

AGENDA
CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING



Thursday, September 17, 2009
 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 COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. September 3, 2009	
6. GENERAL PUBLIC COMMENT	7:10 p.m.
<p><i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.</i></p>	
7. PUBLIC HEARING <i>Legislative Public Hearing</i>	7:15 p.m.
a. Permanent Regulations for Regional Business (RB) Zone	
1. Staff Overview and Presentation of Preliminary Staff Recommendation	
2. Questions by the Commission to Staff	
3. Public Testimony	
4. Final Questions by the Commission	
5. Closure of Public Hearing	
6. Deliberations	
7. Vote by Commission to Recommend Approval or Denial or Modification	
8. DIRECTOR'S REPORT	8:55 p.m.
9. UNFINISHED BUSINESS	9:00 p.m.
a. Debrief on Joint Meeting with City Council	
10. NEW BUSINESS	9:15 p.m.
11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	9:20 p.m.
12. AGENDA FOR October 1	9:25 p.m.
13. ADJOURNMENT	9:30 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 3, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Hall
Commissioner Behrens (arrived at 7:04)
Commissioner Broili
Commissioner Kaje
Commissioner Kuboi
Commissioner Perkowski
Commissioner Piro (arrived at 7:02)

Staff Present

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Associate Planner, Planning & Development Services
Brian Lee, Associate Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Vice Chair Wagner
Commissioner Pyle

CALL TO ORDER

Chair Hall 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 Hall, and Commissioners, Broili, Kaje, Kuboi, and Perkowski. Vice Chair Wagner and Commissioner Pyle were absent, Commissioner Piro arrived at 7:02 p.m. and Commissioner Behrens arrived at 7:04 p.m.

APPROVAL OF AGENDA

Chair Hall suggested that an additional public comment period be added to the agenda after Items 9a and 9b. The remainder of the Commission concurred. The agenda was accepted as amended.

DIRECTOR'S COMMENTS

Mr. Tovar announced that he recently spoke at the Council of Neighborhoods Meeting about the Town Center Subarea Plan open house that is scheduled for October 29th in the Council Chambers of the new City Hall. He reviewed the timeline and emphasized the importance of getting the word out to people

from their neighborhoods. He said staff has talked about how to arrange the information from the various resources, policies and studies for the benefit of the public. In addition, they have talked to the Association of Washington Cities about a new feedback mechanism that could be used to gather public feedback. The meeting would be advertised in *CURRENTS*, the City's website, and staff would attend each of the four neighborhood association meetings in early October.

APPROVAL OF MINUTES

The minutes of August 20, 2009 were approved as amended.

GENERAL PUBLIC COMMENT

Richard Kink, Shoreline, referred to the comments he made at the August 20th Commission meeting relating to the City's effort to update the Shoreline Master Program. He reported that since the August 20th meeting, the property owners along 27th Avenue Northwest have met and uniformly agreed on the following points:

- They classify the reports by the City's consultant, ESA Adolfson, as misleading and inaccurate. The consultants do not anywhere reference the Near Shore Habitat Study conducted as part of the Brightwater research, yet they cite numerous studies elsewhere in Puget Sound. The report fails to accurately describe and characterize the City's shoreline. While 27th Avenue Northwest may be the proverbial elephant in the room, the City is required by State law to accurately identify and acknowledge it.
- In light of the unique characteristics of the area, they request and deserve a special planning designation (Shoreline Residential 27th Avenue Northwest) as allowed under Washington Administrative Code (WAC) 173.26. It is a fully developed single-family residential area. The shoreline along 27th Avenue Northwest has been fully armored for many years prior to January 1, 1992, a key date noted in the Revised Code of Washington (RCW) 90.58. Much of the near shore habitat is fully established and cannot be altered with the repair or replacement of existing bulkheads. The majority of the residential lots are legal, non-conforming lots. There are no, and there have never been, public access points along 27th. The public road ends into the private properties. Additionally, the tidelands to extreme low water are private.
- Because of their concerns and the apparent lack of understanding of the City, they have retained legal representation. Despite perceptions and preferences of others, the property owners along 27th Avenue Northwest have very clear and established rights that relate to the shoreline management program.

As Mr. Kink exceeded his time limit, Chair Hall asked him to conclude and submit his additional remarks to the Commission in writing.

Mr. Cohn reported that Ms. Redinger, Associated Planner, attempted to communicate with Mr. Kink and/or his neighborhood to talk about their issues. Chair Hall said he is confident staff would work with Mr. Kink and his neighborhood and report back to the Commission.

Mr. Hurtzogg, Shoreline, said he also lives on 27th Avenue Northwest. He finished Mr. Kink's presentation regarding the neighborhood's position as follows:

- Because of their concerns and the apparent lack of understanding of the City, they have retained legal representation. Despite perceptions and preferences of others, the property owners along 27th Avenue Northwest have very clear and established rights that relate to the shoreline management program and will do whatever is necessary to protect their rights, as any property owner would.

Mr. Hurtzogg advised that Mr. Kink received an email from Ms. Redinger requesting the neighborhood's assistance in working with City staff and members of the Planning Commission, and the property owners are very willing and ready to work together to achieve an amicable situation and determination. He said both he and Mr. Kink would contact Ms. Redinger to set up the meeting.

Mr. Hurtzogg concluded that the largest issues are the effective and efficient use of City resources (tax dollars) to fund consultants and manage shoreline issues. The tax payers should not have to pay to reinvent the wheel and the property owners should not have to spend their own money just to protect their private property rights. Each time a resident needs to make a bulkhead repair, they must go through a lot of hassle to obtain the necessary permits. He advised that when he lost his bulkhead, it took the City six months to tell him that they had no jurisdiction.

Mr. Hurtzogg referred to RCW 909.58, which is specific about two items. First, planning is necessary to protect the public interest associated with the shoreline of the state, while at the same time, recognizing and protecting private property rights. Second, standards shall be provided and preference for permit issuance for measures to protect single-family residences occupied prior to January 1, 1992.

LEGISLATIVE PUBLIC HEARING ON CHANGE TO TRANSPORTATION LEVEL OF SERVICE (LOS) STANDARDS

Chair Hall reviewed the rules and procedures for the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohn recalled that the purpose of the proposed amendment is to change the Development Code to make it consistent with the Comprehensive Plan. He reviewed that the Growth Management Act (GMA) allows each jurisdiction to choose a Level of Service (LOS) method and standard, which the City did in 2005 with the adoption of the Transportation Master Plan. The City adopted LOS E at intersections as the best way to balance the level of congestion and the cost of added capacity. On a site-by-site basis, this methodology was more stringent than the previous methodology (area-wide averaging).

Mr. Cohn recalled that at the Commission's August 6th study session, a Commissioner questioned why the amendment was going forward now when the City is in the process of updating its Transportation Master Plan. The question was also asked in an email from Ms. Kellogg. Staff's response is that the Development Code must be changed to remove the conflict and inconsistency as required by the Revised Code of Washington (RCW). It also makes sense and is consistent with how transportation experts read codes and conduct analysis.

Mr. Cohn reviewed that the amendment was initiated in June, and the Commission conducted a study session in August. A notice of application was posted and advertised on August 19th, and the City has not received any comments on the SEPA Determination. They anticipate issuing a Determination of Non-Significance next week. He referred to the criteria (Section 20.30.350) the Commission must consider when evaluating Development Code amendments and reviewed each one as follows:

- **The amendment is in accordance with the Comprehensive Plan.** The purpose of the amendment is to ensure the Development Code is consistent with the Comprehensive Plan.
- **The amendment will not adversely affect the public health, safety or general welfare.** Since the regulation is an implementation of the policy, it would not have an adverse impact because the policy itself was reviewed in 2005.
- **The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.** Having regulations that conflict with the City's plan could cause confusion and unpredictability in the permitting process. It is in the best interest of the citizens and property owners of Shoreline to have regulations that are consistent with the most recent City policies.

Mr. Cohn advised that staff has concluded the proposed amendment merits approval because it meets the criteria. Staff recommends the Commission forward a recommendation of approval to the City Council.

Questions by Commission to Staff

Commissioner Kaje questioned how staff currently applies the LOS standards when applications are submitted. Mr. Cohn said the Transportation Department has been implementing the policy (Intersection LOS) in the Comprehensive Plan rather than applying the code language, which calls for intersection averaging.

Commissioner Kaje asked staff to share information with the public regarding the various levels of LOS Standards. Mr. Cohn explained that LOS E is not failure, but it would be more delay at intersections than LOS C or D would be. Chair Hall summarized that the general measure is the amount of delay experienced at intersections. The discussion is whether they regulate based on specific, single intersections or an average of intersections. Commissioner Behrens clarified that LOS F is the lowest standard, which represents failure. Therefore, the proposal would establish the City's LOS level at only one level above unacceptable.

Public Testimony

No one in the audience expressed a desire to participate in the public hearing.

Final Questions by the Commission

None of the Commissioners raised additional questions during this portion of the hearing.

Closure of Public Hearing

The public hearing was closed.

Deliberations

COMMISSIONER PIRO MOVED THE COMMISSION ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE PROPOSED DEVELOPMENT CODE AMENDMENT TO CHANGE THE TRANSPORTATION LEVEL OF SERVICE STANDARD AND FORWARD IT TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER KUBOI SECONDED THE MOTION.

Commissioner Piro commended staff for doing an excellent job of explaining that the proposal is basically a housekeeping amendment. He reminded the Commission that State law requires the City to have a development code that is consistent with their Comprehensive Plan. The proposed amendment would achieve that requirement. He recalled the Commission had an earlier discussion about how methods for measuring LOS and addressing transportation issues are evolving. They talked about their desire to move towards a more multi-modal approach that focuses on the movement of people rather than vehicles. He suggested this discussion also be forwarded to the City Council. The remainder of the Commission concurred, and Mr. Cohn agreed to add this discussion as part of the transmittal that is forwarded to the City Council.

Vote by Commission to Recommend Approval or Denial or Modification

THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Mr. Cohn advised that currently two study sessions for Point Wells are scheduled in October, and staff believes one would be sufficient. He also noted that a Planning Short Course is scheduled for October 14th, and the Town Center Subarea Plan Open House is scheduled for October 29th. He suggested the Commission consider cancelling the October 15th meeting. They could make this decision after their study session on October 1st.

UNFINISHED BUSINESS

Tree Regulations Discussion

Mr. Cohen recalled the Commission conducted a study session on the tree regulations on July 9th. They spent a fair amount of time talking about the purpose section and a new method for determining trees that would need to be retained and replaced. At the study session, there was some discussion related to a more natural systems approach and including mitigation for greenhouse gas emissions. In addition, the Commission requested further refinement of the tree credit methodology. They also asked staff to compare the current code with the proposed code and to look for situations that seemed more real life and to scale. He noted the requested information was provided in the Staff Report.

Mr. Cohen said he spent a great deal of time on the concept of using a more natural systems approach, and in general, he felt it would be a good thing. However, implementing the concept would involve more than just amending the tree regulations. The Commission would be required to look at all sections

of the code that have some impact on development. He reminded the Commission that the City adopted an Environmental Sustainability Strategy in 2008, which is loaded with good ideas that are very much in tune with the concept of taking a more natural systems approach. Staff is using the strategy as a guide to develop future work programs. However, a natural systems approach would be difficult to define in a purpose statement. It may warrant a lot more discussion, and he suggested it go forward as a separate recommendation. Mr. Cohn referred to Page 26 of the Staff Report and recommended two additional bullet points be added to Item 1 of the purpose section to read, “promote forest management practices” and “mitigate air pollution and greenhouse gas emissions.”

Mr. Cohen recalled that at the study session, Commissioners expressed concern that striving for a no net loss of tree canopy would fall short of what the City should strive for. He noted that the Environmental Sustainability Strategy suggests a 40% tree canopy, but he was unable to find data to substantiate the number. He referred to a drainage basin study the City conducted of all their drainage basins, which indicated the potential of 40% pervious surface in the future based on the current zoning designations. These surfaces could translate into planting areas. This seems like a very difficult goal to reach if the large properties that do not have trees on them (golf courses, ball fields, etc.) are subtracted, and he has not received any response from the American Forest Association that would indicate otherwise. Mr. Cohen suggested it would be difficult to put a number in a purpose statement, since it would make it read like a regulation. Perhaps it would be better to include a statement such as “achieve the maximum tree coverage possible.” He suggested that instead of a 40% tree cover, they should look at a 40% vegetative cover citywide, which would be far more feasible.

Commissioner Broili agreed that it would be appropriate to look at vegetative cover as opposed to tree cover, since this would afford a more holistic way of addressing the issue. He said he is personally more interested in reducing impervious surfaces as opposed to talking about vegetative cover. The City’s ultimate goal should be to reduce impervious surface to the minimum. Chair Hall summarized that Commissioner Broili supports the proposed purpose statement for the tree regulations, but he wants the Commission to continue emphasizing a reduction of impervious surfaces when they discuss stormwater issues in the future.

Commissioner Behrens suggested the last bullet in the purpose statement be changed to, “Strive for an increase of tree canopy and vegetative cover citywide.” He felt the goal should be to make the situation better rather than continuing with the status quo. If the City moves forward to develop forest management practices, at some point they will identify a measurement of their existing forest. Therefore, whatever regulations are imposed should be oriented towards improving the existing forest. Commissioner Piro suggested the words “strive for an” be deleted. The Commission agreed that the last bulleted item should read, “Increase tree canopy and vegetative cover citywide.”

Commissioner Perkowski referred to the second to the last bulleted item in the Purpose Section and questioned the use of the word “mitigate.” He suggested the sentence be changed to read “Improve air quality and reduce greenhouse gas emissions.” Commissioner Behrens questioned how the City would measure improvements in air quality. Chair Hall reminded the Commission that this is a purpose statement, and its intent is to identify why the City cares about trees.

Commissioner Kaje referred to the staff’s recommended bullet, “promote forest management practices.” He noted that nearly all of the other bulleted items have a specific, understandable, and identifiable

function and/or meaning and this one does not. He suggested the wording be changed to more clearly capture the meaning. Chair Hall reminded the Commission that the purpose statement should make it clear that the intent of the proposed regulations is to regulate the clearing and replacement of trees. Commissioner Broili suggested that the sentence be changed to read “sustainable forest management practices.” Chair Hall agreed that the word “sustainable” should be added to the purpose statement. Commissioner Behrens suggested staff be invited to provide a clear definition for “urban forest management practices.” The remainder of the Commission concurred. Commissioner Kaje also invited members of the public to share their thoughts during the public comment period.

Mr. Lee referred to the tree credit table and noted that one small change was made. As per the Commission’s comment, the 4” to 12” diameter replacement trees would now be worth 1 credit rather than ½ credit. He reviewed that, as proposed, 60 tree credits would be required per acre. Therefore, a 7,200 square foot property would have a requirement of 10 tree credits.

Using this example, Mr. Lee explained that the proposed language would prohibit removal of trees along the perimeter of the property that are outside of the building envelope, and each of the new lots would have a requirement of 10 tree credits per lot. Mr. Lee summarized that the current code would allow the removal of 9 trees and only require five new replacement trees. The proposed language would allow the removal of 7 trees, and 23 new replacement trees would be required.

Mr. Lee advised that the Commission previously discussed the concept of having a tree account in which an applicant would have the option of paying towards the tree account if they decided not to replant some of the trees on the site. The above example would not allow this concept to be implemented, because all of the required trees must be replanted on site to meet the minimum 10 credits per lot. However, an applicant would have the option of paying into a tree account for any replacement trees that are required beyond the minimum requirement.

Commissioner Behrens said he likes the direction the proposed language is heading. However, he is concerned about how the proposed regulations would be applied to already developed lots. He referred to a tree that was removed from the area directly behind the courthouse on Meridian Avenue. It was a Douglas Fir and over 5 feet in diameter. He said he would like the regulation to address how the City would enforce compliance and regulate the removal of trees from private lots.

Mr. Cohen explained that assigning more tree credits to larger-sized trees would hopefully encourage people to preserve the larger trees. An owner of developed property would be allowed to remove a tree for whatever reason as long as the site maintains the required 10 tree credits. However, they would be required to replace the removed trees, and the removal of a large tree would have a sizeable tree replacement requirement. He noted the current code would allow a property owner to remove up to 80% of the existing trees. Five years later, the property owner would be allowed to remove 80% of the remaining trees. The proposed language is intended to address this issue. However, he cautioned the City’s code must remain somewhat flexible to allow property owners to develop their lots. Although some sites would lose tree to accommodate development, the replacement requirement would invest into the City’s future tree canopy.

Commissioner Behrens inquired who would be responsible for enforcing the new tree regulations on owners of developed properties. Mr. Cohen agreed this is an important issue. Obviously, the City

would need to advertise and educate the property owners about the new tree regulations. Commissioner Behrens suggested that most property owners would hire a professional to take down large trees, and the City could easily enforce the new regulations by educating and informing the tree removal companies of the new requirements. Commissioner Broili agreed that placing the onus on the tree arborists to obtain a permit would be appropriate and would reduce the amount of communication and public education necessary to enforce the new requirements.

Mr. Cohen expressed staff's concern that, over time, the current code standard of preserving 20% of existing trees would result in a diminishing amount of preserved trees, and the proposed tree credit requirement would resolve this issue. It would allow property owners to replace trees in perhaps better situations. He summarized that the proposed language considers more trees to be significant, encourages larger tree protection, provides for a better replacement ratio, and has a greater planting size and longer maintenance period. That means the trees have a better chance of becoming the minimum significant size at the end of their maintenance period. Those trees that cannot be replanted on the site would be placed into a forestry account, which would come back to the community in another way. Staff is hoping that these combined features would allow property owners to develop within their building envelope while obtaining the best tree canopy possible.

Mr. Cohen said staff considered whether the requirements should be different for private property owners versus developers who want to remove trees. Staff believes it would not be appropriate to make a distinction because it can often be difficult to discern between the two. Staff recommends the standards be applied equally to both.

Mr. Cohen recalled the Commission's earlier question about how the tree credit method would work on sites with fewer than the minimum tree credits. He explained that hazardous trees could be removed from these sites as long as the current tree credits are maintained and the removed trees are replaced.

Mr. Cohen said the Commission also raised a question about whether existing established small trees could be used as a part of the replacement requirement. He answered that staff believes it would be very reasonable to use existing 2 to 4-inch trees as replacement trees since they are usually healthier and have a better chance of survival. In addition, this allowance would not unnecessarily punish the property owner who has already supplied young trees.

Mr. Cohen said staff considered how the proposed language would be applied to sites that are heavily wooded. Rather than reducing the tree replacement requirement, the proposed new language would allow the developer to meet the requirement by placing money into the forestry account. He noted this could result in a substantial cost to the developer, and he asked for feedback from the Commission regarding the option of placing a cap on the amount an individual property owner must place into the forestry account. Another option would be to defer to the current code, which allows the Planning Director the discretion to reduce the tree replacement requirement.

Commissioner Kaje referred to an example of a property that only has one, 4-credit tree that is located outside of the building envelope. He summarized that, as proposed, the property owner would not be allowed to remove the tree unless it is considered hazardous. Mr. Cohen agreed that is correct. Commissioner Kaje clarified that, as proposed, a property owner would only be required to replace the

number of tree credits associated with the removed tree rather than replacing to the required 10 credit level. Mr. Cohen concurred.

Commissioner Kaje expressed his opinion that there should not be a cap on the amount of money a developer is required to put into the forestry account. He suggested that if a property owner has to remove a large number of trees they could sell the wood to find money to replace the trees.

Commissioner Perkowski referred to an example of a lot with several significant ten credit trees, but enough smaller diameter trees to meet the 10 credit requirement. Mr. Cohen explained that the property owner would be allowed to use the smaller trees to meet the credit requirement. Commissioner Perkowski observed that the proposed language only considers the size of a tree and not the species, etc. He expressed his belief that it is not appropriate to look at all trees the same since they grow at different rates. He said he would want the proposed language to provide some protection for the large, exceptional trees based on size and species. He suggested that deciduous and conifer trees should not be treated the same, either.

Commissioner Behrens noted that the City of Seattle has very strict regulations about removing Cottonwoods because they are such a great source of water absorption. Commissioner Perkowski said he is more concerned about Conifers, Cedars, Douglas Firs, and other native evergreens. He summarized that he would be opposed to using diameter breast height (DBH) as the only measurement for tree credits. He would like the protection to also be species specific. Mr. Cohen asked if Commissioner Perkowski is asking that a separate DBH Tree Credit Table be provided for different species. Commissioner Perkowski agreed and added that there should also be a threshold that places trees of certain species that exceed a specified DBH into another category. Mr. Cohen said staff has avoided this issue because it would be difficult to reach a consensus on which trees are more valuable than others. The proposed language is intended to look at trees as a value in terms of their attributes. He summarized that trees are a difficult resource to manage and/or regulate. By dropping the significant size to four inches, more trees would be included and the need to differentiate between one species and another may be lessened.

Commissioner Perkowski observed that evergreen trees would provide much greater benefit than deciduous trees during the rainy season for erosion control and water quality, etc. In addition, native trees can provide a greater benefit than non-native trees. He noted that other municipalities have distinguished between the different tree species. He expressed his belief that it would be incorrect to treat all trees the same. It would be much better to make choices about value based on species. Chair Hall invited staff to craft alternative language for the Commission's consideration to address Commissioner Perkowski's concern. Commissioner Perkowski suggested staff contact the City of Seattle for an example to use as a starting point. Commissioner Perkowski agreed to work with staff to prepare the draft language.

Commissioner Perkowski said that while he does see benefit to the tree credit proposal, it would not score high on the simplicity matrix. Using an exceptional tree approach could be a simpler approach.

Commissioner Broili suggested that another column be added to the tree credit table to identify the actual value of a tree. A standard \$200 per tree value would not be acceptable. For example, larger cedar trees are worth much more than \$200 each, both in their environmental benefits and the value of their wood. On the other hand, an Alder is not worth a lot and its lifespan is very short. The dollar

value should go along with the species and size. While it may be more complicated to create upfront, it would make the replacement requirement easier to apply in the long run. Mr. Cohen clarified that the \$200 identified in the proposed language is intended to identify the dollar value of a replacement tree and not the dollar value of a tree being removed.

Commissioner Kuboi requested clarification of the proposal as it relates to trees that are located outside the building envelope. Chair Hall summarized that the building envelope is not the size of the building, itself, but everything inside of the setback areas. Mr. Cohen agreed and noted that a potential building could be built anywhere outside of the setback areas. Chair Hall concluded that trees located within the required perimeter setbacks must be retained unless found to be hazardous. Mr. Cohen agreed, but only up to the 10-credit minimum requirement. Commissioner Kuboi inquired how the requirement would relate to driveways and accessory structures that are allowed in the setback areas. Mr. Cohen said the requirement would remain the same. Commissioner Piro inquired if the public right-of-way on a corner lot would be included within the perimeter. Mr. Cohen answered that public rights-of-way would not be included in the calculation, and removal of trees in these areas would be dictated by the engineering guidelines rather than the development code.

Commissioner Broili referred to the hazardous tree language, which states that a certified tree risk assessor would be used without a third party review. He expressed concern that unless an arborist is approved by the City, a property owner would be able to pay a professional to state whatever they want.

Mr. Cohen referred to the other topics that are briefly addressed on Page 28 of the staff report: park lands and campuses, hazardous trees, and landmark trees. If the Commission is comfortable with the initial concepts, staff would come back to the Commission in a few months with draft code amendment language that addresses the additional issues, as well. He reminded the Commission of the Innis Arden Club's proposed amendment related to hazardous trees, which should also be considered by the Commission. He suggested the Commission conduct study sessions on the draft amendment on November 5th and 19th. A public hearing has tentatively been scheduled for December 3rd.

Commissioner Kaje recalled his earlier suggestion that there be some vehicle to ensure that replacement trees that are located off site for whatever reason stay in the same neighborhood. However, staff expressed concern that this would be difficult to implement. Commissioner Kaje further recalled his suggestion that other private property owners would welcome the replacement trees on their properties, and staff termed this concept "transfer of development rights." He disagreed with staff's reasoning on Page 27 of the Staff Report which states their belief that private property owners would not be a substantial resource for this method. The Staff Report also describes the difficulty of keeping track of the accounting. However, he suggested it would not be any more difficult than keeping track of the replacement trees on properties where the action took place. If tree bereft property owners want to accept free or subsidized trees, they need to understand the rules and responsibilities associated with the trees.

Commissioner Kaje recalled the staff report suggests the Parks Department would be a likely recipient of trees planted via the forestry account. However, it further states that the Parks Department would be uncomfortable with being responsible for tracking transferred trees along with the entirety of their current tree resources. He asked where staff intends the forestry account trees would be placed if not on other private properties or within the parks. Mr. Cohen said the forestry account money would likely be

used for forest management practices (most likely on park lands) and for tree planting programs where the City purchases trees and distributes them to neighborhoods and/or private property owners. However, they do not currently have a program for tracking the trees that are planted. The assumption is that if people want the trees, they will protect them into the future. He agreed it is possible to transfer development rights by allowing another property owner to accept the tree and the maintenance bond and assume the responsibility of protecting the tree. However, staff has actually offered this option to developers, but none have been interested. Staff believes it would be better to divert the funds to a forestry account and distribute them in a less onerous way. He summarized that staff is not opposed to the concept of transferring development rights, but they do not believe it will be a significant resource.

Commissioner Kaje said he would be somewhat concerned if the forestry account were used for general forest management practices, which equates basically to staff time. If they are allowing a developer to plant fewer trees, the money placed in the account should be used to plant more trees. Whether this is accomplished through voluntary tree planting programs or by planting protected and bonded trees on another property, he wants more trees to be planted rather than using the money to subsidize other elements of park management. Chair Hall agreed it is important for the tree regulation language to be clear as to how the forestry account would be managed.

Commissioner Broili said he is not necessarily wed to the idea that the forestry account must be turned into trees; his only proviso is that the money is used to manage the urban forest within the City. It may not necessarily go to purchasing trees; it may go for some other purposes that further enhances the vegetative cover within the City. It should not go into a general fund that is spent someplace else. It should stay within the forest management regime.

Mr. Cohen advised that the Parks Department will be doing some tree thinning at Hamblin Park to provide other plant material so the forest becomes more complex. The trees that will be removed are considered unhealthy. He suggested this project would be a good example of how the forestry account could be used to support an urban forest management program. He recalled the initial intent of the forestry account was to support both tree planting programs and urban forest management programs.

Commissioner Broili referred to a 40-acre, second-growth forest on Vashon Island, which was carefully thinned with an eye towards recreating an old-growth forest. Trees were removed as logs that were milled and sold for \$40,000. The money was used to plant other vegetation to restore the forest understory. He suggested these are the types of projects the City needs to consider. Too many times, perfectly good saw logs are turned into firewood, which isn't the highest and best use. He noted there are several firms that collect street trees for free. They turn them into slabs that are sold for a good profit. He summarized the City should keep this economic opportunity in mind, as well.

Commissioner Behrens suggested the forest management account could be used to fund disputes over whether or not a tree is hazardous. The funds could be used to hire independent arborists to review the trees and make a determination.

Mr. Lee explained that, in the past, the City has allowed property owners to hire their own arborist and provide a report to the City as a basis for a decision. Because arborists are often hired to provide reports that support the needs of developers, the City decided to require a third-party arborist report. However, they found this was cost prohibitive to certain property owners who had to pay twice for arborist

services. Just recently, the City enacted a policy change where they attempt to avoid the need for third party arborist reports by requiring that the arborist reports be prepared by professionals that meet certain criteria. Mr. Cohen said the City has prepared a list of certified tree risk assessors, and the standards are higher. Staff is more confident with their decisions if there are quantifiable thresholds for when a tree is considered hazardous and property owners are required to use an approved arborist. It also results in cost savings for the property owner. In light of the City's new policy of requiring a property owner to use an arborist from the City's approved list, Commissioner Broili retracted his earlier comment. He expressed his belief that the current method is correct and should be adopted as policy in the new regulations.

Commissioner Kuboi agreed with Commissioner Kaje's statement regarding the use of forestry account funds. He said his initial thinking is that the money should be used to purchase replacement trees or other types of vegetation. All of the various management practices and programs are good things to do, but they should be funded with the normal budget for the respective departments. The draft amendment should provide clear direction as to the intent of the account so it is not abused during times when City budgets are lean. Mr. Lee emphasized that the forestry account concept is just a recommendation staff is including with the proposal and has not been established. How the account would be spent is still up for discussion. While he acknowledged there are strong feelings about how the account should be used, staff is considering the option of using the fund to purchase and distribute trees to parks and property owners and to plant streetscape trees in the City's rights-of-way during street improvement projects. This would enable the City to guarantee maintenance of the replacement trees, which would result in an increased net canopy.

Chair Hall suggested it would be useful for staff to outline what the different choices are related to the forestry account. He expressed concern about using the forestry account to pay for street trees that are already required by the code. If the new fund is created, the sources and uses of the fund must be made clear. He encouraged staff to provide alternative language to address both sides of issues in which the Commission identified mixed direction.

Chair Hall inquired if the proposed amendment would apply to all zones or just residential zones. Mr. Cohen said the proposed amendment would currently only apply to single-family residential zones. He noted that most of the park lands fall within the R-6 and R-4 zones. Chair Hall added that most of the high schools and much of the rights-of-way are also within the single-family residential zones. Mr. Cohen questioned if the residential zoning would apply to the streets, and he agreed to research the answer. Chair Hall referred to Cromwell Park, which is located within a single-family residential zone, and noted that development is currently in progress. He questioned if this project would meet the proposed minimum tree credit requirement. He suggested that if the City is to be a leader and example, he would not be inclined to allow a lower standard for publicly-owned property.

Commissioner Behrens noted that the Meridian Park project is a progressive project, and full-grown trees will be planted. The park will be much more heavily forested than it previously was. It will be an impressive park when it is finished. Chair Hall said his comments were actually intended to be much more general in that the City has an obligation to meet, at a minimum, the same requirements that are placed on private property owners. Mr. Cohen advised that when public works and park projects in residential zones are reviewed, they have to meet the tree requirements. Chair Hall suggested staff consider how the proposed language would impact parks and other public-owned properties such as ball

fields and schools. They should also carefully consider how the proposed language would impact the very small lots versus the very large lots.

Mr. Cohn noted the Commission received handouts, but there were not enough copies for everyone in the audience. He indicated the handouts would be available via the City's website by the end of the day on September 4th.

Follow Up Discussion on Work Plan and Upcoming Joint City Council/Planning Commission Meeting

Mr. Cohn advised that since the Commission's last discussion about the work plan, Chair Hall and Vice Chair Wagner met with the Mayor and Mayor Deputy to talk about the agenda for the joint City Council/Planning Commission Meeting on September 14th. As discussed earlier by the Commission, the agenda would include discussions about the work plan and City Council Goal 10 (expanding opportunities for public comment). A staff memorandum would be sent out on September 7th or 8th to remind the Commission of the dinner meeting, which starts at 6:00 p.m.

GENERAL PUBLIC COMMENT

Mike Jacobs, Shoreline, elected president of the Innis Arden Club, advised that the Club and the Innis Arden Community has some very real concerns regarding the proposed tree regulations. He reminded the Commission that Innis Arden was platted in the 1940's by the Boeing Family, with view covenants. The covenants were amended in 1981 to include a requirement that trees above roof height that block mountain and sound views from adjoining properties would have to be brought down to roof height. The amendment was challenged and upheld by the Court of Appeals in 1988, long before the City of Shoreline was incorporated. He explained that the Court of Appeals indicated that protection of the Innis Arden marine and mountain views was imminently reasonable and has always been one of the principle attractions of the Innis Arden Community.

Mr. Jacobs expressed concern that the new tree regulations do not take into account any of the requirements or provisions with respect to the Innis Arden view covenants. He noted that other municipalities, such as Mercer Island, do have such provisions. The Mercer Island code still requires a tree permit to remove a tree, but it states the permit would be granted where the proposed removal is pursuant to a private covenant. He asked the Commission to direct staff to come up with a provision for the Innis Arden Community. Over the years, people are losing their views, and there are approximately 350 view homes in Innis Arden. If there is view impairment and the value of the properties drops by \$150,000, it would equate to more than \$50 million in lost property values and \$500,000 in lost tax revenue. Again, he asked the City to make some accommodations to respect the Innis Arden covenants that have been upheld by the courts.

Kathi Peterson, Shoreline, said the vast majority of the citizens of Shoreline have no clue that the Commission is reviewing potential amendments to the tree regulations and their personal property rights could be stripped or stolen. She said she is totally opposed to the current attempt to change the tree code provisions, and she does not believe the City has any right to tell, guide, demand or legislate what private property owners can and cannot do on their properties regarding vegetation. Trees that grow on City land or City rights-of-way are certainly under the purview of City policies, but not trees on private property. Citizens are trying to live with trees planted in the early 1970's as part of "Forward Thrust."

The wrong species of trees were planted and now they are too big and have root systems that push up sidewalks and cause no end of problems to the homeowners residing near them.

Ms. Peterson advised that one homeowner living on 155th said the tree in front of his house has branches that cover half of his lawn, and drop a substantial amount of leaves on his grass and sidewalk. He is responsible to rake, sweep and pay for its removal year after year. During the winter when it snows, he has to shovel the snow from a sidewalk that is cracked and severely uprooted by City-owned trees. He is tired of it, and he wants the trees removed and others planted that are more suitable to a city street. She said that a Shoreline employee recently told her that he was hired from a nearby city where the policy was to remove "Forward Thrust" trees. One tree out of every four was removed each year for four years, and they were replaced with trees grown by an arborist in Arlington who grows trees specifically for urban settings. However, the City of Shoreline prevents this employee from cutting almost anything and doing his job.

Elaine Phelps, Shoreline, said she lives in Innis Arden and disagrees with both of the previous speakers on every count. She appreciates Commissioner Perkowski's suggestion that the City consider the function of the various species of trees rather than just the size. Not every tree has the same function, and she would be interested in knowing exactly what would be lost and what would be gained by the proposed replacement program. Would the program require a property owner to actually replace the function of the tree, the size of the tree, and/or the species of the tree. She concluded that all of these are elements of what the canopy is going to be like. She recalled that Innis Arden used to have a plan whereby a property owner could start planting replacement trees in preparation for removing old growth trees. As the trees grew, property owners were allowed to remove the older trees as part of a continuous cycle. While that is not what she is advocating, it represents another option for retaining the function of trees that are removed and replaced.

Harley O'Neal, Shoreline, said he has served on the Innis Arden Board for a number of years, and part of his responsibilities include reviewing court hearings that have taken place over the years. He advised that Anne Ellington, Superior Court Judge, made it clear that the Innis Arden Board has the duty to protect the covenants in Innis Arden, which includes listening to filed complaints and trying to restore the lost views. He asked the Commission to carefully consider whether or not the proposed amendments would impose restrictions on Innis Arden that are against what the Court has told them they have a duty to provide for the neighborhood. As they review the proposal, he asked them to keep in mind that the Innis Arden Club has an obligation to protect views.

Christine Southwick, Shoreline, expressed her belief that all trees have value. For example, Madronna trees do not grow large and they don't have a long life, but they are a valuable diversity. The Cedars and other trees are valuable, as well. She observed that the City doesn't want to have just all one kind of tree, and they should keep in mind that it takes a long time for some trees to get large. It is important that the tree regulations provide a mechanism to evaluate the value of a tree based on more than just its size. She also suggested that where views are involved, replacement trees should be of a species that take longer to grow and/or don't get as tall.

Shannon Martzoff, Shoreline, said she is also a member of the Innis Arden Board, but she is present to speak about the application of the current proposal to the broader community. She said it is really important for the City to start by auditing all of its public places, creating a requirement and leading by example. She suggested the very concept of placing requirements on private property owners and using

the tree replacement program to fund a forestry management plan or street beautification is an absolutely backward approach. The City cannot enforce requirements upon private properties without having some record of what exists on City-owned properties.

Ms. Martzoff expressed concern about the lack of scientific information to support the proposed amendments. She said she has heard a lot of concepts discussed by the Commission such as erosion control, but there has been absolutely no discussion about vegetation that is the most effective at preventing erosion. Neither has there been a discussion about the concept of slowing water down in advance of where it creates erosion issues. As an example, she noted that a recent University of Washington study suggested that a Dime tree actually emits more carbon dioxide into the air than it absorbs. She concluded that the Commission must consider all of the science related to tree and vegetation issues before they create a code that is unenforceable, punitive to the average property owner, and disproportionate. She said she recently spoke to a property owner from outside of Innis Arden who was surprised to learn the Commission was considering a regulation that would require a permit to remove a dying tree that is more than 4 inches in diameter. She encouraged the Commission to be reasonable about the codes they create.

Barbara Guthrie, Shoreline, said she appreciates Commissioner Perkowski's remarks about finding a way to protect the existing mature significant trees. She said her neighbor has a very mature Redwood tree, and the service the tree provides cannot be compared to even 10 or 20 four-inch trees. Raccoon families live in the tree during the day, and it also provides shade and privacy. She expressed her belief that enforcement of the new policies should reside on private properties owners and the commercial arborists and tree service companies that practice within Shoreline. This would be the simplest and best way to enforce the tree regulations.

Bob Allen, Shoreline, said he is a resident of the Innis Arden Community. He suggested the issue of trees has become overriding to all other issues. A tree that supports birds, gives canopy cover, absorbs water, etc. does not have to be a tree that blocks somebody's view. He said he was hopeful when he heard the comment that foliage could do some of the same things and sometimes be better than tall trees. Many of the tall trees in the Innis Arden Reserves are so tall and their canopies are so complete that they blocks out sun and prevents other vegetation from growing. The same is true on other private residential properties in the community. One private property owner indicated he had so many trees it was impossible to grow any other type of plants in his yard. Thankfully, he was able to remove some of the trees so that other things could be planted. He noted that many of the properties in Innis Arden are planted with a variety of plants and trees that all provide the same benefits that tall trees do, including the absorption of water.

Mr. Allen summarized that the contention that has caused neighbors to become enemies in Innis Arden is because some people insists on having tall trees that block views. These same tall trees could be in non-view-blocking areas and be a wonderful place for squirrels and birds to live without blocking views. Creating a one-size-fits-all plan that perpetuates this contention is totally unnecessary. They need to bring the community together, and the policies should take into consideration that peoples' views are valuable. If a person prefers to see the mountains and water rather than a large tree, he questioned why the City should insist that a particular tree be allowed to block a view when it could be on another piece of property close by and provide the same or better function.

Chair Hall reminded the public that this is a workshop setting, and the public comment period was added to the agenda because they know that people want to speak on the issue. He emphasized that a public hearing on the proposal would be held at some future point. He encouraged the citizens to recognize this is just one step in a process that will continue for the next few months.

Peter Eglick, Innis Arden Club Attorney, submitted a comment letter dated September 3rd. He said he believes the best comment made by any Commissioner was, “We’re not going to score too high in the simplicity matrix.” In addition to all of the other problems raised by Innis Arden, he cautioned that the proposed regulations would be complex and expensive for the general citizenry to follow. He suggested the citizens would be appalled if they really understood what the Commission is considering. He said he would doubt that Chair Hall, when citing his accomplishments on the Planning Commission, advertises that the Commission is adopting a really complicating plan that would require a property owner to replace trees that are removed with a “gazillion” trees or pay money into a fund. He’s not touting that as one of the really good things he’s working on. The Commissioners are part of the cognoscenti. They either work in government agencies or are contractors with government agencies, etc. They are inured to what these kinds of regulations can mean for citizens and lay people. He expressed his belief that the current proposal is very daunting, and there must be a measure of tempering and reality. The proposal, in terms of its substance and approach, is divorced from reality at this point and is actually edging more in that direction rather than being reined in. He suggested they would likely hear this from people who having nothing to do with Innis Arden once they become aware of the situation. Using the City of Seattle’s regulations as a model is the backwards way to go for Shoreline, especially since Shoreline was created because the citizens didn’t want to be annexed into and subject to the Seattle code.

Mr. Eglick asked the Commission to ponder and be open minded about the following questions:

- What is the justification for applying the proposal only to residential areas and can it really be justified both in principle and legally?
- What is the basis for refusing to even recognize or use the word view in the purpose section of the tree code? Does the Commission really think that mentioning solar access is equivalent to acknowledging the need to balance views in some circumstances?
- What is the City’s current understanding of the existing tree canopy, what is that understanding based on, and is it a solid basis? What is the City’s understanding of its former tree canopy?
- What is the basis for the tree replacement requirements in terms of comparisons with other jurisdictions? Does any other jurisdiction have anything like this, or is the City in the ballpark of being double what the jurisdictions they are citing require?
- What will be the cost to the City and taxpayers in terms of staff, bonding, administration, permitting and enforcement of adopting this program? How many staff would be required and how will it work? It’s great to adopt a regulation and figure it will all get filled in later in the meetings with senior staff, but that’s not the way it’s supposed to work. The Planning Commission is supposed to build this into their consideration. Once they figure this out, they could accomplish many of their purposes by putting all of the money into a program of incentives (property incentives, property purchases, tree easements).

Robert Phelps, Shoreline, said he lives in Innis Arden and this is the first Planning Commission meeting he has attended. He thought the Commission’s questions and comments were searching, and he was impressed. He said he disagrees with so much of what Mr. Eglick presented. He presented some

good questions for the Commission to consider, but the attitude of condemning the Commission for their approach was unwarranted.

Chair Hall thanked the citizens for their comments. While there were strong disagreements, he also appreciated that everyone was respectful and cautious.

Commissioner Kaje commented that the tree regulations are an important issue, and some citizens have attended numerous Planning Commission meetings at which the issue has been discussed. He has only been on the Commission for a year and a half, and this is the first time he has heard an individual Commissioner called out and criticized by name. He expressed his belief that this was inappropriate and he hopes the public refrains from doing so again in the future.

Chair Hall encouraged staff to attempt to address the comments provided by the public, as well as the feedback they received from the Commission. He said he previously talked to Mr. Tovar about the idea of conducting a public open house similar to the one they conducted for the Transportation Master Plan. He expressed his belief that it is important that everyone has a chance to understand the proposal and participate in the process. They need to address the concern about whether or not the property owners who would be affected by the proposal have had an adequate opportunity to speak on the issue.

NEW BUSINESS

There was no new business scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Behrens expressed his gratitude to the City staff. He said he was quite impressed with the amount of work and time they have spent accumulating information. He said he appreciates their patience in listening not only to the Planning Commissioners, but to the diverse opinions that come from the citizens, as well. They are doing a good job, and he encouraged them to keep going. Hopefully, they will end up with a product that will serve the citizens of Shoreline well and everyone will be happy with the outcome. This is not an easy project.

Chair Hall reported that he attended the Council of Neighborhoods Meeting on September 2nd where Mr. Tovar briefed the group on the Town Center Sub Area Planning Process. All of the neighborhood groups that are organized were represented by one or two individuals. He reminded that the Commissioners agreed to be part of the open house on October 29th. He reported that staff is also going out to each of the four neighborhoods that are part of the Town Center study area. Mr. Cohen said either he or Mr. Tovar would also attend the Economic Development Advisory Commission and Chamber of Commerce Meetings to update them on the Town Center Sub Area Planning Process. The open house would be advertised in *CURRENTS* and on the City's website by early October.

Chair Hall commended staff for creating an effective model for getting information out to the individual neighborhoods and the community and having a public workshop early in the process.

AGENDA FOR NEXT MEETING

Chair Hall reviewed that the September 17th meeting agenda would include a public hearing on the Regional Business Regulations. They would also review their joint meeting with the City Council, which is scheduled for September 14th. Mr. Cohen advised that staff is seeking ideas for a new name for the Regional Business zone, and he invited the Commissioners to share their ideas.

ADJOURNMENT

The meeting was adjourned at 9:35 P.M.

Will Hall
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

Planning Commission Meeting Date: September 17, 2009

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

APPLICATION NUMBER: 301605

AGENDA TITLE: Public Hearing on revising Regional Business Regulations

PRESENTED BY: Joseph W. Tovar, FAICP, Director PDS
Steven M. Cohn, Senior Planner

I. INTRODUCTION

At your next meeting you will hold a public hearing on the Regional Business regulations. Staff discussed this with the Commission at the August 6 study session. Based this discussion, staff has drafted permanent regulations for the Regional Business zone that incorporates ideas generated by the Planning Commission and staff. Those ideas are presented below.

Staff's Proposal

Rename the zoning district to eliminate confusion with the Comprehensive Plan designation

A small but important item is to rename the zoning district to reduce or eliminate confusion with the Comp Plan designation of RB. There may have been a reason to use similar names at one time, but staff has not been able to reconstruct it. As staff considered alternative ideas, we concluded that it might be a good idea to create two zones: An Aurora Mixed Use Zone (AMU) and a Neighborhood Mixed Use (NMU) Zone. The zones would permit the same uses as the RB zoning district, but would have slightly different development standards –The maximum density in the Neighborhood Mixed Use Zone would be 70 du/acre and maximum height of 50 feet if a mixed use building (see standard #4 below). The maximum density in the Aurora Mixed Use zone would be 150 du/acre and maximum height of 65 feet if specific conditions are met.

The following standards would apply to all development in AMU and NMU zones.

1. All developments will go through administrative design review
2. Limit the maximum building height within 100 feet of the property line between RB and R-4 through R-12 zoned properties to 45', and limit the maximum building height between 100-200 feet of the property line to 55'
3. All buildings and required parking shall be located on the RB-zoned property and not off-site.
4. The base permitted housing density is 70 du/acre and building height limited to 40 feet if the building is residential only or 50 feet if it is a mixed use building. Maximum FAR is 2.0
5. Common recreational space of 800 square feet for developments of 5-20 units; common recreational space of 40 square feet per unit if over 20 units.

The following standards would apply to development in AMU zones

6. Housing density could be increased to 110 du/acre and maximum height to 60 feet and maximum FAR of 3.2 if the following conditions are met:
 - a. The building is a mixed use building with at least 3,000 square feet of retail or personal services space and,
 - b. At least 1/3 of the required parking is underground or underbuilding and,
 - c. The ground floor includes windows that allow passers-by to see inside 80% of the ground floor street frontage and,
 - d. An overhang or awning over at least 80% of the 1st floor along an arterial and,
 - e. Construction that meets a 3-star standard under King County Built Green Standards or equivalent

7. Housing density can be increased to 150 du/acre, maximum height of 65 feet and FAR to 3.6 if the following conditions are met
 - a. All of the above plus
 - b. The development includes infrastructure for electric vehicle recharging and,
 - c. 15% of the units are affordable to households in the 75% King County median income category based on household size for a minimum of 30 years and,
 - d. Meets King County's 3-star Built Green Standards or equivalent plus independent verification and,
 - e. The developer must hold a neighborhood meeting with City staff in attendance to identify traffic impacts coming from building occupants and discuss appropriate mitigation measures. This meeting will be held after the pre-application meeting and before an applicant may submit an application for construction. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

An Alternative Proposal

An alternative proposal to consider is one proposed by a private individual as a Comprehensive Plan Amendment. The Council directed staff to consider the proposed option as part of the "RB" permanent regulations.

This proposal would maintain the current RB standards and name with one exception: that the maximum housing density be limited to 48 du/acre.

In developing its record for the Council, it would be helpful for the Commission to hear testimony on this option so that the Commission's deliberation on the RB permanent regulations can have the benefit of this information.

II. BACKGROUND

The Regional Business district, generally located along Aurora but permitted in several other commercial areas, is one of the most intensive commercial/mixed use districts in Shoreline. The maximum height in the district is 65 feet, but if a RB zone is adjacent to

an R-4 or R-6 zone, additional transition standards apply that would limit building height close to single-family zoned sites.

Generally, most retail and commercial uses, including offices, as well as residential uses, are permitted in RB zones. The RB regulations were modified following the adoption of the City's initial Comprehensive Plan to create a quasi-form based code, and regulate the number of housing units and the maximum square footage of retail or office space on a site through parking requirements and height and bulk regulations, not by a specific housing density or other means.

In May, 2008, the City Council adopted Ordinance 505 which created interim rules and limited the maximum housing density on RB sites to no more than 110 dwelling units per acre. The interim rules have been extended twice in order to provide the community time to work on modifying the City's Vision and Framework Goals. That work was completed earlier this year.

The Vision and Framework Goals offers direction that has applicability when discussing permanent regulations for the RB zone. (See attachment 1)

In addition, the City Council recently adopted Ordinances 546 and 549 which relax the interim density standards in the Midvale Demonstration District to allow 150 dwellings/acre if additional conditions are met. (See attachment 2 for Ordinance 549)

Staff discussed the RB scope at your meeting in mid-June (Attachment 3). Staff then discussed specific requirements at your study session on August 6 (minutes are included as Attachment 4). At those two meetings, the Commission identified specific requirements the RB proposal should include:

1. An incentive system that trades off density for public amenities
2. More stringent rules for transition between commercial and residential uses.
3. A stipulation that would eliminate or reduce the amount of commercial traffic entering or exiting a site from non-arterial streets.
4. Increased notification of large development activities
5. More open space for residents of large multi-family complexes

III. PROCESS

- This Development Code Amendment was initiated by staff in June 2009.
- The Planning Commission held a scoping session on June 18, 2009
- The Planning Commission held a study session on August 6, 2009.
- A Notice of Application with an Optional DNS was posted and advertised on September 3, 2009. One comment was received as of the date the staff report was written (Attachment 5). This comment was received prior to the notice of application.
- The City anticipates issuing a SEPA Determination of Nonsignificance the week of September 21, 2009.

IV. CRITERIA FOR EVALUATING PROPOSAL

The Planning Commission may recommend approval or approval with modifications a proposal to amend the text of the Land Use Code if the amendment meets the following three decision criteria (Staff analysis is in *italics*):

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

The Regional Business zoning district has been a zoning category in Shoreline since the City was incorporated. The RB zone has always been one of the most intense zones in terms of uses and residential densities. The proposed amendments will create better transitions between mixed-use development and single-family neighborhoods where none existed before. Residential densities will be based on incentives; more density will require more environmental protection, more open space, more pedestrian amenities, etc. In addition, the amendment will further the recently adopted framework goals of the Comprehensive Plan.

FG 4: Provide a variety of gathering places, parks, and recreational opportunities for all ages and expand them to be consistent with population changes.

In developments with 5 or more units, at least 800 square feet of common recreation space will be provided.

FG 8: Apply innovative and environmentally sensitive development practices.

In developments of densities greater than 70 du/acre, “3-star” construction Built Green construction will be required.

FG 9: Promote quality building, functionality, and walkability through good design and development that is compatible with the surrounding area.

Buildings in AMU and NMU zones will be subject to design review

FG 12: Support diverse and affordable housing choices that provide for Shoreline’s population growth, including options accessible for the aging and/or developmentally disabled.

Housing diversity will be encouraged by allowing higher densities that promote development of “flats” rather than townhouses. In developments with greater than 110 du/acre density, provision of affordable units is mandated for 15% of the units in the development.

FG 14: Designate specific areas for high density development, especially along major transportation corridors.

The Aurora Corridor is the area designated for higher residential and commercial densities. The proposed changes will focus higher intensity development in this corridor.

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

The proposed amendments to the RB zone will support the public health, safety and general welfare of the citizens of Shoreline. The proposed regulations would provide for increased transition requirements between commercial structures and residential neighborhoods; FAR requirements will limit building bulk; recreation space for occupants of multifamily structures will be increased noticeably over current requirements; and for larger projects, environmental building practices will be required.

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

The proposed amendments to the RB zone look to add more protections to the single-family neighborhoods from potential large developments. Transition requirements between more intense developments and residential neighborhoods would be more stringent than ones in the existing code, and higher density developments will be allowed along the Aurora Corridor which will reduce longer-term redevelopment pressure on the City's single-family neighborhoods.

Proposed changes will maintain the commercial redevelopment potential in the Aurora Corridor. Outside of the Aurora Corridor, commercial potential will be diminished somewhat; in that maximum building heights will be reduced to 50 feet. Staff believes that in most cases (with the exception of Planned Areas, Master Plan permit area, or Subareas, where other tradeoffs might be appropriate) 50 feet is a reasonable height near single family areas.

City staff reviewed comments from the Visioning sessions and past rezone hearings and believes these proposed regulations will serve the citizens of Shoreline better than the current RB regulations. These proposed amendments respond to the concerns staff has heard, especially from residents adjacent to the Aurora Corridor, and include transition elements that were not embodied in past regulations.

V. STAFF RECOMMENDATION

Staff concludes that the staff proposal merits approval because it meets the criteria listed in 20.30.350.

If you have questions prior to the meeting, please contact Steve Cohn at 206-801-2511, or email him at scohn@shorelinewa.gov.

VI. ATTACHMENTS

1. Vision and Framework Goals
2. Ordinance 549
3. Minutes from June 18, 2009
4. Minutes from August 6, 2009
5. Public Comment Letters
6. Sections 20.50.020, 20.50.230, and 20.50.410 in Legislative Format

Relationship to the Countywide Planning Policies and Vision 2020

As part of the comprehensive planning process, King County and its cities have developed a Growth Management Plan known as the Countywide Planning Policies. These policies were designed to help the 34 cities and the county to address growth management in a coordinated manner. The policies were adopted by the King County Council and subsequently ratified by cities, including the City of Shoreline.

Taken together, the Countywide Planning Policies try to balance issues related to growth, economics, land use and the environment. Specific objectives of the Countywide Planning Policies include:

- Implementation of Urban Growth Areas
- Promotion of contiguous and orderly development
- Siting of public capital facilities
- Establishing transportation facilities and strategies
- Creating affordable housing plans and criteria
- Ensuring favorable employment and economic conditions in the County

In addition, Shoreline's Plan must be guided by the regional growth policies of Vision 2020, the regional plan developed by the Puget Sound Regional Council. Vision 2020 calls for directing future growth into existing urban centers and serving those centers with a regional transit system.

2029 Vision Statement

Imagine for a moment that it is the year 2029 and you are in the City of Shoreline. This vision statement describes what you will see.

Shoreline in 2029 is a thriving, friendly city where people of all ages, cultures, and economic backgrounds love to live, work, play and, most of all, call home. Whether you are a first-time visitor or long-term resident, you enjoy spending time here.

There always seems to be plenty to do in Shoreline -- going to a concert in a park, exploring a Puget Sound beach or dense forest, walking or biking miles of trails and sidewalks throughout the city, shopping at local businesses or the farmer's market, meeting friends for a movie and meal, attending a street festival, or simply enjoying time with your family in one of the city's many unique neighborhoods.

People are first drawn here by the city's beautiful natural setting and abundant trees; affordable, diverse and attractive housing; award-winning schools; safe, walkable neighborhoods; plentiful parks and recreation opportunities; the value placed on arts, culture, and history; convenient shopping, as well as proximity to Seattle and all that the Puget Sound region has to offer.

The city's real strengths lie in the diversity, talents and character of its people. Shoreline is culturally and economically diverse, and draws on that variety as a source of social and

economic strength. The city works hard to ensure that there are opportunities to live, work and play in Shoreline for people from all backgrounds.

Shoreline is a regional and national leader for living sustainably. Everywhere you look there are examples of sustainable, low impact, climate-friendly practices come to life – cutting edge energy-efficient homes and businesses, vegetated roofs, rain gardens, bioswales along neighborhood streets, green buildings, solar-powered utilities, rainwater harvesting systems, and local food production to name only a few. Shoreline is also deeply committed to caring for its seashore, protecting and restoring its streams to bring back the salmon, and to making sure its children can enjoy the wonder of nature in their own neighborhoods.

A City of Neighborhoods

Shoreline is a city of neighborhoods, each with its own character and sense of place. Residents take pride in their neighborhoods, working together to retain and improve their distinct identities while embracing connections to the city as a whole. Shoreline's neighborhoods are attractive, friendly, safe places to live where residents of all ages, cultural backgrounds and incomes can enjoy a high quality of life and sense of community. The city offers a wide diversity of housing types and choices, meeting the needs of everyone from newcomers to long-term residents.

Newer development has accommodated changing times and both blends well with established neighborhood character and sets new standards for sustainable building, energy efficiency and environmental sensitivity. Residents can leave their car at home and walk or ride a bicycle safely and easily around their neighborhood or around the whole city on an extensive network of sidewalks and trails.

No matter where you live in Shoreline there's no shortage of convenient destinations and cultural activities. Schools, parks, libraries, restaurants, local shops and services, transit stops, and indoor and outdoor community gathering places are all easily accessible, attractive and well maintained. Getting around Shoreline and living in one of the city's many unique, thriving neighborhoods is easy, interesting and satisfying on all levels.

Neighborhood Centers

The city has several vibrant neighborhood "main streets" that feature a diverse array of shops, restaurants and services. Many of the neighborhood businesses have their roots in Shoreline, established with the help of a local business incubator, a long-term collaboration between the Shoreline Community College, the Shoreline Chamber of Commerce and the city.

Many different housing choices are seamlessly integrated within and around these commercial districts, providing a strong local customer base. Gathering places – like parks, plazas, cafes and wine bars - provide opportunities for neighbors to meet, mingle and swap the latest news of the day.

Neighborhood main streets also serve as transportation hubs, whether you are a cyclist, pedestrian or bus rider. Since many residents still work outside Shoreline, public transportation provides a quick connection to downtown, the University of Washington, light rail and other regional destinations. You'll also find safe, well-maintained bicycle routes that connect all of the main streets to each other and to the Aurora core area, as well as

convenient and reliable local bus service throughout the day and throughout the city. If you live nearby, sidewalks connect these hubs of activity to the surrounding neighborhood, bringing a car-free lifestyle within reach for many.

The Signature Boulevard

Aurora Avenue is Shoreline's grand boulevard. It is a thriving corridor, with a variety of shops, businesses, eateries and entertainment, and includes clusters of some mid-rise buildings, well-designed and planned to transition to adjacent residential neighborhoods gracefully. Shoreline is recognized as a business-friendly city. Most services are available within the city, and there are many small businesses along Aurora, as well as larger employers that attract workers from throughout the region. Here and elsewhere, many Shoreline residents are able to find family-wage jobs within the City.

Housing in many of the mixed-use buildings along the boulevard is occupied by singles, couples, families, and seniors. Structures have been designed in ways that transition both visually and physically to reinforce the character of adjacent residential neighborhoods.

The improvements put in place in the early decades of the 21st century have made Aurora an attractive and energetic district that serves both local residents and people from nearby Seattle, as well as other communities in King and Snohomish counties. As a major transportation corridor, there is frequent regional rapid transit throughout the day and evening. Sidewalks provide easy access for walking to transit stops, businesses, and connections to adjacent neighborhoods.

Aurora has become a green boulevard, with mature trees and landscaping, public plazas, and green spaces. These spaces serve as gathering places for neighborhood and citywide events throughout the year. It has state-of-the-art stormwater treatment and other sustainable features along its entire length.

As you walk down Aurora you experience a colorful mix of bustling hubs – with well-designed buildings, shops and offices – big and small – inviting restaurants, and people enjoying their balconies and patios. The boulevard is anchored by the vibrant Town Center, which is focused between 175th and 185th Street. This district is characterized by compact, mixed-use, pedestrian-friendly development highlighted by the Shoreline City Hall, the Shoreline Historical Museum, Shorewood High School, and other civic facilities. The interurban park provides open space, recreational opportunities, and serves as the city's living room for major festivals and celebrations.

A Healthy Community

Shoreline residents, city government and leaders care deeply about a healthy community. The city's commitment to community health and welfare is reflected in the rich network of programs and organizations that provide human services throughout the city to address the needs of all its residents.

Shoreline is a safe and progressive place to live. It is known region wide for the effectiveness of its police force and for programs that encourage troubled people to pursue positive activities and provide alternative treatment for non-violent and nonhabitual offenders.

In Shoreline it is believed that the best decisions are informed by the perspectives and talents of its residents. Community involvement in planning and opportunities for input are vital to shaping the future, particularly at the neighborhood scale, and its decision making processes reflect that belief. At the same time, elected leaders and city staff strive for efficiency, transparency and consistency to ensure an effective and responsive city government.

Shoreline continues to be known for its outstanding schools, parks and youth services. While children are the bridge to the future, the city also values the many seniors who are a bridge to its shared history, and redevelopment has been designed to preserve our historic sites and character. As the population ages and changes over time, the City continues to expand and improve senior services, housing choices, community gardens, and other amenities that make Shoreline such a desirable place to live.

Whether for a 5-year-old learning from volunteer naturalists about tides and sea stars at Richmond Beach or a 75-year-old learning yoga at the popular Senior Center, Shoreline is a place where people of all ages feel the city is somehow made for them. And, maybe most importantly, the people of Shoreline are committed to making the city even better for the next generation.

Framework Goals

The original framework goals for the city were developed through a series of more than 300 activities held in 1996-1998. They were updated through another series of community visioning meetings and open houses in 2008-2009. These Framework Goals provide the overall policy foundation for the Comprehensive Plan and support the City Council's vision. When implemented, the Framework Goals are intended to preserve the best qualities of Shoreline's neighborhoods today and protect the City's future. To achieve balance in the City's development the Framework Goals must be viewed as a whole and not one pursued to the exclusion of others.

Shoreline is committed to being a sustainable city in all respects.

FG 1: Continue to support exceptional schools and opportunities for lifelong learning.

FG 2: Provide high quality public services, utilities, and infrastructure that accommodate anticipated levels of growth, protect public health and safety, and enhance the quality of life.

FG 3: Support the provision of human services to meet community needs.

FG 4: Provide a variety of gathering places, parks, and recreational opportunities for all ages and expand them to be consistent with population changes.

FG 5: Encourage an emphasis on arts, culture and history throughout the community.

FG 6: Make decisions that value Shoreline's social, economic, and cultural diversity.

FG 7: Conserve and protect our environment and natural resources, and encourage restoration, environmental education and stewardship.

FG 8: Apply innovative and environmentally sensitive development practices.

FG 9: Promote quality building, functionality, and walkability through good design and development that is compatible with the surrounding area.

FG 10: Respect neighborhood character and engage the community in decisions that affect them.

FG 11: Make timely and transparent decisions that respect community input.

FG 12: Support diverse and affordable housing choices that provide for Shoreline's population growth, including options accessible for the aging and/or developmentally disabled.

FG 13: Encourage a variety of transportation options that provide better connectivity within Shoreline and throughout the region.

- FG 14: Designate specific areas for high density development, especially along major transportation corridors.
- FG 15: Create a business friendly environment that supports small and local businesses, attracts large businesses to serve the community and expand our jobs and tax base, and encourages innovation and creative partnerships.
- FG 16: Encourage local neighborhood retail and services distributed throughout the city.
- FG 17: Strengthen partnerships with schools, non-governmental organizations, volunteers, public agencies and the business community.
- FG 18: Encourage Master Planning at Fircrest School that protects residents and encourages energy and design innovation for sustainable future development.

ORDINANCE NO. 549

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, MODIFYING INTERIM REGULATIONS ON THE FILING OR ACCEPTANCE OF CERTAIN APPLICATIONS FOR RESIDENTIAL DEVELOPMENT OF LAND WITHIN THE REGIONAL BUSINESS LAND USE DISTRICT

WHEREAS, under the provisions of the Growth Management Act the City has adopted development regulations implementing the City of Shoreline Comprehensive Plan; and

WHEREAS, the Regional Business (RB) land use district allows residential development, but does not place an absolute limit on the permitted number of dwelling units per acre; and

WHEREAS, the Shoreline City Council found that, pursuant to Ordinance 505, the continued acceptance of development applications proposing new residential development utilizing existing Regional Business (RB) zone density provisions may allow development that is incompatible with nearby existing land uses and circulation systems, leading to problematic traffic conditions and an erosion of community character and harmony established a moratorium and interim regulation for development in the RB zoning district; and

WHEREAS, the City Council held public hearings on October 13, 2008 and April 6, and extended the moratorium until until November 12, 2009 by Ordinance 535; and

WHEREAS, the public hearing on April 6 also took testimony for an amendment of the RB interim regulation for a target area along Midvale Ave. N between N. 175th and N. 185th and the Council deferred action on the amended interim regulation for further study and the amended interim regulation for the Midvale target area are resubmitted with this ordinance; and

WHEREAS, there is a need to adopt a technical amendment to Ordinance 546 adopted May 11, 2009, now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as findings of the City Council.


Section 2. Interim Regulation Amended. The interim regulation for the Regional Business Zone (RB) and Section 2 of Ordinance No. 505 are amended to read as follows:

Moratorium and Interim Regulation Adopted.

- A. Except for properties included under subsection B, A moratorium is adopted upon the filing of any application for residential development within the Regional Business (RB) zoning district of the City, which exceeds 110 dwelling units per acre, unless a neighborhood plan, subarea plan or special district overlay plan authorizing a higher density has been approved.
- B. For property zoned Regional Business (RB) that abuts Midvale Ave.N. between N 175th and N. 185th Streets, a moratorium is adopted upon the filing of any application for residential development which does not:
1. Limit the maximum building height within 100 feet of the property line between RB and R-8 and R-12 zoned properties to 45', and limit the maximum building height between 100-200 feet of the property line to 55' ~~Limit building height at least 200 feet from property lines to 45', abutting all residential districts except R-48; and~~
 2. At a minimum, meet "3-star" construction standards plus independent verification under King County Built Green standards as amended, or equivalent standard approved by the director; and
 3. Include electric vehicle plug-in facilities in parking areas; and
 4. Make a provision for the developer holding a neighborhood meeting with city staff in attendance to identify traffic impacts coming from building occupants and discuss appropriate mitigation measures. Meetings will be advertised by mailings to property owners and occupants within 500 feet of the property; and
 5. Demonstrate compliance with design standards of SMC 20.91.050 with the following modification, unless a design departure approval is obtained under SMC 20.91.040. The modification is: development will provide contiguous commercial space covering at least 2/3 of street frontage (not including openings into buildings) or an equivalent contiguous space on the 1st floor with an entrance onto Midvale; and
 6. Limit housing unit density to a maximum 150 du/acre.
 7. All buildings and required parking shall be located on the RB-zoned property and not off-site.
- C. No land use development proposal or application may be filed or accepted which proposes a development that does not comply with this section.

Section 3. Publication, Effective Date. This ordinance shall take effect five days after publication of a summary consisting of the title in the official newspaper of the City.

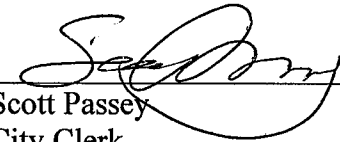
PASSED BY THE CITY COUNCIL ON MAY 26, 2009.



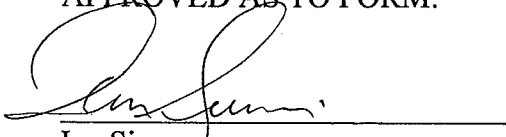
Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:



Scott Passey
City Clerk



Ian Sievers
City Attorney

Date of Publication: May 29, 2009
Effective Date: June 3, 2009

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Commissioner Broili inquired if the City would be guaranteed a source of water from SPU if they were to establish their own water district. Mr. Tovar clarified that the City is looking into the possibility of purchasing SPU's assets, which would then be managed by the City's new water department. He summarized that numerous organizational details must be put in place before the acquisition could occur. The people who currently depend upon water from SPU have some legal rights to have water provided to them by the City of Seattle, which owns the franchise. A grey area exists as to whether the City of Seattle has a duty under the Growth Management Act or any other law to have their water system support Shoreline's land use plan. If they were a special district, they would clearly have to be consistent and support the City's land use plan.

Commissioner Behrens asked if staff is comfortable that the City Council would eventually adopt a Goals document that is very similar to the draft that is currently before the Commission. Mr. Tovar expressed his belief that the City Council would likely adopt the document prior to the Commission's next discussion regarding the Comprehensive Plan Update.

Commissioner Pyle referred to Goal 8, which is to develop a Fircrest Master Plan, and questioned why the City should target Fircrest when there are other campuses in the City where the master plan concept could be applied. Chair Hall reminded the Commission that the purpose of tonight's discussion is to talk about their process for updating the Comprehensive Plan. Attachment B is a working document of the City Council and was provided to the Commission simply for information. He suggested the Commission allow the City Council to finish their exercise and adopt a final document before they request additional information from staff.

Project Scope of Permanent Regulations for Regional Business Zone

Mr. Cohn referred to the Staff Report, which outlines some of staff's preliminary thoughts for refining the code language for the Regional Business (RB) zone. In addition, staff would like feedback from the Commission about additional questions and concepts they would like to study. He suggested that as the Commission reviews the current language to identify problems and opportunities, they should keep in mind that the City Council has extended the interim regulations twice. He recommended the Commission complete their work by mid October so the City Council can adopt permanent regulations before the November 12th deadline. He referred to Commissioner Behren's email which could provide a good starting point for the Commission's discussion.

Commissioner Kaje recalled that when the Commission reviewed a request for RB zoning a few weeks ago, they discussed the concept of transition. They specifically discussed physical transition and how to soften a proposed development by limiting the allowed building envelope, setting the building back a greater distance from adjoining properties, etc. However, given that RB is the City's most intensive zoning designation, the Commission must also consider transition from a land use and zoning perspective. He referred to Vice Chair Wagner's earlier comment about the need for additional zoning designations that are less intense than RB. In addition, the Commission needs to have a discussion about what types of zones the RB designation can be located next to. For example, the City could consider R-24 to be an appropriate transitional zone between lower densities and RB so RB would not be allowed next to R-12 zones. While R-12 is often considered to be a higher-density, he said he does

not think that is what citizens would consider appropriate transitional zoning for the RB zone. He recognized there may be unique circumstances where the City must rely on more of a physical transition because they have already zoned poorly. However, he suggested the City would continue to fight the same concerns over and over again unless they come up with some guidance as to what uses will be allowed in medium buffer zones. That is one reason why he expressed opposition to the previous proposal that would allow RB zoning in close proximity to R-6 and R-12 zones.

Commissioner Pyle agreed with Commissioner Kaje that the Commission must figure out what types of zoning RB should be surrounded by. However, in order to know what and how large the buffer should be, the Commission must have a clear understanding of what the RB zone would allow. He observed that one of the problems with the current RB language is that people have some fear of density and where and how it is located. The Commission should first discuss what the appropriate RB density should be, coupled with a discussion on how the density should be transitioned into the neighborhoods. The two issues go hand in hand. He said his interpretation of the Comprehensive Plan and the current RB regulations is that there is no density limit. However, just because it doesn't say there is a limit, does not mean it is not contemplated. It is merely a matter of dimensional standards, or how many units you can fit in a box given the parking, transportation, and other requirements. Whatever is allowed in RB zones has an impact on the surrounding neighborhoods. The Commission has a responsibility to protect the neighborhoods, but also to allow the City some flexibility and diversity as to what can be developed on an RB site.

Vice Chair Wagner said she was intrigued by the idea of coming up with multiple RB zones because the current RB zoning designation does not seem to fit all situations. She noted they have already drawn a line around the Town Center Subarea Plan, and perhaps they could do the same for the RB zones that are located to the north and south of Town Center. She questioned if the current Comprehensive Plan language would allow the Commission to go that direction.

Mr. Tovar agreed it would make sense from a long-term perspective to create different types of RB zoning designations. However, he questioned if this would be legally possible without some kind of policy basis. He summarized that a Framework Policy was provided in the Comprehensive Plan to draw a line around the Town Center (between 175th and 195th). However, there is no policy basis for determining that RB zoned sites located to the north and south of Town Center should be zoned at a different height or density. He recalled that a few years ago, staff proposed the concept of breaking Aurora Avenue North down into logical subsets, and perhaps this concept could be revisited as part of the Comprehensive Plan Update. While he cautioned against getting too detailed in the Comprehensive Plan, he suggested it would be appropriate to propose some framework policies for each of the subsets of Aurora Avenue North. He agreed to seek additional direction from the City Attorney.

Commissioner Behrens observed that there is a huge block of land that lies along Aurora Avenue, but some of the parcels are totally unusable for intensive development for a number of different reasons. He suggested a better approach would be to identify a baseline density, and then write Development Code language that allows additional density if certain important elements can be provided (i.e. located on a major corridor, adjacent to a bus line, adequate water supply, sidewalks, transition areas, green elements, underground parking, trees retention, parks and open spaces, etc. This would allow greater

density on properties that are large enough to be developed in a way that benefits the City. He suggested it is unrealistic to tell a developer he has a piece of RB land with unlimited density when in reality the parcel is not useable at the density the zoning code allows.

Commissioner Behrens pointed out that the initial concept of RB was for business and commercial development only, and residential uses were not allowed. He suggested that if RB is going to be used as a residential zone, the language should be located in the residential section of the Development Code. Once this change has been made, the Development Code could determine how much density would be allowed based on the list of elements he previously identified. Instead of coming up with one-size-fits-all language, they should provide incentives that encourage good development and growth.

Mr. Tovar agreed with much of what Commissioner Behrens suggested. However, the Commission should keep in mind that they have less than 2½ months to forward a recommendation for permanent regulations to the City Council for final adoption. Even if the City Council adopts permanent RB regulations, nothing would prevent the Commission from dealing with the regulations again as part of their Comprehensive Plan Update, and providing greater differentiation. However, this will take more time since policies would have to be adopted into the Comprehensive Plan to provide a basis for making distinctions in the RB zone.

Chair Hall agreed with Mr. Tovar that the Commission is somewhat limited in what they can address as part of their current effort. He agreed there are no two parcels in which a minutely detailed regulation could address all of the issues, and that is the purpose of allowing some flexibility.

Chair Hall reminded the Commission of their earlier discussion about using the Framework Goals and Vision Statement to guide their decisions. He observed that the Vision Statement calls out Shoreline being a sustainable city in all respects within the City boundaries, as well as the City's role in the region. He suggested the Commission should consider the relationship between sustainability goals and the RB business regulations. He pointed out that traditional exclusionary zoning ends up driving residents to use their cars for transportation because where you live is not where you work, shop or play. He suggested the Commission take this opportunity to recognize that because of location, RB zones create an opportunity for mixed use at a variety of densities. The question is how best to control and regulate the mixed uses, which becomes an issue of compatibility. He referred to Commissioner Kaje's earlier comments about transition and noted that when an RB zone is located next to an R-6 zone, effective transition could include up zoning the R-6 residential neighborhood to R-24, down zoning part of the RB zoned area, or requiring some kind of transition. While any of these tools would work, he said he is neither a proponent of up zoning which has a negative impact on neighborhoods nor down zoning that takes away private property rights. He cautioned the Commission that these two options must be done very carefully.

Chair Hall said he would prefer that the Commission's discussion focus on impacts to the neighborhood and compatibility instead of the number of units allowed. He reminded the Commission of previous discussions where they learned that because of demographic shifts, 2,600 square foot homes in single-family neighborhoods often have more cars per acre than smaller cottage homes that are generally occupied by one or two people. He summarized that the City's demographics are shifting, and in order

to create a balance, the City needs a larger number of smaller units. This can be accomplished by regulating traffic, parking and compatibility rather than the number of units. The design standards can address building envelope issues such as solar access and visual compatibility. He observed that parking and traffic have a greater impact on neighborhoods than the actual number of people living in a development. He concluded by saying he likes the concept of allowing a mixture of uses in the RB zone and allowing developments to be regulated based on their impacts and not the number of units.

Commissioner Piro said he would like to further discuss a point raised at their last meeting by Vice Chair Wagner about whether or not there is a gap between what is allowed in the R-48 and RB zones that may cause them to consider additional zoning designations that do not currently exist.

Commissioner Broili observed that the greater the intensity of the zoning, the more levels of scale and treatment will be necessary. For example, RB zoning may require three to five levels of zoning that have different treatments, and mixed use should be part of the scenario. He suggested that once the Commission has addressed the RB regulations, applying the same concept to other zoning levels would provide effective tools to fit future development into the landscape of the neighborhoods.

Commissioner Behrens observed that the RB zoned properties have been a topic of discussion since the City was incorporated, and he thanked staff for proposing the current moratorium, which has given the staff, City Council, Commission and citizens an opportunity to realistically review the regulations. However, he cautioned against being in a big hurry to resolve the issues. He noted that most of the City Councilmembers and citizens recognize this issue is tremendously important and will define what the City will look like in the future. If necessary, he suggested they extend the moratorium, particularly recognizing there is not a great demand for development at this time. This would give the Commission an opportunity to adequately address the issues and resolve them appropriately. Chair Hall reminded the Commission that the City has already limited the property rights of everyone who owns property in RB zones for 18 months, and these people are becoming frustrated. Mr. Tovar explained that the City Council has asked the Commission to recommend language for permanent regulations by November 12th. While they do have the option of continuing the moratorium, they have indicated they would rather not. However, he reminded the Commission that they would still have the ability to recommend changes in the future.

Mr. Tovar suggested the Commission consider renaming the zone from RB to something else such as Business Residential (BR), which would allow opportunities for business or residential. They could further refine the zone to allow varying levels of density. He recommended the Commission move their discussion away from the term Regional Business since it implies that it is intended for only regional business uses, which is not the case. He suggested the Commission make a recommendation to the City Council by November 12. At that time, they could also recommend the City Council allow them to further refine the zone to differentiate the varying levels of density, building height, uses, etc. However, he cautioned that it would be better to regulate based on groups of parcels rather than parcel-by-parcel.

Chair Hall summarized that the Commissioners were in support of changing the name of the current RB zone and recognizing the potential for mixed uses (residential and commercial). In addition, addressing

issues related to compatibility and transition should be a priority. Commissioner Pyle said it also appears the Commission has agreed to move away from using a unit cap approach that is intended to fit all of the sites because of the variable conditions that exist. He suggested the Commission focus on the qualitative issues related to access, parking, etc.

Commissioner Behrens expressed concern that not identifying a maximum unit count could mislead developers who purchase property thinking they can develop to a certain level, only to discover later there is not adequate infrastructure, such as water pressure, to build anything close to the number they had projected based on the code. Chair Hall pointed out there are areas in the City where there are not adequate water lines available to meet the fire flow standards for multi-family development. However, even if a unit count were identified as part of the zoning language, there may still be places where developers would be unable to obtain sufficient fire flow to develop a site to its fullest potential allowed by the code. Commissioner Behrens suggested the unit count be set at a level where the City can ensure there is adequate infrastructure. Commissioner Pyle suggested rather than a unit count, the code language could put in place mechanisms that adapt to site conditions. He said he works in development review, and the fact is people purchase properties without doing due diligence, but that is their issue to resolve.

Chair Hall summarized that the Commission generally agrees they don't want to have an arbitrarily set unit count that is intended to fit all RB zones. Instead, design requirements, site conditions, etc. would constrain development to an appropriate level. The Commission agreed it is important to make the constraints clear in the code language.

Commissioner Broili asked if density or unit count could be controlled by code regulations as well as function. Mr. Tovar answered there are ways to address intensity (density) such as a floor area ratio, standards for lot coverage, building envelope, etc. He recalled that the theory behind the form-based code concept is to regulate things the City cares the most about, which could include varying levels of floor area ratio. It would be up to the developer to do due diligence to find out exactly what the market, current infrastructure, etc. would support. Commissioner Broili summarized that the City would have the ability to implement form-based zoning without setting a unit count or density requirement and issues could be adequately addressed by the Development Code regulations. Mr. Tovar agreed that a unit count would not be necessary to regulate density. Commissioner Broili cautioned that because they are considering opportunities for mixed use, it is important to discriminate between the terms "density" and "unit count." The Commission should keep in mind that more intense uses with low unit counts can have just as much impact as less intense uses with higher unit counts. He summarized that both intensity and unit count could both be controlled through good code and regulations. Chair Hall recognized this could be a controversial issue, but the Commission has generally concluded they do not want to identify a maximum density count. He emphasized that as discussed by the Commission, density could be limited by other regulations related to parking, traffic, building size, etc.

Commissioner Kaje suggested the Commission not only consider the 300 acres that are currently zoned RB, but also those that are identified in the Comprehensive Plan as a Community Business (CB) land use category. He reminded the Commission that the Comprehensive Plan states that RB is an acceptable zone for properties identified on the land use map as CB. Throughout their discussion, the Commission

must remain cognizant of where the new rules might apply as they consider issues such as floor area ratios, heights, etc. They should keep in mind all of the locations that have the potential of being rezoned to RB.

Chair Hall agreed this would become even more important as the Commission considers future planning in the area of the future transit stations. It is likely they will conclude that the higher intensity development should be located near transit stops. However, they must also keep in mind that the neighborhoods are currently zoned as single-family residential. While it would not be appropriate to recommend rezoning single-family neighborhoods to RB in the near future, they may very well want to adopt a Comprehensive Plan designation that says as things redevelop they expect the area to become as intense as RB. This transition would then occur over many years. He summarized that it is not uncommon to have zoning designations that are below the maximum density allowed by the Comprehensive Plan in order to protect existing property owners. However, as the properties in this vicinity redevelop, it is likely the Commission would be asked to consider rezoning the properties.

Commissioner Behrens suggested it is somewhat unfair to allow property owners to rezone to RB and compete with people who own property that is already zoned RB. He suggested the City should encourage development of the existing RB zoned properties rather than encourage people to seek rezones for property that might not fit completely into the RB concept and then attempt to transition it. They have a tremendous amount of unused RB zoned property in the City, and the City should encourage these property owners to move forward.

Commissioner Wagner expressed concern about requiring developers of RB zoned properties to provide additional step backs or setbacks in order to reduce the impacts if it is likely that adjacent properties would be redeveloped into a more intense use in the near future. She suggested the Commission carefully consider if they want to require step backs and setbacks if they expect the properties they are intended to buffer to be developed with a higher density in the next five to ten years. She observed that this might not be the highest and best use of the land in the long-term.

Commissioner Wagner also expressed concern that the current RB zoning language allows for unlimited types of uses. She suggested it might be appropriate to prohibit certain uses, particularly in conjunction with residential uses. Mr. Tovar agreed that the City could not expect residential neighborhoods to thrive in mixed use areas if incompatible commercial uses are allowed to occur. He suggested it may be appropriate to impose specific regulations in certain RB zones where they hope to have residential areas grow.

Chair Hall summarized that the next step would be for staff to prepare some proposals to present to the Commission for further discussion. The Commission would have an opportunity to review the proposals at least one more time before a public hearing is scheduled in the fall. Again, he emphasized the importance of linking their discussion regarding RB regulations to the newly adopted Vision Statement and Framework Goals. He particularly called out Framework Goal 10, which says "respect neighborhood character and engage the community in decisions that affect them." He observed that respecting neighborhood character will be an important factor to consider when addressing the issue of

transition. Development in RB zones should not be allowed to severely impact adjacent residential neighborhoods.

Chair Hall recalled Commissioner Behrens suggestion that they start with base regulations and then provide greater incentives for environmentally friendly development, underground parking, affordable housing, etc. He noted that Framework Goals 7 and 8 speak to the City's natural resources and environmentally sensitive development practices. If they move towards a regulation that is based on floor area ratio, then creating regulations similar to those used for the Ridgecrest Neighborhood might be an option. He recalled that the Ridgecrest Neighborhood indicated favorable support for incentives to encourage public gathering spaces, and Framework Goals 4, 5 and 6 speak to gathering spaces, parks, recreational opportunities, plazas, arts, culture and history, etc. He summarized that some good things were done with the Ridgecrest Neighborhood as far as building envelope and transition zoning to address neighborhood compatibility. Using this approach, along with adding some incentives as discussed earlier, would go a long way towards having an acceptable, fairly high-intensity, mixed-use zone.

Commissioner Wagner recalled that when the Commission worked on their recommendation for the Ridgecrest Neighborhood, they expressed disappointment that it was not possible to add residential units on top of Gateway Plaza because there was not sufficient infrastructure in place at the base. She suggested the Commission consider the feasibility of including a requirement that developers consider potential future up building so that the necessary infrastructure is in place to support the addition of residential units on upper stories at some point in the future. Chair Hall agreed the Commission should be concerned about preserving more open space by using land more efficiently, and this relates back to being sustainable and environmentally friendly. When large sites are developed as 1-story buildings, the City loses a tremendous opportunity to have a more sustainable development that can house more people.

PUBLIC COMMENTS

Les Nelson, Shoreline, recalled that the original RB zoning designation did not allow any housing density. By the time the zoning was adopted by the City of Shoreline, the RB and CB zones allowed R-24 and R-36. He encouraged the Commission to review the Council's research related to Ordinances 238 and 276, which were adopted in 2000. He noted the process never really addressed whether or not the public was informed of anything above R-48. He recalled that the City Council previously directed that R-48 was to be the standard density limitation.

Mr. Nelson said that he likes the idea of applying a floor area ratio concept to allow development to go higher. However, he is against allowing a mid-rise height for residential units everywhere. He noted that discussions related to the RB zone were initially focused on those properties located along Aurora Avenue North, but now it seems the more intense housing density would be located along Interstate 5 and 185th and 145th near the proposed new transit stations. If that is the case, they should not place all of the housing on Aurora Avenue, since this would remove all of the business opportunities. He said he lives 1 block from Aurora Avenue, and he would like to see a mixture of uses. He said that if the City were to stick with a maximum density of R-48 then placing a 220-unit building on one acre would

require a developer to designate three other acres for parks or businesses. This would require a developer to come up with a better plan to make it work.

Mr. Nelson disagreed with Chair Hall's comment related to down zoning and the concern that property rights would be taken away. He said he does not believe a property owner would prevail in a claim against the City if the City were to set a maximum density of 48 units per acre and then establish incentives that allow greater density and height. He referred to all the development that is taking place on Martin Luther King Way related to the Sound Transit Project. He encouraged the Commission to visit this area to see what they did to accommodate the major transit facility. He suggested that CB and RB land uses should govern the Commission's decision about how a particular property should be used in the future because RB zoning has always been whatever anybody wants it to be.

Commissioner Kaje clarified that Mr. Nelson is opposed to mid-rise developments that are residential only. Mr. Nelson is asking the Commission to think of ways to specifically encourage multiple uses in the RB areas as opposed to strictly residential uses. Mr. Nelson observed that it is difficult to force developers to include retail space as part of a residential building. However, this same effect would result if the City were to create a situation where in order to get the height and the density they want, developers have to give up another property or portion of a property for business. He said he does not want the City to give up a substantial portion of their business district to accommodate residential units.

DIRECTOR'S REPORT

Mr. Cohn advised that the Commission's packet included sample multi-family regulations from the City of Seattle. They have been working on the document for several years, and it is very readable and has some interesting ideas. He suggested the Commission review the information and keep it in mind as they consider multifamily regulations in the future. He advised that the packet also included updated sections of the Comprehensive Plan, which incorporates all of the amendments that have been adopted over the past few years. Updated materials were provided for the Development Code, as well.

Mr. Cohn reminded the Commission that they agreed to cancel their July 2nd meeting and meet on July 9th instead. Staff is suggesting the Commission reschedule their second meeting in July from the 16th to the 23rd. He advised that staff anticipates scheduling a driving or walking tour of town center. The Commission agreed to reschedule the July 16th meeting to July 23rd, and staff indicated they would be willing to schedule an additional tour for Commissioners who are unavailable on July 23rd.

Mr. Cohn announced that the City would receive a new population estimate at the end of July, and his informed guess is that the population would be more than the currently identified 53,000.

UNFINISHED BUSINESS

No unfinished business was scheduled on the agenda.

currently taking place, the Transportation Master Plan would not come before the Commission until at least the 2nd quarter of 2010. In the meantime, it is important to address this inconsistency.

Commissioner Piro observed that the proposed amendment appears to be a housekeeping item that he would support. He noted that new issues have come up since the Commission last worked on the Transportation Master Plan and the LOS issues, including new directives in the GMA to take a multi-modal approach, and regional policies calling for local jurisdictions to develop LOS standards that focus on the movement of people rather than the movement of vehicles. While it is appropriate to consider the proposed amendment now to make the Development Code consistent with the Comprehensive Plan, it is also important to keep in mind that they must evolve their treatment of LOS Standards to address the new directives. He observed that the City already has good transportation goals and policies that focus on reducing the number of single-occupancy vehicles, and it would make sense if the concurrency program and LOS Standards provided reinforcement.

Commissioner Kaje referred to Transportation Policy T-13, which talks about Aurora Avenue and Ballinger Way being excluded from the concurrency requirements because they are State Highways. He questioned if arterials that cross these two highways would also be excluded, as well. Mr. Tovar explained that a State statute exempts State highways from the requirements of concurrency, but the City still has the ability to discuss LOS Standards and concurrency as it relates to intersecting arterial streets.

Chair Hall observed that the City would benefit by moving their policies along towards moving people instead of vehicles more efficiently. However, it makes perfect sense to amend the Development Code now to make it consistent with the Comprehensive Plan. The Commission agreed to move the proposed amendment, as drafted, forward to a public hearing.

Study Session: Permanent Regulations for Regional Business (RB) Zone

Mr. Cohn advised that a public hearing on the permanent regulations for the Regional Business (RB) Zone is tentatively scheduled for September 17th. He referred to the Comprehensive Plan Map and identified those areas that could conceivably be zoned RB. He reminded the Commission that the RB zone allows most retail and commercial uses, as well as residential uses. He recalled that in May of 2008, the City Council adopted an ordinance that created interim rules that limited the maximum housing density in RB zones to no more than 110 dwelling units per acre. Before the interim ordinance there was no defined maximum; the maximum was effectively controlled by the parking, height and bulk regulations.

Mr. Cohn recalled that when the Commission discussed the issue in June they agreed that the proposal should include the following:

- An incentive system that trades off density for public amenities.
- More stringent rules for transition between commercial and residential uses.
- A stipulation that would eliminate or reduce the amount of commercial traffic entering or exiting a site from non-arterial streets.

- Adoption of a new name for the Regional Business Zone to eliminate confusion with the Comprehensive Plan designation and to be more descriptive of the “vision” for future development in the zoning district.

Mr. Cohn referred the Commission to the draft language that was prepared by staff for the Commission’s discussion and reviewed each of the proposed standards as follows:

Standard 1: *Developments larger than a defined threshold (perhaps those subject to SEPA review) would be subject to administrative design review.* Mr. Cohn advised that staff is in favor of requiring administrative design review based on a defined threshold, but they have not recommended a specific number at this point.

Standard 2: *Limit the maximum building height within 100 feet of the property line between RB and R-4 and R-12 zoned properties to 45 feet and limit the maximum building height between 100 and 200 feet of the property line to 55 feet.* Mr. Cohn noted that these transition requirements would be similar to those identified for the Midvale Demonstration Area.

Standard 3: *All buildings and required parking shall be located on the RB-zoned property and not off site.* Mr. Cohn noted that this standard was included to address issues raised previously by the Commission.

Standard 4 (Density Level 1): *The base permitted housing density would be 70 dwelling units per acre, and building height would be limited to four stories. The maximum floor area ratio (FAR) would be 2.0.* He advised that while staff is not tied to the FAR’s proposed in the draft language, they believe they are good numbers based on available information. Chair Hall clarified that the floor area ratio is the square footage of the floor area of the building compared to the square footage of the site. Therefore, applying an FAR of 2.0 on a four-story building would mean that half of the site would not be covered by the building.

Mr. Cohn said staff would like to tie the maximum dwelling units per acre to the FAR in some manner. The current proposal would permit a base density of 70 dwelling units per acre, and he noted that the highest density in most of the City is 48 dwelling units per acre. However, discussions with developers and the City’s experience suggest that densities of 48 dwelling units per acre are likely to result in townhouse development. A limit of 48 dwelling units per acre would not provide enough incentive to encourage mixed-use development, which is a form of housing the City wants to encourage in specific areas. In the recent economic boom, mixed-use development penciled out at approximately 60 to 70 units per acre.

Standard 5 (Density Level 2): *Housing density could be increased to 110 dwelling units per acre, a maximum height of 5 stories, and maximum FAR of 3.2 if the following conditions are met:*

- Mixed use building with at least 3,000 square feet of retail or personal service space*
- Some underbuilding/underground parking or shared parking facility*
- Windows that passerby can see inside 50% of 1st floor*

d. Overhang/awning

Mr. Cohn pointed out that the language in proposed Standard 5 was based on the Ridgecrest Proposal (110 dwelling units per acre and a 3.2 FAR). Staff believes these numbers are reasonable if the City wants to encourage mixed-use development.

Standard 6 (Density Level 3): *Housing density can be increased to 150 dwelling units per acre and maximum height of 6 stories and FAR to 3.6 if the following conditions are met:*

- a. All of the criteria listed above, plus*
- b. Infrastructure for electric vehicle recharging*
- c. 15% is public space*
- d. 15% of the units are affordable to households in the 75% median income category for a specified number of years*
- e. At a minimum, meet 3-star construction standards plus independent verification under King County Built Green Standards as amended or equivalent standard approved by the director*
- f. Make a provision for the developer holding a neighborhood meeting with City staff in attendance to identify traffic impacts coming from building occupants and discuss appropriate mitigation measures. Meetings would be advertised by mailings to property owners and occupants within 500 feet of the property.*

Mr. Cohn summarized staff's belief that the proposed language responds to all of the issues raised by the Commission. He cautioned that while it is very provisional, staff believes it would be economically viable. However, they also believe it would be appropriate to have an alternative proposal on the table at the time of the public hearing, which identifies a density limitation of 48 dwelling units per acre. He recalled that Les Nelson proposed a Comprehensive Plan amendment earlier in the year that would clarify whether residential densities greater than 48 dwelling units per acre would be appropriate in RB zones. When the Commission and Council discussed the potential amendment, staff noted his proposal would be part of the discussion of the permanent RB regulations.

Mr. Cohn reminded the Commission that, once adopted, the permanent regulations would likely be changed by the future adoption of the Town Center Plan. He also announced that staff would likely hire a consultant to help them develop design standards. This work would be presented to the Commission for review at some point in the future and could impact the transition standards.

Chair Hall reminded the Commissioners that this is not a hearing. Therefore, they do not need to deliberate on the merits of the proposed language. The goal for the discussion is to make sure the Commissioners understand the proposal and identify other issues that should be addressed at the hearing. They would have an opportunity to debate the merits of the proposal and amend the language after the public hearing. He commended staff for doing a great job of incorporating the Commission's input into the draft proposal. He said he liked the approach that was used (an idea comes forward, the Commission has a discussion with staff, the public provides comments, and then staff crafts a proposal for a public hearing).

Commissioner Broili suggested that some of the conditions identified in Density Level 3 should be included in Density Level 2, as well. He summarized his belief that the conditions for density above the

baseline should get stringent fairly quickly. Pushing the envelop further would be to the general benefit of the City.

Commissioner Kaje recalled the Commission's June discussion where it appeared they were moving away from the concept of arbitrary unit densities. Instead, they talked about moving towards a form-based code. He invited staff to share their thoughts about why specific density caps were part of the proposed language.

Commissioner Kaje commended staff for the work they did to create draft language. However, he suggested more specificity is necessary or it could trigger a lot of unnecessary concern at the public hearing. For example, Condition b of Density Level 2 could suggest a specific quantitative standard for underground parking. He summarized there are other conditions that would benefit from more specific numbers and/or thresholds.

Commissioner Kaje referred to Condition f of Density Level 3, and suggested the proposed notification radius of 500 feet is too small. While the City might only be required to provide notification within a 500-foot radius, he would like the City to be more proactive about informing the neighbors and public about fairly substantial development projects. He asked staff to come up with a better alternative to address his concern. Mr. Cohn questioned if it would be reasonable to require a residential development to notify more people than a commercial development. He agreed to analyze the issue and provide more feedback. Mr. Tovar emphasized that 500 feet is not the minimum notification requirement; the City actually goes beyond the minimum. In addition to the mailed notification, he suggested staff consider the notion of posting 4' by 8' plywood signs prominently on properties above a certain threshold. Based on his experience, expanding the mailing radius would not necessarily decrease the complaints. People would still insist they did not get a notice. He also cautioned that expanding the notification radius would have a budget implication that should be discussed with the City Council at the joint meeting.

Commissioner Kuboi said it would be helpful to have more information from staff as to how they came up with the specific numbers and terms used in the draft language. He agreed with Commissioner Kaje that more specificity would be appropriate to avoid unnecessary concern at the public hearing.

Commissioner Kuboi asked staff to speak more about what parameters they would hope to address as part of the design review. Mr. Tovar reminded the Commission of the design standards that were developed as part of the Ridgecrest Proposal, which are now part of the Midvale Demonstration Area. In addition, staff would contract with a consultant to create more detailed design guidelines, and staff would seek feedback from the Commission about the kinds of things they want the consultant to consider. Any new design guidelines that are adopted as part of the consultant's work would be applicable to RB zones, as well. Mr. Cohn agreed to forward each of the Commissioners a copy of the Ridgecrest Design Guidelines.

Commissioner Perkowski agreed that the draft language incorporates all of the feedback provided earlier by the Commission. However, he suggested it might be useful to provide an explanation and/or rationale for each of the conditions identified in Density Levels 2 and 3. Perhaps the explanations could connect the proposed language to the City's recently adopted Vision Statement and Framework Goals.

Commissioner Perkowski asked staff to identify the pros and cons of using the term “stories” rather than a specific building height. He noted that some mixed-use zones actually specify height rather than stories, particularly because floor to ceiling heights might be different in commercial spaces. Mr. Cohn said that when the actual code language is prepared, it is likely that maximum height would be identified in feet rather than the number of stories. The purpose of using “stories” was to provide some visual context of how the proposed language would be applied. Chair Hall clarified that the current RB zoning allows a maximum height of 65 feet. Mr. Cohn said the proposed language would be close to that number. The first story, if retail, would be about 14 to 15 feet in height, and the additional stories would be approximately 10 feet in height.

Commissioner Pyle said he supports the concepts laid out in the proposed language, which would not change the City’s current notification requirements. A SEPA review would be required for more than four units. The code already requires that SEPA reviews be processed as Type B applications, which require notification within a 500-foot radius and allow for an appeal period. He summarized that the proposed language places design review into an administrative component, which is in addition to the SEPA review. In his experience, increasing the notification radius would not result in more people commenting on the project. They must consider the fact that most of the properties adjacent to RB zones would be condominiums, so there may be 600 tenants in one adjacent property.

Commissioner Behrens agreed with Commissioner Kaje that incorporating a specific number of units into the draft language would add some perception that the density would be capped in some way. However, they should keep in mind there are different levels of intensity with development (i.e. 150 four-bedroom dwelling units versus 150 one-bedroom dwelling units). They should really consider the amount of space within a box as opposed to the number of units within a box.

Mr. Cohn explained that staff was reticent to go further with the form-based code concept. However, they would support the Commission’s desire to move in that direction and address density based on FAR requirements rather than the number of units. Chair Hall recalled that at their June meeting, the Commission indicated they were not in favor of an arbitrary unit cap, but staff pointed out that they have been encouraged to incorporate a unit cap. He suggested staff prepare the ordinance either with or without the unit cap, but prepare a notice to the public that identifies both options. This would allow the Commission an opportunity to engage the public in the discussion. Mr. Tovar agreed they could write a notice that includes both options, inviting the public to comment on their preference. He explained that staff was hesitant to use a form-based code approach because the permanent ordinance must be adopted by November 12th. He agreed that the form-based code approach has been discussed by the Commission on numerous occasions, and many communities are moving in that direction. However, he is not sure the community, as a whole, is ready to embrace the concept. He suggested the intense public process involved with the Town Center Subarea Plan would provide an opportunity to broaden the community’s understanding of the concept.

Chair Hall summarized that while the Commission agrees the community might not be ready to embrace the concept of form-based zoning, they felt it would be appropriate to notify the public that the Commission is looking at regulating density in the RB zone through height limits, floor area ratio, parking, design standards, open space, etc. rather than a unit count. This would allow the public to

participate in the discussion. Mr. Tovar agreed and suggested staff should do a better job of engaging the public by utilizing *CURRENTS*, the website, etc. to get information out.

Chair Hall recalled that the owners of the James Alan Salon asked for RB zoning because they wanted to construct 25 residential units, but they were happy with the bulk standards associated with the Commercial Business (CB) zone. The Commission attempted to do a special rezone that allowed the additional units, but retained the same bulk standards. The Commission felt it would be acceptable to have 25 apartments instead of 15 condominiums in a building that looked exactly the same from the outside. He summarized that the Commission has been discussing the concept of form-based zoning for years, and it is now time to engage the community in the discussion.

Commissioner Wagner requested staff provide some examples of how the proposed FAR's could be applied on various properties. It would be helpful to consider different lot sizes and the realistic unit count the City would anticipate. Mr. Cohn agreed to provide some examples of how the FAR's would play out based on parking requirements, etc.

Commissioner Kaje pointed out that the public is especially interested in the maximum development that would be allowed in RB zones. He suggested one alternative would be to maintain Density Level 3 as written to allow a maximum of 150 dwelling units per acre. However, Density Levels 1 and 2 could be governed by height. Because fewer floors would be allowed, the number of dwelling units would be less than 150. This option would provide some comfort to the community that density would be limited, but it would also leave more room for creative development under Density Levels 1 and 2.

Commissioner Broili suggested that the level of intensity of the development should be directly related to the mitigation of the impacts. As the intensity is increased, the level of the mitigation has to increase proportionately. If a developer is going to go above the base density allowed in the RB zone, low-impact development techniques, etc. should be required to mitigate. All of the impacts, including environmental impacts, should be completely mitigated by the design requirements. Mr. Cohn asked if this concept should apply equally to both residential and commercial developments. Commissioner Broili answered affirmatively. Mr. Cohn summarized that Commissioner Broili's concern has more to do with FAR than height. For example, a building that takes up the whole site could have more impact than a building that takes up only half of the site but is four times taller. Commissioner Piro suggested staff survey other jurisdictions to identify those that use unit count to limit the number of residential units in mixed-use or commercial zones. Mr. Cohn agreed to contact other jurisdictions.

Commissioner Kuboi said he supports the notion of considering the form-based code concept as part of the public hearing. However, he is concerned about rolling out a new concept in a hurried fashion. Form-based zoning is a complicated topic, and there is a lot of fear and misinformation about what it implies. He does not want the hearing to be derailed based on misinformation and concern over the new concept. He questioned whether they would be able to gain public support for the concept with such short notice. He suggested a Commissioner be assigned to work with staff to make sure the hearing information that is published in *CURRENTS* is understandable to a lay person. He said he is also interested in learning more about the different impacts associated with having one 1,500 square foot unit,

two 750 square foot units or three 500 square foot units. Do impacts increase as the unit count goes up? If so, then the issue is not purely related to the size of the box.

Commissioner Behrens referred to Item 3 in the list of items the proposal must include, and noted that the Commission's concern was not just related to commercial traffic. Large residential complexes can have as much or more traffic impact to adjacent neighborhoods. Therefore, the City should require traffic plans for the residential units that are included as part of mixed-use projects.

Commissioner Behrens referred to the map provided by staff, which identifies some very small pieces of property throughout the City that could be rezoned to RB. These properties would be very difficult to develop at any of the levels proposed in the draft language. He suggested that because most of them are adjacent to single-family neighborhoods, R-48 zoning might be more appropriate. He referred to the five small parcels on the right hand side of 15th Avenue between 168th and 171st Streets, all of which are adjacent to single-family neighborhoods. Perhaps R-48 zoning would be a way to establish a barrier or buffer. Most of the other RB sites throughout the City are larger in size and would be better able to handle density identified in the proposal. Commissioner Piro noted that Commissioner Behrens was referring to properties that are identified as Community Business (CB). Commissioner Behrens agreed but noted that RB zoning, as currently proposed, could be applied to these properties, as well. Chair Hall noted this would require a rezone process, which would include a public hearing.

Commissioner Behrens suggested it would be appropriate to limit development within the first 100 feet of large RB zoned properties to a density of 48 dwelling units per acre with some open space. This would provide an appropriate buffer of function and space between the adjacent single-family residential neighborhoods and the larger buildings that are five to six stories tall. He pointed out that this concept was utilized effectively on the lake side of the Echo Lake Project. Mr. Cohn pointed out that Standard 2 would limit the maximum building height within 100 feet of the property line between RB and single-family residential zones. Commissioner Behrens suggested it would be appropriate to limit buildings within 100 feet of the property line to three stories or 48 dwelling units per acre. Mr. Cohn suggested that the term "45 feet" could be replaced with "three stories." Commissioner Behrens summarized that rather than using step backs away from residential neighborhoods, this same space could be used to create a transition type of building between the neighborhood and the larger buildings.

Commissioner Behrens referred to Density Level 1 and noted that the proposed base permitted housing density would allow approximately half of the lot to be covered with building. He asked staff if it would be possible to develop 70 dwelling units on a one-acre site and still meet the open space and parking requirements. Chair Hall pointed out that if it is not possible, the number of units would have to be reduced. Commissioner Behrens suggested they must consider the effect of the proposed standards. Do they want to create numerous small units that have more impact than a building with larger units?

Commissioner Behrens said it seems that the larger the number of people that would be housed in the units, the more open space should be required. He suggested that Density Levels 2 and 3 should both include an open space provision that is driven by the amount of floor space or the number of units.

Commissioner Behrens expressed his belief that the notification radius is not as important as the neighborhood meeting. He reminded the Commission of his proposal that is currently on their parking lot agenda regarding how to restructure public meetings. He suggested that the City's current system for public meeting is inadequate and ineffective. The City doesn't have any control over the outcome, and the developer runs the process. He suggested the City could also do a better job of encouraging the community to work with developers to exchange ideas.

Commissioner Broili reminded the Commission that building technology and design parameters are changing rapidly, yet it appears the Commission is designing and talking about regulations that are based on historical ways of developing and building. He advised that a number of concepts are being rapidly embraced by cities and communities for ways to build with a zero footprint, and this is changing the way the way people think about the built environment. Form-based codes offer a more earth-friendly approach for development, and he would like the City to be a leader. He admonished the staff and Commission to think in a more global direction. They should have a goal of zero impact (hydrological, energy, etc.) The technology has already been proven, and form-based codes offer the best tool for municipalities to address the issue.

Chair Hall referred to the small parcels and noted that even if they were zoned RB, it would not be possible to build to the maximum height proposed in the draft language. He pointed out that the Echo Lake Project was not required to step back the upper floors. The buildings go up 65 feet from the sidewalk, and this has caused some people consternation. The City learned from that, and the Ridgecrest zoning requires a 20-foot step back for every 10 feet of additional height. He noted that the current moratorium would allow commercial development of 65 feet right next to residential development, so the proposed language would be a huge step forward in protecting the existing single-family residential neighborhoods.

Chair Hall said he would support Commissioner Broili's earlier suggestion that the environmental incentive be applicable to both Density Level 2 and Density Level 3. He noted there are different levels in each of the environmental programs, and it might be worthwhile to require an applicant to meet at least some level of environmental program in order to build to a 110 units per acre. The environmental requirement could be even greater in order to achieve 150 units per acre.

Commissioner Piro said he was pleased with the issues that have been raised by the Commissioners regarding the proposed language. He said that while he appreciates the fact that there is a clear interest to implement form-based zoning, he values staff's caution, as well. He said he is intrigued by Commissioner Kaje's earlier suggestion that the Commission should attempt to articulate the standards for Density Levels 1 and 2 around the form-based concept as much as possible, but maintain the maximum of 150 dwelling units per acre for Density Level 3. He said he would not be averse to presenting more than one option at the public hearing, but he cautioned that it could add to the confusion.

Mr. Cohn reminded the Commission that the interim ordinance expires on November 12th. If the Commission were to conduct a public hearing on September 17th, it might be possible to continue their deliberations to the next meeting before making a recommendation to the City Council. Chair Hall said

he agrees with the concern raised by Commissioners Piro and Kuboi about putting forward the form-based code concept given the Commission's short timeframe for making a recommendation to the City Council. He asked if the Commission would agree to move the proposed language forward with the proposed unit count caps, recognizing that they go hand-in-hand with the FAR and height limits.

Vice Chair Wagner reminded the Commission that the interim regulation was put in place because unit count was of primary concern to the citizens and the City Council. Therefore, the most prudent action would be to respond to their needs by addressing that issue. Commissioner Broili said that while he doesn't disagree, at some point the City must begin the educational process by introducing the concept to the public.

Chair Hall suggested the Commission move forward with the public hearing on September 17th. Once a recommendation has been forwarded to the City Council, the staff and Commission could discuss options for moving the discussion related to form-based zoning forward.

Commissioner Kuboi said he previously reviewed the proposed language solely from a housing perspective, and now he is questioning how the proposed language would impact developments in the RB zone that are not housing. Chair Hall answered that, with the exception of unit count, all other standards would apply. Mr. Cohn added that the proposed language would limit heights and FAR for all types of development in RB zones. It would not have a significant impact on retail developments which are typically not more than two stories in height. However, office development would be impacted by the proposed language. All development that is greater than 45 feet in height would be required to meet the conditions listed in the proposed language.

Mr. Tovar referred to Commissioner Behren's earlier concern that regardless of whether the development is residential or commercial, at least some part of the site should be open space that could be used for passive recreation, gathering places, etc. He noted that, currently, the code requires recreational open space for residential developments, but the requirement is fairly modest. He suggested staff work on language that articulates that the open space must be designed and furnished so it is useful. Chair Hall noted that in order to develop to the highest level in the RB zone, a developer would have to set aside at least 15% of the area as open space. He agreed that further detail could be added to this language to address Commissioner Behrens' concerns. Commissioner Behrens suggested that rather than a straight percentage for all projects, the open space requirement should be based on the unit count. If the City is going to allow large developments, there must be some benefit for the citizens who live in the units. Mr. Tovar indicated that staff would flesh out the 15% requirement into something more descriptive to address Commissioner Behren's concern.

Chair Hall reminded the Commissioners that when they talk about benefits to the community, it is important to remember the benefits just from having someone develop in the community. All new development is required to meet the new NPDES Permit requirements, the new stormwater standards, the new energy code, etc. Anything new that is built on Aurora Avenue will have superior environmental performance to anything that currently exists. He further reminded the Commission that the first eight Framework Goals require reinvestment in the community in order to be successful. Promoting redevelopment in areas that have always been designated for high-intensity development

would bring additional tax revenue to the City and would result in development of valuable vacant land along Aurora Avenue. He summarized that development is not the enemy of environmental protection because the current environmental standards are much better.

Mr. Tovar reminded the Commission that they first discussed the concept of form-based zoning as part of the speaker series that was conducted a few years ago. He suggested that as the Commission prepares for their meeting with the City Council, they should talk about how to move some of the new and innovative concepts forward.

The Commission agreed to move the proposed language forward to a public hearing, with staff fleshing out the details as discussed by the Commission.

Commissioner Kuboi recalled staff's earlier suggestions that approximately 70-units per acre has been identified in the past as the density necessary to encourage future development of flats (apartments or condominiums) as opposed to townhomes. He questioned if this would still be the case for future development. He suggested the Commission give further thought to this number. Mr. Cohn agreed to research the issue, but he cautioned it is difficult to find developers who are doing solely residential development in the urban area. If staff's research indicates it is necessary to raise the base number of 70 units per acre, Commissioner Kuboi questioned if staff would also recommend that the other two thresholds be bumped up, as well. Mr. Cohn said he does not anticipate staff would recommend bumping the high-end number to a density greater than 150 or 160 units. The mid-range number could be anywhere between the low and high numbers.

Commissioner Pyle cautioned that parking would be a significant issue at the public hearing. He suggested the Commission recommend a requirement that building parking be assigned to a unit rather than allowing developers to rent the spaces separately. It is clear in North City that the problem is not insufficient parking in the building; it is that they are charging extra money for the parking. People who don't want to pay for the parking are using the street, and throwing more parking at the problem will not solve the issue. Commissioner Behrens suggested that parking could be used as an incentive for developers who want to construct more units than the base number. He also suggested they consider a requirement that large developments provide a certain percentage of underground parking.

PUBLIC COMMENT

Les Nelson, Shoreline, questioned how many of the Commissioners arrived at the meeting via some other means of transportation than a car. He also asked how many Commissioners did not have cars. He noted that even if people take advantage of opportunities to walk or use public transit, if they own a car, they also need a place to put their car. Getting people to eliminate their cars and rely only on transit is a whole different issue. He expressed his belief that transit service must be available before the City can reduce the parking requirements for residential projects.

Mr. Nelson clarified that his proposed Comprehensive Plan amendment was not to push a density of 48 dwelling units per acre. Rather, the City Council decided that 48 dwelling units per acre was the only density vetted by the public when the RB language was studied earlier. The City Council asked that 48

be used as the basis. He noted that his Comprehensive Plan amendment asked the City to clarify the definitions in LU-17 and LU-18. He questioned if the current proposal would, in fact, make the definitions more clear.

Mr. Nelson said that starting with a base density and then allowing more density for mixed-use development has always been the desire for development along Aurora Avenue. Therefore, he doesn't see allowing greater density as an incentive. Nor does he view underground parking as an incentive. The only way a developer can construct the maximum number of residential units and have another floor of retail is to provide underground parking. He also questioned the incentive related to affordable housing.

Mr. Nelson referred to Condition d of Density Level 3 and expressed concern that the 75% income level could result in a situation where the low-income housing could cost more to rent than the market rates, particularly if it is applied to small units.

Boni Biery, Shoreline, said she was disappointed that none of the comments posted on the Tree Regulations webpage made reference to the packet of resources she provided the Commission at their last meeting. Chair Hall explained that because the public hearing has not been opened, there is currently no public record. He said that once the public hearing has been opened, he would ask staff to incorporate the documents into the record.

Ms. Biery commented that Shoreline has a very low ratio of park acreage per 1,000 people compared to other communities in the area and in the country. Their park acreage is right in line with Detroit and Las Vegas, which is sad. As Shoreline adds more people, there will be an increasing need for parks. She encouraged that when the Commission talks about adding functional open space, it should be based on the worst case scenario in terms of density. No matter what purpose the building is built for, enough open space should be required to serve the needs of future uses. She encouraged them to require the highest percentage possible for each unit. She reminded the Commission that one purpose of the Growth Management Act is to mitigate for all of the impacts, including the social impact of not having open space.

Commissioner Behrens referred to Mr. Nelson's comment regarding the condition related to affordable housing (Condition d of Density Level 3). He agreed that if they allow the 75% income level to be applied to studio apartments, the rates for studio apartments would probably be less than the 75% figure. He suggested they consider assigning the 75% median to two and three bedroom apartments only. Mr. Nelson agreed that unless you assign the 75% income level to a certain size of unit, developers would apply the concept to the very small units, making the low-income housing cost more than the going rate.

DIRECTOR'S REPORT

Mr. Cohn noted that the August 20th meeting agenda includes an open house on the Shoreline Master Program at 6:00 p.m. followed by a study session at 7:00 p.m. The September 3rd meeting agenda includes a discussion regarding the tree regulations, as well as a public hearing on the proposed amendments related to transportation level of service. He suggested the Commission spend some time

Chair Hall announced that the City sponsored a "Neighborhood Night Out Against Crime," on August 5th. The event was successful and included 25 neighborhood events throughout the City. He offered kudos to the Neighborhood Association and City Staff for streamlining the event.

AGENDA FOR NEXT MEETING

Chair Hall announced that the August 20th meeting would start at 6:00 with an open house event. The regular meeting would start at 7:00 with an update and discussion on the Shoreline Master Program. Staff would also provide an update on the Town Center Subarea Plan, and the Commission would spend some time preparing for the joint City Council/Planning Commission Meeting.

ADJOURNMENT

The meeting was adjourned at 9:20 P.M.



Will Hall
Chair, Planning Commission



Jessica Simulcik Smith
Clerk, Planning Commission

August 18th, 2009

RB Zoning

Dear Commissioners,

I'm very concerned about the results that will be produced if the current trend in development continues without a more thoughtful look at where we are headed versus what the Visioning Statement has 'envisioned' for the future.

Please look at the thoughts and ideas below and weigh them carefully in your upcoming deliberations on RB zoning.

Thank you,

Boni Biery

What we don't want to Happen:

- Market driven development based on rental price alone. This drives development with very small housing units and little, if any, outdoor space.
- Un-developed, under-developed, under-utilized RB properties that will remain that way as long as owners are allowed to up-zone additional properties.
- Small businesses being driven away because they can't compete with the desirability of housing for short-term return on investment. However, this is creating ever more housing units without the local businesses needed to serve them.
- RB development sprouting up in neighborhoods for the sole benefit of developer profits

Goals:

- From the Vision Statement - "a thriving corridor, with a variety of shops, businesses, eateries and entertainment, (*paying business taxes*) and includes clusters of some mid-rise buildings, well-designed and planned to transition to adjacent residential neighborhoods gracefully" So long as housing is deemed to

Item 7.a - Attachment 5

be more profitable than mixed use and small business and RB can be “created anywhere in the city, the business corridor will remain underdeveloped and we will continue to add only housing. Housing increases operating costs for the city based on the increased demand for public services: police, fire, medical emergency, which are a natural requirement of increased population. While small businesses offer employment and pay business taxes into the city coffers. Until we can balance the growth rate of housing with small business development the city will continue to have budget gaps with the primary remedy being increased taxes on property owners. Therefore, we need to use properties currently zoned as RB before allowing any additional upgrades. This will encourage the use of under-developed / utilized properties along the Aurora Corridor and keep RB from encroaching on our neighborhoods. This would enhance the business tax base and maintain neighborhood character.

- Existing RB properties to be fully developed and utilized before allowing the creation of more (please see explanation above)
- To define the Market in terms of usage. For example, multi-family housing units should compete for market share not on price alone, but on what amenities (swimming pools, tennis courts, wooded trails, and open play areas) are available on site to residents. For example, the existing character of the City, quality of life and desirability could all be met if the standard for housing developments was more like the Ballinger Commons on N205th at Meridian (if *public open space were to be added*) than Echo Lake. This would create a sense of community where people can play “in their own backyard” rather than being warehoused in small living quarters with total reliance on either the City Parks for opportunities to be outdoors and/or privately owned facilities like the YMCA, gold’s Gym etc.
- Incentives for developers to add open space and amenities. For example, for the addition of open public space beyond the required minimum allow a the exterior bulk of the building to increase one cubic foot for each addition square foot of public open space provided.

-----Original Message-----

From: Boni Biery [mailto:birdsbeesfishtrees@gmail.com]

Sent: Thursday, August 06, 2009 10:19 PM

To: Steve Cohn

Cc: Plancom

Subject: RB Business Zoning

I have some thoughts I want to share about staff's proposal, but first let me say that in considering form-based code, before hiring a consultant, it might be well worth some time looking at the code that has been developed for Bellingham.

First let me say that if the base standard is 48 units, that it makes sense to me that the second and third options would be 96 (48 x2) and 144 (48x 3)

GMA requires that all development fully mitigate impacts. One of the biggest is the social impact (including crime) that occurs when there are more people (thus more anonymity). I believe that one of the best ways to address this is with open space. Shoreline is way behind the curve in open space acreage/1000. Our park system, good as it is, must be increased. Right now we have acreage that is similar to Las Vegas and Detroit; both known to be very desirable family oriented cities, right? There are only a very few ways to increase our open space and requiring those who add to the density of the City is a good one. It should be calculated on the "worst case scenrio" for a each development, recognizing that even though it may be initially intended for use as one business, that it may just as easily become housing or offices in the years ahead and there should be open space available to accommodate all potential uses. Mr Tovar mentioned that our existing requirements are quite conservative compared to the demands of other cities. Therefore, I would encourage the Planning staff to develop a means to determine the maximum possible impact on the surrounding community and than apply the most liberal possible requirements for functional open space that is easily accessible to building occupants, visitors and the general public.

Thanks for considering

always,

Boni

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Please consider the environment before printing....

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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 (2)	Aurora Mixed Use, Neighborhood Mixed Use Regional Business (RB) and Industrial (I) Zones (2)
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac	<u>See Exception (3)(a)</u> 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)	35 ft	60 ft	<u>See Exception (3)(a)</u> 65 ft (2)
Maximum Hardscape Area	85%	85%	95%

Exceptions to Table 20.50.020(2):

- (1) Please see Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.
- (2) Development in CB ~~RB~~ or I zones abutting or across street rights-of-way from R-4, R-6, or R-8 zones shall meet the following transition area requirements:

(a) A 35-foot maximum building height at the required setback and a building envelope within a two horizontal to one vertical slope. However, safety railings with thin or transparent components and whip antennas are allowed above this building envelope. Structures allowed above the maximum height of the zone under Exception 20.50.230(5) may not exceed the building envelope slope, or exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

(b) Property abutting R-4, R-6, or R-8 zones must have a 20-foot setback. No more than 50 feet of building facade abutting this 20-foot setback shall occur without an abutting open space of 800 square feet with a minimum 20-foot dimension. However, the additional open space may be adjusted or combined to preserve significant trees.

(c) Type I landscaping, significant tree preservation, and a solid, eight-foot property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Type II landscaping shall be required for transition area setbacks abutting rights-of-way across from R-4, R-6 or R-8 zones. Patio or outdoor recreation areas may replace up to 20 percent of the landscape area that is required in the transition area setback so long as Type I landscaping can be effectively grown. No patio or outdoor recreation areas in the transition area setback may be situated closer than 10 feet from abutting property lines. Required tree species shall be selected to grow a minimum height of 50 feet. A developer shall provide a Type I landscaping plan for distribution with the notice of application. Based on comments at a public meeting held by staff, the City may approve an alternative landscaping buffer with substitute tree species, spacing and size; provided, that the alternative will provide equal value and achieve equal tree canopy. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping. Utility easements parallel to the required landscape area shall not encroach into the landscape area.

(d) All vehicular access to proposed development in AMU, NMU, ~~RB~~, CB, or I zones shall be from arterial classified streets unless determined by the Director to be technically not feasible. If determined to be technically not feasible, the developer shall implement traffic mitigation measures, approved by the City Traffic Engineer, which mitigate potential cut-through traffic impacts to single-family neighborhoods.

(3) Development in AMU and NMU zones abutting or across street rights-of-way from R-4, R-6, R-8, or R-12 zones shall meet the following transition area requirements:

(a) All developments in the AMU and NMU zones are subject to Administrative Design Review as approved by the Director.

(b) A maximum 40-foot building height for residential and 50-foot building height for mixed-use buildings, maximum density of 70 dwellings per acre, and a FAR (Floor Area Ratio) of 2.0, except:

(i) A maximum building height of 60 feet, maximum FAR of 3.2, and maximum density of 110 dwellings per acre is permissible if the development meets the following conditions:

- o The building is a mixed use building with at least 3,000 square feet of retail or personal services space; and

- At least 1/3 of the required parking is underground or underbuilding; and
- The ground floor includes windows that allow passers-by to see inside 80% of the ground floor street frontage; and
- An overhang or awning hangs over at least 80% of the 1st floor along an arterial; and
- “3-star” construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
- 800 square feet of common recreational space is provided for developments of 5-20 units; 40 feet of recreational space per unit is provided for developments over 20 units.

(ii) A maximum height of 65 feet, maximum housing density of 150 dwellings per acre and maximum FAR of 3.6 is permissible if all the conditions under (a)(i) of this subsection are met and the following conditions are met:

- The development includes infrastructure for electric vehicle recharging; and
- 15% of the units are affordable to households in the 75% King County median income category based on household size for a minimum of 30 years; and
- “3-star” construction standards *plus independent verification* under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
- After the pre-application meeting and prior to submitting an application for construction, the developer must hold a neighborhood meeting with City staff in attendance to identify traffic impacts caused by the new development and propose appropriate mitigation measures. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

(c) The maximum building height for developments within 100 feet of the property line is limited to 45 feet and the maximum building height for developments between 100 and 200 feet of the property line is 55 feet.

(d) Structures allowed above the maximum height of the district under Exception 20.50.230(5) may not exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

(e) All conditions under Exception 2(b), (c), and (d) of this subsection must be met, for development in AMU and NMU zones abutting or across street ROW from R-4, R-6, R-8, and R-12 zones.

20.50.230 Site planning – Setbacks and height – Standards.

Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) <u>Aurora Mixed Use, Neighborhood Mixed Use and Industrial (I) Zones</u>
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, AMU, NMU RB , and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (5)	35 ft (3)	60 ft	65 ft (4) (5) (4)
Max. Hardscape Area	85%	85%	90%

Exceptions to Table 20.50.230:

(1) Front yard setback may be reduced to zero feet if adequate street improvements are available or room for street improvements is available in the street right-of-way.

(2) Underground parking may extend into any required setbacks, provided it is landscaped at the ground level.

(3) Bonus for mixed-use development in NB and O zones: In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base height may be increased for mixed-use development to four stories or up to 50 feet, if the added story is stepped back from the third story walls at least eight feet, and subject to the following requirement:

Residential dwelling units shall occupy a minimum of 25 percent to a maximum of 90 percent of the total floor area of the building.

(4) See SMC Table 20.50.020(2), Exception (2), for transition area requirements for ~~CB, RB,~~ or I development abutting R-4, R-6, or R-8 zones or across the street rights-of-way from R-4, R-6, or R-8 zones.

(5) See SMC Table 20.50.020(2), Exception (3), for transition area requirements for AMU and NMU development abutting R-4, R-6, R-8, or R-12 zones or across the street rights-of-way from R-4, R-6, R-8 or R-12 zones.

(6) ~~(5)~~ Except as further restricted by SMC Table 20.50.020(2), Exception (2), the following structures may be erected above the height limits in all zones:

a. Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance, fire or parapet walls, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 15 feet above the height limit of the district, whether such structure is attached or freestanding;

b. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 500 § 1, 2008; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 4(B-1), 2000).

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 surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking in the AMU and NMU zones shall be located on the same parcel or same development area that parking is required to serve.

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 [20.30.750](#).

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;