

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Public Hearing for an Amendment to the Development Code, Section 20.50.020; Residential Density in CB zones, affecting properties located in the Town Center Subarea and along Ballinger Way</p> <p>DEPARTMENT: Planning and Development Services</p> <p>PREPARED BY: Steven Cohn, Senior Planner</p> <p>PRESENTED BY: Joseph W. Tovar, FAICP, Director</p>
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SUMMARY

This amendment, in earlier forms, was studied the Commission in two Commission meetings (March 15, April 19, 2007) and a joint meeting with the City Council on October 8, 2007. The City Council did not make a decision on the amendment on October 8 and referred it back to the Commission for additional deliberation.

The Council asked the Commission to consider the following when discussing this proposal:

- Identify short and long term problems
- Identify quickly implemental ideas and longer term strategies

Staff is proposing a short term solution that addresses issues that were raised by the public in previous meetings. Staff's proposal would allow a site's housing unit count to be based on parking and building size instead of an arbitrary density cap, but would limit this type of development to CB zones in two specified areas in Shoreline: within the Town Center study area and along Ballinger Way. In addition, the proposal would not apply to properties that are within 90 feet of the following single-family zones: R-4, R-6, and R-8. This would effectively eliminate the potential issue of transition between taller buildings and single family areas because lower-intensity development as a buffer would act as a buffer between the two uses.

BACKGROUND / ANALYSIS

The original amendment to regulate housing density in Community Business (CB) districts received a great deal of scrutiny last year. The impetus behind the code revision was the realization that high density residential development will not occur in CB areas because the current density limitation of 48 du/acre is too low a threshold to encourage residential redevelopment there.

Staff believes that this situation still exists, and if the development code isn't modified, it is unlikely that CB-zoned areas near Aurora and Ballinger Way are unlikely to redevelop with residential uses, even though these are sites that are a) logical areas to redevelop and b) sites where housing should be encouraged because they are close to retail stores and good transit service.

Staff's original proposal would regulate density through height and bulk, setback, and parking requirements rather than by an arbitrary density number. The proposed amendment affected all Community Business properties within 1200 feet of the Aurora or Ballinger Way.

When this proposal was discussed, the Commission and Council heard many comments about the proposal's impact, largely centered on the adjacency of CB properties to single-family neighborhoods. The questions included:

- What will the density look like?
- What is the transition buffer between the higher density development and lower density single family homes that might be adjacent to or across the street from the new development?
- Will adequate parking be provided?

With the benefit of hindsight, these are the same questions that were raised in the recent Ridgecrest discussion.

In the Ridgecrest discussion, in addition to the three questions posed above, staff concluded that there were two concerns associated with the question "what does the density look like?"

- Is the building height appropriate for this area in Shoreline?
- Is there a reasonable transition buffer between the proposed building and nearby single family homes?

Staff Proposal

To respond to the Council request for a short-term solution, staff proposes to scale back its original proposal to affect a much more limited area. The proposal would:

1. Modify the development standards in CB zones to allow unit count to be governed by a structure's height, bulk, parking and setback requirements, but only if a site meets specific criteria.
2. The criteria are:
 - a. Properties are located in the Town Center subarea study area or along Ballinger Way.
 - b. The properties are located more than 90 feet from single-family zoned (R-4, R-6, or R-8) properties.
 - c. The properties are within 1200 feet (a 10-15 minute walk) of Aurora or directly adjacent to Ballinger Way, which have major transit routes.

Response to Concerns raised at the October 8, 2007 City Council meeting

Height

The proposal does not modify the height limits that currently exist in CB zones (60 feet maximum). If a property is not currently zoned CB and an owner wants to develop housing at a density greater than 48 units/acre, the owner would be required to apply for a rezone. During the rezone process the impacts of increased building height would be addressed.

Transition

The proposal only affects properties that are located at least 90 feet from single family zoned properties. In Ridgecrest, the Commission's recommendation is that building heights above the third story be stepped back on a 1:1 ratio (for every extra foot of building height, the structure must be stepped back one foot). If this proposal is adopted, a developer who wants to take advantage of the increased unit count in a CB district and build to the maximum allowable height in CB of 60 feet, would be required to locate the building at least 90 feet away from the nearest single family zone. This would effectively address concerns about back yard privacy.

Parking

More specifically, the issue is one of spillover parking. Staff believes that the current parking requirements for multi-family residences and mixed use structures provide enough spaces to meet parking demand. There is some reason to believe that Shoreline's current requirements

result in too many spaces compared with actual demand. The current proposal would not reduce the parking requirement in CB zones.

Long Term Issues

Staff believes that the modified proposal addresses short-term needs. However, there are two long-term issues to address:

- The issue of transition between commercial properties and their adjacent single-family neighbors. This will be addressed in March when staff presents its ideas to the Commission and public. The Commission will develop a recommendation on this issue to be forwarded to the Council. The Council will consider the Commission's recommendation concurrently with its decision on whether or not to extend the current partial development moratorium on Aurora.
- Staff's proposal does not address height and bulk requirements, i.e., what the development looks like. That question is more properly a focus of upcoming subarea studies.

Staff believes that, by adding two additional criteria (significantly reducing the number of properties affected by the proposal and creating an additional buffer for single family neighborhoods), the modified proposal addresses some economic marketplace issues that are inhibiting residential development and will encourage development in two areas in Shoreline that can handle additional growth without impacting single family neighborhoods.

We look forward to discussing our revised proposal with you at your next meeting. If you have questions or comments, please call Steve Cohn at 206-546-1418 or email him at scohn@ci.shoreline.wa.us.

Attachments:

1. Proposed code language
2. Town Center Study Area boundary
3. Excerpts from March 15, April 19 and October 8 2007 meetings

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January 17, 2008 proposal before the Planning Commission

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

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

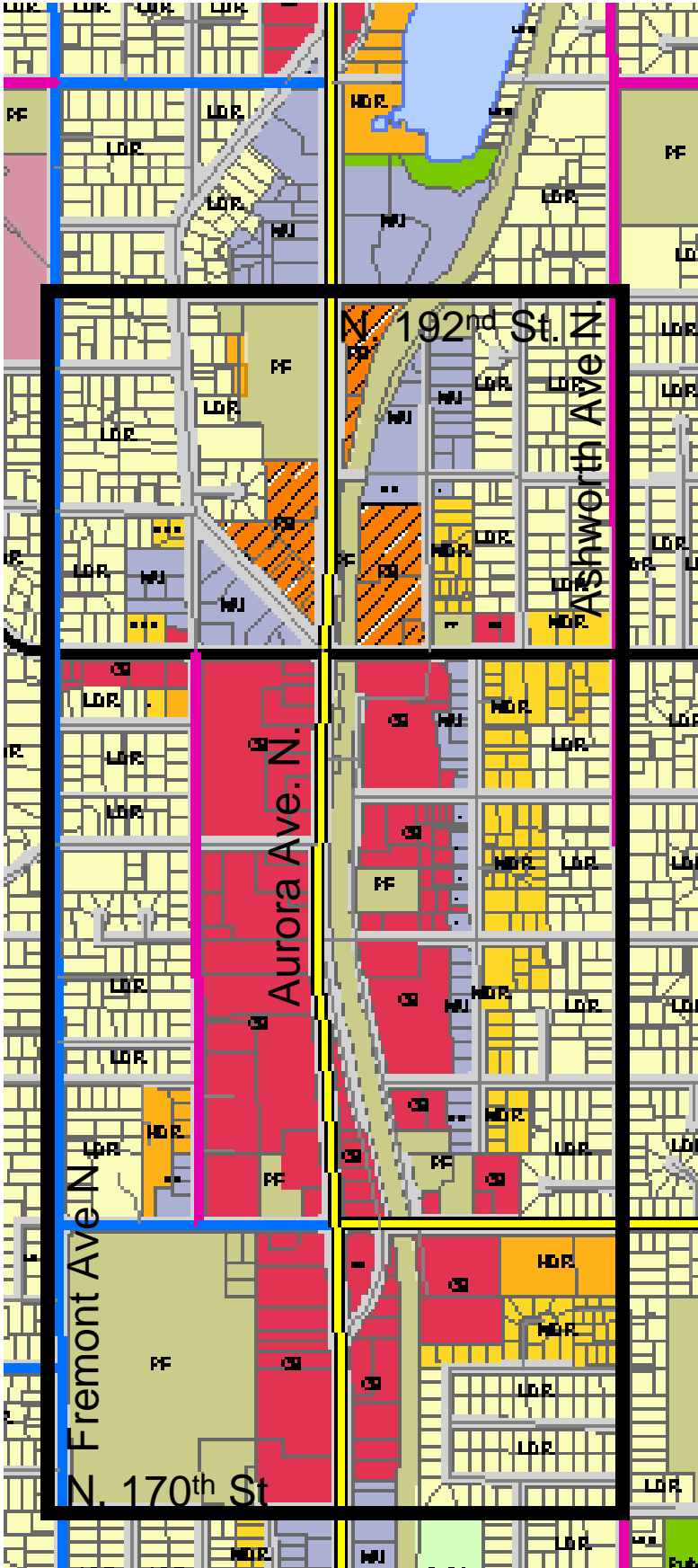
Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB within 1200 feet of Ballinger Way or Aurora Avenue in the Town Center Study Area and not within 90 feet of R-4, R-6, and R-8 zones, there is no residential density limit. Development is subject to all other requirements of the Shoreline Development Code.

~~(4)~~ (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

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

Phase 1 – STUDY AREA



Planning Commission
Meeting Minutes Excerpt
March 13, 2007

Public Hearing on Development
Code Amendments

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 15, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Hall
Commissioner Harris
Commissioner McClelland
Commissioner Pyle
Commissioner Wagner (Arrived at 7:18 p.m.)

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Planner II, Planning & Development Services
Glen Pickus, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

COMMISSIONERS ABSENT

Commissioner Broili
Commissioner Phisuthikul

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 Hall, Harris, McClelland, and Pyle. Commissioner Wagner arrived at 7:18 p.m. Commissioner Phisuthikul was excused, and Commissioner Broili was absent.

APPROVAL OF AGENDA

No changes were made to the proposed agenda.

DIRECTOR'S REPORT

Mr. Cohn advised that a written update about the development at South Echo Lake was included in the Commission's packets.

APPROVAL OF MINUTES

The minutes of February 1, 2007 were approved as modified. The minutes of March 1, 2007 were approved as presented.

GENERAL PUBLIC COMMENT

There was no one in the audience to provide comments during this portion of the meeting.

PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS

Mr. Szafran distributed new pages outlining modifications that were recommended by the City Attorney on two of the amendments. In addition, he requested that Amendment 15 (required buffer areas) be removed from the group of docketed amendments.

Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the Commission to Staff

Mr. Szafran advised that this is the second group of Development Code Amendments for 2007. The first batch was related to cottage housing. He noted that, with the exception of Amendment 17, all the code amendments were initiated by staff.

The Commission and staff reviewed each of the amendments as follows:

- **Amendment 1:** 20.20.016 D Definitions. This amendment would change the definition of single-family attached dwellings to make it easier to distinguish between duplexes, apartments and single-family attached units.

Commissioner Hall said that while the intent of the proposed language is to define single-family attached dwellings, the definition appears to define buildings instead of dwelling units. He explained that the original definition defined each of the units as single-family attached dwellings if they were attached to two or more other units, but this was very awkward. The proposed amended language is structurally better, but it ends up saying that a building containing numerous units would be one single-family attached dwelling. He suggested that is not really the intent of the new language.

Mr. Cohn pointed out that the definition section also includes a definition for dwelling apartments, dwelling duplexes, and dwelling multi-family. In all of these instances, the word "dwelling" always seems to refer to a building. The Commission agreed that no change would be necessary to the amendment as proposed.

Commissioner Harris questioned why a 2-unit duplex would be considered different than 2 single-family attached dwellings. Mr. Pickus explained that a 2-unit townhome must be side-by-side where a

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duplex could be one unit above the other. However, two townhomes would be considered a duplex, as well.

Commissioner Wagner arrived at the meeting at 7:18 p.m.

- **Amendment 2:** 20.40.054 W Definitions. Mr. Szafran explained that this amendment would add definitions for different types of wireless telecommunication facilities to the definition section so they are easier for the public to find. These definitions were previously embedded in the Zoning and Use Provisions. There was no Commission discussion regarding this amendment.
- **Amendment 3:** 20.30.040 Table. Mr. Szafran advised that the first batch of Development Code amendments that were adopted by the City Council on November 6, 2006 included a new section for site development permits (20.30.315). The proposed new amendment would add site development permits to Table 20.30.040 - Summary of Type A Actions. There was no Commission discussion regarding this amendment.
- **Amendment 4:** 20.30.220 Filing Administrative Appeals. Mr. Szafran advised that this amendment comes from the City Attorney's Office and was added to clarify when appeals could be filed and when decisions shall be deemed received. There was no Commission discussion regarding this amendment.
- **Amendment 5:** 20.30.560 Categorical Exemptions – Minor New Construction. Mr. Szafran explained that this proposed amendment is one of the more major amendments and would raise thresholds for when a SEPA review would be required. The threshold for new residential structures would change from 4 to 20 dwelling units; new commercial space would change from 4,000 to 12,000 square feet; and parking would change from 20 to 40 automobiles. Mr. Cohn advised that this proposed amendment would bring the City's code in line with what other jurisdictions in the area do, and the State rules would allow the change to happen, as well. Mr. Szafran added that, as proposed, the amendment would reduce the amount of SEPA applications for minor construction throughout the City.

Commissioner Pyle pointed out that, as proposed, the amendment would eliminate the potential for someone to appeal an administrative decision if no SEPA determination were required. Mr. Cohn agreed. He explained that building permit applications that fall under the SEPA threshold would be an administrative decision, and there would not be an opportunity to appeal.

Commissioner Hall asked if staff could provide examples of when they issued a Determination of Significance for any proposed residential structure between 4 and 20 units. Mr. Szafran noted that the City issued a Mitigated Determination of Non-Significance for Echo Lake, but they do not typically issue Determinations of Significance for projects of this size. Commissioner Hall concluded that if, in general, the City always issues a Determination of Non-Significance, there is no reason to require a SEPA review.

- **Amendment 6:** 20.30.760 Junk Vehicles as Public Nuisance. Mr. Szafran advised that this amendment was proposed by the Code Enforcement Staff. It would extend time limits if a request for hearing is submitted by a customer who has received a damage assessment. There was no Commission discussion regarding this amendment.
- **Amendment 7:** 20.30.770 Notice and Orders. Mr. Szafran explained that this proposed amendment would add new language to direct the reader to other code sections for reference. Commissioner Hall questioned if the proposed amendment would result in the ability to foreclose on someone's home. Mr. Tovar said the proposed amendment would not change the City's current policy. However, he recalled the City Attorney's previous comment that the authority to file a lien could ultimately lead to the authority to foreclose on a property. While this would be an extreme measure, it would be a possibility if someone were to ignore the liens.
- **Amendment 8:** 20.40.320 Daycare Facilities. Mr. Szafran advised that this amendment would prohibit Daycare II Facilities in R-4 and R-6 zones. They would be allowed in R-8 and R-12 zones with a conditional use permit. He said the City recently denied an application for a Daycare II Facility in an R-6 because staff felt that a daycare of 12 or more children would be better suited for higher-density zones.

Commissioner McClelland questioned the logic of allowing more children on smaller lots. Why would a Daycare II Facility not be appropriate in an R-6 zone but appropriate in an R-12 zone where the lots and houses are smaller? Mr. Szafran pointed out that R-8 and R-12 densities are generally located along major arterials, resulting in less of a burden on the lower-density residential neighborhoods. Commissioner McClelland voiced her concern that the proposed amendment would place the child care facilities on busier streets. Mr. Tovar said that the larger question is whether a daycare use would be more residential or commercial in nature, which would depend on the scale of the operation. Larger daycare facilities would likely look more like commercial uses, which would be more appropriate in a commercial, office or multi-family residential zone. Mr. Szafran pointed out that because of public concerns, the City has denied previous requests for Daycare II Facilities in R-4 and R-6 zones.

Commissioner Wagner asked if this proposed amendment would have an impact on the existing daycare operations. Mr. Szafran said he does not know of any Daycare II Facilities in R-4 and R-6 zones at this time. However, any existing uses would become legal, non-conforming uses if the amendment were approved.

- **Amendment 9:** 20.50.020(2) Density and Dimensions. Mr. Szafran explained that this amendment would allow greater residential densities in the commercial (CB) zones along Aurora Avenue. The proposed language would remove the current 48-dwelling units per acre density limit. However, development would still have to meet setback, parking and landscaping requirements.

Commissioner Hall asked if it would be better to create a new zoning district, instead of the proposed amendment. He noted that adding footnotes to zoning tables can cause confusion. On the other hand, creating a new zoning district would provide a clear distinction between the CB zones along Aurora

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Avenue and other commercial zones outside of that area. Mr. Tovar agreed the concept has merit and could be accomplished by a legislative text amendment and/or a map change creating a new designation. Commissioner Hall inquired if a legislative area-wide rezone would require the City to mail a notice to each property of record in the area. Mr. Tovar answered that the City would not legally be required to do this, but as a matter of policy it is something the Commission and City Council should consider.

Commissioner Harris pointed out that not very many parcels would be impacted by the proposed change. Mr. Szafran agreed that approximately 12 parcels would be impacted. Commissioner McClelland cautioned that it would be wrong to make a case for change based only on a recent application. Instead, she pointed out that the proposed amendment was a direct result of the Commission's previously stated desire to create more general flexibility in the code.

Chair Piro suggested, and the Commission concurred, that they should move on with the rest of the proposed amendments and continue their discussions related to Amendment 9 later.

- **Amendment 10:** 20.50.040 Setbacks—Designations and Measurements. Mr. Szafran advised that this amendment would clarify when porches and decks may extend into required side yard setbacks. There was no Commission discussion regarding this amendment.
- **Amendment 11:** 20.50.260 Lighting Standards. Mr. Szafran said the proposed amendment would add a new section to the lighting standards requiring that outdoor lighting be shielded and down lit from residential land uses. There was no Commission discussion regarding this amendment.
- **Amendment 12:** 20.50.410(A) Parking Design Standards. Mr. Szafran explained that the City's current rules do not require multi-family and/or industrial uses to have parking on paved surfaces. The proposed amendment would require paved parking for those uses as well as allow single-family homes to have pervious concrete or pavers as an approved surface to park on. There was no Commission discussion regarding this amendment.
- **Amendment 13:** 20.50.420 Vehicle Access and Circulation Standards. Mr. Szafran advised that this amendment was considered during the first batch of 2007 code amendments and remanded back to the Planning Commission. The amendment would delete the requirement for driveway setbacks from the property line. Mr. Szafran explained that the City Council expressed concern about driveways being too intrusive on adjacent properties. Mr. Tovar added that some of the City Council members brought up examples of problems that could arise. He suggested that before the amendment goes back before the City Council for consideration, it would be appropriate to provide some illustrations, site plans, and hypothetical situations to describe the amendment's intent. The Commission agreed to pull Amendment 13 so that staff could come back at a later date with additional information to address the City Council's concerns. Commissioner Hall said it would be helpful to hear from the public, as well. Commissioner Harris also asked that staff provide information about what has changed since this code section was enacted about five years ago.

- **Amendment 14:** 20.70.030(C)(3)(1) Required Improvements. Mr. Szafran reviewed that, as proposed, frontage improvements (sidewalks, curb, gutter, street improvements, etc.) would not be required for subdivisions, short plats and binding site plans where all of the lots are fully developed.

Commissioner Hall inquired if this proposed amendment would allow someone to build single-family detached condominiums without having to do the improvements that would be required of a subdivision and then later subdivide the property and sell the parcels off. Mr. Szafran answered that improvements would be required as part of the site development permit stage.

At the Commission's request for further information regarding Amendment 14, Mr. Pickus explained that the proposed amendment is a result of a property owner with two houses already on a parcel with no frontage improvements. The property owner wanted to put each structure onto its own parcel, and it didn't seem right to require him to do frontage improvements when nothing would be changed on the ground. He clarified that frontage improvements would be required whenever development occurs on a residential parcel. Commissioner Hall emphasized that the proposed amendment should not provide an avenue for someone to bypass the frontage improvement requirements. Once again, Mr. Pickus clarified that the City's current code requires frontage improvements as part of any residential construction project, regardless of the context in which it occurs.

Mr. Tovar explained that the creation of the impact is what legally justifies the imposition of the condition of improvement. Whether the impact is created by a subdivision, building permit, grading permit, zoning permit, it doesn't matter. As long as a property owner is getting permission from the City to create an impact, the City has the authority to require the improvements. If they cannot show that linkage, they cannot impose the condition.

Commissioner Pyle asked that staff consider adding a definition for the term "fully developed." Mr. Tovar agreed. If the City is going to grant an exception to the requirement of frontage improvements for subdivisions that are fully developed because there would be no additional impact, Commissioner Pyle questioned why they should continue to require frontage improvements for single-family remodels. He noted that a property owner would receive a benefit from subdividing a property. At the same time, the City penalizes someone who is redeveloping an existing home even though there would be no new impact. Mr. Tovar said it would all depend on the extent of the remodel, which could potentially have an impact on the street grid. He said the intent is to correspond with what they understand the state of the law to be. It is important that there be a clear nexus between the code requirements and the impacts associated with what the developer is proposing to do. He suggested that perhaps it would be appropriate to review the threshold the City currently uses to determine these situations.

The Commission agreed to pull Amendment 14 to allow staff to provide additional information at a later date regarding potential unintended consequences.

- **Amendment 15:** 20.80.230 Required Buffer Areas. Mr. Szafran reminded the Commission of staff's request to pull Amendment 15 from the docket.

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- **Amendment 16:** 20.80.330(A) Required Buffer Areas. Mr. Szafran explained that the proposed amendment names the document used for determining wetland buffers, which is the 1997 Washington State Department of Ecology Wetland Delineation Manual.

Commissioner Pyle clarified that while the amendment description on Page 40 appears to imply that the Manual was used to determine wetland buffers, it was actually used to determine the wetland boundaries. In addition, he recalled that one section in the code describes how critical areas are established, and perhaps it would be better to situate Section 20.80.330 in a section that identifies critical areas as opposed to one that identifies buffers. Staff agreed to consider Commissioner Pyle's suggestion.

- **Amendment 17:** 20.90.110 Lighting. Mr. Szafran noted that this is the only citizen initiated code amendment. The request is to allow neon signage to outline buildings in the North City Business District. At this time, neon signs are allowed in all other commercial areas of the City of Shoreline. He advised that staff supports the amendment as long as the neon tubes are an integral part of the building design. There was no Commission discussion regarding this amendment.

Public Testimony or Comment

There was no one in the audience to participate in the public hearing.

Presentation of Final Staff Recommendation

Mr. Cohn suggested the Commission forward a recommendation of approval to the City Council on Amendments 1-8, 10-12, 16 and 17. The Commission could continue their discussions related to Amendments 9, 13, 14, and 15 at their April 19th meeting. Hopefully, staff would have additional code amendments for the Commission to consider on April 19th, as well.

Final Questions by the Commission and Commission Deliberation

Commissioner Hall pointed out that the technology of fluorescent lighting has improved radically. The fluorescent bulbs put out as much brightness in a far more natural color and use far less electricity. He questioned if it would be appropriate, at some point in the future, to update the City's lighting requirements to allow people to use more energy efficient lighting as long as it provides a natural enough light. Mr. Tovar agreed that this concept might be one of a number of ideas the Commission and City Council might want to consider when reviewing strategies for creating an environmentally sustainable city.

Commissioner Harris asked if Amendment 11 is aimed at enforcement of current problems. Mr. Szafran answered there was a previous situation where lights on a commercial property shined onto a residential property. He noted that the amendment would be applied to both residential and commercial properties.

Vote by Commission to Recommend Approval, Denial or Modification

COMMISSIONER HARRIS MOVED THAT THE COMMISSION FORWARD PROPOSED DEVELOPMENT CODE AMENDMENTS 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 16 AND 17 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER WAGNER SECONDED THE MOTION. THE MOTION WAS APPROVED 7-0.

COMMISSIONER WAGNER MOVED THAT THE COMMISSION CONTINUE THE PUBLIC HEARING FOR THE REMAINING DEVELOPMENT CODE AMENDMENTS (AMENDMENTS 9, 13, 14 AND 15) ON THURSDAY, APRIL 19, 2007. COMMISSIONER HARRIS SECONDED THE MOTION.

Commissioner Wagner said that while the intent of Amendment 9 is to build flexibility into the regulations by offering a density bonus in exchange for a public amenity, she cautioned against moving forward with an amendment for just this one area unless they have plans to take up a more comprehensive review of how the concept could be applied to other zones in the City. Mr. Tovar agreed and advised that this concept would be discussed later in the meeting as part of the Commission's review of the 2010 Shoreline Work Program.

Mr. Szafran said that at the April 19th meeting, staff would provide information regarding the various options for addressing the intent of Amendment 9. He also said he would provide more information for the Commission to consider regarding the proposed boundaries the amendment would be applied to. Commissioner Wagner said she would also like staff to provide details about the properties that would be impacted by the proposed change.

Commissioner Hall expressed his concern that proposed Amendment 14 would encourage homeowners to do improvement projects in stages to avoid triggering the requirements for frontage improvements. He particularly noted a situation where a homeowner could construct a garage and a few years later turn it into an accessory dwelling unit. At a later date, the property owner could subdivide the property without providing the frontage improvements. He asked staff to provide more information that would assure him the amendment would not be misused. Staff agreed to research this amendment further.

Regarding proposed Amendment 13, Commissioner Hall requested that staff provide the Commission with a legislative record to identify when Section 20.50.420 related to vehicle access and circulation standards was actually added to the code.

THE MOTION TO CONTINUE THE HEARING WAS APPROVED 7-0.

REPORTS OF COMMITTEES AND COMMISSIONERS

Chair Piro reported that he, Commissioner Broili and Commissioner McClelland attended the Aurora Business Committee (ABC) meeting last week, and the main topic of discussion was related to traffic. Representatives from the consultant team showed different modeling and projections in terms of how they see the facility functioning in the future, either with or without the improvements.

Planning Commission
Meeting Minutes Excerpt
April 19, 2007

Continued Public Hearing on
Development Code Amendments

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 19, 2007
7:00 P.M.

Shoreline Conference Center
Shoreline Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Hall
Commissioner Harris
Commissioner Phisuthikul
Commissioner Pyle (arrived at 7:06 p.m.)
Commissioner Wagner

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Steve Szafran, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

COMMISSIONERS ABSENT

Commissioner McClelland

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 Broili, Harris, Phisuthikul, Hall and Wagner. Commissioner Pyle arrived at 7:06 p.m. and Commissioner McClelland was excused.

APPROVAL OF AGENDA

The agenda was approved as presented.

DIRECTOR'S REPORT

- **Joint City Council/Planning Commission Fall Meeting**

Mr. Tovar suggested that Monday, September 24, 2007 be scheduled as a joint dinner meeting for the City Council and Planning Commission. This type of setting would allow more discussion and dialogue between the two groups. The date would also afford the Commission an opportunity to identify upcoming projects that might have some resource implications prior to the City Council getting to far into the 2008 budget process.

• **Update on Civic Center/City Hall Project**

Mr. Tovar reported that a public workshop was conducted on March 20th, and citizens were invited to provide their ideas. A staff team has evaluated the Request for Qualifications submittals from six developer/design teams. The three finalists have been invited to submit Request for Proposals, including some conceptual representations showing how they might optimize the use of the site. The staff team would review the Request for Proposals in early June and make a recommendation to the City Council later in the month. It is anticipated the Council would select a development team sometime in July, and then a developer agreement would be negotiated. The goal is for the City Council to make decisions about many of the details by the end of 2007 so that construction could start in 2008.

APPROVAL OF MINUTES

The minutes of March 15, 2007 were approved as submitted.

GENERAL PUBLIC COMMENT

Maria Walsh, Mountlake Terrace, recognized that some effort has been made by the City of Shoreline to contact the Washington State Department of Social and Health Services regarding the Fircrest Property (City Council Goal 8), but the City has not received a response. She urged them to continue their efforts to work with the State to keep the facility in Shoreline. Wonderful things are happening at the facility, and the resource is very important to the community.

PUBLIC HEARING ON 2007 DEVELOPMENT CODE AMENDMENTS

Chair Piro advised that this item is a continuation of a public hearing that was held on March 15th regarding the proposed second batch of 2007 Development Code Amendments. He briefly reviewed the rules and procedures for the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran recalled that 17 code amendments were presented to the Commission at the March 15th public hearing. One amendment was pulled by staff, and the Commission recommended that Amendments 9, 13 and 14 be reviewed further by the staff. He reviewed the staff's further evaluation of each of the three amendments.

Amendment 9 – Section 20.50.020(2) Density and Dimensions for the CB Zones Along Aurora

Mr. Szafran said that because the original proposal would only immediately affect two parcels (James Alan Salon and Fire Station Properties), staff reconsidered the scope of the amendment and evaluated its

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applicability in other parts of Shoreline. He explained that, as per the revised amendment, the proposal would be expanded to affect all CB zoned parcels within 1,300 feet of Aurora Avenue North and Ballinger Way. He advised that staff is recommending that the revised Amendment 9 be adopted for the following reasons:

1. A standard measurement for a maximum walk time to get to a specific destination is 1,300 feet or a 15-minute mile walk time.
2. Aurora Avenue North and Ballinger Way are principal arterials and provide convenient alternative modes of transportation.
3. There are many parcels along Aurora Avenue North and Ballinger Way that have a potential for CB zoning, and most of them are topographically separated from or not directly adjacent to single-family areas.

Amendment 13 – Section 20.50.420 Vehicle Access and Circulation Standards

Mr. Szafran recalled that the Commission requested historical information regarding the establishment of a 5-foot setback requirement for driveways. He said it appears the amendments were established to clarify when a driveway could be within a setback. He also recalled the Commission requested additional information from recent City Council discussions on this item, and the following identifies the comments they provided:

1. Adjacent properties could be impacted.
2. Setbacks should be required.
3. Perhaps variances could be used instead.
4. The amendment affects the housing stock in Shoreline and growth management goals.
5. Neighbors should not have veto power over projects.

Mr. Szafran suggested the City Council's concern about the impact to adjacent property owners could be addressed by eliminating Section C and modifying Section B to require a solid fence between the access and the property line wherever the access is within the required yard setback.

Amendment 14 – Section 20.70.030(C)(3)(1) Required Improvements

Mr. Szafran recalled the Commission's concern that this code amendment would create the possibility for developers to circumvent required improvements. To address this concern, he suggested that Item 3 be changed to state that subdivisions, short plats and binding site plans where all the lots are fully developed with at least one dwelling unit or habitable structure on every lot shall be exempt from all of the requirements of the section.

Mr. Szafran recommended the Commission approve the revised amendments as proposed by staff.

Questions by the Commission to Staff

Vice Chair Kuboi asked if other arterials in the City were evaluated to determine the potential for applying **Amendment 9** to other CU properties in the City. Mr. Szafran answered that Ballinger Way and Aurora Avenue North were selected because they are principal arterials, which is the City's highest

street classification. Vice Chair Kuboi pointed out that Westminster Way and 15th Avenue Northeast are also principal arterials. Mr. Tovar added that Ballinger Way and Aurora Avenue North are also State highways. Vice Chair Kuboi suggested the proposed amendment clarify the reason why only these two roads are being considered in the findings.

At the request of the Commission, Mr. Szafran clarified that staff is recommending adoption of the new language they proposed for Item B of **Amendment 13**.

Commissioner Kuboi referred to **Amendment 14** and asked staff to clarify the difference between a “dwelling unit” and a “habitable structure.” Mr. Cohen explained that “dwelling unit” references a place where people live. A “habitable structure” could reference a structure that is used for a store or other type of business, with no people living in it. He advised that a binding site plan is the process by which a commercial property is subdivided. Because they are combining the uses into one provision, they must show the variation of how the spaces could be used.

Public Testimony or Comment

Michelle Cable, Seattle, expressed her support for **Amendment 9**, as modified by staff. She advised that she owns property on Ballinger Way that is zoned CB, and she is interested in potentially developing it as Mixed-Use building. Changing the amendment would allow future developers greater opportunities for different decision-making processes. She said she hopes to develop affordable senior housing on her property, and she noted that it is easy to walk from properties on Ballinger Way to bus stops and stores. Ballinger Way is also easily accessible from Interstate 5. She noted there is a shortage of senior housing opportunities in Shoreline, and the modified amendment would help remedy that problem. She pointed out that the viability of financing projects of this type is dependent on the density allowed.

Commissioner Hall asked Ms. Cable how she became aware of proposed **Amendment 9**. Ms. Cable said she has attended City meetings, visited the City’s website, and discussed her property with the City staff. She provided written comments in support of the proposed amendment, too.

Tyler Abbott, Seattle, said he works in Shoreline and was present to support **Amendment 9**. He said he represents the redevelopment of the James Alan Salon Property, and they have recently come before the Commission with a request to rezone. He referred the Commission to the feasibility study that was completed by an architect to identify what could be done with the site. The property is currently zoned CB, which allows structures of up to 60 feet tall. He provided a conceptual site plan, showing one floor of retail, with three floors of residential above. He stressed that the structure of the building would be the same whether **Amendment 9** is approved or not. If they are allowed to construct 25 residential units, they would be able to provide enough parking spaces underneath the building to meet the City’s parking requirement.

Matthew Fairfax, Edmonds, said he is co-owner of the James Alan Salon. He thanked the Commission for their hard work. He agreed with the previous speakers and said he supports proposed **Amendment 9**, which would not only be beneficial for his property, but for the entire community. He

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said he serves on the Shoreline South County YMCA Board, and he expressed his belief that the amendment would fit in with the direction he sees the City going in the area where the new YMCA building is being constructed.

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

Presentation of Final Staff Recommendation

Mr. Szafran said that, with the additional changes identified in the Staff Report, staff recommends approval of the three amendments. He noted that **Amendment 16**, Section 20.80.330(A) Required Buffer Areas, was also withdrawn pending further review by the City Attorney.

Final Questions by the Commission and Commission Deliberation

COMMISSIONER HARRIS MOVED THAT THE COMMISSION ACCEPT STAFF'S RECOMMENDATION TO APPROVE AMENDMENT 9. COMMISSIONER WAGNER SECONDED THE MOTION.

Commissioner Hall raised questions about the public process that is used for legislative amendments to the development code.

Mr. Tovar explained the process and stated that the public does not generally pay a lot of attention to legislative notices and do not typically get engaged in the process until a specific project has been proposed. He suggested it would be appropriate for the Commission to consider, at some point in the future, the type of public involvement that should occur for legislative actions and when it should take place.

Commissioner Hall stated that it is important to hear from members of the public regarding legislative proposals. He said he appreciates the staff's revision of the proposal so that it no longer applies to only one land owner with potential for redevelopment in the near future.

Mr. Tovar suggested that if the City is going to make an aggressive attempt to update the Comprehensive Plan on a sub-area or neighborhood plan basis, it will be important to enhance opportunities for public involvement. This could occur through direct communication with neighborhood associations, posting sign boards, etc.

THE MOTION CARRIED 7-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.

COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT AMENDMENT 13 AS REVISED BY STAFF. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Wagner recalled a previous discussion in support of shared driveways between closely situated homes. Staff's recommendation to put a fence between the two properties would be

counterintuitive to utilizing this area as shared space. Also, from a logistics perspective, she said she is not comfortable with requiring a 6-foot fence along a driveway. Mr. Szafran pointed out that adjacent property owners could still request a driveway easement that is shared by both. The amendment would only apply to driveways that are located solely on one piece of property.

Commissioner Pyle asked if a property owner subject to a code enforcement action would be required to take down the fence adjacent to a driveway. Mr. Szafran said the fence would be subject to code enforcement, but the City would not know about the situation unless neighbors were to file a complaint.

Commissioner Broili suggested that instead of a 6-foot fence, perhaps a landscape barrier should be required. Mr. Cohn said the intent was to require an opaque screening. If this could be achieved through landscaping, the purpose would be served. Commissioner Broili suggested the language be changed to reflect that rather than a fence, a visual barrier must be achieved.

Commissioner Harris expressed his belief that the original amendment occurred about five years ago as a reaction to a few projects, and the problem was not wide-spread. He pointed out that sometimes a driveway can provide more open space, as a setback, than the actual required setback for a 2-story house would.

Commissioner Pyle suggested that instead of a fence, perhaps the amendment could require a recorded agreement between the two property owners. Mr. Szafran pointed out that the City Council discussed their concern that adjacent neighbors should not have the ability to veto development plans.

COMMISSIONER HALL WITHDREW HIS MOTION. COMMISSIONER BROILI WITHDREW HIS SECOND, AS WELL.

COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT STAFF'S ORIGINAL RECOMMENDED TEXT FOR AMENDMENT 13. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Hall noted that staff addressed the concerns he raised at the last meeting about possible loopholes associated with **Amendment 14**. Therefore, the further amended language proposed by staff would not be necessary.

COMMISSIONER HALL MOVED THAT THE COMMISSION ACCEPT AMENDMENT 14 AS ORIGINALLY PROPOSED BY STAFF. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Pyle expressed his opposition to **Amendment 14**. He pointed out that a property owner who wants to replace an existing single-family home would be required to provide frontage improvements. However, **Amendment 14** would exempt built out subdivisions from this same requirement. He expressed his belief that the two situations should be treated the same, since the need for frontage improvements appears to be created by development activity.

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Commissioner Hall pointed out that regardless of the impact a subdivision might have, it creates value, and there are opportunities for the City to capture some of that value. If we believe that improving street frontages with curbs and gutters is an important goal for the community, then we should not exempt subdivisions from this requirement.

Commissioner Broili said he would be opposed to requiring all residential redevelopment to provide street frontage improvements. He noted that there are no sidewalks on his street, and he felt the property owners would be opposed to having them. Mr. Szafran pointed out that in these situations, the City could charge an in-lieu-of fee to pay for sidewalks somewhere else.

Closure of the Public Hearing

Chair Piro closed the public hearing.

COMMISSIONER HALL WITHDREW HIS MOTION TO APPROVE AMENDMENT 14. COMMISSIONER PHISUTHIKUL, THE SECONDER OF THE MOTION, AGREED.

COMMISSIONER PYLE MOVED THAT THE COMMISSION DENY APPROVAL OF AMENDMENT 14. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Wagner questioned if the Commission wanted to send **Amendment 14** back to the staff for additional consideration of the points raised by Commissioner Pyle. The Commission agreed that unless the problem resurfaces, there would be no need for staff to bring the amendment back to the Commission for additional consideration.

THE MOTION TO DENY THE AMENDMENT CARRIED 7-1, WITH COMMISSIONER HARRIS VOTING IN OPPOSITION.

Mr. Cohn advised that staff would prepare a report to identify the Commission's recommendation on each amendment. This report would be sent to the Chair and Vice Chair of the Commission for review before it is forwarded to the City Council.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Hall expressed his belief that the joint City Council/Planning Commission Meeting went well, and he encouraged those who were unable to attend to review the recording of the meeting. Chair Piro thanked Commissioner Hall for his leadership at the joint meeting.

Chair Piro reported on his attendance at the recent American Planning Association (APA) Conference. He advised that they were able to tour different areas in Philadelphia and learn about their challenges and plans for revitalizing the city. They have an impressive public transit system. He reported that the keynote speaker at the event was Robert Kennedy, Jr., and he spoke about environmental challenges that exist throughout the country. The theme for the conference centered on global warming and climate

**City Council
Meeting Minutes Excerpt
October 8, 2007**

**Joint-Public Hearing to receive citizens'
comments regarding Ordinance No. 478**

- (b) **Approval of expenses and payroll as of September 27, 2007 in the amount of \$1,646,393.59 as specified in the following detail:**

Payroll and Benefits:

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/26/07-9/8/07	9/14/2007	20659-20844	6869-6915	33961-33970	\$368,139.61
					<u>\$368,139.61</u>

Accounts Payable Claims:

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
9/13/2007	33886	33924	\$138,628.31
9/14/2007	33925		\$159,000.00
9/14/2007	33925		(\$159,000.00)
9/14/2007	33926		\$159,000.00
9/17/2007	33927		\$9,057.00
9/17/2007	33928	33948	\$239,530.09
9/18/2007	33949		\$698.00
9/18/2007	33950	33960	\$20,979.56
9/27/2007	33971	33992	\$473,940.39
9/27/2007	33993	34014	\$232,570.63
9/27/2007	34015		\$3,850.00
			<u>\$1,278,253.98</u>

- (c) **Motion to Authorize the City Manager to Execute a Contract for Prosecution Services with the Law Office of Sarah Roberts**

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments regarding Ordinance No. 478, amending the Municipal Code Sections 20.30.560 Categorical Exemptions, and 20.50.020(2) Densities and Dimensions for Residential Development in Certain Commercial Zones

Sid Kuboi, Planning Commission Vice Chair, called the Planning Commission meeting to order. Upon roll call by the City Clerk, the following Planning Commission members were present: Vice Chair Sid Kuboi, Commissioner Michael Broili, Commissioner Will Hall, Commissioner David Harris, Commissioner Robin McClelland, and Commissioner David Pyle. Absent members included Chair Rocky Piro, Commissioner Chakorn Phisuthikul, and Commissioner Michelle Wagner.

Mr. Olander explained that the item would be broken into two separate items. He said the SEPA amendments, Amendment #5 is first. He said after the staff report is given, the City Council and Planning Commission will then take public comment, followed by questions from the City Council and Planning Commission. Following this, the City staff will cover Amendment #9.

Joe Tovar, Planning and Development Services Director, and Steve Szafran, Planner, He outlined that Ordinance No. 478 was on the Council agenda after a recommendation from the Planning Commission to adopt 14 zoning code amendments. The Council adopted all of them except for Amendment #5. The Planning Commission then had two public hearings concerning these items and recommended approval to the Council. He said the Council directed the City staff to have a joint public hearing with the Planning Commission and for the City staff to hold an informational public workshop, which was held on September 27. Thirty people attended this informational public workshop, and staff listened to questions and provided answers at that workshop pertaining to both issues. He reviewed the proposed sequence and said the staff report explains that no decision has to be made tonight. He added that the Planning Commission will leave this meeting and prepare a final recommendation for the Council, who will then take everything into account and prepare a final decision on Amendment #5 and Amendment #9.

Deputy Mayor Fimia commented that the Council also has the option of giving the City staff and/or the Planning Commission direction to bring back more options.

Mr. Tovar said he would defer to the City Attorney to determine whether or not the public hearing should be left open.

Ian Sievers, City Attorney, said that this involves the degree to which any new information differs from what the Planning Commission considered. He added that a new scope would need a new open public hearing in the Planning Commission.

Councilmember Way stated that dividing the two items still means that the public can comment on both sections.

Deputy Mayor Fimia inquired if it was procedurally necessary to split them.

Mr. Tovar responded that they were separated because there is a lot of comment on the CB zone item, so it makes sense to differentiate it from the SEPA threshold amendment.

Councilmember Way felt that separating the SEPA piece doesn't mean it is separate. She said they do impact each other.

Mr. Szafran communicated that Amendment #5, the SEPA exemption, exempts new residential structures up to 20 units, any new commercial space up to 12,000 square feet with parking for up to 40 automobiles, and any parking lot for up to 40 automobiles. This amendment was proposed because it saves time and costs and prevents redundant

reviews. He added that the Shoreline Development Code (SDC) covers regulations for such developments and any development in a critical area will have to go through SEPA. Additionally, short plats, long plats, conditional use permits, variances, rezones, comprehensive plan amendments, and clearing and grading permits will continue to be noticed. He said the staff looked at past SEPA appeals and have found twelve since 1997. Of those, SEPA review still would have happened even under the greater thresholds.

Mr. Tovar clarified that even if the amendments that are being proposed were in place in 1995, the City still would have had those twelve SEPA appeals because they dealt with larger projects. He pointed out that after hearing from the public, the City is now proposing to reduce the thresholds by half. In other words, revising the residential structures exemption to 10 units; changing the new commercial space size to 6,000 square feet; and changing the parking lot restriction to 20 automobiles. This would still reduce redundant paperwork and save staff time.

Mr. Olander said the staff is recommending this because they feel that the City has adequate environmental regulations in place. He added that these lower thresholds are more than adequate, and having SEPA apply to smaller projects is unduly redundant.

Councilmember Hansen questioned the need for reducing the SEPA thresholds now, given that the code has been in effect since 1995 and all the appealed projects would have had the same SEPA review under the proposed changes.

Mr. Tovar said he is sensing the community is saying that the City should only regulate this when needed.

Councilmember Gustafson moved to open the public hearing. Councilmember Hansen seconded the motion, which carried 7-0.

Mayor Ransom noted that the Council will hear speakers for Amendment #5 (SEPA thresholds) first.

(a) Chris Eggen, Shoreline, said he is confused by the testimony presented. He said he knows of at least two SEPA appeals in Shoreline over the past two years. He said the SEPA process gives environmentally concerned citizens rights that the Planning Commission doesn't give. He explained that it provides the opportunity to present evidence, to have an unbiased court hearing, and to know why an appeal is rejected. This, he said, isn't necessarily true of a plat hearing. He highlighted that most SEPA appeals fail, but not all of them. Additionally, there are SEPA appeals which unveil important issues that would have been undiscovered if the appeal hadn't been filed.

Mr. Tovar introduced Jeff Forry, Permit Services Manager. Mr. Forry stated there have been 45 appeals filed in the past 12 years concerning land use and building proposals. Of those 45, 12 concerned SEPA and none of them fell within range that is being considered under the flexible thresholds range under SEPA. He added that SEPA is in place for

subdivisions of four lots and long subdivision plats regardless of the number of dwelling units.

Mr. Eggen verified that if a resident has a large undivided plat of land and it is divided into more than four lots it will be subject to SEPA.

Mr. Forry concurred, noting that large subdivisions are required by state law to go through environmental review.

Deputy Mayor Fimia said if subdividing requires additional review, then the spirit of the law says that if a resident is going to build 10 units on their property, they would still need a SEPA review. Mr. Tovar stated that the City staff is proposing that the threshold be 10, instead of four. Deputy Mayor Fimia inquired why SEPA is required for subdividing into four or more plats, but not recommended for developments of 10 units.

Mr. Tovar differentiated between the terms “plat” and “unit,” explaining that a plat involves dividing land, putting in roadway improvements, and dividing up parcels for future building pads. On the other hand, a townhouse could be built on one parcel of land and is an attached rather than detached, development.

Councilmember Way stated that the “unit” measurement could still have significantly more people, cars, and overall impact on an area and could be greater than the subdivision.

Mr. Tovar responded that there would still be requirements related to maximum lot coverage, height, setbacks, and surface water drainage. He added that just because SEPA doesn't regulate a development doesn't mean that there is no regulation.

(b) Jim Abbott, Shoreline, stated he has been a resident since 1986 and he supports Amendment #5 and the current compromise submitted by Mr. Tovar at this meeting.

(c) LaNita Wacker, Shoreline, supported the original amendment as proposed by staff, noting that it costs taxpayer money and staff time to review this unnecessary paperwork. This is inefficient because and isn't necessary because environmental protections are already in the development code and sensitive areas are already protected under the critical areas ordinance. She added that public notice is still provided for short and long plats, which is any division of land. She highlighted that if Shoreline wants to be a business-friendly City, then it needs to change commercial zones from R-4 to R-12 and change the parking lots. She added that someone needs to invite small businesses and investors to our City. She also added that on-site groundwater detention is in the development code. The development code also has stipulations for replanting and a mandatory threshold for traffic counts; there is even a stipulation that says the City can demand mitigation. She urged the Council and public to read the City's development code.

(d) Helen Zatarain, Shoreline, stated there are many people who questioned the redundancy involved. She said she knows there has been research done in Shoreline, but asked about the rest of the state.

Councilmember Way clarified that Ms. Zatarain wanted to ensure the City has done its research and compared this with other cities in the state.

(e) Dennis Lee, Shoreline, said the SEPA checklist is a long piece of paper that has to be filled out. The developer fills it out and the City staff makes a determination on whether there is environmental impact. In that timeframe an appeal can be filed. He added that citizens have the opportunity to address the SEPA and bring items to the attention of City staff. He opposed Amendment #5. He said as a member of Concerned Citizens of Shoreline he spent hours lobbying the Planning Commission to adopt the streams inventory. Back then, he said, Tim Stewart was the Planning Director and he withdrew it from the table. He added that he isn't convinced that the City's code has all the protections in it. He concluded that the SEPA checklist acts as a failsafe.

(f) Bonnie Biery, Shoreline, commented that utilizing the SEPA process is the only opportunity citizens have to provide input about environmental impacts. She said humans are experiencing compound effects of changing surroundings. She noted that there are a host of adverse impacts from development. She pointed out that there used to be much more open space 10 years ago, but new development has taken much of it. She felt that SEPA checklists bring issues to light for developers quickly. Once a SEPA report is filed, the Planning Department has to establish either a Determination of Non-Significance (DNS) or an Environmental Impact Statement (EIS) and the only appeal that can occur is a lawsuit in Superior Court. She urged the Council to vote against this.

(g) Les Nelson, Shoreline, said he is amazed at the wording that the "SEPA process currently frustrates the Growth Management Act (GMA) goal of a timely process." He said for 12 years the City and the public have been working to improve the codes. He felt the City doesn't have proper guidelines for setbacks, buffers, and transition zones between single-family and multi-family developments. He said residents often think they are protected, but they aren't. He hoped the Council votes against the amendment.

(h) Colleen Holbrook, Shoreline, urged the Council to reject this because it needs to be evaluated. She discussed a subdivision in the City that was built on stilts.

(i) Elaine Phelps, Shoreline, said the City's codes are not perfect, but they can change with the change of one Councilmember. She felt things have greatly improved under the present Council majority. The City needs to also rely on SEPA standards because they are more immune to rapid change. She appreciated the intentions of Mr. Tovar, but truly believed this is not adequate. She said the current Council has been sensitive to neighborhood and environmental issues and hoped that is considered. She added that while it may be more expensive to have the Planning Department review these development applications, it is more responsible. She also commented that

neighborhood meetings serve no purpose at all because they're conducted by developers. She urged the Council not to adopt the ordinance.

(j) Ernie Pile, Shoreline, commented that under state law there are four scenarios under which someone could appeal a SEPA threshold determination. One of them is by a director's error, and this one seems to pertain to this. He said it would be prudent for someone to explain how and when an appeal can be filed. He added that he doesn't think everyone understands how SEPA operates.

Mr. Tovar responded that there are many things that are subject to an appeal, for example, short plats, or anything next to a critical area.

Mr. Olander asked City Attorney Sievers to comment on the grounds for an appeal. Mr. Sievers responded that administrative appeals to the Shoreline Hearing Examiner can be based on erroneous application, interpretation of the law, procedural errors, or criteria that evaluates a project through SEPA not supported by substantial evidence in the record. An appellant has to exhaust the administrative appeal before going to Superior Court on a land use petition act appeal (LUPA). He also said the state statute under LUPA has its own criteria for appeal. The standing is fairly loose for SEPA, meaning that a person can allege any material harm within the project notice radius.

Commissioner McClelland brought up Ms. Zatarain's question about whether or not the City has compared our thresholds with other cities.

Mr. Forry provided some brief comparisons but concluded that it's really based on the needs, desires, and goals of the individual community.

Responding to Councilmember Way, Mr. Sievers clarified the SEPA appeal process. He noted that individuals bringing an appeal have more opportunity to speak, produce their own body of evidence, and cross examine witnesses.

Responding to Commissioner Harris, Mr. Forry clarified that the SEPA thresholds in Edmonds, Lynnwood, and Lake Forest Park are similar to those under which Shoreline operates.

Councilmember Way provided a copy of the SEPA checklist for these two amendments. She noted that the date on the SEPA checklist is different from Ordinance No. 478. She asked why the DNS was issued before the SEPA checklist.

Mr. Sievers wondered if it was an amended checklist. He said the original list of amendments have been before the Council and the SEPA was done some time ago.

Mr. Tovar said he would have to review the checklist and provide an answer for her tomorrow.

Councilmember Way called attention to a question on the checklist and asked if there were any applications pending when the SEPA checklist was filled out. Mr. Tovar responded that this is a non-project action, so the answer is no, or not applicable. The nature of this action isn't specific to one parcel, it's city-wide. This question, he said, applies to individual development code amendments.

Councilmember Way stated that in the Surface Water Master Plan, page 24, the Surface Water Program requirements, Table 3-1, NPDES, endangered species, and Plan of Action, it reads: "The 1998 King County Surface Water design manual does not meet the minimum requirements defined by ecology's basic and comprehensive program under the Puget Sound Plan for drainage review thresholds, flow control requirements, water quality requirements, erosion and sediment control, and other requirements." She added that, "Cities should adopt the new 2005 King County Surface Water Manual." She commented that she knows the City is working on adopting that document, but asked how the City can do a SEPA action when a major document that we're basing it on isn't adopted yet.

Mr. Forry said the City can't use SEPA to reevaluate our ordinances and regulations that the Council has adopted. The City can only implement mitigation for those things that aren't in our ordinances. The City's ordinances, he said, have been adopted to implement the 1998 King County Surface Water Manual, which is the standard of review. The City, he explained, can't use SEPA as an opportunity to review those ordinances on a project-specific basis.

Mr. Olander pointed out that SEPA doesn't get you to the 2005 standards. Staff's goal is to adopt those new standards, but we can't use the SEPA checklist to adopt the new regulations.

Deputy Mayor Fimia felt that the City is experiencing a sense of loss of control with growth and development. She felt that there are safeguards in place and the public perception is to keep them.

RECESS

At 9:43 p.m., Mayor Ransom called for a five-minute recess. The meeting reconvened at 9:53 p.m.

Mr. Tovar explained that Amendment #9 is the part of the Ordinance that deals with how the City regulates residential density in those Community Business (CB) zones that are within a five-minute walk from transit on Aurora Avenue or Ballinger Way. He noted that the rationale for removing the density limits is to increase housing choice. Both Mr. Hinshaw and Mr. Burden, who were guest speakers during the City's 2010 Speaker Series, reviewed that housing choice is served by increasing urban density where there are services, infrastructure, and transit. Additionally it was communicated during the series that increased density achieves transit viability, walkability, and improved health.

He stated that that there is a bigger picture and every step taken has an implication bigger than that site.

MEETING EXTENSION

At 9:57 p.m., Deputy Mayor Fimia moved to extend the meeting until 11:00 p.m. Councilmember Ryu seconded the motion, which carried 7-0.

Steve Cohn, Senior Planner, gave a brief background on zoning in the City of Shoreline. He noted that the CB zone is limited to 48 units per acre. He stated that densities can also be determined by height, bulk, and parking ratios. He added that the market decides how many units should be on site. This, referring to the zoning map he displayed, is already done in the Regional Business (RB) zone. He said this zoning only affects some designated Mixed Use (MU) areas, which are the striped areas on the map. These areas are either already zoned CB or could be zoned CB; this applies to areas within walking distance from Aurora Avenue and Ballinger Way. Specifically, this applies to 50 acres along Aurora Avenue and another 30 acres along Ballinger Way which will take at least 20 to 25 years to fully develop. He highlighted that the City staff and the Planning Commission suggest that the development should be focused on targeted areas that are a good place for this development and that will have the least amount of impact. The 20-year potential development has the potential of carrying 1,100 to 1,200 new units along Aurora Avenue, which is 60 blocks long; therefore, the number of units per block is approximately 20. He said that this shouldn't be implemented in the entire CB zone; the Planning Commission has suggested that the appropriate boundary be 1,300 feet. This boundary proposal was discussed at one of the Planning Commission public meetings and many of the people who were there are here to speak to the Council. He said there were concerns about traffic and changes to zoning. He stated it is the consensus of the Planning Commission and the City staff that traffic will not be an issue. He added that there was a concern about speculators purchasing property, but again the consensus is that it won't be an issue. Finally, he clarified that changing any of the areas that are not designated MU or CB areas requires a Comprehensive Plan amendment.

Mr. Olander stated that an additional 1,100 to 1,200 units is over and above what the current CB zoning would allow. Currently, the City is growing at a rate of 200 to 300 people per year and there is a potential of adding over 2,000 people over 5 to 10 years. These figures should be kept in perspective because it is an incremental amount over a long period of time.

Mr. Cohn stated that there is an amendment on page 39 of the Council packet. He said it adds a footnote to the maximum density allowed in the CB zone.

Mr. Olander pointed out that the same height and setback restrictions will apply and that is currently how the residential densities are regulated in RB zones. The intent of this regulation is to extend that category to CB zones or potential CB zones.

Councilmember McGlashan clarified that the white and yellow areas on the zoning map would have to go through Comprehensive Plan amendments once a year. Mr. Cohn responded affirmatively.

Deputy Mayor Fimia discussed the summary from the Puget Sound Regional Council (PRSC) Draft Vision 2040. She said these predict the actual performance measures after an \$140 billion investment in roads and transit. It assumes a full 125-mile build-out of light rail by the year 2040. She said the average number of jobs within 30 minutes housing by transit goes from .7% to 1.07%. She said the amount of money that is going to be spent on transportation will not get the anticipated results. She felt that if a better plan is created, then the region will be ready to handle the additional density.

Commissioner Broili asked if the intent of this amendment is to facilitate the City's need to meet Growth Management Act (GMA) requirements.

Mr. Cohn replied that there is no intention of doing that. He said the intent is basically to have an opportunity to put additional density where it could be served.

Commissioner Broili pondered if it was just a transportation issue. Mr. Cohn responded that it is not solely a transportation issue because the Aurora Corridor does have services. He said it is an attempt to get people closer to where the services are with the hope that people will walk instead of using a car.

Mr. Tovar added that the City staff isn't proposing this amendment to meet a target or state mandate. He explained that if this City grows naturally by 2,200 people in eight years, then it only makes sense to encourage density in those areas where the services and infrastructure can support it.

Councilmember Ryu said if the City kept the 1,300-foot distance it would impact the single-family neighborhoods adjacent to Linden Avenue and Stone Avenue. She wondered if the staff has addressed parking impacts on those side streets. She said until the City has a good bus system or until the public transit problem is resolved, developments need to provide at least one vehicle space per unit. She asked if this proposal would impact neighborhoods in terms of overflow parking.

Mr. Cohn said the parking requirements are different for the CB zone, but the staff can further explore the issue.

Mayor Ransom called for public comment on Amendment #9.

a) Chris Eggen, Shoreline, said he attended the meeting at the fire station. At that meeting he pointed out that the lines on original maps would cause a developer to speculate that anything within 1,300 feet of Aurora Avenue or Ballinger Way is investment property, which is a legitimate concern. He said while form-based codes do not regulate the number of units, the economic trend is to build as many units as possible. He estimated that the City could end up with many very small units in these apartment

buildings which might be limited by the parking requirements. He added that he has heard from various City staff that the City might trade off parking requirements for increased density. He said the City needs to consider that the problems of tomorrow might be different from the problems of today. This City could wind up with new high-rise tenements in the future. He suggested consideration of a unit limitation in these buildings.

(b) Jim Abbott, Shoreline, commented that there have been multiple public hearings on this, and the misunderstanding and misinformation continues. He said he owns property that is zoned CB, which restricts the number of units on that property to 15. This property is close to Aurora Avenue and NE 185th Street and the current zoning would allow a four-story building. He displayed a drawing showing what kind of development could be built in a CB zone. He pointed out that this can be done under the current rules, but with only 15 units the developer would be forced to build large units or condos. He preferred to build apartments close to Aurora Avenue, and a code amendment would allow the City to do that. He asked that the code amendment be adopted.

(c) Lindsay Standard, Shoreline, stated that she found this issue really vague. She said someone from her neighborhood came around and talked to the residents one by one, but she didn't know what he was talking about. She added that it was difficult to find information on the internet, and she doesn't know the difference between Community Business (CB) and Neighborhood Business (NB). She suggested this topic should be discussed on Channel 21 in terms that are simple to understand. Lastly, she said there is talk around about Council members having a personal interest in Amendment #9. She also said she felt that transit in this area is pathetic.

(d) Michelle Cable said she is a property owner on Ballinger Way, which is in the existing CB zone. She said this amendment has been on the agenda since February. She commented that the table in the packet is misinterpreted, and people incorrectly assume their houses are going to be put into that table. She explained that the current properties that are zoned CB would be allowed to have a higher number of units that would then be limited by the other controlling factors the development code. She said she also asked that the issue be explained in simple terms, and the Planning Commission spent two hours explaining to her how her property and neighborhood would be affected. She said the City Council, Planning Commission, and City staff are always available for questions and comments. She felt that the Planning Commission and the City staff have done the research and analyzed this and she respects their opinion.

Mr. Cohn highlighted that the rules would apply to Ms. Cable's case.

(e) Colleen Holbrook, Shoreline, noted that the current City zoning laws allow for development already. She felt that the people won't walk or take the bus, and that people drive around the parking lot to be closer to the front door. She discussed the health of family and neighbors because of development, traffic, and the removal of trees in this area. She said it is ironic that the City is asked to pay millions for the Aurora

Corridor Project and the Interurban Trail, but she has seen limited use of everything. She commented that she felt the zoning law changes are just for the developers.

(f) Bonnie Biery, Shoreline, stated that she isn't against growth but is concerned with how it occurs. She felt strongly that the proposed changes are not about allowing residential housing in commercial zones, but they are about allowing commercial property development in residential zones. She felt this change "writes off" residents and the neighborhoods along Aurora Avenue and Ballinger Way. She said she would rather see additional transit built closer to Edmonds and Richmond Beach because the existing Park-n-Ride is always full. She concluded that if the City Council feels a towering six-story, 48-unit apartment building sitting five feet away from you should be allowed, then it should vote in favor of the amendment.

(g) Wendy DiPeso, Shoreline, felt that it makes sense to put density on Aurora Avenue, but people feel a sense of loss of control. She urged the City to take a step back and create a visioning process. Informed decisions have to be made concerning our zones and building codes. She said it's not that everyone is against development; it's how it is applied. If this is passed tonight you end up with piecemeal development and political backlash. Additionally, if this is passed, Shoreline will not be a destination location because developers are going to build to the maximum, which will attract commerce like McDonald's and Shari's. The City needs a visioning process which will include the current and future transportation reality. She thanked the Council, Planning Commission, and the City staff for their hard work.

(h) LaNita Wacker, Shoreline, supported the amendment, noting there have been so many misstatements about the ordinance. She said this isn't a rezone of residential property but a change within the CB zone, which is already in the Comprehensive Plan. She said the only communities that are affected are those that are already designated as CB and are within 1,300 feet from Aurora Avenue and Ballinger Way. She added that those areas are already zoned that way and the height restriction of 60 feet is already there. The cubic space of loft area above those businesses is exactly the same, she added. She explained that all this does is allow the owner the flexibility of putting in partitions in that space to allow studio apartments and 1 or 2 bedroom apartments. She further explained that the number of those units will be limited by the number of parking spaces there are per unit. She said that all of the Councilmembers have talked about affordable housing and this housing should be offered to the people who need it.

(i) Les Nelson, Shoreline, said he has a lack of understanding of what is coming concerning this proposal. He said the City says there will be 1,100 residential units in Westminster Triangle along Aurora from 145th to 155th and that the City's web site doesn't show where the 1,300 units will be, but it is still in the text. He added that there is no viable transit on Aurora Avenue. This proposal, he said, is a major change and there are unanswered questions concerning traffic, parking, and buffers next to single family neighborhoods directly behind Aurora Avenue. He submitted a drawing to the

City Clerk showing that single family residences will be in the shadows of adjacent buildings.

(j) Donna Moss, Shoreline, stated she isn't opposed to growth and development but she wanted the City to do it in a smart way. She explained that just because you build it doesn't mean the people will use it. She expressed her concerns about smart growth and felt it might be a good idea to expand to other streets. She said it's time to ask serious questions.

(k) Elaine Phelps, Shoreline, highlighted growth has to be accommodated through increased density. She said she has taken a hard look at the issues and none of this proposal would immediately or directly impact her. However, it will impact some of her friends. She felt the amendment was much too broad and there will be neighborhood consequences, including shadows and physical impacts. She requested a list of all proposals in the Planning and Development Services department concerning this item and who is involved. She felt that the City doesn't have a good transportation system in place and if cars are allowed to park on the street it will impact surrounding neighborhoods.

(l) Ernie Pile, Shoreline, said he protested the zoning change from R-1 to R-4 about four or five years ago. He questioned if the CB zone is from Ashworth to Fremont. He added that a lot of the speakers are not using the microphones. He said he is disabled and Aurora Avenue is not a transit road. He said his wife walks to it and the 145th bus is not an option. He said his car cannot make a legal u-turn on Aurora Avenue. He said there has been some "slum clearance" on Aurora Avenue.

Deputy Mayor Fimia clarified with Mr. Pile that the affected area doesn't include the entire City, just the CB zones that are 1,300 feet from Aurora Avenue and Ballinger Way.

MEETING EXTENSION

At 11:00 p.m., Councilmember Ryu moved to extend the meeting until 11:30 p.m. Deputy Mayor Fimia seconded the motion, which carried 7-0.

(m) Bill Davies, Shoreline, urged the Council not to support Ordinance 478.

(n) Dwight Gibb, Shoreline, asked the Council to defer their decision because there are still questions concerning impacts and the effects of density. He said the notion of what is good and positive development seems to be missing from the discussion. He asked why the residents should get excited about having more large apartment buildings just because they're close to Fred Meyer. He added that there needs to be a plan for a central Shoreline. He said recreation is informal, and a better vision for different areas in the center of Shoreline would not require grandiose plans. He said there is no need for large parks; pocket parks are better for conversation and for residents to sit and talk. He said the City of Seattle charges 1% on their construction so they can pay for artwork. He asked why Shoreline couldn't do the same thing on development for some social artistry.

He said developers could work with citizens to produce a City that everyone can be proud of.

Deputy Mayor Fimia felt as if the City was trying to do the right things the wrong way. She proposed that the existing amendments not be considered and taken off of the table. She said the City needs to determine what is trying to be accomplished then come back with solutions to the problems.

Councilmember Gustafson said he listened to public and the City staff. He said the City has a Planning Commission that has carried out their duties faithfully. He suggested these two amendments go back to the Planning Commission for reevaluation, with another recommendation coming back to the Council.

Councilmember Ryu questioned if the previous comments from the Planning Commission are entered into the record. Mr. Tovar responded that all of the comments and materials of the Planning Commission, the public, and the City staff are a part of the record. Councilmember Ryu noted there were three comments in favor of Amendment #5, but everyone else was against it. Concerning Amendment #9, she said there are some parties that have a financial interest and four are in favor of it, but everyone else is against it. She urged the Council to be cautious and suggested taking it back to develop more options for affordable housing. She said this is one of those issues that should be taken slowly in order to do a good job. She thanked the Planning Commission and the City staff for their work on this item.

Mayor Ransom said fifteen people called him and stated they were against this measure. He suggested that the Planning Commission consider the west side of Stone Avenue to the east side of Linden Avenue as the boundaries, except there is a line of commercial development on 185th Avenue and 175th where most of the growth is. He suggested that the area go out on 185th Street and on 175th Street to 1,200 feet instead of 1,300. He said that is where most of the commercial business is going. He said the City should try to limit where the residential units go.

Councilmember Hansen recommended remanding this item to the Planning Commission. He suggested they work on it and bring it back to the Council. Councilmember McGlashan concurred.

Deputy Mayor Fimia noted that the Council is the elected body and if they remand it to the Planning Commission, it should be with some direction. She said the Planning Commission and the City staff need direction. She suggested giving them direction for some short-term solutions for some of these areas. She felt the Planned Area Zones concept from Mr. Tovar makes sense.

Councilmember Way agreed that the Planned Area Zones is more of a customized concept that may be able to address this issue.

Commissioner McClelland said she respects the people that spoke tonight but felt there is still some misunderstanding about the intent of these measures. She hoped everyone who spoke tonight would come to the Planning Commission and listen to their deliberations. She said it would be to the public's advantage to listen and get a grasp of the Development Code. She said she is uncomfortable with the discussion of trying to link Amendments #5 and #9 and with trying to tie Westminster in a way in which it is not connected. She felt our City cultivates conspiracy and she is offended by that.

Mr. Olander felt there are certain themes that the Planning Commission and the City staff can work on, and a lot of them relate to the type of density. He said form-based codes and Planned Areas Zones need to move forward, but with sensitivity to the interfaces between higher density and adjacent single-family and multi-family zones. He said while there is a parking concern, he thinks the public recognizes there is a certain value to locating density near transit. He summarized that as the City considers the South Aurora Triangle, Ballinger Way, and other areas, more time should be taken so there can be more specificity to these interfaces.

Mr. Tovar said the City should alert people about Town Center. On October 22, there will be a Planning Commission recommendation forwarded to the Council for the Phase 1; Town Center Phase 2 will kick-off in the beginning of next year. These should be of particular interest to the people who testified tonight because they will include discussions of regulating density, how to deal with architectural standards, character, amenities, and transitioning the single-family zones from the east to the west. He said no one should be surprised if someone notifies them that the City is working on Town Center and these same issues are involved.

Commissioner Pyle noted that people keep referring to Europe, but it is almost impossible to park in Paris. He pointed out that the Development Code allows for a 50% reduction in parking if it is within a certain proximity to transit. He said the development that could be created right now could actually have less parking than what is proposed by Ordinance No. 483.

Councilmember Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried 7-0.

MEETING EXTENSION

At 11:30 p.m., Councilmember Ryu moved to extend the meeting until 11:35 p.m. Deputy Mayor Fimia seconded the motion, which carried 4-3, with Councilmembers McGlashan, Hansen, and Gustafson dissenting.

Councilmember Ryu referred to the Planning Commission work plan and wondered if the area between Ridgecrest and the South Aurora Triangle could be made a part of PLA #3 or #2 depending on the Southeast Shoreline area.

Deputy Mayor Fimia moved to direct the City staff and the Planning Commission to consider testimony and to identify the short and the long-term needs and problems and potential solutions and give the Council recommendations. Councilmember Ryu seconded the motion, which carried 5-2, with Councilmembers Hansen and Gustafson dissenting.

10. ADJOURNMENT

At 11:33 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk