Cohn advised that before the proposal comes before the Commission again for review, the Traffic Engineer would review the traffic study and recommend appropriate mitigation. All mitigation measures would be identified as part of the staff’s recommendation to the Commission.

DIRECTOR'S REPORT

Mr. Cohn announced that the staff retreat would be rescheduled to a date in August due to Mr. Tovar's absence for the next four to six weeks. He noted that no agenda items have been scheduled for the special meeting on July 10th, so this meeting would be cancelled. He reminded the Commission that the July 3rd meeting had been previously cancelled, so there would only be one meeting in July on the 17th.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business items scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Broili reported that he met with the Public Works Department staff and others to discuss the new City Hall project. There was concern that the project would not meet the LEED Certification requirements as proposed. At the meeting, assurance was offered that the project would at least meet the silver requirements, and they were attempting to meet the gold requirements.

Commissioner Kaje recalled that the Commission previously discussed the need to have a joint design review discussion with the City Council. Mr. Cohn advised that staff has contacted the City Manager and requested that he remind the council of this commitment. Chair Kuboi reminded the Commission that Commissioner Perkowski and Commissioner Broili agreed to participate on a subcommittee of the Commission to work on this issue. Commissioner Pyle agreed to participate on the subcommittee, as well. Chair Kuboi encouraged the subcommittee to organize their meetings as soon as possible and begin their work by identifying the exact issues they are trying to resolve. He invited the subcommittee to present their interim report within the next few months. He suggested that once the Commission has identified the issues, they could help facilitate the discussion at the City Council level.

AGENDA FOR NEXT MEETING

Chair Kuboi announced that a review of the 1st bundle of Development Code amendments has been scheduled for the June 19th meeting. Mr. Szafran noted that more rezone proposals would come before the Commission in the near future, as well.

ADJOURNMENT

VICE CHAIR HALL MOVED TO ADJOURN THE MEETING AT 9:27 P.M. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Sid Kuboi
Chair, Planning Commission

Belinda Boston
Clerk, Planning Commission

DRAFT

Shoreline Planning Commission Minutes
June 5, 2008 Page 15

This page intentionally blank

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Study session on first bundle of 2008 proposed Development Code revisions</p> <p>DEPARTMENT: Planning and Development Services</p> <p>PRESENTED BY: Miranda Redinger, Associate Planner</p>

BACKGROUND

Unlike Comprehensive Plan Amendments, revisions to the Shoreline Development Code may happen at any point during the year. However, staff generally attempts to group proposed changes into bundles so that they may be deliberated and adopted at the same time instead of spread out in a piecemeal fashion. Enough changes have been proposed by various members of the Planning and Development Services Department and the City Attorneys Office to warrant such a packet of proposed revisions at this point.

The proposed changes aim to clarify existing Development Code language to prevent confusion, redundancy, inconsistency or to remain current with updated legal mandates and local policy changes. The revisions have been authored by the staff members most familiar with particular pieces of code and are intended to aid in ease of enforcement and to enhance customer service.

This is the first time the Commission has been asked to consider these particular revisions; staff will present the changes and supporting rationale at the study session for Commission review and comment. Staff expects to schedule a public hearing on the amendments for the Commission's next meeting on July 17, 2008.

The proposed modifications will be attached in legislative format (with underlining and strikeouts). In most cases, staff has included a written summary of the background and thinking that preceded the requested changes.

Miranda Redinger and Jeff Forry will attend the study session to respond to your comments. If you have questions before then, please contact Miranda at 546-3826 or email her at mredinger@ci.shoreline.wa.us prior to the meeting.

ATTACHMENTS

A: Proposed Development Code Revisions 2008

Appendix A:

Proposed Development Code Revisions 2008

*All insertions are marked as underlined, while all deletions are marked as ~~strikethroughs~~.
Staff justification for each change is included below the suggested revision in *italics*.

20.20.014 C definitions.

Community Residential Facility (CRF)	Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows: A. CRF-I – Nine to 10 residents and staff; B. CRF-II – Eleven or more residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. <u>CRFs shall not include Secure Community Transitional Facilities (SCTF).</u>
--------------------------------------	---

20.20.046 S definitions.

Secure Community Transitional Facility (SCTF)	A residential facility for persons civilly committed and conditionally released to a less restrictive community-based alternative under Chapter 71.09 RCW operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. <u>SCTFs shall not be considered Community Residential Facilities.</u>
---	---

These two definitions have been clarified by City Attorney staff to avoid an interpretation that a Secure Community Transitional Facility may be considered within the definition of 20.20.014 C as one form of Community Residential Facility. Both are included separately in the land use tables, and while Community Residential Facilities are allowed in a variety of zones, Secure Community Transitional Facilities are only allowed in RB & I subject to supplemental regulations.

20.30.450 Final plat review procedures.

- A. Submission. The applicant may not file the final plat for review until the required site development permit has been submitted and approved by the City.
- B. ~~Staff Review~~ – Final Short Plat. The Director shall conduct an administrative review of a proposed final short plat subdivision. When the Director finds that a proposed short

~~plat conforms to all terms of the preliminary short plat and meets the requirements of 58.17 RCW, other applicable state laws, and this title chapter which were in effect at the time of preliminary short plat application approval, either the Director shall sign on the face of the short plat signifying the Director’s approval of the final short plat, and either sign the statements that all requirements of the Code have been met, or disapprove such action, stating their reasons in writing. Dedication of any interest in property contained in an approval of the short subdivision shall be forwarded to the City Council for approval.~~

C. ~~City Council~~— Final Formal Plat. After an administrative review by the Director, the final formal plat shall be presented to the City Council. ~~If~~ When the City Council finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of 58.17 RCW, other applicable state laws, and this title chapter which were in effect at the time of preliminary plat application approval, public use and interest will be served by the proposed formal subdivision and that all requirements of the preliminary approval in the Code have been met, the final formal plat shall be approved and the mayor City Manager shall sign on the face of the plat signifying the statement of the City Council’s approval on of the final plat.

D. Acceptance of Dedication. City Council’s approval of a long plat or the Director’s approval of ~~the~~ a final short plat constitutes acceptance of all dedication shown on the final plat.

E. Filing for Record. The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. One reproduced full copy on mylar and/or sepia material shall be furnished to the Department.

This revision was proposed by the City Attorney to provide consistent terminology in the text and title, referring to plats rather than subdivisions and to reference the criteria for approval. In addition, cities are required to adopt “summary approval” of short plats as per RCW 58.17.060. The code currently requires City Council approval of dedications which is contrary to this statute and current practice. Dedications are required to mitigate the direct impacts of increased density as set forth in the Engineering Guide, rules that have been authorized by the City Council in the Dedications subchapter of SMC 20.70.

20.50.240 Site planning – Street frontage – Standards

Exception 20.50.240(A)(2): In case of a building that is exclusively either drive-through service, gas station, vehicle repair, vehicle dealership, warehouse or storage, with vehicle oriented uses or other uses that have little relationship to pedestrians, or where the ground floor area has a need to limit the “pedestrian” facade, pedestrian frontage access may be created by connecting design elements to the street. Such alternative shall provide pedestrian access through parking areas to building entrances and to adjoining pedestrian ways that are visible and direct, and minimize crossing of traffic lanes. Such pedestrian accesses through parking shall provide the following elements:

1. Vertical plantings, such as trees or shrubs;

2. Texture, pattern, or color to differentiate and maximize the visibility of the pedestrian path;
3. Emphasis on the building entrance by landscaping and/or lighting, and avoiding location of parking spaces directly in front of the entrance.
4. The pedestrian walkway or path shall be raised three to six inches above grade in a tapered manner similar to a speed table.

This revision was proposed by PADS staff. Existing code language requires buildings to be fronted to sidewalks except where vehicle-oriented uses with little relationship to pedestrians are proposed. The intent is good except that 'vehicle-oriented' is not defined, and most of the uses along Aurora Ave. could be considered vehicle-oriented because of the nature of the avenue, its traffic, and the types of land uses. In addition, the current vague code language contributes to its inconsistent administration. If the City wants to be firmer about the street frontage provisions, yet still reasonably exempt certain uses (i.e. car dealerships) from the requirement, then the code changes are necessary.

20.30.090 Neighborhood meeting.

Prior to application submittal for a Type B or C action, excluding projects that are categorically exempt under section 20.30.560 SMC, the applicant shall conduct a neighborhood meeting to discuss the proposal.

This revision has been proposed by PADS staff. Neighborhood meetings are generating false expectations for attendees in that they are under the assumption of being able to approve or deny a proposal before an application has been submitted to the City. There have been several citizen complaints about this assumption that their opinions would affect the project. The City provides appropriate notice and comment period to residents once a complete application has been received. This change would only affect SEPA exempt projects, which include 1) Buildings less than 4,000 s.f., 2) Fewer than 20 parking stalls, 3) Grading involving less than 500 cu. yds., and 4) Short Plats (four dwellings or less).

20.30.280 Nonconformance.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit ~~or unless the Indexed Supplemental Criteria (20.40.200) requires a special use permit, whichever permit is required for expansion of the use under the Code, or if neither permit is required, then through a conditional use permit; provided, a~~ A nonconformance with the development Code standards shall not be created or increased and the total expansion shall not exceed 10% of the use area. No more than one expansion of a nonconforming use shall be granted.

This revision was proposed by the City Attorney's office. This section is confusing and leads to misinterpretation by staff.

The Use Tables indicate whether a use is permitted outright, permitted conditionally, permitted as a special use or not permitted in a particular zone. Nonconforming uses, by definition, are not permitted outright, conditionally or as special uses. A nonconforming use was previously allowed in the zone, but due to changes in the Code is no longer permitted. Another example of why the Use Tables were not intended to be used to determine if a nonconforming use may be expanded is as follows:

If you look in the Use Table to determine if a nonconforming Adult Use could be expanded in Neighborhood Business zone, it does not state that a conditional use or a special use permit is required. Since neither permit is required this use could be expanded using a CUP. However, if the use is Public Agency such as a DSHS neighborhood service center the Use Table indicates that a special use would be required to expand in a Neighborhood Business Zone. It does not make sense that what would most likely be a less desirable use (adult use) would require a less stringent process than a public agency use.

If a use could be initially established with an SUP, requiring the same SUP process for expansion of the nonconforming use grants no recognition whatsoever to the nonconforming status of the use.

Gambling is the only nonconforming use that the Code currently specifies as requiring a special use permit for expansion. This requirement is found in the Indexed Supplemental Criteria. Therefore, all other nonconforming uses may be expanded using a Conditional Use Permit.

Staff is recommending that the expansion of a nonconforming use be limited to 10% of the use area and that no more than one expansion shall be granted. Other jurisdictions have adopted similar limitations on expansion.

The pros for limiting expansion include:

- 1. Nonconforming uses are generally no longer permitted in a particular zone because the use is incompatible with existing or future development. Specifying that expansion will not exceed 10% of the use area provides the property owners/residents surrounding the nonconforming use with an assurance of how large/intense the nonconforming use may become.*
- 2. Potentially phasing out nonconforming uses.*

The cons for limiting expansion include:

- 1. Some nonconforming uses are compatible with surrounding uses and expansion could be welcomed (ex. favorite gift shop in a residential zone).*
- 2. Limiting expansion may cause a nonconforming use to forego cosmetic updates or upgrades that would make the nonconforming use visually more compatible in the zone.*

20.30.730 General provisions.

C. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the responsible party has come into compliance, with the notice and order and has notified the Director of this compliance, and an official inspection has verified compliance.

This revision was proposed by PADS staff. This section already existed in the code. It was moved to General Provision to broaden its application. Before, it was limited to cases which where Notice and Orders (N&Os) had been legally served. Some code enforcement cases use civil infractions instead of N&Os. Those violations also need to be considered ongoing until the responsible party has proved to the director's satisfaction that the violation has been corrected.

20.30.750 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 permanent 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, if the identity of the owner can be determined, and the land owner of record where the vehicle is located shall each be given legal notice by certified mail in accordance with SMC 20.30.770.F, that a public hearing may be requested before the Hearing Examiner. If no hearing is requested within 14 days from the certified date of receipt of the notice service, the vehicle, or part thereof, shall be removed by the City. The towing company, vehicle wrecker, hulk hauler or scrap processor will notify with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked of the disposition of the vehicle.

- 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 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 landowner 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 landowner 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~~ the 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~~ the landowner 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 towing company, vehicle wrecker, hulk hauler or scrap processor with the disposing company giving 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 of the disposition of the vehicle.~~
- 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, or the costs may be assessed against the owner of the property = ~~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 prevailed in a hearing ~~that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence as specified in SMC 20.30.760.E.~~ Costs shall be paid to the Finance Director within 30 days of the hearing removal of the vehicle or remnant part and if delinquent, shall be filed as a garbage collection and disposal lien on the property assessed against the real property upon which such cost was incurred as set forth in SMC 20.30.775. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).

These revisions were proposed by PADS staff. Changes fall into 3 general areas, housekeeping to bring our junk vehicle language into line with current State Law, editorial changes to facilitate clarity, and adding the option of having the vehicle removed by a licensed towing company.

20.30.760 Notice and orders.

G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated, the Director shall ~~file~~ issue a certificate of compliance to the parties listed on the Notice and Order. The responsible party is responsible for filing the certificate of compliance with the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.

This revision was proposed by PADS staff to move the responsibility of filing the Certificate of Compliance to the person or party responsibly for the violation.

20.40.250 Bed and breakfasts.

Bed and breakfasts are permitted only as an accessory to the permanent residence of the operator, provided:

- A. Serving meals to paying guests shall be limited to breakfast; and
- B. The number of persons accommodated per night shall not exceed ten. ~~five, except that a structure which satisfies the standards of the Uniform Building Code, as adopted by the City of Shoreline for R occupancies may accommodate up to 10 persons per night.~~
- C. One parking space per guest room, plus two per facility.
- D. Signs for bed and breakfast uses in the R zones are limited to one identification sign use, not exceeding four square feet and not exceeding 42 inches in height.
- E. Bed and breakfasts require a bed and breakfast permit. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 3(B), 2000).

This revision was proposed by PADS staff to mirror the language in the International Residential Code’s provisions for bed and breakfasts. The City adopted the International Codes in 2006.

20.50.040 Setbacks – Designation and measurement.

A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

B. ~~Except a lot abutting the intersection of two streets (corner lot), each lot must contain only one front yard setback and one rear yard setback. All other setbacks shall be considered side yard setbacks. Each lot must contain only one front yard setback and one rear yard setback except lots abutting 2 or more streets, as illustrated in the Shoreline Development Code Fig. 20.50.040C.~~

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.

This revision was proposed by PADS staff. There are cases where a lot can abut 2 or more streets and not be a corner lot, such as the through lot illustrated in the Shoreline Development Code Figure 20.50.040(C).

20.50.070 Site planning – Front yard setback – Standards.

Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.

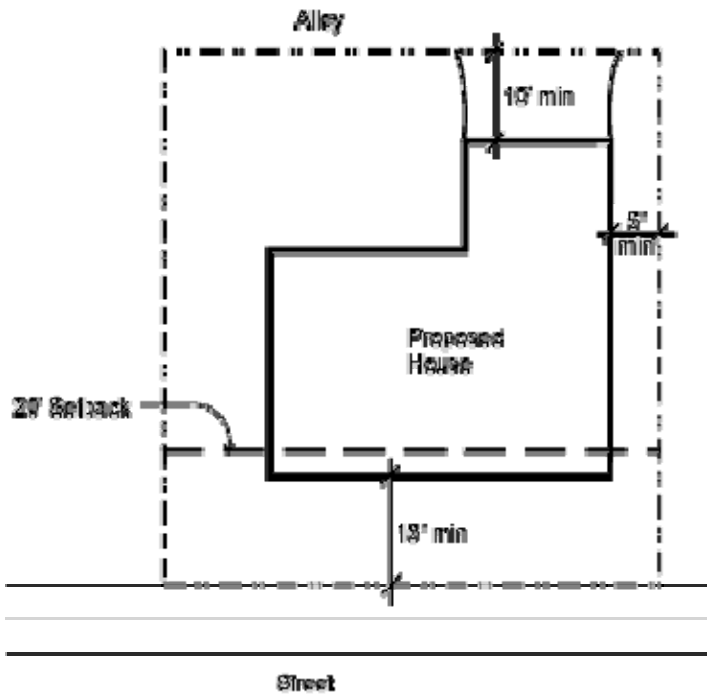


Figure Exception to 20.50.070(2): ~~Minimum front yard setback may be reduced to 15 feet if there is no curb cut or driveway on the street and vehicle access is from another street or alley.~~

(Ord. 299 § 1, 2002; Ord. 238 Ch. V § 2(B-1), 2000).

This revision was proposed by PADS staff. This text is redundant and worded slightly different from the exception noted above. The exception above refers to the required front yard setback and the wording in the figure exception below refers to the minimum front yard setback. In this case minimum and required mean the same thing. The proposal clarifies this by removing the second reference which is redundant.

20.50.125 Thresholds – Required site improvements.

Same change for 20.50.225, 20.50.385, 20.50.455 and 20.50.535

The purpose of this section is to determine how and when the provisions for site improvement cited in the General Development Standards apply to development proposals. These provisions apply to all multifamily, nonresidential, and mixed-use construction and uses.

Full site improvements are required for parking, lighting, landscaping, walkways, storage space and service areas, and freestanding signs if a development proposal is:

- Completely new development;
- ~~Expanding the square footage of an existing structure by 20 percent; or~~
- The construction valuation is 50 percent of the existing site and building valuation.

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). (Ord. 299 § 1, 2002).

This revision was proposed by PADS staff. Existing code has a 20% building square footage expansion as a threshold to require costly, full-site improvements for parking, signage, storm-water, street frontage, etc. That make sense if 20% means, perhaps, 10,000 additional square feet on a large commercial lot but it doesn't work well as in most cases where a 100 foot addition to a 500 square foot car dealer office on a 2 acre lot is being proposed. Proportionality can be adequately administered by the threshold of 50% of existing site and building valuation because it takes into consideration the value of the development (building size and quality) and the lot size.

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 ensure 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;

This revision was proposed by PADS staff with the same justification as the previous recommendation for 20.50.125 Thresholds above.

20.80.110 Critical areas reports required.

If uses, activities or developments are proposed within designated critical areas or their buffers, an applicant shall provide site-specific information and analysis as determined by the City. ~~pay the City for environmental review, including~~ The site-specific information that must be obtained by expert investigation and analysis. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC 20.20.042, who are ~~in the employ of~~ approved by the City or under contract to the City ~~and who shall be directed by and report to the Director.~~ (Ord. 406 § 1, 2006; Ord. 398 § 1, 2006).

This revision was proposed by PADS staff. Section 20.80.110 of the Critical Area Ordinance (CAO) requires an applicant to pay the City for environmental reviews. It also requires critical areas reports to be performed by qualified professionals, who are in the employ of the City or under contract to the City, and to be directed by and report to the Director.

The intent of this section, adopted in March of 2006, was to avoid "consultant wars" where the applicant paid a consultant for critical areas report only to have the veracity of the report challenged, either by City staff or project opponent. This would result in the City requiring the applicant to pay for an additional report that may conflict with the original report, wherein a third report would be required, and so on. The result at times was lack of clarity and an applicant who would be billed for multiple reports.

In administering this section of the code for the past two years, staff has encountered some problems with the way it is written. It still results in the applicant being double-billed; once during the pre-application phase where the applicant pays for research to

delineate and type the critical area to find out whether the project is indeed subject to the CAO, and then once again when the application comes in and the applicant has to pay the City for another study. To avoid having to pay for the study twice, the applicant has been paying the City to have the study done during the pre-application phase.

It is at the pre-application stage where it is inappropriate for the City to be accepting money for critical areas studies on private property.

The fix for this is for the City to develop a list of City-approved consultants and a standard scope of work for each type of critical area report. This way an applicant would choose from the list of approved consultants who have been screened by the City so that the veracity of the reports would not be suspect, therefore, it would meet the intent of the code while avoiding having the City administer projects prior to application. It likely would also minimize costs to the applicant.