

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, February 1, 2007  
7:00 p.m.**

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

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S REPORT</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b> a. January 4, 2007	7:08 p.m.
<b>6. GENERAL PUBLIC COMMENT</b>	7:10 p.m.

*The Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 6 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and city of residence.*

- 7. PUBLIC HEARINGS** *Quasi-Judicial Public Hearings*
- 1. Site-Specific Rezone at 20309 8th Ave. NW | Project #201588** 7:15 p.m.
    - a. Staff Overview and Presentation of Preliminary Staff Recommendation
    - b. Applicant Testimony
    - c. Questions by the Commission to Staff and Applicant
    - d. Public Testimony or Comment
    - e. Presentation of Final Staff Recommendation
    - f. Final Questions by the Commission and Commission Deliberation
    - g. Closure of the Public Hearing
    - h. Vote by Commission to Recommend Approval or Denial or Modification
  - 2. Continue Site-Specific Rezone at 18501 Linden Ave. | Project #201570** 7:45 p.m.
    - a. Bring back tabled motion
    - b. Presentation of Final Staff Recommendation
    - c. Final Questions by the Commission and Commission Deliberation
    - d. Closure of the Public Hearing
    - e. Vote by Commission to Recommend Approval or Denial or Modification
  - 3. Development Code Amendments** 8:45 p.m.
    - a. Staff Overview
    - b. Questions by the Commission to Staff
    - c. Public Testimony or Comment
    - d. Final Questions by the Commission and Commission Deliberation
    - e. Closure of the Public Hearing
    - f. Vote by Commission to Recommend Approval or Denial or Modification

**Agenda continued on back...**

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| <b>8.</b>  | <b>REPORTS OF COMMITTEES AND COMMISSIONERS</b>   | 9:15 p.m. |
| <b>9.</b>  | <b>UNFINISHED BUSINESS</b>   | 9:20 p.m. |
| <b>10.</b> | <b>NEW BUSINESS</b>  | 9:25 p.m. |
| <b>11.</b> | <b>ANNOUNCEMENTS</b>   | 9:35 p.m. |
| <b>12.</b> | <b>AGENDA FOR</b> February 15, 2007<br>Shoreline 2010 Speaker Series<br>7 p.m. in the Mt. Rainier Room<br>Speaker: Mark Hinshaw, Director of Urban Design for LMN Architects | 9:39 p.m. |
| <b>13.</b> | <b>ADJOURNMENT</b>   | 9:40 p.m. |

<i>The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.</i>
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# DRAFT

These Minutes Subject to  
February 1<sup>st</sup> Approval

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

January 4, 2007  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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#### **COMMISSIONERS PRESENT**

Chair Piro (arrived at 7:20 p.m.)  
Vice Chair Kuboi  
Commissioner Broili  
Commissioner Hall  
Commissioner Harris  
Commissioner McClelland  
Commissioner Phisuthikul  
Commissioner Pyle  
Commissioner Wagner

#### **STAFF PRESENT**

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

#### **CALL TO ORDER**

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

#### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Vice Chair Kuboi, Commissioners Broili, Hall, Harris, McClelland, Phisuthikul, Pyle and Wagner. Chair Piro arrived at 7:20 p.m.

#### **APPROVAL OF AGENDA**

The Director's Report was moved to after the public hearing. The remainder of the agenda was approved as presented.

#### **APPROVAL OF MINUTES**

The minutes of December 14, 2006 were approved as presented.

## **GENERAL PUBLIC COMMENT**

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

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

Vice Chair Kuboi reviewed the rules and procedures for the public hearing. He reminded the Commission of the Rules of the Appearance of Fairness Laws and invited them to disclose any communications they may have received concerning the subject of the hearing outside of the hearing. Commissioner Hall advised that at the last Commission meeting, he spoke briefly with the project proponent's representative about why they were being asked to consider a rezone application for property that was recently rezoned. However, he realized that it was inappropriate for him to talk about the quasi-judicial issue outside of the hearing and the conversation stopped before any in-depth discussion occurred. None of the Commissioners, staff or public expressed a concern about Commissioner Hall's participation in the public hearing.

Mr. Tovar introduced Flannary Collins, Assistant City Attorney, who was present to help the Commission and staff prepare a legally-sound set of findings and conclusions for the quasi-judicial rezone application. She would also be available to answer the Commission's legal questions.

## **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran presented the staff report to the Commission. He provided a Comprehensive Plan Map, indicating the location of the two subject parcels. He noted that the southern parcel has a current land use designation of Community Business (CB) and the northern parcel is currently designated as Mixed-Use (MU). The properties are surrounded by MU to the north and east, Medium-Density Residential (MDR) to the west, and CB to the south. Next, he referred to a zoning map that indicates the two properties have different zoning: the southern property is currently zoned Office (O), and the property directly to the north is zoned R-48. The property to the west is currently zoned R-12, and properties to the east are currently zoned as Regional Business (RB), O and R-48. The zoning to the south is currently R-18, R-12, and O. Mr. Szafran reviewed the existing site plan for the subject properties, and he also provided photographs to illustrate adjacent development to the north, south, east and west.

Mr. Szafran advised that the applicant originally proposed to change the existing zoning of R-48 and Office (O) to Regional Business (RB). However, the staff is proposing that the parcels be rezoned to Community Business (CB). He briefly explained that in an RB zone there would be no maximum residential density limitation, and a 65-foot height limit would be allowed. A CB zone would have a 60-foot height limit, and the density would allow only 15-units to be constructed. In addition, the range of land uses allowed in an RB zone would be more intense. Both the RB and CB zones would allow a mix of commercial and residential uses. He explained that the Office zone would allow a 50-foot height limit and a less-intense range of land uses. He noted that, based with the current R-48 and O zoning, the applicant would be allowed to construct up to 11 units with a maximum height limit of 50 feet. The commercial portion of the development would be limited to the portion of the property that is zoned O.

Mr. Szafran explained that the rezone to CB would be consistent with the MU and CB land use designations and would provide a transition from Aurora Avenue North to the west. It would also provide services for surrounding neighborhoods and place the higher-density uses away from the single-family neighborhoods and along the arterial street. In addition, the subject property falls within the proposed Town Center Study Area. He said that staff's preliminary recommendation is that the Commission recommend approval of CB zoning for properties located at 18501 and 18511 Linden Avenue North.

### **Applicant Testimony**

Jim Abbot, representative for applicants, said the applicants have agreed with the staff's recommendation to rezone the two subject parcels to CB, which would limit the height to 60 feet and allow a less intensive range of land uses. However, they are concerned that limiting the properties to a maximum of 15 dwelling units would be too restrictive. He explained that with a 60-foot height restriction, the applicant would be able to construct up to four floors of residential space over the James Alan Salon. If they are restricted to 15 units, they would likely end up being quite large (1,500 to 1,800 square feet) condominium units. They would prefer to construct some smaller units (about 1,000 square feet) that could be used as apartments. He said that while they do not oppose the staff's recommendation to rezone the properties to CB, they are asking that the Commission consider the option of altering the number of dwelling units allowed on the site.

Mr. Abbot reiterated that the applicant is willing to be bound by all of the criteria associated with the CB zoning designation, except for the restriction on the number of dwelling units. He suggested that a greater number of small units would be beneficial to the City and would comply with the Growth Management Act Requirements and the City's Comprehensive Plan Policies. He recalled that when he developed the Gateway Project at 185<sup>th</sup> and Aurora Avenue North, which is very close to the subject property, the Council expressed concern that they were not providing any dwelling units. They were unable to provide residential space because of the high water table and the inability to have underground parking, but that is not the case with the subject property. He summarized that the applicant would like to have five or six units per floor of residential space instead of three or four. He asked that the Commission consider a contract rezone or concomitant agreement that would allow them to have more dwelling units but still stay within the CB zoning designation requirements.

Chair Piro arrived at the meeting at 7:20 p.m. and stepped in as chair of the meeting.

### **Questions by the Commission to Staff and Applicant**

Commissioner Phisuthikul asked how many dwelling units the applicant would propose for the subject properties. Mr. Abbot answered that the applicant would agree to limit the development to 25 units or less on the four floors. This would allow them to construct more small units rather than fewer large condominium units. Commissioner Phisuthikul asked if the applicant would agree to limit the ownership of the units to only rental if the development were allowed to have up to 25 units. Mr. Abbot

said he does not know the applicants' future plans, but their current desire is to lease out the units as an investment rather than selling them as condominiums.

Vice Chair Kuboi asked if the applicant approached the staff previously regarding the concept of a contract rezone. Mr. Szafran answered that staff was not previously notified of the applicants' desire for a contract rezone. He explained that if the Commission were to recommend approval of the CB zone as proposed, the properties would be limited to only 15 dwelling units. Mr. Abbot advised that the applicant has retained an architect to start the preliminary design work, and their initial discussions have centered around one level of underground parking, the salon on the ground floor and then four floors of housing above. However, no site plans have been submitted to the City at this point. The applicants chose to move forward with the public hearing for the proposed CB zone because they were accepting of all of the CB zoning criteria except the 15-unit limitation. They were hoping to find a creative way to increase housing density, but still work within the staff's recommendation.

Mr. Tovar recalled that a number of rezones have come before the Commission for review over the past year. While questions are often asked about the proposed site plans, it is important to understand that once a zoning change has occurred, future applicants would be allowed to build based on whatever rights are allowed under that zone. On a number of occasions, the City Attorney has cautioned against conditioning rezone applications. Mr. Tovar pointed out that, currently, the City's zoning categories are very detailed as far as density. He also noted that later in the meeting he would talk with the Commission about the concept of form-based zoning, which moves away from being fixated on density, ownership, etc. Instead, a form-based code would simply regulate bulk, form, shape, character, parking, landscaping, etc. and allow the other issues to be addressed based on the market demands.

Mr. Tovar summarized that based on the City's current zoning code, staff does not recommend a contract rezone approach at this time. However, the Commission could consider RB zoning, which is what the applicants' originally proposed. The applicants would then be able to construct a development with 25 dwelling units or less, which is fewer than the RB zoning designation would allow. Mr. Abbot agreed that if the Commission is unable to consider a contract rezone for the subject parcels, they could consider the applicants' original proposal for RB zoning. Again, he indicated that the applicants are willing to be bound by a subsequent contract rezone or concomitant agreement that would limit the development to 25 units with a 60-foot height restriction.

Commissioner Wagner asked at what point a traffic impact study would be required for the subject property. She said she could envision a situation where small units could be constructed bit by bit, none of which individually would require a traffic impact study. Mr. Szafran answered that staff would determine whether or not a traffic impact study would be required for the subject property at the time a building permit application is submitted. No construction would be allowed on the site until a site development permit has been approved.

Mr. Tovar said staff talked to the City Attorney about whether it would be possible to condition approval of the RB zone, and his answer was "no". Based on this direction, the Commission has the option of choosing either the CB or the RB zoning designations, only. They cannot condition either of these designations. He said that rather than recommending approval of the CB zoning designation with

conditions, staff would be more comfortable recommending approval of the RB zoning designation with no conditions.

Flannary Collins, Assistant City Attorney, explained that certain standards were set in the Comprehensive Plan for a reason. Adding conditions for some rezone applications could result in situations where applicants expect the City to place conditions on rezone applications, using a combination of two zones to meet their needs. She advised that the Revised Code of Washington indicates that cities must make these choices when reviewing comprehensive plans and zoning regulations and not on a case-by-case basis. She reminded the Commission that the City Attorney has cautioned against the use of contract rezones.

Commissioner Hall recalled that, in the past, the Commission has been informed that with any quasi-judicial rezone, they have the authority to recommend approval, recommend denial, or recommend approval with conditions. He asked if it is now the City Attorney's position that the Commission does not have the legal authority to approve a rezone with conditions. Ms. Collins said she does not believe the Commission would be prohibited from placing conditions on a rezone application, but the intent of the Revised Code of Washington and the City's development regulations is that the Commission won't add conditions. She noted that the existing development regulations went through a public process and careful staff and Commission analysis before they were adopted. Commissioner Hall pointed out that in previous cases, the City Attorney has been involved in negotiations with applicants to bring forth conditions as part of the staff's recommendation. He asked if this new direction is legal interpretation or a change in policy. Ms. Collins she cannot comment on previous applications that have come before the Commission, but the City Attorney is now cautioning against the use of contract rezones.

Commissioner McClelland suggested that a contract rezone would be different than conditions being placed on a rezone application. Mr. Tovar said the contract rezone concept has been around for decades and has been utilized by various jurisdictions throughout the region. However, the Growth Management Act requires that a city's comprehensive plan and development regulations (including the zoning map) be consistent. Whether it is called a contract rezone or a conditioned permit, it is a fundamentally flawed concept since the development regulations should reflect what the Comprehensive Plan says. His professional recommendation would be to move away from unpredictability and the ad hoc incremental case-by-case contract rezone approach. Instead, they should take the time and effort to make the regulations say what they mean.

Commissioner Broili asked about the timeline of the applicants' project. Mr. Abbot said the applicants submitted the rezone application early in 2006, and their intent is to move the project forward as quickly as possible. Commissioner Broili asked about the expected timeline for the adoption of a more form-based zoning code. Mr. Tovar answered, that later in the meeting, staff would present the concept of creating a more form-based code for a specific part of the City. Adopting form-based zoning that could be applied city-wide would take significantly longer to accomplish. However, the Commission could certainly discuss this option at their joint-meeting with the City Council in April. He noted that the City Council has already signaled their interest in a form-based code approach, and staff is preparing a proposal to apply the concept to the South Aurora Avenue Triangle.

Commissioner Hall asked how many units would be allowed to be developed on the subject property based on the City's highest residential zone of R-48. Mr. Szafran answered that an R-48 zone would allow a maximum of 15 units. Commissioner Hall said he would like more specific information about what the previous zoning and land use designation was. He also asked staff to provide more information about the extent to which neighboring cities and counties use conditions or contract rezones, especially those jurisdictions that are similar to Shoreline in size. He would also like examples of how both planning commissions and hearing examiners handle quasi-judicial matters. He said it is important that the Commission has a clear understanding of how they can effectively use their power to promote development that is consistent with the City's Comprehensive Plan Policies, and at the same time, safeguard the interest of the neighbors. He agreed with Mr. Tovar that the City's current zoning regulations limit the flexibility for applicants to do creative design. However, he recalled that during the cottage housing debate, they heard that the citizens would not support density bonuses. He suggested that when considering the option of form-based zoning, they should also consider the elements of the existing use-based code that some members of the community have passionately testified about in the past.

Chair Piro asked what the new timeframe would be if they were to postpone their action until staff could provide the additional information requested by Commissioner Hall. Mr. Cohn reminded the Commission that the January 18<sup>th</sup> meeting was cancelled, but staff could have the additional information available for the Commission's continued deliberation on February 1<sup>st</sup>. Mr. Abbot indicated that the applicants would support a Commission decision to continue the hearing to February 1<sup>st</sup>.

Mr. Abbot pointed out that the term "contract rezone" is defined in the City's development code, so he assumed the concept could be utilized by the Commission. Mr. Tovar said he would ask the City Attorney to provide written clarification regarding his position on contract rezones. Mr. Abbot pointed out that he has been involved with contract rezone applications in the cities of Edmonds, Redmond and Seattle. If contract rezones are not the right approach in Shoreline, he asked that staff provide additional direction to the applicants on how to address their concern.

Commissioner Harris asked Mr. Tovar to reiterate his previous statement regarding the applicants' original application for RB zoning. Mr. Tovar said staff would be willing to support the applicants' original proposal for RB zoning. While the applicant has verbally offered to limit the development to 25 units or less, staff is not confident it would be legal for the City to impose this condition based on the existing zoning regulations. Mr. Abbot said the applicants are prepared to offer a written agreement, if the appropriate vehicle for doing so could be identified.

Commissioner Harris asked if staff believes the smaller rental units proposed by the applicant would benefit the City more than larger condominium units. Mr. Tovar suggested that the Comprehensive Housing Strategy Committee would consider this subject as one aspect of their discussion. He noted, however, that as the market demands changes, the City would not really have control over whether or not the units are converted to condominiums at a later date.

Commissioner Pyle referred to Attachments 2 and 3 and recalled that the whole block that is currently designated as Community Business and Mixed-Use was High-Density Residential, which did not allow



the Office zone. The Comprehensive Plan and the zoning map were in conflict and the City was required to either change the Comprehensive Plan or rezone the property. The property owner requested that the Comprehensive Plan designation be changed. However, because the corner piece was zoned Office, they could not change the Comprehensive Plan designation to Mixed Use. They were required to change this piece to Community Business, which would allow for the Office zone to remain.

Ms. Collins said that while it is not the City Attorney's intent to prohibit contract rezones, he is cautioning that they are not wise. The Comprehensive Plan policies and the Development Code regulations should be consistent and clearly indicate what is and is not allowed.

### **Public Testimony or Comment**

There was no one in the audience who expressed a desire to participate in the public hearing.

### **Presentation of Final Staff Recommendation**

Mr. Tovar distributed the draft findings and conclusions that were prepared by Ms. Collins. He advised that the Commission could review the document and take action tonight, or they could carry their deliberation over to the February 1<sup>st</sup> meeting. He advised that staff's final recommendation is that the Commission recommend approval of the more permissive zoning of RB, as originally requested by the applicants, with the understanding that the applicants would look for a method to provide some type of written commitment to limit what could be done on the property beyond what the zoning code would require. In the meantime, staff could obtain information from other jurisdictions regarding their use of contract rezones. Staff could also request further direction and feedback from the City Attorney.

### **Final Questions by the Commission and Commission Deliberation**

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

Commissioner Pyle said it appears the intent of the current property owners is to limit the number of units to 25. He pointed out that it is difficult to determine what market forces will do in the future. They might want to add more office space in the future, or change the configuration of all of the uses. The proposed zone would allow the property owners to make changes based on market pressures.

Commissioner McClelland said she believes it would be appropriate to allow more dwelling units on the site. The applicant has made a good faith effort to voluntarily limit the number to 25 or fewer. She suggested that if the Commission had known what the applicants were proposing for the subject property prior to the meeting, they would have reached this same conclusion. She did not think the additional information to be provided by staff in February would change the Commission's position. Therefore, she is ready to move forward with a recommendation of approval.

Commissioner Broili said that because situations often change after a rezone application has been approved, he would not be in favor of a contract rezone or any other type of conditions. He agreed with the City Attorney's caution against placing conditions on rezone applications. If changes are necessary, they should be made to the zoning criteria, instead. He said he is anxious to learn more about the form-based zoning concept, which would provide opportunities for flexibility. He said he would support the proposed RB zoning designation, since it would give the applicants maximum flexibility and would be consistent with adjacent properties given their proximity to Aurora Avenue North and 185<sup>th</sup> Street.

Commissioner Hall said that although he could support the development concept put forth by the applicant, he would not support the proposed motion to rezone the property to RB at this time. He referred to the code criteria related to rezone applications and made the following observations:

- **Criteria 1: The rezone is consistent with the Comprehensive Plan.** The rezone proposal would be consistent with the Comprehensive Plan.
- **Criteria 2: The rezone will not adversely affect the public health, safety, or general welfare.** The letter from Mr. Howe found in Attachment 4 describes concerns about certain things the zoning code has generally protected. The Commission has also discussed the concept of step down zoning that gradually goes from the most intense uses near the urban centers to less intensive residential uses. The staff's recommendation to rezone the subject properties to RB could lead to developments of much higher density than would otherwise be seen in this area, and this would result in higher traffic impacts, as well. Thus, the rezone would adversely impact the general welfare of the community.
- **Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.** In order to make this criterion more meaningful, the Commission must carefully consider whether the rezone would be warranted. The Commission understands that they want to provide various housing options for the community, and smaller rental apartment units would be terrific. However, they must consider what would be allowed in the RB zone and not just what the applicant is proposing. There is no evidence to indicate a need to rezone the properties to RB to achieve consistency with the Comprehensive Plan. Therefore, the current zoning designation is already consistent.
- **Criteria 5: The rezone has merit and value for the community.** While the ability to get more high-density housing on the subject property would have merit, the proposed RB zone would overreach this goal. The highest density in the vicinity of the subject property is R-48. An RB zoning designation would allow the property owner the potential of constructing a 65-foot tall purely residential building with approximately 35 units.

Commissioner Pyle pointed out that, regardless of whether the use is office, residential or retail, the developer would be able to construct a building with an envelope that would meet the same limits and design requirements as a residential building. Therefore, the perceived impact to the community would be the same whether there are 35 residential units or a mixture of office and retail. If the Commission were to consider the intensity of daytime use versus evening and morning use, a building with office and retail uses would have a much higher impact to the residential community than a residential use.

Commissioner Hall referred to Page 33 of the Staff Report, which shows that the bulk regulations would differ not only in density, but also in height, setbacks and lot coverage. He reminded the Commission

that density has been a huge concern in the community, and the Commission has heard a lot of testimony regarding the issue. He expressed his belief that the density allowed in an RB zone is significantly different than what would be allowed in a CB zone.

Commissioner McClelland pointed out that the subject property is located in an area where the City wants to encourage higher densities because it is near bus routes and assessable to the commercial areas. People who live in this area do not need cars because all of the necessary services are provided close by. She expressed her belief that there would be significant change in the area in the future as zoning changes are made to implement the Comprehensive Plan land use designations.

Commissioner Phisuthikul agreed there is a lot of difference between the RB and CB zones. He expressed his concern that, without any facts to support the change, staff has altered their recommendation from CB to RB. He expressed his concern that the impacts to the surrounding properties would be greater if the property were zoned RB.

Commissioner Wagner agreed with Commissioner Hall's concerns. She reiterated that she cares largely about traffic impacts. She said she has driven on Linden Avenue several times, and she agrees with the concerns raised in the two letters submitted prior to the meeting expressing opposition. She said she would not feel comfortable with a rezone that would allow a significant increase in the number of residential units in an area where traffic has already been significantly impacted. She said she doesn't care how many units are built on the subject property, but is more concerned about the traffic impacts associated with the development. Without this additional information, she would not be able to support the rezone application.

Commissioner Hall pointed out that the primary access for the site would likely be from 185<sup>th</sup>, and he would have concerns about left-turning traffic onto 185<sup>th</sup> which is so close to Linden Avenue. He also noted that the applicant's proposal to develop 25 units on .3 acres would be a density of 83 dwelling units per acre. He suggested this might be stretching what the community would be comfortable with for this area. Commissioner Broili said his understanding is that the applicant intends to develop the whole site with underground parking, which might preclude access from 185<sup>th</sup>. Instead, the access could just as easily come from Linden Avenue.

Chair Piro expressed his concern about going from the proposed CB zoning to RB zoning, which would more than double the density of the subject property. He suggested the Commission consider some other option that would allow them to pursue a project that would be somewhere in between to satisfy some of the step down zoning considerations raised by Commissioner Hall. However, given that the location of the subject property is in an area where the City is trying to change the character to be more transit oriented, he would likely support the motion on the floor.

Commissioner Pyle asked what types of activities would be allowed under the RB zone that would not be allowed under the CB zone. Mr. Szafran answered that the allowed land uses would be almost the same, except construction, warehouses, dog kennels and auto rentals would not be allowed. However, the lot coverage requirements would be more restrictive in an RB zone. Commissioner Broili pointed out that a mixed-use land use designation would allow almost any type of use. Mr. Cohn agreed that a

mixed-use land use designation would allow all zoning categories. He emphasized that “mixed use” is a land use designation and not a zoning designation. The zoning designation would ultimately control the type of uses allowed on a property.

**COMMISSIONER HALL MOVED TO LAY THE PENDING MOTION ON THE TABLE AND BRING IT BACK AT THE COMMISSION’S FEBRUARY 1<sup>ST</sup> MEETING. COMMISSIONER HARRIS SECONDED THE MOTION.**

Commissioner Hall said that, as it stands now, he would vote against the motion. He said he would only support a rezone to Regional Business if a solution could be crafted by the City Attorney that would allow for certain conditions. He said he would prefer the Commission come up with a recommendation that could be supported by most if not all of the Commissioners rather than forwarding a split-vote recommendation to the City Council. Commissioner Harris agreed. He said he would not feel comfortable supporting an unrestricted rezone to RB. He said he would be willing to support a rezone to CB, but he would rather table the issue until the February 1<sup>st</sup> meeting.

Commissioner Pyle summarized that it appears that the Commission is interested in considering a rezone to RB, but they want to be able to consider limiting the number of units and the height. However, regardless of whether the height and number of units is limited, a property owner would still be able to build the same size of building, minus the height. Therefore, the perceived impact would be the same. The same amount of square footage of office or retail space would be allowed, so limiting the number of units would simply limit the number of vehicle trips related to residential units in the building. The perceived intensity of the scale and volume of the building would not change unless the setback and lot coverage requirements were changed to be similar to the CB zone.

Commissioner Phisuthikul pointed out that there is a difference in the setback, bulk and lot coverage requirements between the CB and RB zones. Therefore, the RB zone would allow a larger mass of building than would the CB zone. Commissioner Pyle advised that Commissioner Hall is suggesting the Commission consider a rezone to RB, with a limitation on the number of units. However, there are other forces that impact the bulk and scale of a building. Limiting the number of units to 25 and the height to 60 feet would not significantly change the scale of development that could be built because the building envelope, aside from the height, would still be the same.

Commissioner Phisuthikul suggested the Commission consider another alternative that would rezone the property to CB, but allow up to 25 units on the site. This would require the development to meet all of the CB zone requirements, so the mass of the building would perhaps be smaller. He emphasized that rezoning to CB and allowing up to 25 units is entirely different than rezoning to RB and limiting the number of units to 25. Mr. Szafran pointed out that the RB zone requires greater setbacks than the CB zone. Mr. Tovar expressed his belief that the City Attorney would most likely determine that it would be better to rezone the property to RB and limit the number of units and the height. It is far less likely he would recommend they rezone to CB but allow an exception for more units on the subject property than the CB zone would typically allow. Commissioner Broili said he would be opposed to altering or coming up with provisions to change the CB or RB zoning standards to meet the needs of this one property owner. He supports the City Attorney’s advice to avoid contract or conditioned rezones.

If the Commission takes action to rezone the subject property to RB with no conditions, Vice Chair Kuboi asked if this would set a precedent for other similar applications. In other words, would a future applicant be able to cite this situation when requesting a rezone to something that is greater than the desired zone in order to accommodate their development desires. Ms. Collins answered that an applicant could certainly point to this particular application, but future applications would still be limited by the Comprehensive Plan. Commissioner Broili said that each application must be considered on a case-by-case basis. He said he doesn't see that the Commission's action on this item would set a precedent. Ms. Collins agreed that a future applicant could point to this application as an example, but the Commission would still be required to make their decision based on the facts and the rezone criteria.

Commissioner Wagner suggested that perhaps the applicant could consider the option of providing step down zoning. For instance, the lot that is currently zoned office could be CB and the next lot could be something else. Perhaps there are alternative designs that would allow the applicant to meet their density requirements, but also address some of the issues raised by the Commission.

**THE MOTION TO TABLE THE PENDING MOTION UNTIL FEBRUARY 1<sup>ST</sup> CARRIED 5-4, WITH COMMISSIONER HALL, COMMISSIONER HARRIS, COMMISSIONER WAGNER, VICE CHAIR KUBOI, AND CHAIR PIRO VOTING IN FAVOR AND COMMISSIONER BROILI, COMMISSIONER MCCLELLAND, COMMISSIONER PHISUTHIKUL, AND COMMISSIONER PYLE VOTING IN OPPOSITION.**

#### **Closure of the Public Hearing**

The public hearing was continued to February 1st.

#### **Vote by Commission to Recommend Approval, Denial or Modification**

The Commission tabled a recommendation on the proposed rezone application to the February 1<sup>st</sup> meeting.

THE COMMISSION RECESSED AT 8:50 P.M. TO DETERMINE WHETHER OR NOT A MAJORITY VOTE WOULD BE SUFFICIENT TO PASS THE MOTION TO TABLE. THEY RECONVENED THE MEETING AT APPROXIMATELY 9:00 P.M.

Mr. Cohn advised that Roberts Rules of Order states that the motion to table the pending application must be passed by a majority of Commissioners. Chair Piro clarified that the motion to table passed by a vote of 5-4. He said it is his understanding that the Commission would have to make a formal motion to bring the issue back for deliberation at the February 1<sup>st</sup> meeting.

#### **REPORTS OF COMMITTEES AND COMMISSIONERS**

There were no reports from committees or Commissioners.

## **DIRECTOR'S REPORT**

### **Subarea Plan for the South Aurora Triangle**

Mr. Tovar reported that within the next few weeks, staff would present a proposal to the City Council that would authorize them to proceed with a subarea plan for a specific part of the City known as the South Aurora Triangle (bordered by Aurora Avenue to the east, the Shoreline City limits to the south, and the Interurban Trail to the northwest). The intent would be to consider a legislative rezone and form-based code that identifies a land-use designation for the Comprehensive Plan and zoning map district called the "Form-Based Code 1" zone. In this zone, the City would spell out what uses should be allowed and what the residential density limitations should be. At this time, staff is proposing no residential density limitation. While a development would have to fit within the stipulated building envelope and floor area ratio and meet all of the other form constraints and building design standards, the number and size of the residential units would be determined by the market. He noted that if the City Council agrees to move forward with the subarea plan, the issue would come back to the Commission for review sometime in the spring or summer.

### **Proposed Long-Range Planning Work Program**

Mr. Tovar referred the Commission to the schedule outlining the 2007-2008 Long-Range Planning Work Program. The schedule illustrates the timing and actions for the major public policy initiatives (Comprehensive Housing Strategy, Environmentally Sustainable Communities, Aurora Project, and Town Center and Ridgecrest Plans). The schedule also identifies the proposed dates for the each of the speaker series events, as well as joint City Council/Planning Commission meeting dates in April and October. He clarified that, contrary to what is shown on the schedule, the ABC Team Meetings would only take place through April. In addition, Tom Boyde has retained the services of a University of Washington Landscape Architect Class to work with him on the Ridgecrest Subarea Plan, and some public meetings and a workshop have already been scheduled. Mr. Cohn added that a Development Forum for the Ridgecrest Subarea Plan has been scheduled for January 18<sup>th</sup>, and a visioning workshop would be conducted on January 24<sup>th</sup>. Planning Commissioners are invited to attend both of these events.

Mr. Tovar pointed out that no dates have been scheduled for future work on the Briarcrest Subarea Plan and Zoning Project. Mr. Cohn indicated staff plans to start these discussions near the end of 2007. He noted that much interest has been expressed about redevelopment opportunities in this special study area. Therefore, it is important to consider the whole area, rather than piece meal. Mr. Tovar said staff may be able to provide some target dates for the Ridgecrest and Briarcrest Subarea Plans prior to the joint City Council/Planning Commission Meeting in April.

Chair Piro noted that the proposed schedule also incorporates periodic joint Planning Commission/Park Board review of the Environmentally Sustainable Community Strategy. Mr. Tovar added that at the joint meetings, staff intends to provide a report from the Parks Department regarding their work on the Urban Forest Management Planning Process. In addition, staff would present a draft Request for Proposals for the consultant they hope to retain to help write the Natural Resource Management Strategies. Staff is currently working to pull together various resources regarding this topic.

Commissioner Hall pointed out that the proposed schedule identifies three different dates for the City Council to adopt Comprehensive Plan amendments. He suggested the schedule be revised to be consistent with the Growth Management Act requirement that limits Comprehensive Plan Amendments to once per year. Mr. Tovar agreed but noted that Comprehensive Plan amendments associated with subarea plans are not limited to just once per year. He also pointed out that, besides regulations and capital budgets, there are other ways to implement strategies.

Mr. Cohn reviewed the upcoming Speaker Series Events. He announced that Mark Hinshaw is scheduled to speak about urban form on February 6<sup>th</sup> (now moved to February 15<sup>th</sup>) and Tom Van Schrader would speak regarding stormwater issues on April 5<sup>th</sup>. Ron Sher is scheduled to speak on the issue of new retail at the May 31<sup>st</sup> event. Commissioner McClelland suggested the Commission consider the option of treating each of the Speaker Series sessions as social events by providing refreshments and an opportunity for attendees to socialize. Mr. Tovar invited the Commissioners to provide their ideas regarding the format of the sessions and how they should be presented to the community. He said citizens have expressed a lot of interest in participating in upcoming issues, and he anticipates a significant attendance at each event.

### **UNFINISHED BUSINESS**

The Commission requested clarification from staff regarding the public notice that would be required as a result of the Commission tabling the rezone application that was considered earlier in the meeting. Mr. Tovar advised that the motion should have indicated that the hearing would continue on February 1<sup>st</sup>. Because they know the three people who were in attendance for the public hearing, staff could contact them to clarify that the public hearing would continue on February 1<sup>st</sup>. Mr. Cohn noted that the motion to table was made in the context of continuing the discussion on February 1<sup>st</sup>. Therefore, it was understood that the application would be brought back before the Commission on February 1<sup>st</sup>; and technically, the hearing would remain open until that time.

Commissioner Broili expressed his concern that the January 18<sup>th</sup> meeting was cancelled. He recalled that the Commission previously agreed that, on those occasions where they didn't have any specific business for the agenda, they would bring forward one of the parking lot issues for consideration. Mr. Tovar pointed out that the next six months would be very meeting intensive for both the Commissioners and staff. When the schedule was prepared, he tried to recognize the already high demand on both staff and Commissioner time.

Commissioner McClelland emphasized the importance of the Commission having a clear understanding of their ability to condition rezone applications before they continue their discussions on February 1<sup>st</sup>. She said she does not want the City to lose the opportunity to condition rezone applications for the benefit of the community. Chair Piro suggested Commissioners forward their questions to staff by January 15<sup>th</sup> so staff could respond before the hearing continues. Mr. Tovar said he would invite both the City Attorney and the Assistant City Attorney to attend the February 1<sup>st</sup> meeting to provide clarification regarding the concept of placing conditions on quasi-judicial rezone applications. He explained that there is a significant difference between a contract rezone or imposing conditions on a

zoning map change and imposing conditions on a permit. When the Commission revisits the CB, RB or other multi-use zones, they could consider the option of requiring a quasi-judicial permit for projects of certain sizes or uses. This would provide an avenue for either the Planning Commission or the Hearing Examiner to impose conditions on a permit subject to specific code criteria.

Commissioner Hall pointed out that the current code allows the Planning Director, at his discretion, to determine whether design review is appropriate. If so, the issue is brought before the Planning Commission for review. However, unless the Planning Director sends a permit application to the Planning Commission for design review, there is no opportunity for a public hearing. On the other hand, a rezone application requires a public hearing. Mr. Tovar suggested that this topic and other design issues could be part of the Commission's discussion regarding the form-based code concept. Mr. Cohn cautioned that when the Commission acts as a design review board, they must operate within a very restrictive framework.

## **NEW BUSINESS**

### **Form-Based Codes and Legislative Area-Wide Rezones**

Mr. Tovar emphasized that staff would not advocate the form-based code concept for any of the single-family residential zones at this time. Instead, staff intends to focus on areas surrounding Aurora Avenue, the town center area, and some of the other commercial districts in the City.

## **ANNOUNCEMENTS**

No announcements were provided.

## **AGENDA FOR NEXT MEETING**

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

## **ADJOURNMENT**

The meeting was adjourned at 9:33 p.m.

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Rocky Piro  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission





## Memorandum

**DATE:** January 24, 2007

**TO:** Planning Commission

**FROM:** Steve Cohn, Senior Planner  
Steve Szafran, Planner II

**RE:** Blake Rezone

Beginning this week, staff has implemented a new format for staff reports dealing with quasi-judicial matters. The Blake rezone report has been written in a form that provides draft "Findings, Conclusions, and Recommendations". The Commission can modify the draft during its discussion, and, at the conclusion of the meeting, will have a document reflecting its findings that can be forwarded to the City Council.

Having the "Findings, Conclusions, and Recommendation" document at hand will allow all the Commissioners to view the language that will be seen by the City Council.

It is our intention that the replacement for the staff report contains the same information you are used to seeing. If you have questions about the rezone request that you would like answered at the February 1 meeting, contact Steve Szafran, 206-546-0786

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**CITY OF SHORELINE  
PLANNING COMMISSION**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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**PROJECT INFORMATION SUMMARY**

**Project Description:** Rezone application to change the zoning designation of two parcels from Residential – 4 dwelling units per acre to Residential- 6 dwelling units per acre.

**Project File Number:** 210588

**Project Address:** 20309 8<sup>th</sup> Ave NW and 20320 10<sup>th</sup> Ave NW, Shoreline, WA 98177

**Property Owner:** Larry Blake

**SEPA Threshold:** Determination of Non-Significance (DNS)

**Staff Recommendation:** Recommend approval of a rezone of the two parcels to R-6.

**FINDINGS OF FACT**

*Current Development*

1. The parcels at issue are located at 20309 8<sup>th</sup> Ave NW and 20320 10<sup>th</sup> Ave NW, in the Richmond Beach Neighborhood and are generally bounded by NW 205<sup>th</sup> Street to the north, 8<sup>th</sup> Ave NW on the east, 12<sup>th</sup> Ave NW on the west and NW 200<sup>th</sup> to the south.
2. 20309 8<sup>th</sup> Ave NW (tax ID # 0126039216) is 60,112 square feet and is developed with one single-family home. The site is zoned R-4 and has a Comprehensive Plan Land Use designation of Low Density Residential (“LDR”). *Attachment 1.*
3. 20320 10<sup>th</sup> Ave NW (tax ID # 0126039632) is 21,000 square feet, directly to the west of 20309 8<sup>th</sup> Ave NW, and developed with one single-family residence. The site is zoned R-4 and has a Comprehensive Plan Land Use designation of Low Density Residential (“LDR”). *Attachment 1.*
4. The surrounding neighborhood has an abundance of single-family homes on mostly very large lots. Essentially, these two parcels are located in an island of very low density development (R-4), surrounded by R-6 zones developed with single-family homes.
5. There are no existing sidewalks along 8<sup>th</sup> Ave NW in the area of the rezone. The applicant will be required to install all required site improvements at the time of building permits.

*Proposal*

6. The applicant proposes to rezone both parcels to Residential 6 units per acre (R-6) in order to build 10 new single-family homes. The applicant expects to build one driveway, connecting to 8<sup>th</sup> Ave NW that will serve as access to all the homes. This configuration would keep the homes off the steeper portions of the property.
7. A pre-application meeting was held with the applicant and City staff on October 20, 2006, the applicant held the requisite neighborhood meeting on November 2, 2006, and a Public Notice of Application was posted at the site.
8. Thirteen people attended the neighborhood meeting. Comments received at the neighborhood meeting addressed overbuilding in Shoreline, removal of trees, and access to and from 10<sup>th</sup> Ave NW. The one written comment received during the public comment period included concerns about density, decline in property values, and substantial impacts to existing homes in the area. *Attachments 4 and 5.*
9. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on November 30, 2006. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on December 21, 2006.
10. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on December 21, 2006. The DNS was not appealed.
11. An open record public hearing was held by the Planning Commission for the City of Shoreline on February 1, 2007.
12. The City's Long Range Planner, Steven Cohn, and Planner II, Steve Szafran, have reviewed the proposal and recommend approval of the applicant's proposed rezone to R-6.

*Comprehensive Plan Land Use Designations.*

13. Parcels to the north, west, south and east have a Comprehensive Plan Land Use designation of Low Density Residential, which allows R-4 and R-6. *Attachment 3 to this Planning Commission Staff Report.*
14. The Comprehensive Plan describes Low Density Residential as applicable "for areas currently developed with predominately single family detached dwellings. Single family dwelling units will be allowed and other dwelling types, such as duplexes, single-family attached, and accessory dwellings, may be allowed under

certain circumstances. Appropriate zoning for this designation is R-4 or R-6 Residential, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved.

*Current Zoning*

15. Parcels immediately to the north, south and west of the subject parcels are zoned R-4 and developed with a single-family homes; parcels to the east (across 8<sup>th</sup> Ave NW) are zoned R-6 and are also developed with single-family homes. *Attachment 2.*
16. The purpose of R-4, as set forth in Shoreline Municipal Code 20.40.040, is to “provide for a mix of predominately single detached dwelling units and other development types, such as accessory dwelling units, and community facilities that are compatible with existing development and neighborhood character”.

*Proposed Zoning*

17. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:
  - The rezone is consistent with the Comprehensive Plan; and
  - The rezone will not adversely affect the public health, safety or general welfare; and
  - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
  - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
  - The rezone has merit and value for the community.
18. The purpose of an R-6 zoning district is the same as the purpose of the R-4 zone: to “provide for a mix of predominately single detached dwelling units and other development types, such as accessory dwelling units, and community facilities that are compatible with existing development and neighborhood character”.

*Impacts of the Zone Change*

19. The following table outlines the development standards for the proposed zoning (R-6) and the current zoning (R-4):

	<b>R-6</b>	<b>R-4</b>
Allowed Dwelling Units	11	7
Min Lot Area	7,200	7,200
Front Setback	20	20
Rear Setback	15	15
Side Setback	5/15 total	5/15 total
Height	35	35
Max Impervious Area	50	45

### CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

#### *Rezone criteria*

*Is the rezone consistent with the Comprehensive Plan? Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*

3. a. The rezone is consistent with the Comprehensive Plan and achieves consistency with the Comprehensive Plan. Both R-4 and R-6 maintain consistency with the Comprehensive Plan and are appropriate under Land Use Element Goals III and IV of the Comprehensive Plan.
  - Land Use Element Goal III of the Comprehensive Plan is to “encourage a variety of housing opportunities and appropriate infrastructure suitable for the needs of Shoreline’s present and future residents.
  - Land Use Element Goal IV of the Comprehensive Plan is to “encourage attractive, stable, quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services.”

However, R-6 rezone proposal will provide greater consistency with the Comprehensive Plan goals and policies by providing greater density and more varied housing opportunities while still providing a housing product that fits with the area. Not only does the applicant’s proposal meet the goals and policies of the Comprehensive plan but an area-wide rezone of all the R-4 in the area would also meet these objectives.

- b. The proposed rezone to R-6 is also consistent with the following land use policies:

- LU 10: Review and update infill standards for single-family houses that promote quality development and reflect the character of the existing neighborhood.
- LU 87 and LU 97: Provide incentives for site development that will minimize environmental impacts and mitigate drainage, erosion, siltation, and landslide impacts while encouraging native vegetation.

This zone change to R-6 will allow the developer to build 11 detached single-family homes on one lot. Regulations require that the homes be built away from areas with very steep slopes. .

The R-6 zoning would result in greater development intensity than exists immediately to the north, west and south but developing the site at the full R-4 potential would also result in greater intensity that exists now. R-6 zoning is appropriate in this area, as this is the only “pocket” of R-4 zoning in the area.

Rezoning the parcels to R-6 achieves consistency with the Comprehensive Plan as it would allow greater density of residential, allow for height and density that would be compatible with what currently exists in the neighborhood, and be more harmonious with adjacent land uses.

*Will the rezone adversely affect the public health, safety or general welfare?*

4. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City’s development standards in its zoning regulations for the R-6 zone protect against uses that would be contrary to the public health, safety or general welfare.
5. A rezone to R-6 will allow the property owner to develop the parcel with up to 11 homes. Under the current zoning the owner may build up to 7 homes. The difference between 7 and 11 homes will not adversely affect the public health, safety or general welfare, or have a substantial impact on the community.

*Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*

6. Concerns have been raised at the neighborhood meeting and one letter was received from an adjacent neighbor during the public comment period. Comments included over-building, increased density, removal of trees and traffic on 10<sup>th</sup> Avenue NW. The following summary addresses each of these.

○ Over-building and increased density

The current R-4 zoning of the two subject parcels allows up to 7 new homes, which amounts to 3.8 units per acre. If R-6 zoning is approved, 11 new homes will be allowed, which is 5.9 units per acre. Although there is no question that density will be increased with the R-6 rezone, the increase in density is minimal.

○ Removal of trees

The two subject sites have substantial environmental features including trees and slopes. The Shoreline Development Code allows 6 trees to be cut without a permit; however, trees in the slope area on-site cannot be cut since the slope is considered an environmentally sensitive area with areas of very high landslide hazards.

○ Traffic on 10<sup>th</sup> Avenue NW

Obtaining access to 10<sup>th</sup> Avenue is unlikely because a) it would entail the crossing of an environmentally sensitive area between the currently undeveloped property and the existing house near 10<sup>th</sup>, and b) it would require a 20-foot driveway, which could necessitate that a portion of the house be removed.

*Will the rezone have merit and value for the community?*

7. The proposed rezone will allow an under-developed area of Shoreline to generate more density while still meeting the goals and policies of the Low Density Residential land use designation. This criterion is met since the rezone provides an opportunity to accommodate more dwelling units that complement the existing single-family homes in the neighborhood.

**RECOMMENDATION**

The Planning Commission recommends that the City Council approve a rezone of the two parcels to R-6.

Date: \_\_\_\_\_

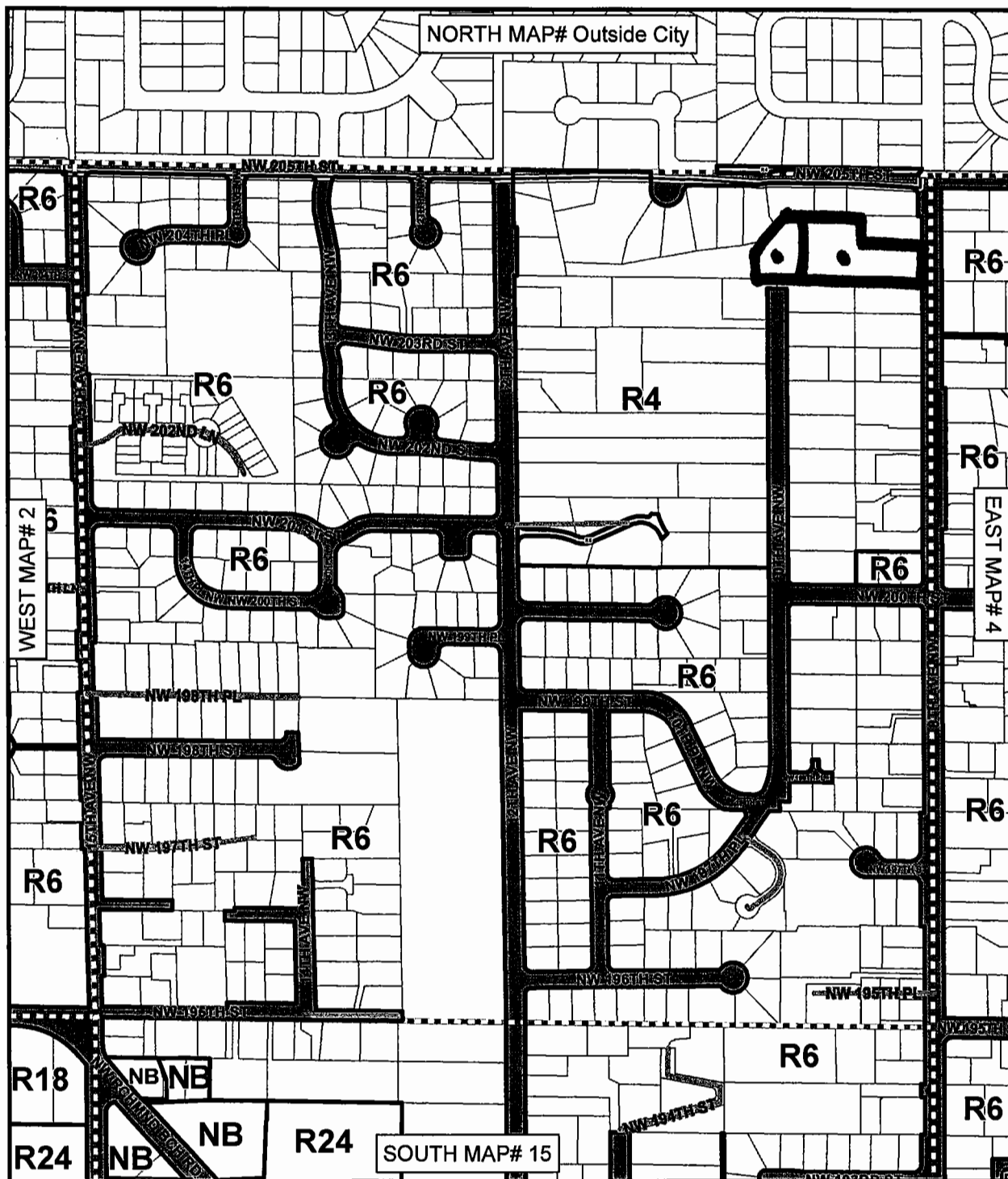
By: \_\_\_\_\_  
Planning Commission Chair



**ATTACHMENTS**

- Attachment 1- Zoning Map
- Attachment 2- Comprehensive Plan Map
- Attachment 3- Neighborhood Meeting Report
- Attachment 4- Public Comment Letter
- Attachment 5- Applicant's Rezone Criteria

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## CITY OF SHORELINE ZONING MAP

### Zoning Legend

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

### Feature Legend

	- Map Tile Lines		- Unclassified ROW
	- City Boundary		- Parcel Line

1	2	3	4	5	6	7	8	9	10
13	14	15	16	17	18	19	20	21	22
25	26	27	28	29	30	31	32	33	
36	37	38	39	40	41	42	43	44	
47	48	49	50	51	52	53	54	55	
57	58	59	60	61	62	63	64	65	

## MAP # 3

1:3,600



0 75 150 300 450 600 Feet

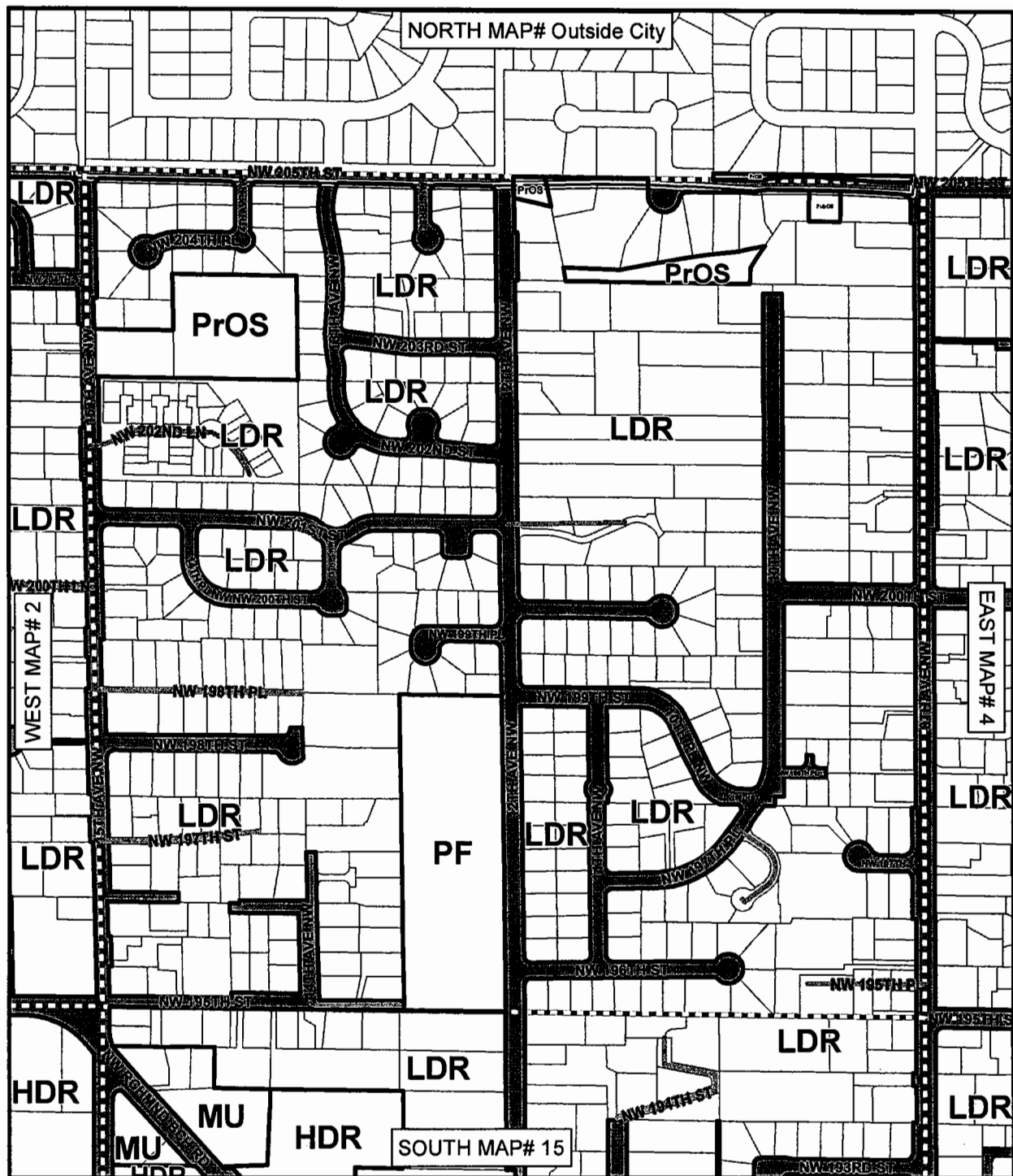
No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through December, 2006.



NW1/4-S1-T26N-R3 E

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# **CITY OF SHORELINE COMPREHENSIVE PLAN LAND USE MAP**

## **Land Use Designation Legend**

<b>BaSSA</b> Ballinager Special Study Area	<b>PF</b> Paramount Special Study Area
<b>BrSSA</b> Briarcrest Special Study Area	<b>PSSA</b> Private Open Space
<b>CB</b> Community Business	<b>PrOS</b> Public Facility
<b>HDR</b> High Density Residential	<b>PubOS</b> Public Open Space
<b>LDR</b> Low Density Residential	<b>RB</b> Regional Business
<b>MDR</b> Medium Density Residential	<b>SFI</b> Single Family Institution
<b>MU</b> Mixed Use	<b>SSA</b> Special Study Area
<b>NCBD</b> North City Business District	

## **Feature Legend**

- Map Tile Lines	- Unclassified ROW
- City Boundary	- Parcel Line

NW1/4-S1-T26N-R3 E



Plot Date: 1/22/2007

2	4	5	6	7	8	9	10
13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28
29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44
45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68

**MAP # 3**

**1:3,600**

0 75 150 300 450 600 Feet

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

Representation of official Comprehensive Plan land use map adopted by City Ordinance No. 292. Shows amendments through June 21, 2005.



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**Neighborhood Meeting Report  
For Project at 20309 8<sup>th</sup> NW**

Thirteen people attended the neighborhood meeting representing 8 separate properties.

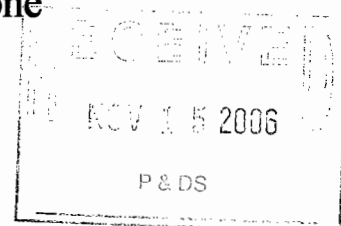
One person living east of 8<sup>th</sup> NW in Hillwood neighborhood attended and was concerned in general about over building in Shoreline, but since this project met the Comp Plan criteria and since he also supported private property rights he didn't plan on fighting this project.

Four people from two properties north of the potential project were concerned about removal of trees from the gully and potential construction in the gully itself. Since this project plans on retaining most trees ( I pointed out a couple of trees that would be cut due to disease and safety concerns) with no construction in the gully itself they seemed satisfied with the project.

One neighbor living on 8<sup>th</sup> NW attended, but was only interested in learning details of the project and made no comments pro or con concerning the project.

Finally, 7 people living on 10<sup>th</sup> NW questioned the possibility of a road accessing the project from 10<sup>th</sup> would have a negative impact on traffic on their street. Since the project will access 8<sup>th</sup> NW and not 10<sup>th</sup> NW there should be no negative impact on their properties.

Most of the meeting consisted of informing people on the details of the project and general comments and concerns from everyone about growth in Shoreline, and the impact of the GMA on development requirements in Shoreline.



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**Steve Szafran**

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**From:** neil riddle [seaplym@hotmail.com]  
**Sent:** Thursday, December 14, 2006 4:31 PM  
**To:** Steve Szafran  
**Subject:** Blake application #201588

Blake application #201588

City of Shoreline

attn: Steven Szafran, Planner II

To whom it may concern:

**We hereby oppose the building of 10 new homes at the proposed address of 20309 - 8 ave NW, Larry Blake, appl.#201588**

**We live directly South of the project at 20303 - 8 ave NW and feel that the density will be too much for the lot & site.**

**We have just completed a remodel/addition to our home at the above address and probably would never have done so, if we had been informed of this development.**

**The neighborhood we live in is all single-family R-4 zoned and this many new homes on one lot is just too many - the impact will be substantial.**

**We just want to go on the record as being opposed to this high-density planning.**

**Thanks for your consideration -**

**Neil & Carol Riddle**

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## REZONE OF PROPERTY AND ZONING MAP CHANGE CRITERIA

1. The rezone is consistent with the Comprehensive Plan in several ways including:

LU9 states that "Low Density Residential land use is intended for areas currently developed with predominantly single family detached dwellings...(a)ppropriate zoning for this designation is R-4 or R-6 Residential..." Richmond Beach neighborhood and neighboring Hillwood neighborhood is zoned R-6 already. A change to R-6 will not materially change the livability of Richmond Beach or neighboring Hillwood neighborhood..

Under "Housing Policies" in the Comprehensive Plan H6 states "Encourage infill development on vacant or underutilized sites to be compatible with existing housing types." One house on the existing property is past its useful life (no real foundation) and the other two homes hardly can be seen as utilizing the site effectively. Rezoning the site from R-4 to R-6 would more fully utilize the site and still fit into the existing neighborhood.

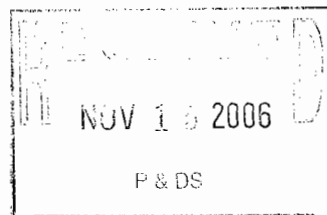
Since the State Growth Management Act mandates cities to plan for growth, and since one aspect of Shoreline's plan has been repealed ( cottage housing) rezoning this site will increase the potential development of this site and help the city meet its development requirements mandated by the Growth Management Act.

2. The rezone will not adversely affect the public health, safety or general welfare because development of this site as R-6 fits the existing zoning for virtually all of Richmond Beach neighborhood and all of neighboring Hillwood neighborhood. Nothing in the rezone would adversely affect public health or safety (any development would still have to comply with building and development codes) and since development would increase the existing tax base it would actually add to the general welfare of the community.

3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan since there no material reasons to maintain the existing R-4 designation and changing the designation would actually be more consistent to the existing heighborhoods in the vicinity of the site. There is nothing materially different about the subject site and other similar sites in Hillwood or Richmond Beach that have an R-6 zoning.

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone for the same reasons as stated above. Existing densities directly across the street (8<sup>th</sup> Avenue NW) are R-6. Any development would be residential so it shouldn't be detrimental to existing residences in the immediate vicinity.

5. The rezone has merit and value for the community because it is consistent with the Comprehensive Plan, it fits into the existing neighborhoods and it increases the potential tax base for the city.



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## Memorandum

**DATE:** January 22, 2007

**TO:** Planning Commission

**FROM:** Joe Tovar, PADS Director  
Steve Cohn, Senior Planner  
Steve Szafran, Planner II

**RE:** James Alan Salon Rezone Recommendation

Following the January 4 Commission meeting, staff reviewed the facts and policies as detailed in the James Alan Salon staff report, together with the testimony and Commission discussion at the Public Hearing. We concluded that the rationale for staff's original recommendation remains valid, and we recommend a CB zoning designation for this site.

At the same time, staff agrees with the applicant that commercially zoned sites within a short walk of Aurora Avenue shouldn't necessarily be limited to a maximum density of 48 dus/acre. Since Aurora has frequent bus service and is likely to be redeveloped with more businesses that serve the community, it makes sense to consider increased housing density on sites such as the one proposed for this rezone. Rather than rezoning this site to RB which staff believes is too intense of a zoning district, staff suggests a more comprehensive approach--one that permits greater residential densities in CB-zoned sites that fit certain criteria. Therefore, within the next few weeks, staff will initiate an amendment to modify the Development Code and permit greater residential densities on CB zoned properties between approximately Fremont and Ashworth Avenues.

In recent months, staff reviewed a number of Development Code regulations in light of this and other recent proposals. Our review suggests that the development standards section of the code merits additional analysis and assessment.

This year staff will suggest changes that will be relatively limited in scope. In the next couple of years, however, staff and the Commission may want to undertake a more comprehensive review of portions of zoning regulations and development standards section of the code to respond to the changing nature of the development market.

There are two additional items about the February 1 meeting that we want to mention:

- The City Attorney will be joining the Commission that evening to provide clarification regarding the concept of placing conditions on quasi-judicial rezone applications.
- Beginning this week, staff is implementing a new format for staff reports dealing with quasi-judicial matters. The James Alan Salon report is written in a form that provides draft “Findings, Conclusions, and Recommendations”. It is our expectation that the Commission will review and, if appropriate, modify the draft during its discussion. At the conclusion of the meeting, the Commission will have a document reflecting its findings that can be forwarded to the City Council..

Please contact staff prior to the meeting if you have questions about staff’s recommendation or the “new look” staff report.

**CITY OF SHORELINE  
PLANNING COMMISSION**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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**PROJECT INFORMATION SUMMARY**

**Project Description:** Rezone application to change the zoning designation of two parcels from Residential – 48 dwelling units per acre and Office to Regional Business.

**Project File Number:** 201570

**Project Address:** 18501 and 18511 Linden Avenue North, Shoreline, WA 98133

**Property Owner:** Hanfax Properties LLC.

**SEPA Threshold:** Determination of Non-Significance (DNS)

**Staff Recommendation:** Recommend approval of a rezone of the two parcels to Community Business.

**FINDINGS OF FACT**

*Current Development*

1. The parcels at issue are located at 18501 and 18511 Linden Avenue North, the northwest corner of North 185<sup>th</sup> Street and Linden Avenue North.
2. 18501 Linden Avenue North (tax ID # 7283900302) is 7,079 square feet and is developed with the James Alan Salon. The site is zoned Office (“O”) and has a Comprehensive Plan Land Use designation of Community Business (“CB”). *Attachment 1 to January 4, 2007 Planning Commission Staff Report.*
3. 18511 Linden Avenue North (tax ID # 7283900303) is 6,648 square feet, directly to the north of 18501 Linden Avenue North, and developed with one single-family residence used as storage space. The site is zoned Residential – 48 dwelling units per acre (“R-48”) and has a Comprehensive Plan Land Use designation of Mixed Use (“MU”).
4. The surrounding neighborhood has experienced development recently: four townhomes have been approved directly to the west of the subject parcels (732 N. 185<sup>th</sup>) and a demolition permit for a single-family home was approved in preparation for additional townhome units (742 N. 185<sup>th</sup>).
5. There are existing sidewalks along N 185<sup>th</sup> Street adjacent to the applicant’s property. No sidewalks exist along Linden Ave N. A traffic signal with crosswalks is located at the intersection of Linden Ave N and N 185<sup>th</sup> Street.

*Proposal*

6. The applicant proposes to rezone both parcels to Regional Business (“RB”).
7. A pre-application meeting was held with the applicant and City staff on June 19, 2006, the applicant held the requisite neighborhood meeting on July 31, 2006, and a Public Notice of Application was posted at the site.
8. Comments received at the neighborhood meeting addressed a desire to see more condominiums, redevelopment and mixed use buildings in the area. The two written comments received during the public comment period included concerns about ample customer parking, traffic, pedestrian safety, commercial zoning on the west side of Linden and commercial uses in a residential area.
9. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on September 21<sup>st</sup>, 2006. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on October 12<sup>th</sup>, 2006.
10. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on October 12, 2006. The DNS was not appealed.
11. An open record public hearing was held by the Planning Commission for the City of Shoreline on January 4, 2007.
12. The City’s Long Range Planner, Steven Cohn, and Planner II, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to Community Business.

*Comprehensive Plan Land Use Designations.*

13. Parcels to the north and to the east have a Comprehensive Plan Land Use designation of Mixed Use, which allows R-8 through R-48 residential zoning and all commercial and industrial zoning; parcels to the south have a Community Business designation, which allows R-12 through R-48, Office, Neighborhood Business, Community Business and Regional Business; and parcels to the west are designated Medium Density Residential, which allows R-8 and R-12. *Attachment 3 to January 4, 2007 Planning Commission Staff Report.*
14. The Comprehensive Plan describes Mixed Use as applicable “to a number of stable or developing areas and to the potential annexation area at Point Wells,” and intended “to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office, and service



uses with residential uses.” Regional Business is allowed under Mixed Use land use designation.

15. The Comprehensive Plan describes Community Business as areas within the Aurora Corridor, North City and along Ballinger Road. This designation provides for retail, office, and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. Appropriate zoning designations for this area might include the Neighborhood Business, Community Business, Regional Business, Office, R-12, R-18, R-24, or R-48.

#### *Current Zoning*

16. Parcels immediately to the north of the subject parcels are zoned R-18 and developed with a public utility building, single-family homes and condominiums; parcels to the south (across 185<sup>th</sup>) have a variety of uses and zoning designations including offices zoned R-12, R-18 and Office, the Fred Meyer shopping center zoned RB, and a fire station; parcels to the west are zoned R-12 and townhomes are currently under development; and parcels to the east (across Linden Avenue North) have a variety of uses and zoning designations including retail, office and apartments zoned RB, Office, and R-48. *Attachment 2 to January 4, 2007 Planning Commission Staff Report.*
17. The purpose of Office zones, as set forth in Shoreline Municipal Code 20.40.040, is to “allow for low intensity office, business and service uses located on or with convenient access to arterial streets” and to “accommodate medium and higher density residential, townhouses, mixed use types of development, while serving as a buffer between higher intensity uses and residential zones.”
18. The purpose of R-48 zones, as set forth in Shoreline Municipal Code 20.40.040, is to “provide for a mix of predominantly apartment and townhouse dwelling units and other compatible uses.”

#### *Proposed Zoning*

19. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:
  - The rezone is consistent with the Comprehensive Plan; and
  - The rezone will not adversely affect the public health, safety or general welfare; and
  - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
  - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
  - The rezone has merit and value for the community.

20. The purpose of a Regional Business zoning district, as set forth in the Shoreline Municipal Code 20.40.040, is to “provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities”. The Regional Business category permits intense land uses such as warehousing, kennels, construction, retail, and auto rental and allows unlimited residential density.
21. The purpose of a Community Business zoning district, as set forth in Shoreline Municipal Code 20.40.040, is to “provide location for a wide variety of business activities, such as convenience and comparison retail, personal services for local services and to allow for apartments and higher intensity mixed use developments.”

*Impacts of the Zone Change*

22. The following table outlines the development standards for the current zoning, the proposed zoning (RB) and the staff recommended zoning (CB):

	<b>Office (Current)</b>	<b>R-48 (Current)</b>	<b>RB (Applicant Proposed)</b>	<b>CB (Staff recommended)</b>
Front Yard Setback	10' (0 if improved)	10' (0 if improved)	10' (0 if improved)	10' (0 if improved)
Side Yard Setback	10'	5'	15'	10'
Rear Yard Setback	10'	5'	15'	N/A
Building Coverage	N/A	70%	N/A	N/A
Max. Impervious Surface	85%	90%	90%	85%
Height	35' (50' for mixed-use)	50'	65'	60'
Density (residential development)	24 du/ac	48 du/ac	No maximum	48 du/ac
Total Units	8	15	35	15
Likely no. of parking stalls	30	22	76	45

**CONCLUSIONS**

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

*Rezone criteria*

*Is the rezone consistent with the Comprehensive Plan?*

3. a. Under the first criterion, both RB and CB are appropriate under Land Use Element Goals I and V of the Comprehensive Plan.

- Land Use Element Goal I of the Comprehensive Plan is to “[e]nsure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline’s sense of community.”
- Land Use Element Goal V of the Comprehensive Plan is to “assure that a mix of uses, such as services, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of high frequency transit, serving a neighborhood commercial and residential function.”

The RB rezone proposal is consistent with Land Use Element Goal I and V because a more intense commercial zone will promote redevelopment and allow for a greater mix of uses. CB is also consistent with these goals.

- b. However, the proposed rezone to RB is not consistent with Community Design Element Policy CD 48. CD 48 states: “Develop attractive, functional, and cohesive commercial areas that are harmonious with adjacent neighborhoods, by considering the impacts of the land use, building scale, views and through-traffic.”

The RB zoning would result in greater development intensity and use than is appropriate in this area, an area of transition between the commercial area of Aurora and the residential neighborhoods to the west. Specifically, the RB zoning category could result in structures that are taller and bulkier, and do not fit as well with other buildings in the area, even after nearby properties are redeveloped.

- c. Rezoning the parcels to CB is consistent with the Comprehensive Plan as it would allow commercial, residential or a mix of both uses, is supported by land use and community design goals of the Comprehensive Plan. CB zoning would allow for height and density that would be more compatible with what currently exists in the neighborhood and more harmonious with adjacent land uses.

*Will the rezone adversely affect the public health, safety or general welfare?*

4. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City’s development standards in

its zoning regulations for the RB or CB zone protect against uses that would be contrary to the public health, safety or general welfare.

*Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*

5. Both RB and CB zoning maintain consistency with the Comprehensive Plan. However, CB provides better compatibility with Comprehensive Plan goals and policies than the existing zoning. Linden Ave N is a dividing line between more intense commercial uses that front along Aurora Ave N and lower intensity commercial, single-family and multi-family uses that exist west of Linden Ave N. A Community Business rezone would allow a wide range of commercial uses and achieve approximately 15 new dwelling units if the property develops with multi-family uses.

*Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*

6. The proposed rezone will have minimal negative impacts to the properties in the immediate vicinity. Concerns have been raised by adjacent neighbors concerning appropriateness of the commercial zoning, increased traffic and parking, and pedestrian safety. The following summary addresses each of these.

- a. Appropriateness of Commercial Zoning

Although, historically, the area west of Linden Ave N was not planned for commercial uses, the Comprehensive Plan has identified this area as being appropriate for mixed use development which permits a variety of uses—single-family and multifamily uses, offices, and retail businesses.

As the two parcels have Mixed Use and Community Business land use designations, commercial zoning is appropriate. A Community Business zoning designation will result in new structures that will be compatible with existing densities, uses, and building heights.

- b. Traffic/Parking

Depending on the uses of any new future structures, adequate parking requirements must be met.

- c. Pedestrian Safety

Development on one or both of the properties will require sidewalks be installed the length of the applicant's property along Linden Ave N. .

*Will the rezone have merit and value for the community?*

7. The proposed rezone will allow commercial expansion to meet the changing needs of the community. This criterion is met since the rezone provides an opportunity to accommodate more jobs and multi-family dwelling units in an area not immediately adjacent to existing single-family neighborhoods and in close proximity to services and transportation.

### **RECOMMENDATION**

The Planning Commission recommends that the City Council approve a rezone of the two parcels to Community Business, but deny the request for rezone to Regional Business.

Date: \_\_\_\_\_

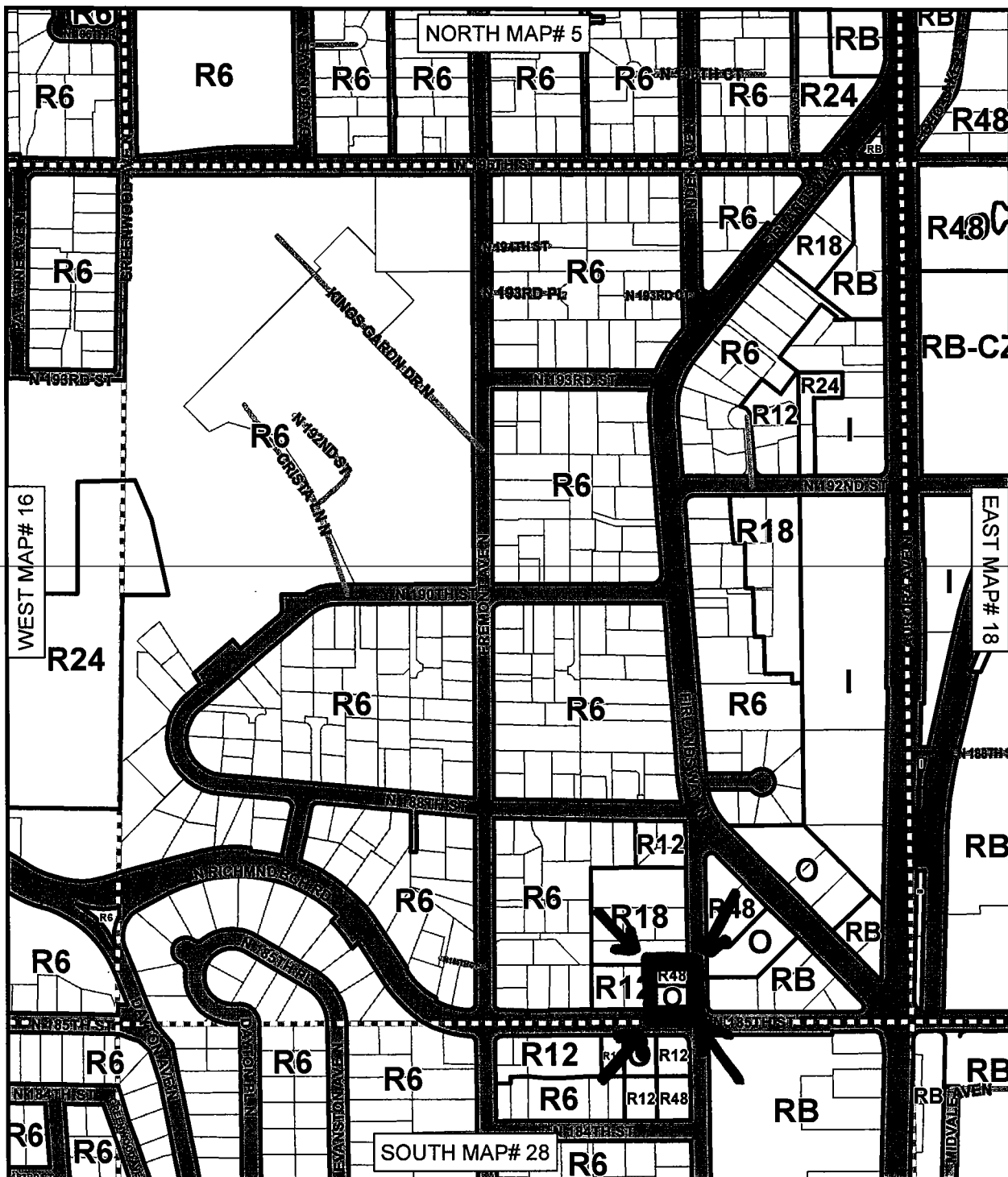
By: \_\_\_\_\_  
Planning Commission Chair

### **ATTACHMENTS**

**Attachment 1:** Zoning Map

**Attachment 2:** Comprehensive Plan Map

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## CITY OF SHORELINE ZONING MAP

Plot Date: 1/2/2007

### Zoning Legend

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

### Feature Legend

	- Map Tile Lines		- Unclassified ROW
	- City Boundary		- Parcel Line

1	2	3	4	5	6	7	8	9	10
13	14	15	16	17	18	19	20	21	22
25	26	27	28	29	30	31	32	33	
36	37	38	39	40	41	42	43	44	
47	48	49	50	51	52	53	54	55	
57	58	59	60	61	62	63	64	65	

## MAP # 17

1:3,600



0 75 150 300 450 600 Feet

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

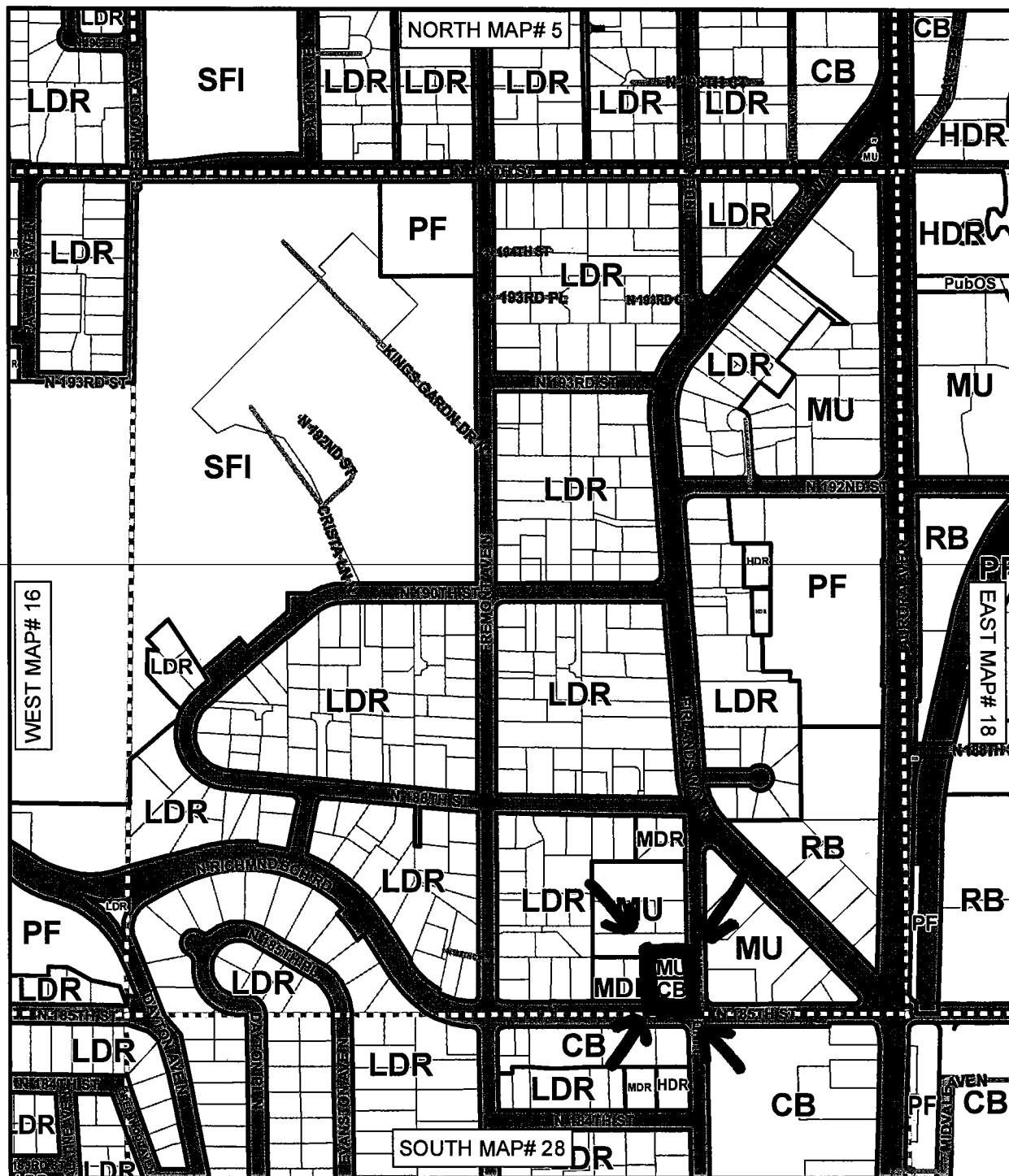
Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through December, 2006.



SW1/4-S6-T26N-R4 E

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# **CITY OF SHORELINE COMPREHENSIVE PLAN LAND USE MAP**

## **Land Use Designation Legend**

<b>BaSSA</b> Ballinager Special Study Area	<b>PF</b> Paramount Special Study Area
<b>BrSSA</b> Briarcrest Special Study Area	<b>PSSA</b> Private Open Space
<b>CB</b> Community Business	<b>ProS</b> Public Facility
<b>HDR</b> High Density Residential	<b>PubOS</b> Public Open Space
<b>LDR</b> Low Density Residential	<b>RB</b> Regional Business
<b>MDR</b> Medium Density Residential	<b>SFI</b> Single Family Institution
<b>MU</b> Mixed Use	<b>SSA</b> Special Study Area
<b>NCBD</b> North City Business District	

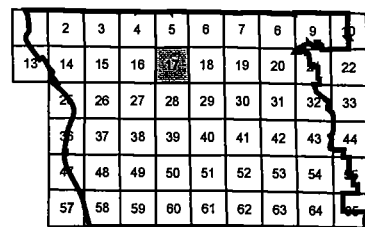
## **Feature Legend**

- Map Tile Lines	- Unclassified ROW
- City Boundary	- Parcel Line

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

Representation of official Comprehensive Plan land use map adopted by City Ordinance No. 292. Shows amendments through June 21, 2005.

Plot Date: 1/22/2007



**MAP # 17**

**1:3,600**

0 75 150 300 450 600 Feet

**SW1/4-S6-T26N-R4 E**



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**Commission Meeting Date: February 1, 2007**

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

<p><b>AGENDA TITLE:</b> Proposed Amendments to the Development Code <b>DEPARTMENT:</b> Planning and Development Services <b>PREPARED BY:</b> Steven Szafran, Planner II <b>PRESENTED BY:</b> Joe Tovar, Director, Planning and Development Services</p>
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**SUMMARY**

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

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

The purpose of this public hearing is to:

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

**BACKGROUND / ANALYSIS**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

The first batch of development code amendments of 2007 pertain to language regarding cottage housing. The City Council approved Ordinance 408 on February 13, 2006 which repealed cottage housing from the Shoreline Development Code. This batch of code amendments deletes all references to cottage housing that were missed from the original ordinance. A companion Comprehensive Plan Amendment to delete the cottage housing references in the Comprehensive Plan will be sent to the Planning Commission later this year.

All the proposed amendments for the first batching schedule are included in **Attachment 1**, and were considered for this Planning Commission public hearing. The Director has reviewed staff recommendations and has included these amendments in the first batching schedule.

### **TIMING & SCHEDULE**

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

<b>DATE</b>	<b>DESCRIPTION</b>
November-December, 2006	<ul style="list-style-type: none"> <li>SEPA Determination to be issued/advertised. Notify CTED of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.</li> </ul>
December, 2006	<ul style="list-style-type: none"> <li>Proposed Amendments advertised in <u>Seattle Times</u> and <u>Shoreline Enterprise</u>.</li> <li>Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).</li> </ul>
December, 2006	<ul style="list-style-type: none"> <li>Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.</li> </ul>
February 1, 2007	<ul style="list-style-type: none"> <li>Planning Commission Public Hearing on proposed amendments.</li> <li>Planning Commission deliberation and record recommendation to City Council on approval or denial of proposed amendments (unless further meetings are required).</li> </ul>
March, 2007	<ul style="list-style-type: none"> <li>City Council consideration and decision on proposed amendments.</li> </ul>

### **AMENDMENTS AND ISSUES**

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

#### **Docketed Amendments:**

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

**Amendment #1:** 20.20.014 (C Definitions). Delete the definition of “Cottage Housing”.

**Amendment #2:** 20.40.030(A) (Residential Zones). Delete the words “Cottage Housing”.

**Amendment #3:** 20.40.030(B) (Residential Zones). Delete the words “Cottage Housing”.

**Amendment #4:** 20.40.230(A) (Affordable Housing). Delete the words “provisions for cottage housing”.

**Amendment #5:** 20.50.020(1)(6) (Densities and Dimensions in Residential Zones). Delete exception #1 from Table #1.

## **OPTIONS**

## Agenda Item 7.3

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

## **ATTACHMENTS**

**Attachment 1:** List of proposed amendments.

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**20.20.014. C definitions****Cottage**

~~A small, detached dwelling unit.~~

**20.40.030 Residential zones.**

- A. The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units, ~~cottage housing~~ and community facilities that are compatible with existing development and neighborhood character.

**20.40.030 Residential zones.**

- B. The purpose of medium density residential R-8 and R-12 zones, is to provide for a mix of single-family homes, duplexes, triplexes, townhouses, ~~cottage housing~~ and community facilities, in a manner that provides for additional density at a modest scale.

**20.40.230 Affordable housing.**

- A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) provisions for accessory dwelling units, (c) ~~provisions for cottage housing~~, and (d) projects which are limited by the critical areas requirements.

**Table 20.50.020(1) – Densities and Dimensions in Residential Zones**

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

Residential Zones							
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (4)(7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4	6	8 du/ac	10 du/ac	12 du/ac

			du/ac	du/ac			
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8) (9)
Max. Building Coverage (6)	35%	35%	45%	55%	60%	70%	70%
Max. Impervious Surface (6)	45%	50%	65%	75%	85%	85%	90%

Exceptions to Table 20.50.020(1):

~~(1) In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base density may be increased for cottage housing in R-6 (low density) zone subject to approval of a conditional use permit.~~