

AGENDA

CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, December 6, 2007
7:00 p.m.**

**Shoreline Conference Center
18560 1st Ave. NE | Mt. Rainier Room**

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S REPORT	7:03 p.m.
5. APPROVAL OF MINUTES a. November 1, 2007 b. November 15, 2007	7:08 p.m.
6. GENERAL PUBLIC COMMENT	7:10 p.m.

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

7. PUBLIC HEARING <i>Quasi-Judicial Public Hearing</i>	7:15 p.m.
1. Plateau at Jackson Preliminary Formal Subdivision	
*Continued Public Hearing	
a. Staff Overview and Presentation of Preliminary Staff Recommendation	
b. Applicant Testimony	
c. Questions 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	
	<i>*Items a. through d. were completed Nov. 15th. On Dec. 6th, the Planning Commission will continue the public hearing where it left off, at item e.</i>
8. REPORTS OF COMMITTEES AND COMMISSIONERS	8:15 p.m.
9. UNFINISHED BUSINESS	8:20 p.m.
10. NEW BUSINESS	8:25 p.m.
11. ANNOUNCEMENTS	8:30 p.m.
12. AGENDA FOR January 3, 2008 Planning Work Program for 2008 Review Planning Commission Rules and Bylaws	8:35 p.m.
13. ADJOURNMENT	8:40 p.m.

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

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

November 1, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Hall
Commissioner Phisuthikul
Commissioner Pyle

STAFF PRESENT

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

COMMISSIONERS ABSENT

Commissioner Harris
Commissioner McClelland
Commissioner Wagner

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF AGENDA

The Commission agreed to divide the Director's Report into two segments.

DIRECTOR'S REPORT

Mr. Tovar announced that staff would present two resolutions to the City Council in December. The first would be a resolution describing the details of the 2008 Work Program. He explained that the

Planning Division's proposed 2008 Budget includes funding for the Southeast Shoreline Subarea Plan and implementing zoning. If these funds are approved by the City Council, the project would be included in the work program. The City Council would also consider the Planning Commission's proposed resolution related to coordination amongst the regional transit agencies. He invited the Commission to appoint a representative to attend the City Council Meetings when these two items would be discussed considered.

APPROVAL OF MINUTES

The minutes of September 19, 2007 were approved as corrected. The minutes of October 24, 2007 were approved as corrected, as well.

GENERAL PUBLIC COMMENT

LaNita Wacker referred the Commission to a campaign advertisement that was published in *THE ENTERPRISE* by Citizens for Positive Development. The article encourages the public to support the three City Council candidates because they listen to citizens before developers. While she agreed it is important for City Council Members to listen to the public, she said it is also important to include developers in discussions pertaining to the creation of a Comprehensive Housing Strategy.

City Council Member Keith McGlashan apologized for the Commission being more observers than participants at the joint City Council/Planning Commission Meeting on October 8th. Because of the room configuration, they were unable to achieve the interactive discussion he was hoping for. He also apologized for some of the comments that were made regarding the Commission. He thanked them for their work and said he appreciates and values their efforts.

PUBLIC HEARING ON RIDGECREST COMMERCIAL AREA ZONING

Chair Piro explained the rules and procedures for the public hearing, and then opened the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Tovar referred to the 2007 Ridgecrest Neighborhood Study that was instigated by the City's Economic Development Director, Tom Boydell. Mr. Boydell retained the help of a class of landscape architecture students to work with the Ridgecrest neighborhood to discuss ideas and a vision for creating a sustainable neighborhood. Many of the concepts discussed at the neighborhood meetings were incorporated into the proposed zoning regulation. The proposed language also incorporates the following 2007-2008 City Council Goals:

- *Implement the Economic Development Strategic Plan.* This plan provided the impetus for Mr. Boydell to initiate the neighborhood study.
- *Develop a Comprehensive Housing Strategy.* The final report from the Comprehensive Housing Strategy Committee would be filed with the City Council in January of 2008. A lot of work has

gone into this effort in 2007, and this has fed some of the concepts that staff tried to respond to in the proposed zoning language.

- *Create an Environmentally Sustainable Community.* A number of meetings are taking place this fall regarding this subject, and a strategy would be presented to the City Council in early 2008 for adoption of a plan.
- *Provide safe and affordable transportation options to support land use plans including walking, bicycling, transit and vehicular options.*

Mr. Tovar explained that within the 4-county region (King, Pierce, Snohomish, and Kitsap Counties), only about 15% of lands have been designated for urban growth. Because Shoreline is located close to the center of the urban growth area, they anticipate significant growth and change in the future. The Shoreline 2010 Speaker Series included presentations from a number of individuals regarding planning, land use, population change, housing needs, and changing energy availability. These subjects relate to how the City can create a development future that is better than what they have today.

Mr. Tovar explained that following a presentation by the Cascade Land Conservancy, the City Council adopted Resolution 260, which acknowledges that the City Council understands and supports the Cascade Agenda Program and they understand the importance of cities in making the program a success. The City Council pledged to do what they can to correspond to the principles and objectives of the program.

Mr. Tovar referred to a presentation by Mr. Hinshaw, a noted urban designer and architect, in which he discussed past and future demographic changes. He particularly noted the increase in the number of households and the decrease in the average household size. He emphasized that the future housing stock would have to be different in order to address these changes. He also discussed that the average lifespan is longer, which means that people are driving their vehicles later in life. However, it is becoming less and less viable for them to do so. Mr. Hinshaw also commented regarding the current cost of energy and what they can expect in the future. He referred to a study that was completed for King County regarding the link between land use, energy consumption and climate change.

Mr. Tovar noted that the form of development currently being considered for the Ridgecrest Commercial Area is a mixed-use, mid-rise concept. He provided a series of slides from communities in the Northwest to illustrate what the character and feel of the Ridgecrest Commercial Area could be with a properly designed project.

Steve Cohn noted the following two recent modifications to the proposed language.

- **Section 20.98.015.A.2:** The threshold was changed from a 2-acre minimum site size to a 1.5-acre minimum site size. This would provide adequate protection to the adjacent single-family residential properties.
- **Section 20.98.060.B:** The language was changed to make it clear that this section would only apply to the quadrant labeled Planned Area 2a. Staff recommends that the “2a” also be added to the title of the section.

Mr. Szafran briefly reviewed the proposed language for Planned Area 2 (Ridgecrest Commercial Area). He provided a map to illustrate the four corners at the intersection of Northeast 165th Street and 5th Avenue. He explained that the Comprehensive Plan identifies the land use for the four corners as mixed-use, and the majority of the properties are designated as high-density residential, with small areas of medium and low-density residential. The properties are currently zoned Neighborhood Business (NB), with some R-18 and R-24. The majority of the surrounding properties are zoned R-6. The proposal is to rezone all of the properties that are currently zoned NB to the new Planned Area 2 designation. He explained that the purposes of the proposed rezone are as follows:

- To create a zoning category that provides flexibility yet ensures that the building site and building design is supportive of adjacent public spaces and land uses.
- To create a lively mix of commercial and residential development in a safe, walkable and transit-oriented environment.
- Contribute to the development of a sustainable neighborhood and a sustainable Shoreline.

Mr. Szafran emphasized the following elements of the proposed language:

- **Height, Step Back and Setback Requirements.** The proposed setback requirement would be zero on the north east and south, with a 5-foot setback requirement on the west side. The first three stories above the base level would be required to step back 20-feet on the south and 10-feet on the north, west and east. The minimum building height would be two stories, and the maximum building height would be up to six stories (65 feet), provided the public bonus features identified in the proposed language are provided for. The floor area ratio would be 4.75, and density would be controlled by the height, floor area, and parking requirements. He provided a schematic drawing to illustrate how the step back and setback requirements would be applied on the subject property.
- **Buffering.** The purpose of the proposed buffering requirements is to soften the visual impacts of multi-use buildings that are located adjacent to single-family homes by requiring decorative features along the building base levels, using stamped painted or other decorative treatments to the building base. The language would also require stamped and painted concrete on the building fascia not covered by plantings to provide visual relief for the properties to the west and south. Mature trees and shrubs would be required on the south property line to soften the appearance of the building from single-family uses to the south.
- **Height Incentives and Public Amenities.** The language lists the following public amenities that could be provided in exchange for additional height: affordable housing, active recreation areas of at least 600 square feet, public art and water elements that are visible and accessible to the public, public plazas of up to 1,600 square feet in a contiguous area, and sustainability features that incorporate new and innovative building techniques to reduce the demand on energy and stormwater systems.
- **Parking.** The proposed language would require a parking management plan to address parking impacts and ways to reduce the parking demand. It would also provide incentives for alternative transportation options for residents. As proposed, the new zone would require one parking space for

each studio and one-bedroom unit and 1.5 spaces for each two-bedroom unit. The plan would also allow shared parking for commercial and residential uses on the site.

Mr. Szafran said staff recommends the Planning Commission recommend approval of the proposed language for Planned Area 2a – Ridgecrest Commercial Area for the reasons outlined in the presentation.

Questions by the Commission to Staff

None of the Commissioners had questions regarding the staff's presentation.

Public Testimony or Comment

Jim Potter, Kauri Investments, congratulated the Ridgecrest Neighborhood and the City of Shoreline for their hard work. Regarding the issue of sustainability, he noted that about 50% of the greenhouse gases that are emitted in the area come from automobiles and other modes of transportation. It is important to encourage people to use the transit system and walk more. Mr. Potter noted that the proposed language would require a parking management plan. While many are concerned that allowing an additional floor would result in a higher profit for the developer, it is important to understand that more parking would also be required and parking is a very expensive commodity.

Mr. Potter said the Crest Theater does utilize parking space on the subject property on weekends, and they are interested in working with them to deal with the parking issues that currently exist in the neighborhood. He noted that while his development company has utilized the concept of car lifts, the City's current code would not allow this to occur. He concluded his comments by expressing his interest in working with the community in the future to create a sustainable project that utilizes many of the features identified in the proposed new zoning code.

Vice Chair Kuboi asked Mr. Potter to expand on his comments related to traffic. Mr. Potter said traffic and parking go hand-in-hand. The more parking a site demands, the greater the traffic impact will be. If they don't provide enough parking, people are concerned about the parking impacts; but if they provide too much parking, people express concern about traffic. These two issues must be carefully balanced. He emphasized that transit access is convenient to the site, and there is also good access to the freeway for carpool and bus options.

Commissioner Phisuthikul pointed out that the proposed language hedges on the concept of making commercial development possible on the subject property, but is not a requirement. He asked Mr. Potter to share his opinion about whether commercial development would be feasible on the site. Mr. Potter answered that commercial development would be possible, but they need help from the community to figure out what they want and what they are willing to support. The commercial use would require customers from the neighborhood. He noted that the proposed language includes a provision that would allow the commercial areas to be utilized as live/work spaces in the interim. He emphasized that empty commercial spaces would not be good for the community or the City.

Patty Hale expressed concern that the proposed language appears to be phasing out the single-family residential neighborhoods through intentional design as mandated by urban growth. It appears the City is being forced to design higher-density, smaller units that preclude the ability to house children to feed into the public school system. She said she is excited about the potential development opportunities for the subject property, but she also has a concern that there would be no transitional zoning to the west and south. While the west facing side would have a setback requirement, no step back would be required until the fourth floor. This would allow a three-story wall directly adjacent to a single-family residential development.

Ms. Hale emphasized while it is the developer's responsibility to address and constrain parking on-site, the City must address traffic calming on the residential streets and monitor traffic flow at the intersection of 5th Avenue and Northeast 165th Street. If the goal is to increase and encourage transit usage, the developer must work with Metro to provide a new bus stop near the site. In addition, the City must work with Metro to make sure there are adequate bus routes to move people to and from their destinations. She noted that several years ago, Metro removed the bus route on Northeast 165th Street, which connected 5th Avenue to 15th Avenue, even though the neighbors supported the idea of adding the street light at the intersection so the east/west run could continue.

Commissioner Pyle asked about the grade separation between the proposed building site and the residents to the west. A member of the audience answered that the grade separation ranges from 18 and 27 feet.

Vice Chair Kuboi requested clarification regarding Ms. Hale's concern about the impact smaller units would have on the school district. Ms. Hale said she is not necessarily concerned with Planned Area 2a, but the slide provided by staff identifies a continuation of the concept of increased residential densities on the other corners of the intersection. Her concern was that as they decrease the size of homes, they preclude the ability to house children, and this would have an impact on the public schools.

Donna Eggen said she appreciates that many people are working hard to create a plan that makes the best use of the property. However, she is concerned about the proposed building height. She said she strongly believes it would be in the best interest of the neighborhood's character to limit the buildings to three stories. If the builders know of this limit from the onset, they should be able to plan accordingly. It is the developer's responsibility to revise plans in order to make a profit. She expressed her belief that the builders' offer to develop a certain number of low-income units is not a sufficient trade off for being allowed a six-story building. She noted that fewer stories would also result in less parking and traffic impact.

Secondly, Ms. Eggen requested clarification about what is meant by "public plaza." Would this plaza be open for residents of the complex only, or would the general public have access, as well? She suggested that if the plaza is only intended for the residents' use, it would be better to locate it away from the main street surrounding the complex so that non-residents would not have easy access. If the plaza must be accessible to the general public, it would be wise to locate it on the edge of the property.

Pam Mieth said the first thing the City Council and Planning Commission must decide when reviewing the proposed zoning language for the Ridgecrest Commercial Area is whether a six-story building directly abutting single-family homes is a good idea and whether the benefits hoped for would be adequate to offset or at least justify the negative impact on the neighbors. She expressed her belief that the answer to this question should be no. She questioned why the prospect of a six-story development abutting single-family homes in another part of the City engendered dismay from some Commissioners at the last meeting, when they appear to support the prospect of this same type of development in the Ridgecrest Neighborhood. While she is in favor of encouraging economic development and affordable housing, she questioned why it must come at such a high price to the neighborhood.

Ms. Mieth pointed out that the subject property, as currently zoned, would allow for a variety of development options, including approximately 60 townhouses or mixed-use buildings up to four stories high with setbacks on all sides. While these are not entirely pleasant prospects, the proposed rezone would eliminate the setback requirements on all but one side and allow up to six stories and an unlimited number of units. She urged the Commission to reject the proposal. If not, they should at least modify the language substantially. She suggested there are ways to encourage the kind of development they want (three stories with stepbacks and setbacks) without making it unpalatable to residents or unfeasible for the developers. At the very least, the proposed language must identify minimum square footage or a unit maximum for the site. She also requested that the Commission insist on better setbacks and earlier stepbacks on all sides to mitigate the encroachment of a six-story building on single family homes.

Ms. Mieth recalled that at the last meeting, a Commissioner suggested that the residents' concerns about Crest Theater parking were misplaced and that encouragement of added car use would be unwise. She said she can understand and even agree with this comment, but she suggested the point was missed that it's not so much that Crest Theater patrons would no longer be able to park in the Bingo Lot, but without adequate parking for the proposed development, the on-street parking that's currently available to accommodate residents and theater patrons would be taxed beyond capacity. She said she would like to see some discussion about the likely traffic impact of potentially adding 200 units on the subject property. She would also like to hear more discussion about the rumored tax breaks for the proposed development. She urged the Commission to aim higher at protecting the neighborhood.

Tom Tiegen said his home is located adjacent to the subject property on the west side. He explained that he has a background in economic development and parks, and he has worked with the National Historic Trust and the Main Street Program in the past. He said he has worked with representatives from Transportation Choices, and he is currently employed as the Snohomish County Parks and Recreation Director. In theory, he supports higher density and encouraging people to utilize the public transportation system. He referred to the slide provided by staff to illustrate the west elevation of the subject property. He noted the location of his home, the significant grade change that exists, and the Leland Cyprus Trees on this property that provides a 16-foot buffer. He expressed concern that the proposed language would only require a 5-foot setback. In addition, if the step back is not required until the 4th story, the impact to his property could be substantial. He said he understands the need to allow a greater height in order to make the project more feasible, and he believes the concerns can be adequately resolved. He said he has no interest in moving anytime soon, and he would like the City to consider the option of establishing some type of buffer zone for the west side of the subject property.

LaNita Wacker said she attended the neighborhood meetings, and she supports the proposed increased density. However, she is concerned about parking and traffic impacts, which cannot be ignored. She suggested the developer work with the Crest Theater to provide a structured parking garage that could serve both uses. She noted there have been complaints that property owners in North City are charging fees for parking space. The City must ensure the parking spaces are available to the residents of the new development, so they do not end up parking on the street. She said her vision for the Ridgecrest Commercial Area is for a walkable community with a mixture of commercial development on the lower levels and residential on the upper stories.

Tom Poitras expressed concern that the proposed language does not include any firm parking requirements. He pointed out that most of the residents in the area don't want to live in an atmosphere like Green Lake or the University District where it is difficult to park in front of their own homes. Because the parking requirements are not clear, this type of situation could very well occur. He expressed distress over the arrogance of one Commissioner who implied that they shouldn't be concerned about parking. He cautioned that the residents would suffer if adequate on-site parking is not required for the new development. He also expressed concern that people drive fast down 5th Avenue, and it is already difficult for people to get out of their driveways.

Chair Piro asked if Mr. Poitras would support the concept of requiring a district parking plan that places particular restrictions on the single-family streets to limit parking to residents or visitors. Mr. Poitras said he would support this concept, but he cautioned it could take years for the City to approve this type of program. Again, he expressed his concern that the parking requirements contained in the proposed language are too vague.

Lynne Scott requested clarification about whether the proposed zoning change would apply to all of Area 2 or only to Area 2a. Mr. Cohn explained that the proposed height and other regulations would only apply to Area 2a. Additional regulations would be applied to the other three corners. Those regulations would apply to any development on a property over 1½ acres. The most important regulation is that development on the upper floors would need to be stepped back from the building edge. The stepback varies from 10-20 feet depending on the adjacent zone. NB zoning rules would continue to apply to density, height and property-line setbacks.

Ms. Scott asked if any of the parcels are 1½ acres in size now. Mr. Cohn said that, currently, none of the properties are 1½ acres, but properties could be combined to make larger parcels. Secondly, Ms. Scott reiterated that a 625 square foot unit would be, at best, a one-bedroom unit. Very few people would choose to raise a family in that small space, and she, too, is concerned about the impact this would have on the school district. Ms. Scott also requested clarification about whether the public space would be available for the general public to use.

Liz Poitras said she is against the idea of allowing five or six-story buildings in the area when most of the adjacent residential homes are just one story. She said her preference would be a three-story development, but she could live with four stories. A five or six story development would tower above all of the residential homes, and the mechanical equipment would add additional height. She suggested

that a six-story building could set a precedent, and she is already concerned about too much business development coming to the Ridgecrest Neighborhood.

Lisa Kennan-Meyer said she is an architect and resident of Seattle and said she is thrilled to be involved in a project where so much ground work and research was done by students. She is excited about the proposed code language, which offers a lot of flexibility, as well as some very forward ideas for putting together a mixed-use project within a residential setting. She said they are planning to develop smaller units in order to broaden who lives in the neighborhood. She explained that as people age, this would allow the single-family housing stock to turn over to families, and older people could move into the smaller units and stay in their neighborhood. She noted that the proposed project would not displace any single-family homes, since the site is currently being used as a parking lot. She agreed that it would be challenging to minimize the impacts to the residential properties, but there are examples throughout the country, such as the Pearl District in Portland, where one and two-story buildings were successfully located next to buildings that were six-stories high or more. By using good landscaping, buffers, setbacks, decks, etc. the results could be fabulous. She emphasized that the site would not be developed as just one building, but multiple buildings with a variety of modulation would be created.

Vice Chair Kuboi pointed out that the Ridgecrest Neighborhood would not likely command the premium that a place such as the Pearl District in Portland or Capital Hill in Seattle would be able to command because of the existing amenities, etc. He invited Ms. Kennan Meyer to identify particular challenges associated with the subject property. Ms. Kennan-Meyer said her previous comparison was related to bulk and scale and the use of landscaping, benches, sidewalk furniture, etc., which add to the neighborhood's ability to locate taller buildings next to smaller buildings. She agreed that the Ridgecrest Neighborhood is particularly challenging because there are numerous single-story homes.

Vice Chair Kuboi noted that it would cost money to implement the recommended design features and public amenities in order to soften the impact of the larger buildings. He questioned if the market would support a design that offers a full range of amenities. Ms. Kennan-Meyer agreed that design choices must be made, and they are looking forward to a series of neighborhood meetings to discuss this issue.

Commissioner Hall asked if there are other areas in the City where development of this kind might be considered in the future. Ms. Kennan-Meyer answered affirmatively and added that Shoreline is a fabulous location for this type of opportunity. She explained that the subject property is large enough to make a difference and perhaps set some standards for what could be done on a smaller scale in other areas of the City.

Phillip Scott said he has watched the City of Seattle miss a lot of opportunities in Northgate and Lake City by allowing zero lot line development and not leaving room to expand the street to allow for additional parking, bike lanes, etc. He doesn't want this to happen in Shoreline. If there is an opportunity for growth on 5th Avenue, the City must maintain the ability to expand the street to accommodate the changes. He said he agreed with the comments made previously by Mr. Tiegen.

Presentation of Final Staff Recommendation

Mr. Tovar clarified that it staff's intent that the plaza would be accessible to the public, as well as to the residents and patrons of the property. If necessary, the Commission could recommend a condition that would require an easement over the plaza to guarantee legal access to the public during daylight hours.

Mr. Tovar referred to the concerns raised at a previous meeting about traffic on Northeast 163rd Street. Staff has recommended a condition for Planned Area 2a that would limit vehicular access to the subject property to one way in. No vehicular access would be allowed onto Northeast 163rd Street.

Mr. Tovar emphasized the importance of weighing the public's concerns against the potential benefits. There is no one right answer, and staff has done their best to craft a regulation that is practical from a marketing standpoint and provides substantial benefits to the public. While the Commission could recommend a lower height limit, staff is convinced the change would result in a homogenous townhouse development.

Final Questions by the Commission and Commission Deliberation

Vice Chair Kuboi invited Patty Hale to share comments the Ridgecrest Neighborhood Association Board has received from neighbors regarding whether they would prefer the new zone to allow four-story structures versus six-story structures. Ms. Hale responded that many of the neighbors indicated their preference for a four-story limit, and they have expressed concern about putting a high-density development into a single-family residential neighborhood when there is no transitional zoning on two of the sides.

Commissioner Phisuthikul asked who would be responsible for funding traffic revisions at the intersection of 5th Avenue and Northeast 165th Street if they are determined necessary. Mr. Tovar answered that the developer's only obligation would be to make the required half-street improvements.

Commissioner Broili noted that the staff report did not address the issue of traffic impacts on either the localized area of 5th Avenue and Northeast 165th Street or the surrounding areas. The proposal could potentially add an additional 200 residents to the area, but no strategy has been identified for addressing the traffic impacts to surrounding areas. He recalled that one speaker cautioned the City to retain the ability to increase the street width of Northeast 165th Street to accommodate future growth and amenities. He asked staff to respond to this issue.

Mr. Tovar explained that any development permit processed by the City is subject to the State Environmental Policy Act (SEPA), which would involve a review of elements of the environment. Traffic is one element that would be reviewed, and appropriate mitigation would be described in the SEPA Checklist for the project. He further explained that, as proposed, less parking would be required than has traditionally been the case. He noted that one of the City's goals is to encourage more use of transit. He referred to a study titled, "The High Cost of Free Parking." This study indicates that historically the more parking that is available and the cheaper it is, the more people will use it and the less viable alternative forms of transportation will become. It is important to recognize that the new

zone is intended to result in a different mix of uses. If the current and long-range trends hold true, the City would see fewer vehicle trips per unit coming out of a project of this type.

With respect to the long-term impacts and capacity of 5th Avenue and the intersection at Northeast 165th Street, Mr. Tovar advised that recent research indicates that the capacity of a three-lane road section has been documented to be virtually as efficient as a four-lane section. Therefore, staff is not contemplating a need for widening 5th Avenue. However, various traffic control measures might be considered in the future. Commissioner Broili emphasized that he is in support of the proposed new zone, but it is important that the City also consider the broader, downstream traffic impacts, too. Mr. Tovar explained that as growth occurs, there would be more demand for movement through the corridor and it is up to the transit agency to respond to that demand. The City would not obtain more transit service until the demand is present.

Chair Piro emphasized that the Commission is not reviewing or considering any specific project at this time. He noted that once a rezone application has been reviewed by the Commission and approved by the City Council, an applicant would not be required to present a future project proposal to the Commission for review. Mr. Tovar explained that, as the language is currently drafted, projects would be subject to the requirements of the Planned Area 2 Zone, one of which is a neighborhood meeting, but then the application would be reviewed administratively. However, the Commission and City Council could decide that another review process would be more appropriate, such as permit review by the Commission or Hearing Examiner. Chair Piro noted that many of the concerns raised by the public are legitimate, and it might help to ease these concerns if the review mechanism was clearer.

Commissioner Pyle said he feels that design review is a tool the Development Code has been missing for a long time. While it may not overcome the lack of transition areas within the City between different densities, it is a tool staff could use to obtain a superior product for the community to enjoy. He referred to Section 20.98.040.E (Review and Approval), and questioned how it would fit with Section 20.30 (Procedures and Administration). Mr. Tovar explained that administrative design review is new for the City, and appeals would be directed to the Hearing Examiner. Commissioner Pyle inquired if staff would also add another section similar to 20.30.300 to identify the purpose and provide a series of design criteria. Mr. Szafran answered that the proposed new design review process would be added to Section 20.30. Commissioner Pyle asked if staff would prepare a staff report that analyzes the requirements of the proposal and ultimately comes to a conclusion based on the findings. Mr. Tovar explained that staff would prepare a staff report, and the public would be invited to submit written comments. No public hearing would be held, and the decision would be made based on the written record.

Vice Chair Kuboi said a number of concerns were raised regarding parking and traffic. He asked staff to offer general guidance as to what the acceptable outcome of a parking management plan would be. Mr. Szafran responded that the parking management plan would address parking for a specific project on the site and how the parking could be contained on site so it would not impact the surrounding environment. Mr. Tovar further explained that the parking management plan would also describe the availability of on-street parking. While the parking requirement could not be met by utilizing on-street parking spaces, on-street public parking could be considered when reviewing impacts. The ability to monitor the

performance of an approved parking management plan would be built into the language, so the City would be able to revisit components of the plan and make appropriate adjustments as necessary in the future.

Chair Piro agreed that the proposed change would result in some impact to the existing parking and traffic situation. However, the additional traffic would not necessarily overload the street. He suggested the language should make it clear that the parking management plan would not result in a no net impact outcome. Mr. Tovar agreed that every project would result in an impact, and the SEPA review must identify how much impact would result and how the impacts could be managed.

Chair Piro recalled his previous suggestion that the City create a district wide parking management plan, and then require each individual project to complete a separate parking management plan within the context of the district wide plan. Mr. Tovar agreed there are a number of other steps and strategies the City could pursue apart from the regulations and conditions that might be imposed on any project proposed for the new zone. For example, once the City Council receives the recommendation on the environmental sustainability goal, they would likely identify projects, districts and neighborhoods that might be appropriate for additional programs and policies to encourage sustainability.

Commissioner Broili agreed with Chair Piro that a parking management plan should be broader than just the development; it should also address the anticipated downstream effects. He suggested the City achieve this goal by working closely with the developer.

Commissioner Phisuthikul referred to Section 20.98.060.C.5(Sustainability Features), which indicates the intent of the section is to ensure that new construction incorporates new and innovative building techniques to reduce demand on energy and stormwater systems. He noted that the proposed language does not identify what would be required and how success would be measured. Mr. Cohn reminded the Commission that this is a new concept for the City, so they do not currently have a threshold for measuring the concept's success. Mr. Tovar added that this is the City's first attempt to implement a sustainable building requirement, but they should receive more direction from various groups in the near future that would enable them to provide more details. He emphasized that the notion of a mixed-use, walkable project on a transit line is, in itself, a sustainability feature of land use.

Commissioner Broili expressed his belief that the Commission needs more time to consider the proposal and address concerns before making a recommendation to the City Council.

COMMISSIONER BROILI MOVED THAT THE COMMISSON CONTINUE THE PUBLIC HEARING TO NOVEMBER 15, 2007. COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Phisuthikul asked if continuing the public hearing would allow the public an opportunity to address the Commission at their next meeting. Chair Piro answered that, typically, the Commission places a proposal on the table before the public portion of a hearing is closed.

Mr. Tovar suggested this item be continued to the November 15th agenda, and he invited the Commissioners to identify the questions they would like staff to respond to. Chair Piro advised that all

Commission questions should be submitted electronically to the staff by November 5th so their response could be provided in the Commission's November 15th meeting packet. Mr. Tovar encouraged the Commissioners to suggest any additional requirements they would like to include in the language.

Vice Chair Kuboi asked if the public would be allowed to provide additional comments on any changes that are made to the proposed language before the hearing is continued on November 15th. Chair Piro said that, typically, the public would be allowed an opportunity to speak to any new information or changes that are proposed.

Vice Chair Kuboi referred to the list of public benefits that could be offered by a developer in exchange for additional stories and suggested that the most notable benefit would be the public plaza, which would serve as a "third place." He questioned if this concept would be suitable when the weather is unfavorable. Mr. Tovar suggested staff clarify the language to make it clear that the intent of a public plaza is that it be used by the public for as much of the year as possible and still be an open area. Vice Chair Kuboi invited the members of the public to contact staff via email to share their ideas for features that would make the public plaza a successful third place.

Commissioner Pyle asked staff to identify the dimensions of the subject property. Mr. Tovar agreed to provide the dimensions of all properties in the proposed Planned Area 2 Zone. Commissioner Pyle provided a diagram to illustrate the dramatic grade separation. The diagram identified up to 80 feet of height, with the single-family residence in the rear dropping down 20 feet. He expressed his belief that while obtaining six to eight stories along the street frontage could be acceptable, it would not be appropriate where the property abuts single-family neighborhoods. He suggested it might be possible to utilize a split elevation concept on the site, with taller buildings along the street and smaller buildings in the back. This would allow the project to be more in line with the grade separation and the topography. Mr. Tovar agreed to provide better contour information prior to the next meeting.

Commissioner Hall said he still struggles with the issue of quasi-judicial versus legislative proceedings. He said it is important that the public have a clear understanding of what the differences are and what the Planning Commission's role should be. He recalled that the Commission has dealt with situations like this in the past via a contract rezone, but the City Attorney has advised against this approach. The current proposal is similar in nature because the majority of the proposed new language is related to just one parcel, and many of the comments were directed at one particular project. Mr. Tovar said he would invite the City Attorney to prepare a one-page primer to outline the differences between quasi-judicial and legislative proceedings.

Commissioner Hall also agreed with Commissioner Broili that the parking plan should be broader than just one site, and the City should be a partner in this effort. He noted that staff is working on the idea of trying to improve the City's regulation of development by not focusing just on unit count or square footage, and he asked if this same design review approach would work elsewhere in the City. He asked why staff feels it is necessary to focus just on this one narrow site, when the mixed-use zoning designation has been on the Commission's "parking lot" list for the past two years.

Commissioner Hall said he only attended one of the meetings where the University of Washington Students presented the results of their work, but he did not recall a differentiation that suggested they only consider taller buildings on this one quadrant. He asked staff to identify the driving force behind this decision. Based on information the Commission received from the City Attorney, he expressed concern that there is nothing on the record that suggests an overriding public purpose that merits treating this one parcel in a special way. Mr. Tovar said this information could all be articulated in a staff memorandum, and staff could also compose language for the Commission to incorporate as part of their findings and conclusions to explain the reasoning behind their recommendation.

Commissioner Broili expressed concern about the proposed setback and stepback requirements, especially on the south and west side. He said he would be amenable to a more gradual change up, perhaps going seven or eight stories on the street, with just one story on the south and west to lessen the impact on single-family properties.

Commissioner Broili suggested that in addition to the required neighborhood meeting, the City should work with the developer to conduct more than one meeting since the impacts and changes would be significant.

Commissioner Broili suggested the Commission encourage the City's Economic Development Director to work with the developer to come up with a business strategy to identify the types of businesses that would be appropriate for the site so the retail space could be utilized to its full potential. He suggested the public be involved in the process, as well.

Vice Chair Kuboi expressed appreciation to the neighbors for providing respectful and insightful comments during the public hearing.

Chair Piro said he would also like an opportunity to revisit the concept of stepbacks, setbacks, and transition at the next meeting. He said he is not keen on the idea of placing the transition responsibility on adjacent properties that are not part of the proposal.

THE MOTION CARRIED UNANIMOUSLY.

REPORTS OF COMMITTEES AND COMMISSIONERS

Chair Piro reported that he attended the Parks Board Meeting where the Board discussed the Echo Lake Proposal and the consideration that is being given to transition the open space component of the project to City ownership. He made it clear that the Planning Commission has not had an opportunity to formally discuss the concept. He summarized that the Parks Board believes they need more time to consider other possible options other than going forward as the project was approved or turning the property over to the City to develop as a park. The City Manager expressed an interest in bringing the Planning Commission into the issue. It was discussed that if the site is owned by the City and developed as a City Park, it would receive better treatment and be a more amenable asset for the City than what would be developed under the present conditions. He expressed the Commission's concern that some of the conditions they recommended for the site were disregarded midway through the project.

Commissioner Hall noted that it was the applicant who proposed a large number of the conditions that they now seek to vacate, including the boardwalk. He expressed concern about the precedent that would be set if the City were to eliminate some of the conditions placed on the property. Chair Piro concurred. He suggested the Commission discuss this issue further at their next meeting and forward their comments on the matter to the City Manager. Mr. Tovar agreed to provide copies of the City Council Minutes where the City Council provided direction to the City Manager. Mr. Tovar said his understanding of the current proposal is that the City would become the owner of the area in question and then pay the cost of making the required improvements to meet the conditions. He explained that conditions such as the boardwalk could only be removed by going back through the process. Chair Piro said the Park Board expressed an interest in moving forward with the proposal, but still require the developer to contribute funding.

CONTINUED DIRECTOR'S REPORT

Mr. Tovar reported that the design work for the City Hall Project is continuing on pace. A meeting was held last week where the designers and developers presented the latest iteration of the building drawings to the public. These drawings have been posted on the City's website, as well. The footprint is similar to what was presented before, but they still do not know many details about site development, landscaping and access to adjacent properties. Additional details would be presented to the City Council on November 5th.

Commissioner Phisuthikul reported that he has followed the City Hall Project closely and has provided comments related to parking. The site plan was well done and provides adequate articulation and separation of the Council Chambers from the public areas. It allows an opportunity to connect the public open spaces to the future park.

Mr. Tovar announced that the City Council recently imposed a six-month moratorium on the submittal of development permit applications for projects that have a multi-family component in areas that are zoned RB, CB or Industrial, provided that those properties are within 100 feet of property that is zoned R-8, R-6 or R-4. He explained that the current RB zoning is very permissive in terms of building height and has no maximum unit count. In addition, it has no transitional design requirements. A public hearing on the moratorium has been scheduled for December 10th or December 17th. The Planning Commission's 2008 work program would now include a discussion about the types of transition requirements the City should consider for the RB, CB and Industrial zones that are located adjacent to single-family residential zones.

AGENDA FOR NEXT MEETING

Chair Piro noted that in addition to the continued public hearing on the Ridgcrest Commercial Area Zoning Proposal, two other public hearings were scheduled on the November 15th agenda. One of the public hearings would be rescheduled to the 1st meeting in December.

ADJOURNMENT

The meeting was adjourned at 9:44 P.M.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

November 15, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

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

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Flanner Collins, Assistant City Attorney
Jill Mosqueda, Development Review Engineer
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:05 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

The Commission agreed to add a discussion on the South Echo Lake Open Space issue and the resolution the Commission developed for City Council consideration related to coordinating the efforts of the various transit agencies. The remainder of the agenda was approved as presented.

DIRECTOR'S REPORT

Mr. Tovar advised that two public hearings were scheduled on the agenda: the Plateau at Jackson Preliminary Formal Subdivision proposal and the Ridgecrest Commercial Area Zoning proposal. He

suggested that those members of the audience who were present to participate in the Ridgecrest public hearing meet in a separate room with staff. This would allow the project managers to describe the current proposal and identify changes that have been made since the last public hearing. The public could ask questions and prepare to provide testimony regarding the proposal later in the meeting.

Mr. Tovar advised that he does not anticipate the Commission would have enough time to complete their deliberations on the Ridgecrest Zoning Proposal and make a recommendation now. He suggested they carry the hearing over to a special meeting on December 13th, which would take the place of the regularly scheduled meeting on December 20th.

APPROVAL OF MINUTES

Commissioner Wagner asked that the second to the last paragraph on Page 11 be changed to reflect that she was actually posing a question about which jurisdiction had control of 145th Street.

The minutes of September 20, 2007 minutes were approved as corrected.

GENERAL PUBLIC COMMENT

LaNita Wacker, Shoreline, said she was present to provide general comments about the last iteration of the Ridgecrest Commercial Area Zoning proposal. Chair Piro asked Ms. Wacker to save her comments for the public hearing scheduled later on the agenda.

Les Nelson, Shoreline, said he recently read through the Shoreline Comprehensive Plan and noticed that it is out of synch with the Shoreline Development Code and Zoning Code. He urged the City to begin the necessary steps to resolve the inconsistencies. He recommended that while the interim control is in place, the Commission should consider removing all language related to unlimited density from the Development Code. At the very least, they should be very careful about where they allow it to occur. Chair Piro said the Commission is aware that the Comprehensive Plan does not always match the Development Code and Zoning Code, and the Commission would work to resolve this problem in 2008. He asked staff to advise the public on how they could submit input to the Commission regarding the project. Mr. Tovar suggested the public could submit potential Development Code and Comprehensive Plan amendments to the Commission in writing by mid December, and the comments would be considered by the Commission when they review their 2008 Work Program on January 3rd. He emphasized that the Work Program must be formally adopted by the City Council.

Jim Abbott, Shoreline, explained that he and his partners own property at 185th and Linden Avenue, which is currently zoned Community Business. He recalled that numerous sessions have been conducted by the Planning Commission and City Council regarding a code amendment that would allow an increased number of units within the proposed building. The City Council sent the matter back to the Planning Commission for further review, and he asked the Commission to provide information about when the issue would be scheduled for further discussion. Mr. Tovar advised that the Commission would discuss their future schedule later in the evening. He explained there are numerous City issues that require the Commission's agenda time, and all quasi-judicial items have priority.

REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided reports during this portion of the meeting.

CONTINUED PUBLIC HEARING ON PROPOSED PLATEAU AT JACKSON PRELIMINARY FORMAL SUBDIVISION

Chair Piro reminded the Commissioners of the Rules of Appearance of Fairness and invited them to disclose any communications they may have received regarding the subject of the hearing outside of the hearing. None of the Commissioners disclosed ex parte communications or other concerns related to the Appearance of Fairness Rules. No one in the audience identified a concern, either.

Chair Piro carefully reviewed the rules and procedures for the quasi-judicial public hearing. He opened the public hearing and invited all those who want to provide testimony (staff, applicant, Commission, public) to raise their right hand and swear and affirm that their testimony would be truthful.

Staff Overview and Presentation of Preliminary Staff Report

Paul Cohen, project manager, reminded the Commission that the proposal was initially presented to the Commission on September 20th. At that time, staff recommended approval of the application, with a long list of standard conditions. The Planning Commission decided to continue the hearing to November 1st, where the project proponents were allowed another opportunity to testify. A SEPA Appeal hearing was conducted by the Hearing Examiner on November 1st, as well; and the Hearing Examiner issued a decision affirming the Planning Director's decision to approve the SEPA Determination. He noted that the Staff Report was previously presented to the Commission.

Mr. Cohen referred to the four review criteria for preliminary subdivision applications and made the following comments on each one:

- *Where environmental resources exist (streams, trees, ravines, and wildlife habitat, etc.) proposals shall be designed to fully implement the goals, policies, procedures and standards of the Critical Areas and Tree Conservation and Land Clearing Chapters.* Staff believes very strongly that the proposal would meet this requirement, and in some cases, the applicant is going beyond what is required. For example, the proposal is to keep the slope facing Northeast 145th Street nearly intact, even though it is not protected under the Critical Areas Ordinance.
- *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house, site, and lot placement to the existing topography.* This issue was raised at the September 20th meeting, and staff asked the developer to provide an alternative layout showing the access moved to the far eastern property line. This alternative is available for the Commission's review. He noted that the alternative would force the applicant to reduce the project from six to five lots, but it would not ensure there would be any less grading. Because of the configuration of the lots, it may even force

more grading in order to make the lots accessible from the access drive. Handouts of the alternative were distributed amongst the Commission and audience.

- *Where conditions exist which would be hazardous to the future residents of this property and nearby adjacent residents (steep slopes, flooded plains, unstable soil, etc), criteria related to geological conditions must be met.* Based on the geological report, staff believes these criteria have been met. The slope is stable; and with adequate buffers from streams and steep slopes, the hazards would be adequately addressed.
- *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views:* Jill Mosqueda from the Engineering Department was present to answer questions regarding the City's current drainage standards and how the proposal would meet the standards.

Chair Piro invited Mr. Cohen to display an illustration of the current layout of the proposal so staff could compare it with the alternative layout provided more recently by the applicant at the request of staff. Mr. Cohen reviewed the initial proposal, which identifies six lots, the critical areas tract, buffers and access. He explained that the alternative layout moves the access drive to the eastern property line because it would require less grading for the driveway versus what was proposed. This alternative would only accommodate five lots, and steep driveways may be required to access the pie-shaped lots. He emphasized that the initial layout included a 19,000 square foot critical area tract and protection of the steep slope along Northeast 145th Street. He noted that roads that can be serviced from both sides are generally more proficient, which is what the initial layout proposed. The alternative layout would provide access to the individual lots from one side only.

Commissioner Phisuthikul asked if the area of the six lots in the initial layout would be less than the five pie-shaped lots shown in the alternative layout. Mr. Cohen answered that the lots in the alternative layout would be larger, which is necessary to get a wide enough spot for the house.

Applicant Testimony

Walter Shostak, D.R. Strong Consulting Engineers, Seattle, advised that he was present to represent the applicant. He briefly reviewed the process he used for creating the alternative layout. He explained that no matter what method he used to create a joint-use driveway tract, he was only able to locate five building sites on the property. He pointed out that loading a road from one of two sides is less efficient. He expressed his belief that the proposed layout is better because it represents a more efficient use of the site and maximizes the lot yield.

Questions to Staff and Applicant

Commissioner Pyle asked if the applicant's engineer considered providing a 50-foot buffer from the top of the slope when first analyzing the site for the potential number of units and lot line scenarios that could be placed on the property, or was it automatically reduced down to 15 feet. Mr. Shostak said he could not answer this question because he did not create the original layout for the project.

Commissioner Phisuthikul inquired if a steep slope analysis of the property was completed prior to creating the alternative layout. He also asked if the applicant's engineer considered the potential impact of the lot usage after grading to make it feasible for a construction site. Mr. Shostak said a steep slope analysis was not done, but he has successfully worked on slopes that are far steeper and more challenging.

Vice Chair Kuboi asked Mr. Shostak to speak to the process that was used to identify a stormwater management plan for the site. Mr. Shostak answered that the project must comply with the 1998 King County Stormwater Manual as adopted by the City of Shoreline. The applicant used the method outlined in the manual for estimating detention and water quality volumes. He referred to the Level 1 Downstream Analysis Report that accompanied the subdivision application and describes the sizing requirements of the proposed stormwater plan. He explained that they initially considered options such as dispersion and infiltration, which are good alternatives. He advised that for an urban lot of this size there was not enough room to use the dispersion technique and still meet the criteria of the manual. While infiltration and low-impact development techniques are still options, the preliminary proposal of a detention vault would handle the water quality and detention requirements associated with the project.

Vice Chair Kuboi asked about the parameters that controlled the design and sizing of the stormwater detention system. Mr. Shostak explained that the subject property was modeled as total forested till soil, with portions converted to impervious area for the roof, pavement and lawn areas. Vice Chair Kuboi noted that several of the public comments regarding the proposed project were related to stormwater drainage issues as a result of tree removal and additional impervious surfaces. He asked about the process that was used to take these issues into consideration. Mr. Cohen introduced Jill Mosqueda, Shoreline Development Review Engineer, and invited her to explain this issue further.

Ms. Mosqueda summarized that the soil on the site has been identified as glacial till, which means it has been compacted by glaciers and is like concrete. It won't slide, slough or infiltrate. She explained that the Engineering Department's first choice is to keep the water on site, which is not possible in this situation. The developer's only alternative is to detain the stormwater and meter it out at a certain rate. She explained that the King County Stormwater Manual and the City's amendments are the equivalent of the 2005 King County Surface Water Design Manual, and Shoreline has been doing Level 2 Flow Control for about ten years. Therefore, projects in the City are already required to design to a higher standard than the adopted manual.

Vice Chair Kuboi requested an explanation of Level 2 Flow Control. Ms. Mosqueda answered that this requires a developer to not only detain the water and meter it out at a certain rate, but also meter it out over time so the volume is quite a bit larger than a Level 1 Flow Control would be. Vice Chair Kuboi asked what happens if the glacial till soil is disturbed. Ms. Mosqueda answered that if a trench were cut through the soil, it would stand straight up on both sides like concrete. Vice Chair Kuboi asked if the City has a mechanism for verifying that stormwater management systems work as intended after projects are completed. Ms. Mosqueda answered that the City's Operations Department inspects all stormwater management systems when they are constructed and then annually thereafter. She briefly described the design requirements and the inspection process used to verify whether or not a system has been maintained and functions properly.

Commissioner Broili asked Ms. Mosqueda to share more information about the design requirements for stormwater systems. Ms. Mosqueda explained that Level 2 Flow Control requirements are based on a return of 25 years, and the volume would be based on the existing rainfall records and the amount of impervious surface running off the site. Commissioner Broili expressed concern that there have been four years in a row of 100-year events. He asked if the system would be designed to meet that level or to a lesser level. Ms. Mosqueda answered the project would be designed to the current standard, which is less than a 100-year flood. Again, she noted that the project engineer modeled the proposed stormwater system as a forest moving to impervious surface, which is the worst case scenario. Therefore, the proposed system is more conservative than it could have been.

Public Testimony or Comment

The Commission asked the public to identify their questions for staff and the applicant prior to giving their testimony. Once all public testimony has been received, the staff and applicant would be invited to respond to each one.

Jan Stewart, Shoreline, said she was present to represent the Paramount Park Neighborhood Group. She submitted binders (Exhibit 1) containing her Power Point presentation materials to each Commissioner. She explained that the group originally formed in 1989 to advocate for open space additions and nominated the 3½ acres of what is now the southern section of the park, which is directly adjacent to the subject property. She provided an aerial photograph showing no separation of the existing forested areas of the subject property and the parks to the north and south. She suggested the wildlife corridor should not be ignored when determining the use of the subject property. She pointed out that the City's Parks, Recreation and Open Space Plan includes a long-term recommendation for the City to purchase land south of Paramount Open Space Park to enhance the park environment.

Ms. Stewart provided pictures of birds that were taken by neighbors from either the subject property or adjacent properties. She suggested the application provides much misinformation about the priority species found in the corridor. She advised that the group's goals eventually expanded to include habitat and water quality improvements. Through a series of grants, they have done extensive restoration work in the 3½ acre section of the park in order to reverse the damaging effects of logging, filling, grading, dumping, and invasion of non-native plant species. She provided a photograph of Mr. Little's abandoned tractor, which seems to be forever restrained by the trees growing through it.

Ms. Stewart suggested that perhaps the greatest benefit from the grant projects has come from the creation of two wetland retention ponds, which have restored wetland function, improved habitat and water quality, and reduced flooding downstream. She provided pictures of both the upper and lower ponds. She emphasized that neighborhood flooding downstream from the ponds has not been eliminated entirely. She provided photographs to illustrate typical creek flow during the fall and winter months, and photographs to illustrate the situation after heavy rains. She noted that a tree near the culvert under 10th Northeast was uprooted last year after a period of heavy rain was followed by a windstorm.

Ms. Stewart said the group believes the runoff from the proposed development, as currently planned, would virtually eliminate the gains the neighborhood group has made in water quality and flood control for neighbors downstream from the proposed outfall. They believe the City has a responsibility to the neighborhood and should not allow the proposal to go forward with its current design. Alternatives exist but have not been considered.

Ms. Stewart said the group is also concerned about the steep slopes that exist on the subject property and surrounding properties. She provided a photograph illustrating the effects of erosion on the 10th Northeast slope. She noted where a cut would be made to the slope to provide a new access road and advised that a narrow sidewalk also exists at the base of the steep slope. Ms. Stewart provided photographs to illustrate the group's pedestrian and traffic concerns such as narrow sidewalks and sight distance problems looking both east and west along 145th. In addition, she said the group believes the following issues need to be resolved prior to any decision for approval.

- It appears the City has no clear policy on the vacation of easement. If this is true, a policy should be created.
- The group does not favor vacating the easement in question without compensation to the City.
- The variance granted from road improvements on 10th Northeast should not have been allowed without mitigations.
- More information should be provided regarding the work that is proposed to be done in the roadway for utilities, as well as an upgrade done at the intersection with Northeast 145th Street.
- A traffic study should be performed.
- A code enforcement geotech report should be required.
- Encroachment and management of the critical area tract and park boundaries must be addressed.

Ms. Stewart expressed her belief that the Hydraulic Permit Approval (HPA) requirements for the outfall would not address stormwater problems as has been stated by staff. She encouraged the Commission to review the additional discussion points found in her written submittal before making a recommendation on the proposed application.

Vice Chair Kuboi requested further information about the stormwater alternatives Ms. Stewart believes the applicant has not pursued. Ms. Stewart said that last fall, a neighbor forwarded a comment letter to the City suggesting the water be diverted into the holding ponds upstream, since that is what they were designed for. She said the group disagrees with the City Planner's response that the detention vault would be an additional holding pond that would function much like the holding ponds mentioned. The City Planner also suggested that the HPA would protect downstream properties from flooding. She clarified that the group does not question that a detention pond is necessary, but they are concerned about where it would be located. The developer has indicated it would not be economically feasible to locate the facility 400 feet down Northeast 145th Street, but this option would avoid encroachment into the critical area and into the creeks that flow through the backyards of downstream neighbors.

Chair Piro noted that Ms. Stewart's concerns appear to focus primarily on stormwater rather than the proposed configuration of lots. Ms. Stewart agreed, but she said the group would prefer the project create fewer lots so there would be less impervious surface and less stormwater runoff.

Chair Piro referred to the map of the area that was provided by Ms. Stewart. He recalled that Ms. Stewart raised a concern about connectivity between the two City parks. He invited staff to identify where the critical area tract would be located. Mr. Cohen noted that the upper left 1/3 of the site would be set aside as a protected critical area tract. It includes the buffer area to the stream and beyond, as well as the steep slope that extends further into the site. Chair Piro expressed his belief that setting aside the northwest quadrant of the property for a critical areas tract would provide some connectivity between Paramount and Jackson Parks. Ms. Stewart pointed out that numerous significant trees on the subject property would be lost, and it would be many years before new ones would be large enough to mitigate the impacts. She cautioned that many of the larger trees could be saved and development could occur around them, instead. She said she is also concerned that the critical area be maintained and protected in the future. Chair Piro asked if Ms. Stewart is aware of any effort to outright acquire the subject property in order to maintain the connection between Paramount and Jackson Parks. Ms. Stewart answered she is not aware of any effort in this regard, but the concept is discussed in the Parks, Recreation and Open Space Plan.

Vice Chair Kuboi referred to Ms. Stewart's comment that it would be satisfactory to divert the detention flow to the holding ponds to the north. Ms. Stewart clarified that she is not necessarily advocating for this, but the alternative should at least be considered since the ponds would allow more natural infiltration than a single-flow outfall.

Llyn Doremus, Bellingham, said she was invited to speak on behalf of the Paramount Park Neighborhood Group. She advised that she has a background in hydrology and a degree in geological engineering. She summarized that there are complicated issues related to the stormwater runoff and erosion hazards on the subject property, and steep slopes exist on two sides. On the west side, the bowing structure at the base of trees indicates there has been erosion on the site. There has also been downstream flooding.

Ms. Doremus said the applicant proposes to remove about 89 of the 130 trees that currently exist on the site, and this would have a significant impact on slope stability. Trees stabilize slopes because their roots act as a gripping force to keep soils in place. In addition, the removal of trees would eliminate the evaporation and transpiration function that trees perform, and this would result in quite a bit more moisture on site. Ms. Doremus emphasized that stormwater treatment is regulated under the NPDES Permit Phase 2 that the Department of Ecology is currently working to implement, and they offer a much more complicated method of regulation than the current King County Stormwater Manual. She suggested the new stormwater retention and release requirements be adopted for the proposed project because they are more sophisticated and would soon be required.

Commissioner Harris asked Ms. Doremus to provide clarification of what the new requirements would be. Ms. Doremus said the Phase 2 NPDES Permit for stormwater management for Western Washington went into effect earlier this year, and it has a very big regulatory component (5-volume manual) that includes a numerical model for calculation of stormwater runoff and treatment. At some point in the near future, the City of Shoreline would be required to either adopt the 5-volume manual or some other equivalent control. These new controls would require future development to contain half of 2, 25 and

50-year storms and then release at a rate that is similar to the previous release rates. She expressed her belief that the new requirements would be appropriate for the subject property to address existing stormwater problems. Commissioner Harris summarized that Ms. Doremus approves of the project with proper stormwater control. Ms. Doremus answered affirmatively. She added that a number of factors associated with the project would contribute to worsening stormwater runoff. She agreed that routing stormwater from the site to a natural system such as the existing detention ponds would be appropriate to allow for infiltration and dispersion.

Vice Chair Kuboi asked if the 89 trees that would be removed are located on slopes. Ms. Doremus answered that 89 trees would be removed from the property, and some are located on the slopes. However, it is important to recognize that all of them contribute to evaporation of stormwater. Vice Chair Kuboi asked how removal of the trees on site would contribute to erosion. Ms. Doremus emphasized that glacial till soils do slide, and she noted the Lincoln Park slide that occurred in Seattle in 1996. She explained that, regardless of the location, trees absorb moisture, and increased moisture results in additional water movement over the site and a decrease in the friction capacity between the soils. This all adds to the process of erosion.

Vice Chair Kuboi asked if Ms. Doremus feels the applicant's proposed design, which is based on worst case scenario, represents a realistic interpretation of the City's existing methodology. Ms. Doremus said the applicant's information does not address the accurate amount of transition from forested site to impervious surface, and the flow statistics for containment and release do not take into account the full range of 2 to 50-year events.

Commissioner Phisuthikul asked Ms. Doremus to share her opinion about whether the south slope would be endangered by the proposed project, as well. Ms. Doremus answered that she believes the south slope along Northeast 145th Street should be classified as a steep slope, and she believes the proposal could impact this slope. She recommends a 50-foot setback in this location. She said she understands the City's Critical Areas Ordinance offers exemptions to the developer, but she recommended they also consider the safety of the sidewalk and street below. Commissioner Phisuthikul noted that if the slope is classified as "steep," there should be no construction or grading allowed in the area. Ms. Doremus agreed.

Commissioner Wagner asked if all 89 of the trees proposed for removal are considered significant based on the City's definition. Mr. Cohen answered affirmatively. He noted that the City would require the applicant to replace the trees on a 1 to 3 ratio, depending on the size of trees being removed.

Barry Sommerdorf, Shoreline, said he lives downstream from the subject property. He provided pictures of what the creek looks like downstream under normal circumstances and when there is a significant storm. He expressed his concern that runoff from the proposed detention facility would go directly into the stream. If there are no holding ponds, the water would run downstream and flood the creek on a regular basis. While the applicant's engineer and City staff have indicated that stormwater can be adequately managed, he is not convinced at this point. Mr. Sommerdorf pointed out that the trees located on the steep slope on the west side of the subject property sway significantly when the wind blows. He expressed concern that running stormwater and sewer lines through this area would weaken

the trees, making them unsafe. He advised that sewer and storm drain outtake is already located just a few feet away from the subject property on Northeast 145th Street, so the applicant should connect in this location rather than going through a sensitive area.

Vicki Westberg, Shoreline, commented that groundwater systems keep creeks, springs, and wetlands fed during long periods of dry weather. They filter the water naturally and regulate the release of stormwater in periods of heavy rainfall, as do the trees. She expressed her belief that the applicant has come into the neighborhood unaware of the history of the residents and others who have labored for nearly 20 years to restore the natural wetland systems of the Paramount Park Natural Area, which shares a boundary with the subject property. He assumed there were no wetlands involved and that the only wildlife was the songbird. He also assumed that no one would attend the original neighborhood meeting, where there were approximately 20 people in attendance. His proposed plan would not only have immediate negative impacts on the environment and residents, but a cumulative negative impact, as well.

Ms. Westberg suggested the applicant's plan disregards people, wildlife, and the natural systems that would be disrupted by his project. It allows too much stormwater to be discharged off site and too little ground water recharged. She expressed her belief that the plan must reduce the number of houses to no more than four to allow for the retention of more trees and tree function. She noted that while some developments are done well, others are a detriment to their surroundings. She said it appears the proposed project is one of the latter since it cuts corners to save money at the expense of the community and the environment. She asked the Commission to not assume that granting variances would solve the problem or that mitigation would make up for bad or illegal choices. She encouraged the Commission not to set a precedent for this kind of development.

Donna Eggen, Shoreline, suggested the best solution would be for the City to purchase the property and extend the Paramount Park open space all the way to Northeast 145th Street. She reminded the Commission that the goal of obtaining space to extend the park is in the City's Park, Recreation and Open Space Plan. She referred to the aerial photograph that was provided in the notebook submitted by Ms. Stewart, which illustrates how the subject property belongs with the rest of Paramount Park and provides a corridor connection to Jackson Park across the street. She suggested the City partner with an organization to take advantage of this once-in-a-lifetime opportunity. She submitted her written comments, which were identified in the record as Exhibit 2.

Commissioner Pyle asked if the objective of maintaining open space and habitat connectivity across the landscape and expanding parks properties could be met if the protected area tract proposed as part of the subdivision process were to be deeded over to the City. This would expand Paramount Park and allow for continued maintenance of the corridor along the slope, which is the stream riparian area. Ms. Eggen said they would ideally like to have the entire property as open space, but deeding the protected area tract to the City would be a wonderful alternative.

Dennis Lee, Shoreline, said he is concerned that there should be no outflow, utilities, or other disturbance on the slope towards the park. He noted that while the slope is fairly stable at this time, there are old-growth stumps on the hillside, as well as trees that lean slightly. Any disturbance in this

area could result in instability. In addition, the access driveway should be located downhill so that if detention or retention systems fail, the water would run away from the slope. That's what currently exists naturally. He said his home is built on hard pan or glacial till, and sand is located 3½ feet down where the water runs in. This could be a problem on a slope such as the one that exists on the subject property. Digging deeper than what was done for the geotechnical report should not be allowed unless holes have been drilled and core samples have been taken to identify what is under the glacial till. The drainage must go out at the Northeast 145th Street entrance. Any other design would change the character of the property. He suggested the easement disposition could be traded for other land. He noted that doing infiltration on a high spot makes it difficult to know what's going on unless you drill holes because the water could come out below.

Donn Charnley, Shoreline, professor emeritus of geology from Shoreline College and a lecturer at the University of Washington, said he was asked to review the proposal and provide his professional point of view. He referred to a map illustrating the glacial features of the subject property, which was identified as Exhibit 3. He explained that soils on the subject property include glacial till, esperance sand, and laughton clay, which acts as a much more impervious layer than till. When landslides occur in the area, it is almost always where the clay underlies the sand or till and the water comes down and lubricates it and away it goes. He emphasized that trees hold slopes in place, and the existing trees are bowed because the slope moves while they are growing. The tree roots bend until the roots get a hold, and then they grow straight up. The greater the curve of a tree, the more slope movement.

Mr. Charnley said he hardly endorses Mr. Lee's suggestion that drilling be done to identify the current soil conditions below the glacial till. The soil on top can only hold so much water, and the trees do much of that job. He pointed out that the Colorado River experienced significant flooding in 1912 and again in 1914. He said that while the idea of planning for a 100-year storm is good to identify extreme situations, the City should not assume that because they had a 50-year flood, it won't happen again for another 50 years.

Commissioner Broili asked where the laughton clay material is located on the site. Mr. Charnley said there is none he could see, but he noted there can be 100 feet of till in one location and only two feet with sand under it in another. In order to plan adequate drainage, it is important to test drill ever few yards to form an underground three-dimensional picture of what is going on under the glacial till on the entire site.

Vice Chair Kuboi asked how deep of a boring would be necessary to identify the underlying soils. Mr. Charnley suggested a minimum of 20 feet to as much as 40 feet.

Terry Benson, Shoreline, said she took many of the photos that have been presented to the Commission by prior speakers. She said she is a certified creek steward for the City of Seattle, with Thornton Creek being her primary focus at Meadowbrook where the beaver ponds are. She expressed her belief that any construction along Little Creek is going to desperately impact Thornton Creek, as well. She said the neighbors are fortunate to have abundant wildlife in the area, and many are classified and headed for the Endangered Species List, including the Pileated Woodpecker, salamanders, flycatcher bird, owls and butterflies. These species have all been declining over the last several years. Ms. Benson reported that

Little Creek has flooded into her yard on several occasions. If construction on the subject property is allowed to further impact her property, she would guarantee a lawsuit.

Commissioner McClelland asked Ms. Benson to explain why she no longer sees the species she listed. Ms. Benson said she doesn't know why except for the debris and toxins being washed down the creek. A few times she has seen large, brown clusters of bubbles, so she knows something has been introduced into the creek that doesn't belong there, and this is usually a runoff situation. Commissioner Harris said he visited Little Creek yesterday and found suds in the creek.

Chair Piro recalled Ms. Benson's comment that there should be no more development along Little Creek. He asked her to share her ideas for alternative development on the subject property. Ms. Benson said the absolute best use of the property is for the City of Shoreline to purchase it and incorporate it into the greenbelt.

Bill Bear, Shoreline, emphasized that every development and every increase in the number of people moving into the area adds to the toxins that accumulate in the streams, air and our bodies. He read a section from the Puget Sound Partnership's State of the Sound Report which states, "In 2005 ten Washington residents agreed to have their hair, blood and urine tested for the presence of toxic chemicals as part of an investigative study by the Toxic Free Legacy Coalition. The study revealed that some of the same toxic chemicals we find in Puget Sound are showing up in our bodies. Each person tested positive for at least 26 and as many as 39 of the toxic chemicals tested for." Mr. Bear said it is important for the Commission to understand the full implications of what is being proposed. Every time they add people, they are adding more toxins to Puget Sound, and this impacts the fish, wildlife and people. In 2004 the Sightline Institute conducted a study that tested mother's breast milk for PBDE's, which cause immune problems and cancer, and found them to be present.

Given the time constraint, the Commission took a five-minute break from the hearing to discuss how to proceed with the two public hearings. Mr. Tovar suggested the Commission continue the Ridgcrest Commercial Area public hearing to a special meeting on Thursday, November 29th, and scratch the meeting that was proposed for December 13th. This would allow the Commission to proceed now with the Plateau at Jackson public hearing, and possibly continue it for further Commission deliberation on Thursday, December 6th.

COMMISSIONER HALL MOVED TO OPEN THE RIDGECREST COMMERCIAL AREA ZONING PUBLIC HEARING AND CONTINUE IT TO A SPECIAL MEETING ON THURSDAY, NOVEMBER 29, 2007 AT 7:00 P.M. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

CONTINUED PUBLIC HEARING ON PROPOSED PLATEAU AT JACKSON PRELIMINARY FORMAL SUBDIVISION

The Commission agreed to extend the meeting to accommodate all those who signed up to participate in the public hearing.

Wendy DiPeso, Shoreline, pointed out that the current land owner has no stake in the community, and she is not opposed to him maximizing his profit. However, she and her husband would not be allowed to do the same because it does not fit within the community values. In a similar way, she suggested the proposed development runs counter to the best interest of the community because it further degrades an important wildlife corridor. The community would be better served if the area were restored to a natural state. She suggested the City pursue opportunities to partner with one or more of the numerous non-profit land use organizations to purchase the property. This would allow Mr. Little to benefit from the sale, and the developer would be released from an unanticipated headache. It would also protect the interest of future generations. Ms. DiPeso urged the Commission to consider who the community belongs to. Does it belong to developers who come to the area temporarily to extract the highest value or does it belong to those who make it their home?

Don Norman, Shoreline, said he was present to speak on behalf of the Paramount Park Neighborhood Group. In addition to his written testimony that was submitted to the Commission prior to the meeting, Mr. Norman pointed out there are two pieces of hardly developed property to the north of the northwest corner of the property. If these two pieces of property were purchased, 10th Avenue Northeast could also be decommissioned, and that would increase the corridor value in the entire area.

Ken Cottingham, Shoreline, said he has been a professional transportation engineer for the past 51 years. He said he has worked on several traffic projects in Shoreline, using the standards promulgated by the Federal, State, County and City governments. As he reviewed the proposed project, he noted there would be platoons of heavy traffic on Northeast 145th Street. If he were to do a traffic study for the proposed project, he would not likely recommend the proposed turning movements onto the access road, particularly left hand turns. He said when reviewing projects of this type he also reviews the grade of the proposed access road to make sure it meets the standard requirements.

Commissioner Phisuthikul asked Mr. Cottingham to share his thought regarding the alternative design that was presented by the applicant. Mr. Cottingham said it is difficult to interpret the sight distance numbers that were provided on the diagram. Commissioner Phisuthikul asked Mr. Cottingham whether he felt the alternative access from 11th Avenue would be better than the access that was originally proposed by the applicant. Mr. Cottingham said he did not have enough information to respond. He said given topographical changes in the area, he did not feel the sight distance would be sufficient enough, based on the speed of approaching cars, to make full left and right turns. However, he cautioned that a full traffic study would be necessary to make a final determination.

Vice Chair Kuboi asked which jurisdiction would have control over a traffic study and design considerations for the subject property since the westbound lanes of Northeast 145th Street are under King County's jurisdictions and the subject property is located within the City of Shoreline. Mr. Cottingham pointed out that the State Department of Transportation Department (DOT) has jurisdiction over Northeast 145th Street (State Route 523). The applicant would be required to meet the DOT's standard requirements, which are nearly the same as those of the County, State and Federal Governments.

Richard Tinsley, Shoreline, agreed with the previous speakers who suggested the best use of the subject property would be to add it to the Paramount Park Open Space. He expressed his belief that the property should remain wooded since it is part of an important wildlife corridor. The City of Shoreline has expressed their goal of adding property to Paramount Park and enhancing pedestrian access, which could be done via the easement that exists on the subject property. He said he would be opposed to the City giving the easement to the developer with very little in return. He also pointed out there are different types of till soils. Some are extremely hard but other types do allow water to permeate through. He suggested that water currently percolates through the soil, and the soil has experienced erosion.

Brian Derdowski, Issaquah, presented the following questions to staff:

- Has anyone from the City with current professional engineering qualifications visited the site and analyzed the report that was submitted by the applicant?
- Was an analysis done to determine whether it would be possible to run sewer and other utilities directly to Northeast 145th Street and what this would require?
- Has City staff measured the sight lines for the access road and provided documentation for the record?
- Has staff analyzed the permeable soils that do exist on the east side of the property line that would allow infiltration along the top of the slope? Mr. Derdowski advised that the developer's engineer met with him on site and found there was likely some permeable soil along the east side of the property line that could infiltrate.
- Does the City have any specific written policies that govern the vacation of road easements? If so, were these policies reviewed and applied to the proposed application?

Mr. Derdowski said he represented the appellant group in an effort to negotiate a settlement with the applicant, but their attempts failed when the developer walked away at the last minute. He suggested the Commission instruct the Planning staff to do the following:

- Prepare a transportation study to examine the site line and capacity issues and to document the need for turning restrictions.
- Deny the easement vacation and require its use as the access road.
- Require the standard steep slope setback and not allow the setback to be reduced by 80%. Testimony was provided by a highly qualified technical expert that this would be highly problematic.
- Require infiltration to the maximum extent practical to improve the water quality situation.

Mr. Derdowski suggested that if staff were to prepare the above listed findings, the Commission would have the opportunity to review the information and alternatives when they reconvene. He requested the Commission leave the record open for the transportation component, since the appellants' transportation consultant did not receive a copy of the alternative design until today.

Mr. Derdowski said he objects to the notion that the Commission could construct an open record hearing that is fair under the rules that were adopted. The two-minute requirement is not reasonable and does not lend itself to the creation of a full and complete hearing. He thanked the Commission for their

public service to the people of Shoreline. Chair Piro said Mr. Derdowski knows full well the Commission's practice is to give people more time when there are not so many who want to participate.

There was no one else in the audience who expressed a desire to address the Commission during the public hearing.

Comments from Staff Regarding Questions Raised

In response to questions raised by Mr. Derdowski, Mr. Cohen reported that all staff members involved with the project review have visited the site. Staff also reviewed the application with Ms. Mosqueda, who is the City's licensed engineer.

Ms. Mosqueda explained that relinquishing an easement would not require a vacation process. The easement property is owned by the property owner and benefits the City by allowing access to the park. Therefore, the property owner should not be required to pay money to get the easement back.

Ms. Mosqueda said it is not her job to conduct an analysis of the subject property to identify the types of soils that exist and the best methodology for stormwater management. This responsibility lies with the developer's engineer. She doesn't work for the developer; she works for the City. It is her responsibility to make sure proposed designs meet the City standards. She reviews engineering plans and identifies problems that need to be taken care of.

Ms. Mosqueda advised that staff explored (not analyzed) the option of diverting the detention into the City of Seattle's stormwater system. However, it was found to be unfeasible because of the elevation of the existing infrastructure to the east and west and the elevation of the subject property. In addition, it is important to recognize that Northeast 145th Street has 30,000 average daily trips, so it would be difficult to close the street for an extended period of time for construction when there are other alternatives. The issue of who has jurisdiction over this street is also a complicated question. She noted that the proposed access would be an automatic right in and right out because of the traffic that exists on the street.

Ms. Mosqueda emphasized that the project is in the early stages. The SEPA Determination was just recently made, and the application is not far enough in the design phase to provide detailed information about engineering aspects. Mr. Cohen further explained that the application is for a preliminary subdivision request, and the intent is to require just enough information to determine whether or not the proposal is feasible. Many of the engineering issues raised by the public could be corrected or addressed during the final design and construction phases of the project. He cautioned that staff is not recommending approval of exact engineering plans for the subject property at this time, but they believe it would be possible to design a feasible project.

Ms. Mosqueda said the alternative access proposal would not meet any of the City's standards and would never be approved without some kind of engineering variance. This access must be separated from the other access point for residents to the east. Chair Piro recalled the Commission initially discussed the option of creating a shared access. Ms. Mosqueda said she reviewed this option closely, but there are issues related to sight distance and the sight itself that would make this option unfeasible.

Mr. Cohen noted that shared access would require the property owners to the east to agree, and the City cannot require them to do so. Chair Piro asked if this option has been discussed with the property owners to the east, and Mr. Cohen answered no.

Ms. Mosqueda explained that some of the flooding that has occurred on Little Creek would improve because downstream capacity was improved over the past summer.

Commissioner Wagner said the largest concerns are related to stormwater management. It appears there is already a huge problem with the site because it can't infiltrate water. She asked staff to share how the current situation would be altered by the proposed development. Ms. Mosqueda answered that the subject property does handle water because it is vegetated. It may infiltrate some, but it does have an infiltration rate that would allow them to put concentrated runoff from the roofs into the ground. The site doesn't meet any of the criteria for keeping the water on site. When the property is developed, trees would be removed and replaced with development that water will run off of. The proposed alternative represents the quickest and easiest method for taking care of the runoff, and most engineers like it because it is a common practice. The applicant's stormwater engineer has reviewed the subject property as if it were totally forested and infiltrates water, and this is very conservative because there is no infiltration on the site right now.

Mr. Cohen added that the applicant's stormwater proposal would essentially reduce the runoff rate to what it would be like if the site were forested. There is no detention system on the site at this time. When determining whether there should be fewer lots and less impervious surface, Mr. Cohen pointed out that impervious surfaces could be increased or remain the same even if there were fewer than six lots created on the site.

Commissioner Pyle asked if a stormwater general permit from the Department of Ecology would be required for the site. Ms. Mosqueda said a Department of Ecology construction permit would be required during the construction phase of the project. The City is working to create new regulations to implement the Phase II NPDES Permit, but the developer would not be required to meet the NPDES Permit requirements. Commissioner Pyle asked if a Forest Practices Permit would be required from the Department of Natural Resources. Ms. Mosqueda said she doesn't know if this permit would be required.

Commissioner Pyle requested staff provide more information about the street vacation regulations.

Commissioner Phisuthikul asked staff to share their opinion about whether the slope to the south of the property would be considered steep. Ms. Mosqueda said the cut was made when Northeast 145th Street was constructed, so it is not a natural slope. Mr. Cohen added that while the slope is steep, it is not covered under the Critical Areas Ordinance because it's a human made cut into the slope, and these are exempt under the code. He advised that the way the proposal has been recommended for approval, other than the drive entry, the slope and its vegetation would remain intact. Commissioner Phisuthikul summarized that according to the City's regulations, the south slope of the property is not considered critical area so safe alterations would be allowed. Mr. Cohen answered affirmatively, and Commissioner Pyle referred to Code Section 20.80.030.F.

Commissioner Broili noted the proposed detention overflow would eventually be discharged into Little Creek. Mr. Cohen agreed and noted that an HPA permit would be required for the outfall. Commissioner Pyle pointed out it is not possible to apply for or obtain an HPA Permit until you have received your SEPA Threshold Determination. Therefore, the applicant may not have applied for the permit at the point at which the hearing was scheduled.

Commissioner Harris noted the City granted a variance to waive the frontage improvement requirements on 10th Avenue because the developer was not going to use that access. He asked why an in-lieu-of payment was not required. Mr. Mosqueda said a verbal agreement has been discussed, but the applicant has not applied for this engineering variance yet. The in-lieu-of payment would be collected when the developer submits an application for a development permit.

Commissioner Hall asked what happened to the Commission's parking lot issue to try and resolve the Northeast 145th Street right-of-way issue. He suggested that if this issue had been clarified earlier, many of the current problems could have been resolved. Ms. Mosqueda suggested the Commission raise this issue with the new Public Works Director.

CHAIR PIRO CONTINUED THE PLATEAU AT JACKSON PUBLIC HEARING TO THURSDAY, DECEMBER 6, 2007 AT 7:00 P.M.

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports by Committees or Commissioners.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

There were no announcements.

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 9:55 P.M.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission



Memorandum

DATE: December 6, 2007

TO: Shoreline Planning Commission

FROM: Paul Cohen, Senior Planner

RE: Hearing Continuation for Plateau at Jackson Subdivision

On September 20, 2007 staff presented the proposal and recommendation for the subdivision Plateau at Jackson. To view the original staff report, visit the City's website at: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/pds/pc/092007/3.iii.pdf>. At that meeting the Planning Commission continued the hearing to November 15th. On November 15th, the Planning Commission heard public testimony and then approved a continuation to December 6, 2007.

Jill Mosqueda, Development Review Engineer, and I will be prepared to answer questions that were raised from the November 15th hearing. Please call me at 546-6815 or email me at pcohen@ci.shoreline.wa.us if you have questions.

Attachments

1. Draft Findings, Conclusions and Recommendation for Approval or Denial or Modification
2. Memo from Legal Staff

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**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE CITY OF SHORELINE PLANNING COMMISSION**

Preliminary Formal Subdivision of Plateau at Jackson Review, Project No. 201584

Summary –

After reviewing and discussing the Preliminary Formal Subdivision of Plateau at Jackson proposal on December 6, 2007 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes and therefore unanimously recommended approval of such action with conditions.

I. FINDINGS OF FACT

1. PROJECT SITE CHARACTERISTICS

- 1.1 The project site consists of one lot (Tax Parcel No. 6622900830) totaling approximately 69,260 square feet (1.59 acres).
- 1.2 The site is currently vacant. A house on the site was demolished in 2005.
- 1.3 The site occupies a topographic knob. The northwest corner of the site slopes steeply down in a northwesterly direction. The east side of the parcel slopes more gently down in an easterly direction. A portion of the south side of the site slopes steeply down in a southerly direction to NE 145th Street. Over 130 significant trees are located on the site, although the northeast corner of the site is generally cleared.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located at the City of Shoreline's south boundary in the Ridgecrest Neighborhood.
- 2.2 Adjacent to the site to the north is the Paramount Park Open Space and two single-family residences. To the south is NE 145th Street and Jackson Golf Course in the City of Seattle. The neighborhoods to the west and east are developed with single-family detached residences with the exception of a triplex adjacent to the southeast corner of the site.
- 2.3 Streets adjacent to the site include:
 - NE 145th Street to the south; classified as State Route 523 subject to the regulations of the Washington State Department of Transportation. The NE 145th Street right-of-way is located outside of Shoreline's city limits.
 - 10th Avenue NE to the west; a largely undeveloped City of Shoreline right-of-way with a gravel roadway that provides access to two parcels.
 - 11th Avenue NE to the east; a private street as indicated by a street sign, although there is no easement or tract and no other parcels use it for access.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the western two-thirds of the site is Low Density Residential. The designation for the eastern third is Paramount Special Study Area.
- 3.2 Land Use Policy (LU) 9 in the Comprehensive Plan envisions Low Density residential areas as areas already developed predominately with single-family detached dwellings. Appropriate Low Density zoning includes R-4 and R-6, unless a special district plan has been approved. Currently, no Paramount Special Study Area plan has been adopted.

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- 3.3 LU46: Provides for the creation of special study areas to some areas of the community where further study for subarea, watershed or neighborhood planning would be appropriate.
- 3.4 LU46.1: Establishes the Paramount District Special Study Area centered on the business district at N 145th Street and 15th Avenue NE, in accordance with the drainage basin located in the approximate area.
- 3.5 H6: Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.

4. REGULATORY AUTHORITY

- 4.1 Shoreline Municipal Code (SMC) 20.30.060 requires Preliminary Formal Subdivisions to be processed as a quasi-judicial or Type-C action. Type-C actions require an open record public hearing and review by the Planning Commission, which then forwards a recommendation to the City Council for final approval.
- 4.2 Applicable regulatory controls set forth in the SMC include:
 - SMC 20.30 – Procedures and Administration
(Subdivisions – SMC 20.30.360-480)
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
(Single-family Detached – SMC 20.50.060-.115)
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards
 - SMC 20.80 – Critical Areas (Geologic Hazard Areas – SMC 20.80.210-.250
and Stream Areas – SMC 20.80.460-.500)
- 4.3 Revised Code of Washington (RCW) 36.70B.040 Determination of Consistency
- 4.4 RCW 58.17.110 Approval/Disapproval of Subdivisions

5. PROCEDURAL HISTORY

- 5.1 Preapplication meeting was held on April 17, 2006.
- 5.2 Neighborhood Meeting was held on October 27, 2006.
- 5.3 Preliminary Formal Subdivision (File No. 201478) application and a State Environmental Policy Act (SEPA) checklist were received on November 13, 2006.
- 5.4 The application was determined to be complete on Nov. 13, 2006.
- 5.5 A Notice of Application for the proposal was issued on Nov. 20, 2006, with the public comment period ending Dec. 5, 2006.
- 5.6 A SEPA threshold Determination of Nonsignificance (DNS) for the proposal was issued on July 5, 2007 with the administrative appeal and comment period ending on July 20, 2007. An appeal of the DNS was received from the Paramount Park Neighborhood Group, Inc. (submitted by Jan Stewart and Vicki Westberg) on July 20, 2007
- 5.7 A Notice of Public Hearing was issued on July 5, 2007 for the Planning Commission open record public hearing on August 2, 2007.
- 5.8 A notice canceling the August 2, 2007 public hearing, in order to allow the appeal hearing to be consolidated with the project hearing, was issued on July 26, 2007.

- 5.9 A new Notice of Public Hearing was issued on September 5, 2007 for the consolidated Planning Commission open record public hearing and Hearing Examiner SEPA appeal hearing on September 20, 2007 .

6. PUBLIC COMMENT AND STAFF RESPONSE

- 6.1 **Public Comment** – A total of five public and two agency comment letters and e-mails were received. Generally, the comments concerned:
- Impacts on the existing bus stop on NE 145th Street
 - The outfall into Little's Creek will require a Hydraulic Project Approval permit (HPA) from the Washington State Department of Fish and Wildlife
 - Traffic safety due to increased traffic
 - Access for fire department vehicles
 - Inadequate amount of parking provided
 - Protection of critical areas
 - Potential encroachment of private yards and uses into Paramount Park Open Space
 - Drainage issues including flooding, pollution and erosion into Little's Creek
 - Stability of steep slopes
 - Buildable area of lots after grading
 - Impact on wildlife and inadequate listing of species in SEPA checklist
- 6.2 **Staff Response regarding bus stop** – During the permit review process plans will be reviewed by KC Metro Transit. Improvements, if necessary, shall be required to conform to the agency's standards for bus stops.
- 6.3 **Staff Response regarding Little's Creek outfall** – An HPA permit is required to discharge stormwater into Little's Creek. A copy of the HPA permit shall be submitted to the City prior to issuance of a site development permit. All conditions of the HPA will be incorporated into the conditions for the site development permit.
- 6.4 **Staff response regarding traffic safety** – Comments expressed concern over traffic safety at the intersection of the proposed new private street and NE 145th Street due to additional traffic and left turns onto NE 145th Street. Preliminary analysis shows the intersection can meet the requirements of SMC 20.70 regarding sight clearance at intersections. The amount of additional vehicle trips generated by 5 additional single-family lots is insignificant when compared to the existing traffic volumes on NE 145th Street and will not impact traffic flow to a measurable degree. The City Traffic Engineer has reviewed the plans and determined six single-family residences likely will not generate enough traffic to warrant restricting turns into and out of the subdivision. Further, he stated the NE 145th Street right-of-way in the vicinity of the proposal is not controlled by the City of Shoreline and the City can not require work in the right-of-way. If a traffic safety issue becomes apparent in the future, the City then can work with the jurisdictions that are responsible for the right-of-way to install necessary traffic restrictions. At this time it would be inappropriate to require the applicant to mitigate a problem that seems unlikely.
- 6.5 **Staff Response regarding fire department vehicle access** – The design and construction of the proposed private street, 11th Avenue NE, must conform to existing standards of the City of Shoreline Engineering Development Guide (EDG). Included are standards regarding grade, length and pavement width. The EDG includes references to the International Fire Code. The site development plans will be reviewed by the Shoreline Fire Department for conformance to their requirements. Fire Department review of the preliminary subdivision plans included comments that if the grade is greater than 15% fire protection sprinklers in all of the residences will be required and that the

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west side of the street must be posted as a fire lane with no parking. Streets less than 150 feet long do not require a turnaround. The proposed street is 120 feet long. The width of the access tract will accommodate travel lanes and parking on one side.

- 6.6 **Staff response regarding parking** – SMC 20.50.390 requires 2 parking spaces for single-family residential development. Review for compliance with parking standards is done during the building permit review process. Also, the private street will be wide enough to accommodate parking on the east side of the street.
- 6.7 **Staff response regarding impact on critical areas** – Comments expressed concern regarding the impact of the project on nearby critical areas. Wetland reconnaissance reports state no wetlands or streams are located on the site. Part of the buffer for a Type II stream – which is located off site near the northwest corner of the site – is on the site. However, that buffer will be entirely within the protected area tract required for the steep slope and its buffer. The edge of a Type II wetland located north of the site in Paramount Park Open Space is 120-130 feet from the northern boundary of the site. The standard buffer for Type II wetlands is 115 feet. Therefore, none of the wetland buffer is on the site. The City of Shoreline critical area regulations (SMC 20.80) are designed to protect critical areas from the negative impacts of development by classifying the various critical areas and requiring buffers accordingly. Compliance with SMC 20.80 means development of the site will not have a significant adverse impact on critical areas.
- 6.8 **Staff response regarding protecting park boundary** – A proposed condition of approval is the requirement that a fence, without gates, be built wherever individual lots are adjacent to the park. The fence will discourage encroachment into the Paramount Park Open Space.
- 6.9 **Staff Response regarding storm drainage** – Final civil engineering drainage plans are required for the site development permit. Those plans will be evaluated using the standards of the 1998 King County Surface Water Design Manual (KCSWDM) which addresses issues regarding flooding, erosion and water quality. Drainage plans in conformance with the KCSWDM will ensure the proposed development will not increase the likelihood of flooding or pollution of Little's Creek.
- 6.10 **Staff Response regarding slope stability** – Development is prohibited on slopes in excess of 40%. A geotechnical report states the risk of landslides on the site or adjacent property is minimized with a 15-foot minimum setback from the top of the steep slope in the northwest portion of the site. The steep slopes and 15-foot buffer area will be placed in a separate protected tract. Stability of the exempt slope along NE 145th Street was addressed by an addendum to the original geotechnical report. The addendum recommends a 5-foot setback from the top of the slope without a special footing design; or if foundations are built on the slope, footings located at least 5 feet below the finished grade will protect the integrity of the foundation.
- 6.11 **Staff Response regarding buildable area after grading** – Review of preliminary grading plans has shown that only Lot 4 and Lot 6 will be significantly impacted by the grading required for the private street. The impact on Lot 4 is entirely within the front setback area so the buildable area is not affected. While some of the buildable area of Lot 6 is impacted, a sufficient area, 35'x40', is not impacted. In addition, a house design on Lot 6 with a street level garage and living areas above and behind the garage would allow the area impacted by grading to be built on as well.
- 6.12 **Staff response regarding impact on wildlife** – Staff's analysis of the impact on wildlife is unaffected by SEPA checklists which may or may not include an incomplete description of

wildlife found on the site. SMC 20.80.260 addresses endangered or threatened species and priority habitat. There is no evidence that endangered or threatened species visit the site or that the site has priority habitat.

7. ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES

- 7.1 The project site is zoned Residential – 6 units per acre (R-6), which would allow up to 10 dwelling units to be constructed on the site.
- 7.2 The proposed net density is 5.2 dwelling units per net acre.
- 7.3 Under SMC 20.40.120 single-family detached dwellings are a permitted use in the R-6 Zoning District.

8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410 & RCW 58.17.110)

The following criteria were used to review the proposed subdivision:

8.1 Environmental (SMC 20.30.410A)

Criteria: *Where environmental resources exist, the proposal shall be designed to fully implement the goals, policies, procedures and standards of SMC 20.80, Critical Areas, and Subchapter 5 of SMC 20.50, Tree Conservation, Land Clearing and Site Grading Standards.*

Staff Analysis: A very high landslide hazard area due to slopes greater than 40% and part of a buffer area for an off-site Type II stream are on site. The proposal complies with the standards established in the critical areas chapter SMC 20.80. See further analysis under **Sections 12, 13 and 14** below. Review for compliance with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5, which will include replacement tree plantings for significant trees removed, will take place during the site development review process.

Criteria: *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.*

Staff Analysis: Lots are placed such that their buildable areas are located on relatively level areas which will minimize grading. The central location of the access tracts allows for short driveways to serve all lots except Lot 5 which also minimizes grading quantities.

Criteria: *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected.*

Staff Analysis: Conditions which could be potentially hazardous exist due to the steep slopes on the site. Tract B protects the steep slope in the northwest corner from development, thus eliminating the potential creation of a hazardous condition. A geotechnical report states potential hazards due to the steep slope on the south edge of the site are eliminated by either a 5-foot building setback or deep footings. Staff recommends a condition of approval to require a 5-foot setback from the top of that slope and restricting tree removal on the slope to ensure no hazardous conditions are created.

Criteria: *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.*

Staff Analysis: The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the KCSWDM. Also, an HPA permit is required (pursuant to Washington State Department of Fish and Wildlife regulations which are use to minimize impacts of development on streams and water bodies) to discharge into Little's Creek. See further analysis in **Section 11** below. Because much of the site is a topographic

knob higher than the surrounding area, views from nearby properties are already minimal or nonexistent. Development of the site will not change this. Height restrictions, as specified in SMC Chapter 20.50, will ensure the impact on off-site views from the distance will not be impacted.

8.2 Lot and Street Layout (SMC 20.30.410B)

Criteria: *Lots shall be designed to contain a usable building area to ensure the lot is developed consistent with the standards of the SMC and does not create nonconforming structures, uses or lots.*

Staff Analysis: The proposal meets design standards for detached single-family residential development as set forth in SMC Chapter 20.50. Buildable areas of lots are not restricted by any easements or other regulations once an existing roadway easement on the eastern edge of the site is removed. Staff recommends a condition of approval to remove that easement prior to recording of the final plat. The easement serves what is now the City's Paramount Park Open Space. There is no public benefit derived from the easement, so the City has agreed to release the easement. No nonconforming structures, uses or lots will be created.

Criteria: *Lots shall not front on primary or secondary highways unless there is no other feasible access.*

Staff Analysis: None of the proposed lots will front on a public street. Access to NE 145th Street will be via a new private street.

Criteria: *Each lot shall meet the applicable dimensional requirements of the SMC.*

Staff Analysis: This proposal meets the applicable dimensional requirements specified for lots in the R-6 zoning district as set forth in SMC Chapter 20.50. See further analysis in **Section 9** below.

Criteria: *Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.*

Staff Analysis: Staff recommends a condition of approval to require a pedestrian pathway on one side of the private street in order to provide safe access to the existing sidewalk on NE 145th Street.

8.3 Dedications (SMC 20.30.410C)

Criteria: *The City Council may require dedication of land in the proposed subdivision for public use.*

Criteria: *Only the City Council may approve a dedication of park land. The Council may request a review and written recommendation from the Planning Commission.*

Criteria: *Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.*

Criteria: *Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.*

Staff Analysis: No dedications are required for this proposal. See further analysis in **Section 11** below.

8.4 Improvements (SMC 20.30.410D)

Criteria: *Improvements which may be required include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.*

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Staff Analysis: Site improvement plans will be reviewed for compliance with the standards specified in the City of Shoreline Development Code and Engineering Development Guide. The site fronts onto the City of Shoreline’s 10th Avenue NE right-of-way but a variance from engineering standards has been approved which limits the required frontage improvements to ensuring adequate sight clearance at NE 145th Street and widening the portion of 10th Avenue NE near the intersection with NE 145th Street in order to allow two side-by-side vehicles to pass. See further analysis in **Sections 9, 10, 11 and 12** below.

Criteria: *Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.*

Staff Analysis: This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities. See further analysis in **Section 11** below.

8.5 Public Health, Safety and General Welfare (RCW 58.17.110)

Criteria: *A proposed subdivision shall not be approved unless appropriate provisions are made for public health, safety and general welfare, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, safe walking conditions.*

Staff Analysis: This proposal, as conditioned, will provide for the public health, safety and general welfare. Staff recommends conditions of approval to include extra geotechnical studies for utility installation in a critical area, installation of a fence to prevent encroachment into the Paramount Park Open Space, significant tree retention and a 5-foot setback on the exempt steep slope, transit stop replacement if necessary, obtaining a Hydraulic Project Approval permit from the State and requiring a pedestrian pathway on one side of the private street. See further analysis in **Sections 10-14** below.

9. SITE DEVELOPMENT STANDARDS (SMC 20.50)

9.1 Densities and Dimensions in the R-6 Zone (SMC 20.50.020)

Densities

Standard	Regulation		Proposed		
	General	Site Specific	Gross	Net	Net
Base Density	6 du/acre	10 du/gross acre 7 du/net acre	3.77 du/acre	5.22 du/acre (without areas of both tracts)	5.77 du/acre (without area of critical area tract)
Min. Density	4 du/acre	6 du/gross acre 5 du/net acre			

Dimensions

Standard	Regulation	Proposed					
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
Min. lot width	50'	65'	56'	75'	75'	65'	82'
Min. lot area	7,200sf	7,201sf	7,201sf	7,666sf	7,694sf	8,339sf	7,201sf
Front yard setback	20'	Review for compliance with these standards					

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Rear yard setback	15'	is done during building permit review
Side yard setback	5' min/15' total	
Base height	30'/35' with pitched roof	
Bldg. coverage	35%	
Impervious area	50%	

8.1 **Significant Tree Removal** (SMC 20.50.290-370) The site contains approximately 132 significant trees. The current proposal is to retain 30% (43) of those trees. SMC 20.50.290 requires retention of at least 20% of the significant trees. Replacement trees will be required in conformance with SMC 20.50.370 which requires 1-3 replacement trees for each significant tree removed depending on the diameter of the significant tree removed. A final tree retention and replacement plan will be required with the site development permit.

8.2 **Parking and Access** (SMC 20.50.380-440) Single-family detached housing must provide two off-street parking spaces per dwelling unit (SMC 20.50.390A). Review for compliance with parking standards is done during the building permit review process.

Pedestrian access should be:

- separate from vehicular traffic where possible; or
- well marked to clearly distinguish it as a pedestrian priority zone; and
- be at least 3 feet wide (SMC 20.50.430C).

Staff recommends a condition of approval requiring a pedestrian pathway at least 3 feet wide on at least one side of the private street.

10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

9.1 **Water Supply** – Shoreline Water District has issued a Certificate of Water Availability and has found the existing water service in conformance with its County-approved water comprehensive plan. No water system improvements are required to complete the project. A water system extension agreement will be required.

9.2 **Sewer Service** – Ronald Wastewater District has issued a Certificate of Sewer Availability for the proposal. A developer mainline extension from an existing sewer in the 10th Avenue NE right-of-way is required. The applicant is also required to provide engineered sewer system improvement plans and a sewer easement.

9.3 **Fire Protection** – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site. A fire hydrant with a calculated fire flow of 5,200 gpm is located adjacent to the site.

9.4 **Streets and Access** – The project will provide direct access to the NE 145th Street right-of-way for all lots via a private street. Staff recommends a condition of approval requiring a pedestrian pathway at least 3 feet wide on at least one side of the private street to provide safe pedestrian access to the existing sidewalk on NE 145th Street.

11. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

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- 10.1 **Storm Water Management** – The City of Shoreline Public Works Department has approved the preliminary Road and Storm Drain Plan for the proposal as being feasible.
- 10.2 **Right-of-Way Dedication** – No right-of-way dedication is required as the project will not have a significant impact on the use of the right-of-way.
- 10.3 **Utility Undergrounding** – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 10.4 **Frontage Improvements**
- The project fronts on NE 145th Street and on 10th Avenue NE.
 - The NE 145th Street right-of-way is improved with a curb, gutter and sidewalk that do not meet the City of Shoreline standards. However, the right-of-way is outside City limits so the City does not have jurisdiction to require frontage improvements on NE 145th Street.
 - The only improvement of the 10th Avenue NE right-of-way is a gravel roadway that does not meet City of Shoreline standards. However, a Variance from Engineering Standards exempting the proposal from installing frontage improvements on 10th Avenue NE has been approved because:
 - i. the gravel roadway within the 10th Avenue NE right-of-way is adequate to provide safe access to the 2 lots it serves
 - ii. the right-of-way does not provide access to the subdivision; and
 - iii. much of the right-of-way is within the buffer area for a nearby Type II stream. To require frontage improvements would require unnecessary further degradation of the already degraded buffer.

12. GEOLOGIC HAZARD AREAS REGULATIONS (SMC 20.80.030F & SMC 20.80.210-250)

12.1 **Geologic Hazard Area classification** (SMC 20.80.220 and SMC 20.80.030F)

- The steep slope in the northwest portion of the site is in excess of 40% making it a Very High Hazard area subject to regulation pursuant to the City's Geologic Hazard Areas Regulations.
- The steep along the south edge of the site is in excess of 40% but was created by the road-cut for NE 145th Street. Under SMC 20.80.030F, steep slopes created through prior legal grading activity may be exempted if it is demonstrated that no adverse impact will result from the exemption. With a 5-foot setback from the top of that steep slope no adverse impacts will result from exempting the slope from regulation and.

12.2 **Required buffer areas** (SMC 20.80.230) – Very High Hazard areas require a standard buffer of 50 feet from all edges of the landslide hazard area, which can be reduced to a minimum of 15 feet when technical studies indicate the reduction will not increase the risk of the hazard. The Feb. 24, 2006 Associated Earth Sciences, Inc. geotechnical engineering report recommends a minimum top of slope buffer of 15 feet.

12.3 The hazard area and its associated buffer will be preserved by being placed in a separate tract on which development is prohibited. The location and limitations associated with the tract will be shown on the face of the recorded final plat.

13. WETLANDS (SMC 20.80.310-.350)

13.1 No wetlands are located on the site.

13.2 A Type II wetland is located in the Paramount Park Open Space north of the site. Type II wetlands require a standard 115-foot buffer width. However, the edge of that wetland is more than 115 away from the north boundary of the site so its buffer does not extend onto the subject site.

14. STREAM AREAS (SMC 20.80.460-.500)

14.1 No streams are located on the site.

14.2 A Type II stream is located west and north of the site. Its 115-foot buffer extends onto the site but is entirely within the geologic hazard area. The protection for the geologic hazard area and its buffer will include protection for the stream buffer.

14.3 The buffer for the Type II stream also includes part of the largely undeveloped 10th Avenue NE right-of-way. Storm drainage and sanitary sewer lines will be constructed within the right-of-way and within the buffer. SMC 20.80.480(D)(2) exempts construction of utilities from buffer regulations when no feasible alternative location exists. The only feasible storm drainage and sanitary sewer connection for the project is in the 10th Avenue NE right-of-way.

II. CONCLUSIONS

RCW 36.70B.040 Determination of Consistency, requires a proposed project shall be reviewed for consistency with a local government’s development regulations during project review by consideration of:

- Type of land use;
- The level of development, such as units per acre or other measures of density;
- Infrastructure, including public facilities and services needed to serve the development; and
- The characteristics of the development, such as development standards.

RCW 58.17.110 Approval/Disapproval of Subdivisions, requires proposed subdivisions to:

- Make appropriate provisions for the public health, safety, and general welfare; and
- Serve the public use and interest for open spaces, drainage ways, streets, other public ways, potable water supplies, sanitary wastes, parks and recreation, and all other relevant facts.

Based on the above Findings of Fact and with the proposed conditions listed below, the Planning Commission concludes the Preliminary Formal Subdivision of Plateau at Jackson has:

- Met the requirements of the City of Shoreline Development Standards, 2005 Comprehensive Plan, and Municipal Code
- Made appropriate provisions for the public health, safety, and general welfare
- Serves the public use and interest

III. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission unanimously recommends approval of the Preliminary Formal Subdivision of Plateau at Jackson proposal, Project No. 201584 with the following conditions:

Staff Recommended Conditions of Approval

1. One private access/utility tract, one private critical area protection tract and a maximum of 6 buildable lots shall be created.
2. No buildable lot shall have direct access onto NE 145th Street.

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3. Prior to issuance of a site development permit a geotechnical report shall be submitted that addresses issues related to the installation of sanitary sewer and storm drainage pipelines in Tract

B. The report shall:

- Offer final geotechnical engineering recommendations for construction methods and for pipeline design in order to avoid or minimize the impacts to life and property from geologic hazards during the construction and operation of those pipe lines; and
 - Describe a monitoring program for the construction activities permitted in Tract B pursuant to SMC 20.80.250(B)(10).
4. A continuous 6-foot high solid or chain link fence at least 180 feet long starting at the northeast property corner measured west along the north property line shall be constructed prior to occupancy of any dwelling units. The fence shall not have any gates or openings that allow pedestrian passage.
 5. No trees shall be removed between the NE 145th Street right-of-way and the top of the exempt steep slope paralleling NE 145th Street unless:
 - A certified arborist determines the trees to be removed are an active and imminent hazard to life or property pursuant to SMC 20.50.310(A)(1); or
 - Slope stability would be enhanced by the removal of a tree as determined by a geotechnical report. The report shall include recommendations for removal methods.

Existing trees may be trimmed and pruned provided no more than 25 percent of the foliage (or if foliage has not developed, no more than 10 percent of the foliage buds), pruning does not adversely impact the central leader and the natural form of the tree being pruned is not significantly altered.

6. All buildings shall be set back a minimum of 5 feet from the top of the exempt steep slope parallel to NE 145th Street, as recommended in the March 5, 2007 Associated Earth Science Inc. Geotechnical Report Addendum.
7. If the existing King County Metro bus stop on NE 145th Street is impacted by the development the bus stop shall be re-established to the standards of King County Metro.
8. The west side of the private street shall be posted as a fire lane where parking is not allowed.
9. An ADA-compliant pedestrian pathway connecting with the existing public sidewalk on NE 145th Street shall be installed along the entire length of the private street in Tract A.
10. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline. The permit application shall include plans for tree retention and replacement and all onsite engineering including storm water conveyance and detention, utility installation, and private street construction. The completion of this work shall be secured by a plat performance financial guarantee in the amount of 125% of the estimate cost to complete the work plus a 15% mobilization cost. The approved plans associated with the Site Development Permit shall be substantially in conformance with the approved preliminary civil construction plans.
11. Prior to site development permit issuance a Hydraulic Project Approval (HPA) permit from the State of Washington Department of Fish and Wildlife (WDFW) shall be obtained for the proposed stormwater outfall into Little's Creek. A copy of the HPA shall be provided to the City.
12. Pursuant to SMC 12.15.030, a Right-of-way Permit reviewed and approved by the City of Shoreline is required for installation of utilities in the 10th Avenue NE right-of-way. However, improvements are not required in the 10th Avenue NE right-of-way pursuant to the approved Variance from Engineering Standards.

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13. All required conditions established by the November 9, 2006 Shoreline Water District Certificate of Water Availability shall be complied with.
14. All required conditions established by the October 6, 2006 Ronald Wastewater District Certificate of Sewer Availability, including a developer mainline extension from an existing sewer available in the 10th Avenue NE right-of-way, shall be complied with. The sewer system improvements shall require engineered sewer plans to be provided by the developer to the District.
15. Prior to occupancy of any dwelling unit all improvements and tree replacement shall be completed and accepted by the City. Pursuant to SMC 20.30.440, a subdivision maintenance financial guarantee in the amount of 15% of the construction costs for the improvements and tree replacement shall be posted to guarantee against defects of workmanship and materials for two years from the date of acceptance. Also, a 2-year landscape maintenance and replacement agreement shall be submitted and approved by the City.
16. Prior to occupancy of any dwelling unit permanent field markings for Tract B, as required by the City of Shoreline critical area regulations (SMC 20.80), shall be installed and approved.
17. All new development shall be served with underground power with separate meters for each housing unit.
18. Prior to recording of the final plat, the applicant shall prepare documentation to remove the existing 20-foot roadway easement on the east side of the site (Recording No. 3381526), provide it to the City for signature, and record the document with the King County Recorder's Office.
19. Prior to recording of the final plat, survey monuments and lot corners shall be placed in accordance with recognized good practice in land surveying and in conformance with Standard Detail 519 of the 2007 Engineering Development Guide.
20. The exact square footage of each lot and each tract shall be clearly shown on the recorded final plat.
21. All addresses shall be shown on the recorded final plat. The lots shall be addressed as follows:
 - Lot 1: 14510 - 11th Avenue NE
 - Lot 2: 14514 - 11th Avenue NE
 - Lot 3: 14521 - 11th Avenue NE
 - Lot 4: 14517 - 11th Avenue NE
 - Lot 5: 14513 - 11th Avenue NE
 - Lot 6: 14509 - 11th Avenue NE
22. A Declaration of Covenant and License for Stormwater Flow Control Best Management Practices, in a form approved by the City, shall be shown on the recorded final plat.
23. A Joint Maintenance Agreement for the private street and stormwater flow control system establishing ownership and responsibility for maintenance, repair, improvement and rebuilding of those facilities shall be shown on the recorded final plat and recorded separately with a cross-reference to each lot in the subdivision.
24. The following notes shall be shown on the face of the final plat:
 - "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."

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- “Tract A is an access and utility tract that is to be shared equally by the lots within this subdivision.”
- “Tract B is a Critical Area Tract established as a permanent protective measure for the on-site landslide hazard area and its buffer and the buffer for an off-site stream. Development, clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations are prohibited within the tract.”
- “No trees shall not be removed between the NE 145th Street right-of-way and the top of the steep slope paralleling NE 145th Street unless a certified arborist determines the trees to be removed are an active and imminent hazard to life or property pursuant to SMC 20.50.310(A)(1) or slope stability would be enhanced by the removal of a tree as determined by a geotechnical report. Trees may be trimmed and pruned provided no more than 25 percent of the foliage (or if foliage has not developed, no more than 10 percent of the foliage buds) including branches up to 1 ½ inches in diameter is removed and pruning does not adversely impact the central leader or does not significantly alter the natural form of the tree being pruned.”

City of Shoreline Planning Commission

Rocky Piro
Chairperson

Date

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Memorandum

DATE: November 29, 2007

TO: Planning Commissioners

FROM: Flannary Collins, Assistant City Attorney *FfC*

RE: Plateau at Jackson subdivision

During the November 15, 2007 Planning Commission meeting, the Planning Commission requested clarification on two issues associated with the Plateau at Jackson subdivision:

- City process for vacating easements; and
- Whether an in lieu of fee could be required when an engineering variance is granted.

1. Relinquishment of easements.

The City’s street vacation chapter is found at Chapter 12.17 SMC. The purpose of the street vacation chapter is to set forth procedures and criteria for the vacation of City right-of-way and easements associated with traffic circulation and roadway access (such as sidewalk easements on Aurora Avenue North).¹ The street vacation chapter is not intended to cover easements not connected to a roadway that do not provide a public benefit, such as the easement associated with the Plateau at Jackson subdivision.

The City Attorney’s Office is developing a surplus ordinance that will establish procedures for city abandonment or relinquishment of other types of real property, such as non-roadway easements, that no longer serve any public benefit and are no longer needed by the City. That ordinance will outline City abandonment or relinquishment of City-owned property with no payment required by the property owner.

The easement associated with the Plateau at Jackson covers the easterly 20 feet of Lot 13. (See map attached as Exhibit A - Attachment A to September 20 staff report.)

¹ Street vacations can be initiated either by the petition method, where the owners of two-thirds interest in the real estate abutting the street submit a petition to vacate, or by the resolution method, where the city council proposes a vacation. The Planning Commission considers both the petition method and the resolution method street vacations, and makes a recommendation to the City Council who then either approves or denies the vacation.

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The easement, granted by the property owner of Lot 13 to the owner of Lot 12 in 1944, gave the owner of Lot 12 the right to construct, improve, repair and maintain a road across Lot 13 and also granted the public use of the easement. The easement dead-ends at the end of Lot 13 and does not extend into Lot 14. Thus, the easement does not extend to the public right-of-way (145th Street), but does attach to Paramount Park Open Space (former Lot 12). When the City acquired Paramount Park Open Space (former Lot 12) in 1997, the City assumed the easement by default.

The easement currently allows users of Paramount Park Open Space to walk on the easterly 20 feet of Lot 13, but does not allow access to Lot 14 or 145th Street. Thus, there does not appear to be any public benefit in this easement. The City would not require that the street vacation process be used for an easement not connected to the road that serves no public benefit, and would not require that the subdivision applicant pay the City for an easement assumed by default.

On a separate but related note, the City's relinquishment of the easement does not need to be a condition of subdivision approval. If the owner wants to request that the City relinquish the easement during the building permit application process, the owner can do this, or he can shrink the size of the building that extends into the easement area.

2. Engineering variance.

The City granted the property owner an engineering variance on July 26, 2007. The variance exempts 10th Avenue from full street improvements but requires that the intersection of 10th Avenue and 145th Street be upgraded to improve sight clearance and to allow vehicles to pass at the intersection.

There are two situations where required frontage improvements are waived: (1) SMC 20.70.030(E)(2) allows for payment in lieu of construction of required frontage improvements; and (2) SMC 20.30.290 allows for an engineering variance from frontage improvements. No payment in lieu of construction is made if a variance is granted. A variance is only granted if it will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property and improvements in the vicinity; and a comparable result in the public interest is produced. In both circumstances, the in lieu of fee and the engineering variance, there is a public benefit; here, the public benefit associated with the engineering variance is the protection of Littles Creek, a Type II stream. (See engineering variance attached as Exhibit B – Attachment L to September 20 staff report.)

Further, whether the City is allowed to require full frontage improvements for 10th Avenue is questionable under Benchmark Land Co. v. City of Battleground¹, since any requirement for street improvements must be directly related to traffic generated by the development. The proposed subdivision is creating a new access in the middle of Lot 14, and will not be using 10th Avenue to access tracts.

¹ 145 Wn. 2d 685, 49 P.3d 860 (2002).

PLATEAU AT JACKSON
PRELIMINARY PLAT
SANITARY SEWER AND WATER PLAN
14521 11TH AVENUE NE
SHORELINE, WA 98155

BILL YOUNG
12222 N 185TH ST, SUITE 102
SHORELINE, WA 98133
(206) 547-2771

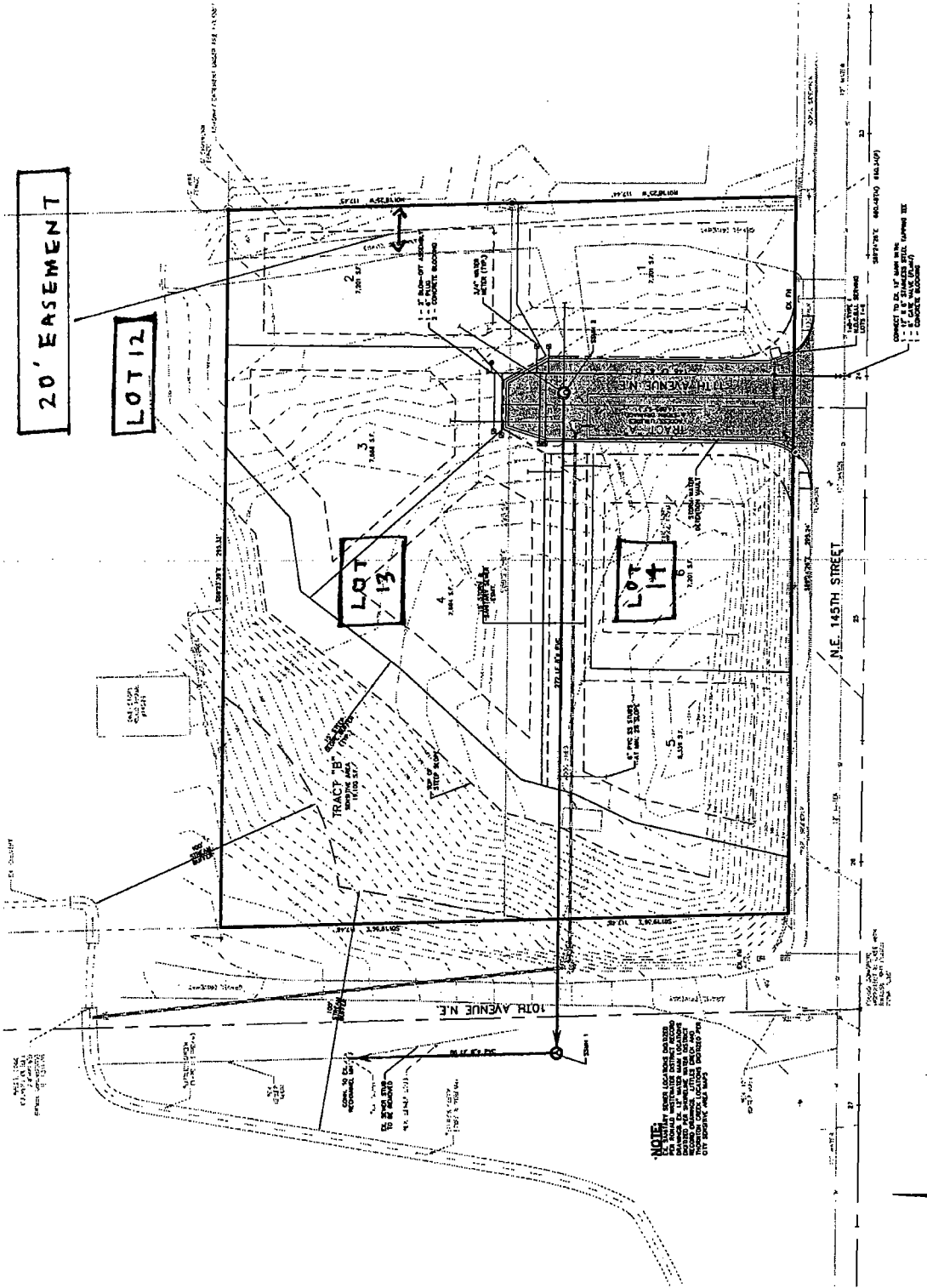
DRS DESIGN GROUP
REGISTERED PROFESSIONAL ENGINEERS
PROFESSIONAL PLANNERS SURVEYORS
14500 11TH AVENUE NE
SUITE 1000
SHORELINE, WA 98155
(206) 547-2771



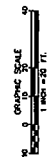
DATE	10/10/08
PROJECT NO.	08110
SHEET NO.	4
SHEET TOTAL	4

DRAWN BY: MMK
DESIGNED BY: MMK
PROJECT ENGINEER:
DATE: 10/10/08
PROJECT NO.: 08110
SHEET NO.: 4
SHEET TOTAL: 4

SE 1/4 SEC. 17, TWP. 26, RGE. 4, W.M.



IN WASHINGTON STATE, SURVEYS ARE TO BE MADE BY LICENSED SURVEYORS.
CONSULT THE STATE OF WASHINGTON SURVEYORS' BOARD.





City of Shoreline
Planning and Development Services

17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

Variance from Engineering Standards

Project Number: 201584
Owner/Agent: Bill Young / D.R. Strong Consulting Engineers
Project Address: 14521 – 11th Ave. NE

Code Section to be varied: 20.70.030A Required Street Improvements, Shoreline Municipal Code

The proposal is to not require street improvements for the 10th Ave. NE frontage abutting the property.

Decision Criteria

SMC 20.30.290 of the Shoreline Municipal code provides a mechanism for the City to grant an adjustment in the application of engineering street standards, where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant, providing the applicant demonstrates that:

1. The granting of such variance will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such variance will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. A variance from engineering standards shall only be granted if the proposal meets the following criteria:
 - a. Conform to the intent and purpose of the Code;
 - b. Produce a compensating or comparable result which is in the public interest;
 - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
4. Variances from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.

Findings and Conformance to Criteria


1. The 10th Avenue NE right-of-way is largely unimproved from NE 145th Street to NE 151st Street. Only three houses currently use that portion of the right-of-way for access. None of the proposed subdivision's new lots will use 10th Avenue NE for access. The east frontage of the right-of-way is occupied by the proposed subdivision, two houses and Paramount Park Open Space. The west frontage of the right-of-way is fully developed with no opportunity for additional houses or dwelling units. There is no foreseeable reason that 10th Avenue NE will ever be extended south to NE 145th Street. As conditioned, granting the variance will not be detrimental to the public welfare or create adverse impacts.

2. The portion of the 10th Avenue NE right-of-way adjacent to the project site is entirely within the 115-foot stream buffer of nearby Little's Creek, a Type II stream. Granting the variance will not adversely affect implementation of the Comprehensive Plan but supports implementation of Land Use Policies 85, 91 and 131 to minimize adverse environmental impacts, conserve and protect environmentally critical areas and preserve and protect streams.
3. Granting the variance, as conditioned, will produce a compensating result in the public interest (protecting critical areas) and meets the objectives of safety and function based upon sound engineering judgment (the conditions will improve the safety and functionality of the intersection of 10th Avenue NE and NE 145th Street.
4. Because the proposed subdivision is not accessible via 10th Avenue NE due to the steep slopes along the west side of the subdivision, fire protection vehicles would not be able to use it in emergency situations. Granting the variance does not affect meeting objectives for fire protection.


City Decision Section

Decision: Full street improvements to current standards are not required for 10th Avenue NE. However, the intersection of 10th Avenue NE and NE 145th Street shall be upgraded to improve sight clearance and to allow two vehicles to pass at the intersection.

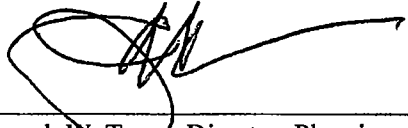
Reviewed by:

 *FM.* Date: 7-26-07
 Mark Bunje, Fire Marshal, Shoreline Fire Department

Reviewed and Prepared by:

 *P.E.* Date: 07-24-07
 Jill Mosqueda, Development Review Engineer, Planning and Development Services

Approved by:

 Date: 7/24/07
 Joseph W. Tovar, Director, Planning and Development Services