

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



Thursday, January 17, 2008

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

**6:00 P.M.**

Estimated Time

**1. DINNER MEETING**

Continue 2008 Planning Work Program Discussion

6:00 p.m.

**7:00 P.M.**

**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**

7:08 p.m.

a. January 3, 2008

**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 HEARINGS**

*Quasi-Judicial Public Hearing*

**1. Catalina Company, #201677, 14727-14549 32nd Ave NE, Rezone Request** 7:15 p.m.

- a. Staff Overview and Presentation of Preliminary Staff Recommendation
- b. Applicant Testimony
- c. Questions of the Applicant & Staff
- d. Public Testimony or Comment
- e. Presentation of Final Staff Recommendation
- f. Final Questions by the Commission
- g. Closure of the Public Hearing and Commission Deliberation
- h. Vote by Commission to Recommend Approval or Denial or Modification

*Legislative Public Hearing*

**2. Revised Proposal for Housing Density in CB Zones** 8:15 p.m.

- a. Staff Overview and Presentation of Preliminary Staff Recommendation
- b. Questions by the Commission to Staff
- c. Public Testimony or Comment
- d. Presentation of Final Staff Recommendation
- e. Final Questions by the Commission
- f. Closure of the Public Hearing and Commission Deliberation
- g. Vote by Commission to Recommend Approval or Denial or Modification

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|------------|--|-----------|
| <b>8.</b>  | <b>REPORTS OF COMMITTEES AND COMMISSIONERS</b>   | 9:05 p.m. |
| <b>9.</b>  | <b>UNFINISHED BUSINESS</b>   | 9:10 p.m. |
| <b>10.</b> | <b>NEW BUSINESS</b>  | 9:15 p.m. |
| <b>11.</b> | <b>ANNOUNCEMENTS</b>   | 9:20 p.m. |
| <b>12.</b> | <b>AGENDA FOR February 7, 2008</b><br>Discussion: Seamless Transit on Aurora<br>Public Hearing: Midvale Street Vacation<br>Study Session: 2008 Comprehensive Plan Docket | 9:25 p.m. |
| <b>13.</b> | <b>ADJOURNMENT</b>   | 9:30 p.m. |

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 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.*

# **Dinner Meeting Topic:**

Continued Discussion on  
2008 Work Program

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**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<p><b>AGENDA TITLE:</b> Planning Commission Work Program for 2008 <b>DEPARTMENT:</b> Planning and Development Services <b>PRESENTED BY:</b> Joseph W. Tovar, FAICP, Director</p>
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At your next meeting I would like to continue the discussion of the 2008 Planning Work Program, update you on some additional items that have landed on your agenda planner, and review a refinement to the staff proposal to temporarily re-assign the hearing responsibility for certain quasi-judicial items to the hearing examiner.

**I. Planning Work Program**

The draft that staff presented to you at the last meeting has not changed. Significantly, when the staff drafted this work program, we did not factor in an unknown and ultimately unknowable number of quasi-judicial hearing items such as Special Use Permits, Subdivisions, quasi-judicial rezones, and street vacations. These tend to pop up with only a few months lead-time (i.e., too short a horizon to accurately depict on a year-long work program) and usually have some schedule urgency (e.g., a city council initiated street vacation or a statutory mandate to complete city review within 120 days).

Consequently, although most of such quasi-judicial items deal with very small areas (e.g., a six lot subdivision) their timing urgency frequently “trumps and bumps” Commission consideration of legislative items that have a greater and longer-term scope of impact (e.g., subarea plans and development code amendments).

As noted below, the staff continues to believe that the legislative items shown on the Planning Work Program are of a high rank order City Council priority, and are items that can only be addressed by the Planning Commission. If no action is taken soon by Council to re-assign most quasi-judicial items to the hearing examiner, we would expect that consideration of the priorities shown in the 2008 Work Program will be needlessly delayed by three or four months per year.

**II. Additional items on the Planning Commission Agenda Planner**

Since last you saw it, several items have been added. (See Attachment 1.) The City Council has initiated a street vacation of a portion of Midvale Avenue that appears on your February 7 agenda. Note that the Town Center Vision and Sustainable Design

workshop has been moved back from January 24 to January 30. I will tell you more about the purpose and scope of that workshop at your meeting next week.

We have also added two more quasi-judicial rezones to your agendas of February 21 and March 6, added a second bundle of development code amendments in June, your joint meeting with the City Council on April 7 (their meeting night) and your annual Planning Commission retreat. Also, we are showing the first draft of our next three speakers series events dealing with “complete streets,” “managing the urban forest,” and “street graphics/signs”. While these latter items are not shown on dates for your regular meetings, I would strongly suggest your attendance at these sessions and would like to discuss with you whether you would like to be the host for these talks.

### **III. Revised staff recommendation regarding Planning Commission role as quasi-judicial hearing body**

The staff continues to believe that the timely consideration of items on the 2008 Planning Work Program is a high City priority and that it is therefore imperative to unburden Planning Commission agenda of many quasi-judicial items. Such items have consumed an average of over three months of agenda time per year. In 2006, 8 quasi-judicial items took 7 meetings to process; and in 2007, 5 quasi-judicial items took 7 meetings. See Attachment 2.

In my assessment, we simply don’t have the luxury of having the Planning Commission as our default “quasi-judicial” hearing body as well as the policy advising body on the legislative items on the Planning Work Program. Something’s got to give. In my view, that means some quasi-judicial hearing responsibilities have to be re-assigned to the hearing examiner.

From last week’s discussion, I understand that some Planning Commissioners are reluctant to “leg go” of the quasi-judicial hearing role. Several reasons were cited, and I would like to address those.

One of the concerns was that, until we have more definitive land use policies in place in “special study areas,” it would be difficult for a hearing examiner to render a recommendation to the City Council. The suggestion was made that quasi-judicial rezones in such areas (e.g., Ballinger) should continue to be heard by the Planning Commission. I have no problem with keeping quasi-judicial rezones in “special study areas” with the Planning Commission.

Another sentiment expressed was that in areas where the City (including the Planning Commission) is working on updating an area plan, such as Town Center, it would be more appropriate for the Commission to conduct quasi-judicial rezone hearings. This would also apply to the “Southbridge” subarea plan area and those portions of the Paramount and Briarcrest neighborhoods that are included within the “Southeast Shoreline Subarea Plan.” I think that this, too, would be a good item to keep with the Commission.

I continue to believe that large master plans, like Crista, Shoreline Community College, and Fircrest, should be heard by the Planning Commission rather than the examiner.

### **Recommendation**

The 2008 Planning Work program items that can only be heard by the Planning Commission are too important to delay by three or four months.

The staff recommends that the Planning Commission recommend to the City Council that: (1) the Council adopt by resolution the 2008 Planning Work Program as shown in Attachment "A", and (2) adopt the necessary ordinance to direct that, for calendar year 2008, all quasi-judicial hearing items will be heard by the Hearing Examiner, with the exception of Master Plans and rezones in "special study" and Subarea Plan study areas on the adopted Planning Work Program.

### Attachments

1. Recommended 2008 Agenda Planner
2. Summary of Quasi-Judicial items heard by the Planning Commission in 2006/2007

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## 2008 PLANNING COMMISSION AGENDA PLANNER

**To Be Scheduled:** Point Wells

<b>Date:</b> 17-Jan-08	<b>Location:</b> Mt. Rainier Room <b>Time:</b> 6:00 PM
<b>Dinner Meeting:</b> cont. discussion on 2008 Planning Work Program	
<b>Public Hearing:</b> Catalina Company, #201677, 14727-14549 32nd Ave NE, Rezone Request	
<b>Public Hearing:</b> Revised Proposal for Housing Density in CB Zones	
Planned Absences:	
<b>Date:</b> 30-Jan-08	<b>Location:</b> Fire Station HQ <b>Time:</b> 7:00 PM
<b>Charrette:</b> Town Center Vision and Sustainable Design Workshop	
<b>Date:</b> 7-Feb-08	<b>Location:</b> Mt. Rainier Room <b>Time:</b> 7:00 PM
<b>Discussion:</b> Discussion on seamless Transit on Aurora	
<b>Public Hearing:</b> Midvale Street Vacation	
<b>Study Session:</b> 2008 Comprehensive Plan Docket	
Planned Absences:	
<b>Date:</b> 21-Feb-08	<b>Location:</b> Mt. Rainier Room <b>Time:</b> 7:00 PM
<b>Study Session:</b> Review Planning Commission Hearing Rules and Bylaws	
<b>Staff Report:</b> Southeast Shoreline Subarea Plan Update	
<b>Public Hearing:</b> CB Amendment, <i>if needed</i>	
<b>Public Hearing:</b> Hart, #201680, 17562 12th Ave NE, Rezone Request	
Planned Absences:	
<b>Date:</b> 6-Mar-08	<b>Location:</b> Mt. Rainier Room <b>Time:</b> 7:00 PM
<b>Study Session:</b> Transition regulations to replace moratorium	
<b>Public Hearing:</b> Matulovich, #201699, 16526 - 16538 Linden Ave N, Rezone Request	
Planned Absences:	
<b>Date:</b> 20-Mar-08	<b>Location:</b> Mt. Rainier Room <b>Time:</b> 7:00 PM
<b>Study Session:</b> Prepare for joint meeting with City Council	
<b>Public Hearing:</b> Transition regulations to replace moratorium	
Planned Absences:	

## 2008 PLANNING COMMISSION AGENDA PLANNER

<b>Date:</b> 27-Mar-08	<b>Location:</b> TBA
<b>JOINT MEETING with Park Board</b>	
<b>Time:</b> 7:00 PM	
<b>Discussion:</b> Environmentally Sustainable Community Strategy	
Planned Absences:	
<b>Date:</b> 3-Apr-08	<b>Location:</b> Mt. Rainier Room
<b>Time:</b> 7:00 PM	
<b>Study Session:</b> Transition Regulations	
<b>Study Session:</b> Crista Master Plan	
<b>Other Business:</b> New Planning Commissioners take office & Officer Elections	
Planned Absences:	
<b>Date:</b> 7-Apr-08	<b>Location:</b> Mt. Rainier Room
<b>JOINT MEETING with City Council</b>	
<b>Time:</b> 7:00 PM	
<b>Topics:</b>	
Planned Absences:	
<b>Date:</b> 17-Apr-08	<b>Location:</b> Mt. Rainier Room
<b>Time:</b> 7:00 PM	
<b>Staff Report:</b> Housing Strategy Update	
<b>Study Session:</b> Planned Area Regulations for Institutional Districts	
<b>Study Session:</b> Miscellaneous Development code Amendments - Bundle #1	
<b>Public Hearing:</b> Crista Master Plan	
Planned Absences:	
<b>Date:</b> Monday, 4/24/2008	<b>Location:</b>
<b>Time:</b> 7:00 PM	
<b>Speaker Series</b> Complete Streets	
<b>Date:</b> 1-May-08	<b>Location:</b> Mt. Rainier Room
<b>Time:</b> 7:00 PM	
<b>Staff Report:</b> Town Center Update	
<b>Public Hearing:</b> Planned Area Regulations for Institutional Districts	
Planned Absences:	
<b>Date:</b> 15-May-08	<b>Location:</b> Mt. Rainier Room
<b>Time:</b> 7:00 PM	
<b>Public Hearing:</b> Miscellaneous Development code Amendments - Bundle #1	
<b>Study Session:</b> Planned Area Regulations for Institutional Districts	
Planned Absences:	
<b>Date:</b> Thursday, 5/29/2008	<b>Location:</b>
<b>Time:</b> 7:00 PM	
<b>Speaker Series</b> Managing the Urban Forest	

## 2008 PLANNING COMMISSION AGENDA PLANNER

Date: **5-Jun-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Study Session: Shoreline Community College Master Plan

Study Session: Miscellaneous Development Code Amendments - Bundle #2

Planned Absences:

Date: **19-Jun-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Staff Report: Southbridge Planned Area (expanded SAT area) update

Public Hearing: Shoreline Community College Master Plan

Public Hearing: Miscellaneous Development Code Amendments - Bundle #2

Planned Absences:

Date: **Thursday, 6/26/2008**Location:  
Time: 7:00 PM

Speaker Series Street Graphics/Signs

Date: **3-Jul-08**Location: Mt. Rainier Room  
Time: 7:00 PM

No meeting

Date: **10-Jul-08**Location: TBA  
Time: 6:00 PM

2008 Planning Commission Retreat

Date: **17-Jul-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Staff Report: SE Shoreline Subarea Plan Update

Study Session: Shoreline Community College Master Plan, *if needed*

Planned Absences:

Date: **7-Aug-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Staff Report: Town Center Update

Study Session: Goal 6 implementation

Planned Absences:

Date: **21-Aug-08**Location: Mt. Rainier Room  
Time: 7:00 PM

No meeting

## 2008 PLANNING COMMISSION AGENDA PLANNER

Date: **4-Sep-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Public Hearing: Goal 6 implementation

Planned Absences:

Date: **18-Sep-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Staff Report: Low Impact Development Regulations

Study Session: Develop more definitive Comprehensive Plan designations/MU discussion

Planned Absences:

Date: **2-Oct-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Study Session: Develop more definitive Comprehensive Plan designations/MU discussion

Study Session: Is Shoreline's Vision still valid?

Planned Absences:

Date: **16-Oct-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Study Session: Town Center Subarea Plan

Planned Absences:

Date: **6-Nov-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Public Hearing: Town Center Subarea Plan

Planned Absences:

Date: **20-Nov-08**Location: Mt. Rainier Room  
Time: 7:00 PM

Study Session: Town Center Subarea Plan

Planned Absences:

## 2008 PLANNING COMMISSION AGENDA PLANNER

**Date:** 4-Dec-08

**Location:** Mt. Rainier Room  
**Time:** 7:00 PM

**Study Session:** SE Shoreline Subarea Plan

Planned Absences:

**Date:** 18-Dec-08

**Location:** Mt. Rainier Room  
**Time:** 7:00 PM

No meeting

**Date:** 8-Jan-09

**Location:** Mt. Rainier Room  
**Time:** 7:00 PM

**Public Hearing:** SE Shoreline Subarea Plan

### To be scheduled in 2007-08 "Frontburner" Item

- Is Shoreline's Vision still valid?
- Low Impact Development regulation and code
- Mixed Use Designation
- Design Review
- Full report on SAT

### Planning Commission "Backburner"

**Date added**

**Item**

- | Date added | Item                                       |
|------------|--|
| 07 Retreat | Adult Family Homes and Emergency Planning  |
| 07 Retreat | Open Space / Habitat Connectivity          |
| 07 Retreat | Sign Code Amendments                       |
| 07 Retreat | Central Shoreline Sub-area Plan Assessment |
| 07 Retreat | Transit                                    |
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**QUASI-JUDICIAL ITEMS HEARD BY THE  
PLANNING COMMISSION IN 2006 AND 2007**

**2006**

March 2

Shoreline Community College Pagoda Building SUP

March 16

Shoreline Townhomes Preliminary Formal Subdivision

April 6

20060 15th Ave NE Site Specific Rezone/Comp Plan Amendment

June 15

Jay Finney Site Specific Rezone

Becker Site Specific Rezone

July 6

19201 15th Avenue NW Burt Site-Specific Rezone

August 3

930 N 199th Street Sundquist Rezone

September 21

17503 10th Ave. NE Lancaster Site-Specific Rezone

**2007**

January 4

18501 Linden Ave. Site-Specific Rezone

February 1

20309 8th Ave. NW Site-Specific Rezone

18501 Linden Ave. Site-Specific Rezone **Continued**

May 3

416 and 422 N. 145th St. Leiser Site-Specific Rezone/Comp Plan Amendment

June 7

14727 32nd Ave NE Site-Specific Rezone

September 20

Plateau at Jackson joint hearing with Hearing Examiner

November 15

Plateau at Jackson Preliminary Formal Subdivision **Continued**

December 6

Plateau at Jackson Preliminary Formal Subdivision **Continued**

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**CITY OF SHORELINE**  
**SHORELINE PLANNING COMMISSION**  
**SUMMARY MINUTES OF SPECIAL MEETING**

January 3, 2008  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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**COMMISSIONERS PRESENT**

Chair Piro  
Commissioner Pyle  
Commissioner Broili  
Commissioner Phisuthikul  
Commissioner McClelland  
Commissioner Harris  
Commissioner Hall

**STAFF PRESENT**

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Associate Planner, Planning & Development Services  
Flannary Collins, Assistant City Attorney  
Tom Boydell, Economic Development Director  
Jessica Simulcik Smith, Planning Commission Clerk  
Ryan Wilke, Intern, Planning & Development Services

**COMMISSIONERS ABSENT**

Vice Chair Kuboi  
Commissioner Wagner

**CALL TO ORDER**

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:01 p.m. He reported that the Commission just completed an informal dinner meeting to review their work program for 2008. He also noted that Council Member McGlashan and Council Member Elect Scott were in the audience.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

Chair Piro advised that the Director's Report would be provided in two segments to enable the Commission to get to the public hearing as quickly as possible. The Commission approved the remainder of the agenda as submitted.

## **DIRECTOR'S REPORT**

Mr. Tovar pointed out that five of the nine Planning Commissioners' terms expire at the end of March. He advised that after the public hearing he would spend some time reviewing the process for appointing Commissioners. In addition, he would provide an update on the Point Wells process.

## **APPROVAL OF MINUTES**

The minutes of November 29, 2007 minutes were approved as corrected. The minutes of December 6, 2007 were approved as submitted.

## **GENERAL PUBLIC COMMENT**

**Les Nelson** referred to the Commission's 2008 Work Plan and questioned the process that would be used to create the five subarea plans. He expressed his belief that rather than separate plans, the subarea plans should fit into the entire City plan. He cautioned against putting aside the Comprehensive Plan in order to create the subarea plans. He said it seems that most of the discussion has focused on how much development would be allowed rather than a comprehensive approach that also protects views, trees, greenbelts, etc.

Commissioner Pyle asked if Mr. Nelson is suggesting the Commission take the approach of integrating the general elements of the Comprehensive Plan into the subareas. Mr. Nelson answered affirmatively. He reminded the Commission that the subarea plans must be adopted as Comprehensive Plan amendments, which means that public participation would be required as part of the process. He questioned the City's process for disseminating information to the public regarding the proposed subarea plans. Commissioner Pyle agreed that proper outreach is difficult, but the Commission has been trying to work closely with the Council of Neighborhoods in an effort to insert themselves more into the community. Chair Piro emphasized that the subarea plans must be consistent with the Comprehensive Plan.

## **PUBLIC HEARING – RIDGECREST COMMERCIAL ZONING DELIBERATIONS**

Chair Piro announced that Council Member Ryu and Council Member Elect Egan were present in the audience.

Chair Piro asked that during the continued hearing comments be focused on the latest changes and newest information related to the proposal. He advised that the Commission would forward a recommendation to the City Council, and the City Council would make the final decision. He reviewed the rules and procedures for the continued public hearing and then reopened the hearing.

## **Presentation of Staff Recommended Changes to Earlier Draft**

Mr. Tovar reviewed that the proposal for Planned Area 2 (Ridgecrest Commercial Area) has evolved over the course of two Planning Commission study sessions and three meetings for the public hearing. He provided PowerPoint slides from the final report that was prepared by students from the University

of Washington after working with the neighborhood and the City. He briefly reviewed the report and outlined the conclusions staff gathered from the process and addressed in the proposed regulations. He displayed an aerial photograph of the subject property and noted that the student's defined study area did not include include the northwest quadrant of the intersection of 165<sup>th</sup> and 5<sup>th</sup> or even the south side of 165<sup>th</sup>.

Mr. Tovar recalled that the students held two different public meetings. He provided pictures that were taken during the public design charette where they invited the neighborhood to express their hopes, desires and concerns about future development of the Ridgecrest Commercial District. He further recalled that at the design charette the students provided a significant amount of information related to the subject properties such as the rights-of-way, property lines, current land uses, existing zoning, etc.

Mr. Tovar emphasized that the student's goal was not to come up with one recommendation or plan for development of the area. Instead, their goal was to brainstorm numerous alternatives such as building forms, building heights, etc. They also considered possible options for pedestrian access on the arterials and at the intersection as well as ways to deal with Green Streets, drainage swales, green walls, etc. Their goal was to identify ways to move the commercial district towards an economically and environmentally sustainable business district.

Mr. Tovar said staff presented the students' report to the City Council in April of 2007, and the City Council directed staff to draft development regulations that create an incentive for the private sector to make investments in the district and build a development that responds to the vision for the neighborhood. As a result of the City Council's directive, he said staff identified the following three key community objectives the proposed regulations should achieve:

- Create an environmentally sustainable building and site development pattern in the area.
- Provide for more housing choices, including moderate income housing.
- Create a third place for neighborhood life, with public spaces and other amenities.

Mr. Tovar emphasized that the proposed regulations represent only zoning amendments to implement these goals. The proposal is not a Comprehensive Plan amendment, neighborhood plan or capital plan. In addition to a recommendation on the zoning proposal, staff suggests it would be appropriate for the Commission to offer a recommendation to the City Council that they consider other ways to forward the community objectives and vision for the Ridgecrest Commercial Area. For example, to further the notion of creating a third place, they could explore the possibility of relocating the police storefront from its current location to a new building. Another possibility would be to pioneer some Green Street improvements, perhaps along 163<sup>rd</sup>.

Mr. Szafran displayed a SketchUp drawing depicting the townhouse development that would be likely, based on the current NB zoning. He reviewed the most recent draft of the staff recommendation which addresses the issues raised previously by the public and/or Planning Commission related to height, transition from single-family, sustainability requirements and parking requirements. He reviewed each of the issues as follows:

- **Issue: Concerns that a 65-foot height limit would result in development that is “too high” for the neighborhood.** Mr. Szafran explained that if a mixed-use development were constructed on the site, the current zoning would allow a height of up to 50 feet. The proposed zoning regulations would allow development up to 65 feet. As a tradeoff for the additional 15 feet, the community would gain public amenities, public plazas, affordable housing, Built Green construction, and greater setbacks than are currently required in the NB zone. He summarized that staff believes these tradeoffs more than offset the additional 15 feet of height.
- **Issue: Transition from single-family homes.** Mr. Szafran provided a SketchUp drawing showing how buildings would appear from various locations surrounding the property. He explained that the proposed language would revise the setback and stepback requirements to be more restrictive. The current proposal would allow a 5-foot setback at the property line, but would require that buildings adjacent to R-6 be setback 20 feet by the time the building is 35 feet high. Anything above 35 feet would be required to meet a 1:1 setback ratio until the building achieves the maximum 65 feet in height. By the time a building reaches 65 feet, it would be setback 50 feet from the west property line. In comparison, the current NB zone would allow up to a 50-foot building that is only setback 20 feet from the property line. Mr. Szafran pointed out that the proposed floor area ratio requirement would be limited to 4.75, so it would not be possible to construct a 6-story building across the entire site. He further explained that building would be allowed to go up 35 feet at the 163<sup>rd</sup> property line, with a 1:1 setback ratio above the 35-foot line. In addition, he advised that staff is proposing Green Street/sustainability features on properties that are located across the street from single-family homes and are developed with non-single family development. Green Street features include rain gardens, natural swales, maintaining existing vegetation, etc.

Commissioner McClelland said that in earlier hearings, staff described images that suggested something a little softer and little more residential in character than what is shown in staff’s drawings. Mr. Szafran emphasized that the drawings only identify the skin of the building. Commissioner McClelland cautioned that it is important to understand that the drawings were intended to illustrate bulk not design. Mr. Tovar agreed and clarified that no project has been designed for the subject property. The SketchUp drawings were intended to show the scale of potential development based on the proposed regulations. He cautioned that the proposed regulations would require developments in Planned Area 2 to go through the design review process, which would allow opportunity for the public to comment.

- **Issue: Sustainability for New Development.** Mr. Szafran recalled that the public and the Commissioners expressed concern that the proposed regulations did not go far enough to ensure that new development within the planned area would meet sustainability goals. To address this concern, staff now proposes that new development within Planned Area 2 that is more than four stories must include sustainability features of the King County Built Green Verification Process and obtain at least a 3-star rating or a LEED rating of silver.
- **Issue: Parking Requirements.** Mr. Szafran recalled there was considerable comment related to the proposed parking requirements, particularly the provisions for car-sharing. He explained that the proposed code would require that a car-sharing program be in place with a car and car-sharing-only parking spaces.

With inclusion of the proposed amendments to address the issues raised by the public and Commission, Mr. Szafran said staff recommends approval of the proposed Planned Area 2 code and zoning changes.

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

Commissioner Hall inquired regarding the design review process. Mr. Cohn referred to Section 20.91.040.B (Page 64 of Staff Report), which requires the applicant to demonstrate that plans satisfy the design review criteria in SMC 20.90.050. The Director is responsible for determining whether or not an application meets the standards. Any departure from these standards must be approved by the Department Director consistent with the intent of each subsection. The Director's decision could be appealed to the Hearing Examiner.

Commissioner Pyle pointed out that design review would be a new and long overdue process in the City's code. He suggested it would be appropriate to require a Staff Report outlining the findings of how the project is or is not consistent with the design review criteria in the code. Mr. Tovar explained that a staff report would be prepared and made available for comment by the public. The staff report and any public comment would then be presented to the decision maker. Once a decision is rendered, copies would be made available to all those who commented. Appeals would be heard by the Hearing Examiner. Commissioner Pyle said it is important to understand that the intent of the design review process is for staff to work with applicants and architects, using the tools found in the code, to get a quality development for the community. Mr. Tovar added that even before a development permit application is submitted, the developer would be required to meet with the neighborhood.

### **Public Testimony or Comment on Recommended Changes**

Chair Piro briefly reviewed the staff's proposed changes to address the four key issues and asked that the public limit their testimony to the proposed changes only.

**Jim Potter, Seattle, Chair of Kauri Investments Limited**, indicated his company is the proposed developer for the subject property. He explained that in order for car sharing to be successful, there must be adequate density. One reason that Flexcars are not provided in Shoreline is there is not enough density to support them. If they build the project and find they need more car sharing, they would be happy to provide it.

Secondly, Mr. Potter suggested the SketchUp drawings provided by staff are misleading in regards to bulk and scale. He noted the development would be broken into numerous buildings in order to provide sufficient light and air to accommodate residential units. In addition, the form would be more residential in nature. They hope to provide more pitched roofs, dormers, bay windows, etc. so the development would be compatible with residential construction and fit in better with the community.

Mr. Potter emphasized that their proposed project is very complicated, and it is unusual for a developer to come before city representatives to talk about zoning codes. They normally work with the zoning codes that are already in place. He noted that they met with the community before the zoning proposal

was put forward to find out what the neighbors were interested in, and they intend to work more with the community if the proposed zoning change is approved.

Commissioner Phisuthikul asked Mr. Potter to share his opinion about the proposed requirements related to sustainability features. Mr. Potter responded that LEED standards are typically related to commercial development and tend to be very expensive to apply. Built Green is a program approved by King County and several cities in the County. They have constructed three-star buildings before, and they feel comfortable they can construct at least a three-star building in this case. He noted the Built Green Standards are currently being revised to include more locational criteria.

Commissioner McClelland asked Mr. Potter to comment on the statement made at the last public hearing that there may or may not be a market for retail uses and the possibility that the City would not require retail uses on the ground floor. She emphasized that the whole idea of the proposal is to create a streetscape that includes some residential uses and opportunities for the entire community to gather. She questioned how they could create a “third place” without some retail components. Mr. Potter explained that while it is their intent to provide retail uses on the ground floor, it is important to recognize that successful retail uses require people to support them. Commissioner McClelland clarified that her question was related particularly to retail uses and not necessarily other types of commercial uses. Mr. Potter said he hopes to be able to provide retail space on the ground floor, but it is important to work with the community to find the type of retail uses that would be supported by the residents living in the area. He emphasized that he cannot guarantee the entire ground floor of the development would be utilized as retail space.

**Lucile Flanigan, Shoreline**, said she was present to speak regarding the area on 165<sup>th</sup> that is developed as small retail, as well as the neighborhood as a whole. She expressed her concern over the parking proposal, and that allowing an additional 40 or 50 more cars to park on the street would create a significant impact. In addition, the retail spaces would not be successful if there is not adequate parking for the customers.

**Lisa Kennan-Meyer, West Seattle, Principal of Kennan-Meyer Architecture**, said she is hoping to be the architect for the project on the subject property, and she feels comfortable with the changes made by staff since the last public hearing. They are confident they can meet the Built Green requirements, which provide good standards for measuring sustainability. She said parking is always one of the first issues they address when designing projects. She thanked Mr. Wilke for all the work he did to create the SketchUp models. While the models look blocky and institutional, they show what the building limitations would be. She assured the Commission and public that is not what the buildings would look like. She said transition between commercial and residential uses is a big concern to the designers, and staff has worked hard to come up with ideas for addressing this concern using architecture, landscaping, etc. They would work hard to provide a gentle transition.

**Mont Francisco, Shoreline**, explained that for nine of the past ten years he has lived near the property in question. He said that as a resident of the neighborhood he is incredibly amused by the phrase of “Ridgecrest Commercial District” and the notion that it needs a viable, economic, commercial entity there. He expressed his belief that Ridgecrest is not an area that demands or needs economic redevelopment. It needs development in the area that is appropriate to the scale and lifestyle of the

existing residents, and the current proposal would not accomplish that goal. Instead, the proposal would result in a development that is grossly oversized for an area of primarily single-family homes. He said he doesn't begrudge the apartments in the area, and he lives in one of them. However, the project must be of an appropriate scale. He said it is interesting to note that they are talking about a 65-foot height limit plus an additional 15 feet for elevator apparatus housing and dormers, etc.

Commissioner Pyle referred to Page 70 of the Staff Report, which provides language related to mechanical equipment that would be incorporated into the building design criteria. Mr. Francisco emphasized that the additional 15 feet of mechanical equipment, etc. was absent from any of the SketchUp drawings provided by staff earlier in the meeting. He said the drawings also did not provide a view down 164<sup>th</sup> on the west side of the development. All of the drawings conveniently showed the skyline from the east and south sides of the hill, but from the west side of the hill sloping down towards the freeway on 164<sup>th</sup>, the development would look substantial.

Mr. Francisco said he attended the first visioning meeting where they talked about the notion of sustainability for the neighborhood and a sense of third place. However, it was never mentioned they would have to sacrifice or compromise the livability and character of the neighborhood to achieve those goals. He expressed his belief that a 4,000 square foot gathering place does not provide enough benefit to the community. He concluded his remarks by stating there is not room for more cars to park in the neighborhood. He said he would love to invite his family to visit his home without having to move his car to the street so they can park in his space.

Commissioner Broili asked if Mr. Francisco would be happier with a development of 62, 50-foot high town homes, which is what the current zoning would allow. Mr. Francisco said based on the slides provided by staff, he would be opposed to the type of development that would be allowed if the area were rezoned.

**Tom Poitras, Shoreline**, said he is against the proposed zoning change, which does not appear to protect the interests of the Ridgecrest citizens. Instead, the City launched a public relations campaign to convince the citizens that the project would be a great addition to the community. They did this by hiring college students to give citizens an impression the project would create a "Carmel, California" atmosphere with wonderful public spaces and boutiques. However, the probability is that the retail spaces would be occupied by uses such as insurance agencies and dry cleaners. The developer and the City are going to make a lot of money on the project, but the benefits to the citizens would be very small compared to the grief it would cause them.

Mr. Poitras expressed concern that the City has not made an effort to resolve the parking problems created by the project. The City seems to want this so badly that they would consider letting the developer provide only 70% of the originally suggested number of parking spaces per unit, and they don't even have to be on site. No concrete, specific, realistic parking plan has ever been presented. The neighborhood has been left with a "just trust us" kind of situation. If Shoreline was protecting their citizens, they would suggest zoning that would potentially relieve the existing theater parking problems, while still allowing the property to be developed in an economically feasible manner. Instead, the suggested zoning would create additional parking demand while it removes the parking lot the theater is currently using. The City has taken the attitude of letting the citizens fend for themselves. The apparent

hope that tenants would sell their cars and use either Flexcars or buses is totally unrealistic. He concluded that if the high rise project goes through, it would change the identity of the entire neighborhood. More developers would want to expand the zoning, and the City would likely accommodate them. The residential neighborhood would then be destroyed.

Chair Piro asked if Mr. Poitras would support the proposal if it were to require more parking spaces and parking restrictions on adjacent streets. Mr. Poitras responded that all he has heard in the way of relief is the suggestion that the City may create some restricted parking zones. That may make the bad situation a little better, but he is sure members of the Commission would not want their homes to be within such a system. He questioned who would police the zones. He said he presumes that homeowners would need a parking permit to park in front of their own homes, further complicating their lives. He expressed his belief that all of the parking needed for the proposed development should be provided on site. He recalled that at a previous meeting, he asked where off-site parking would be provided within 1,000 feet of the building, and the staff could not answer his question. He expressed concern that more and more speculators would purchase properties along 5<sup>th</sup> Avenue and then approach the City with a request to change the zoning to increase density. The street could turn into another Greenwood Avenue, which he would be opposed to.

**Carolyn Mayer, Shoreline**, said she lives about one block from the subject property. She noted that she is a senior planner for a local consulting firm, as well as president of the Sustainable Development Task Force in Snohomish County. She said she supports the proposed zoning changes, which would allow the City to move out ahead to increase density in order to be in compliance with the Growth Management Act. She noted that in order for a community to be sustainable, they must reduce the overall footprint of buildings. Using a higher density set of buildings is one way to accomplish this goal. She said she believes the proposed design standards, including the façade articulation and vertical differentiation, would help ensure the building does not look like the drawings that were shown earlier. The buildings would be more attractive and blend with the community better.

Ms. Mayer said she was glad to see that staff included a requirement that the development must meet the green building standards, which would be in line with the City's goals to have a sustainable community. However, she said she would even support a minimum requirement of four-star Built Green Certification, since it is getting easier to meet the three-star rating. She said she supports strong sustainability language, including more language about green infrastructure on the property and in the right-of-way such as rain gardens, pervious materials in the parking lot, etc.

**Les Nelson, Shoreline**, said they are seeing a number of developments in the City that utilize the concept of unlimited density and a 65-foot height limit. He expressed concern that this holds a carrot out to developers when the concept has not even been addressed adequately in the City's Comprehensive Plan. He expressed his belief that they can't just rely on the new residential units to support the retail businesses. They must also provide adequate parking for customers who visit the shops from throughout the community. He suggested the standards should be changed to ensure that adequate parking would be provided for both the retail and residential uses. He pointed out that the City has already exceeded their Growth Management Act Growth Requirement of 120 new units per year, so the City should not use that as an excuse for building large residential developments. He questioned where the public plazas would be located on the subject property.



Commissioner McClelland asked Mr. Nelson to point out where other developments of this type are being done in the City. Mr. Nelson recalled that the City Council recently modified the moratorium to allow a development called Market Square at 200<sup>th</sup> and Aurora Avenue. However, it is important to note the development is not actually a market, but is strictly housing. Again, he emphasized that unless there is adequate parking, there would not be sufficient customers to support retail uses. He noted that the retail spaces on the ground floor of the senior housing development at 130<sup>th</sup> and Aurora Avenue are empty because there is inadequate parking.

Chair Piro announced that Council Member Way was present in the audience.

**Liz Poitras, Shoreline**, said she has lived in the Ridgecrest Neighborhood for more than 30 years. She referred to the new parking requirement language, which states that a majority of the parking shall be located on site or within 1,000 feet of the site. She interprets this to mean that the City would allow the rest of the parking to be located anywhere. She suggested that is not the intent of the change. Ms. Poitras said she attended all but the last of the visioning meetings, where she got the impression the residents didn't want anything higher than a four-story building. She referred to the drawings provided by staff which illustrate the massive building that would be allowed compared to most of the one-story single-family homes in the area. She asked the Commission not to allow a height of more than four stories.

Chair Piro pointed out that current zoning would allow a four-story development of up to 62 town homes. He asked if Ms. Poitras would prefer this type of development over what the proposed new zoning would allow. Ms. Poitras answered that she is not familiar with what the current zoning would allow, but she would rather have a four-story building that would be less massive in appearance and require fewer parking spaces.

**Sharon Duncan, Shoreline**, said she owns the business across the street from the subject property. She expressed her belief that one reason her coffee shop has been successful is that she has enough parking for people who visit her shop without infringing upon the neighborhood parking spaces. She summarized that if the City wants to encourage successful retail uses on the ground floor of the new development, they must provide adequate on-site parking. At the visioning meetings, she said she envisioned a building that would be setback on all sides, with adequate parking available on site for the residents and retail uses. The proposed language would likely result in failed retail businesses. Ms. Duncan said that as a resident of the community, she enjoys having the ability to walk to the local businesses. She would like the new development to include retail uses that would be desirable for pedestrians from the surrounding neighborhoods. If the businesses are not sustainable because of inadequate parking, there would be no benefit to the community, either. She said she would prefer a development that is set back from the street.

Commissioner Pyle asked Mr. Boydell if he received any feedback from business owners in North City about how the viability of their businesses changed when the new apartment building became available for tenant occupancy. Mr. Boydell advised that no formal study has been done to date because the apartment complex has only been open for about six months. However, it has been reported that there has been some increased shopping activity locally.

Commissioner Broili asked staff to respond to Ms. Poitras' comment related to the parking requirement language. Mr. Tovar said the intent was to require the majority of the parking to be located on site, with some within 1,000 feet. They did not intend that the majority of the parking could be located off site within 1,000 feet. He suggested they drop the last phrase "or within 1,000 feet." Mr. Cohn said another option would be to say "the majority shall be located on site, and the rest within 1,000 feet of the site." This would make it clear that 1,000 feet is the furthest away the parking could be located.

Commissioner McClelland expressed concern about requiring all off-site parking to be located on private property. She suggested that if the majority of the parking were located on site, some of the overflow parking could be located on the street and some could be provided through a type of shared-parking arrangement. Mr. Cohn said the intent is that a developer would be required to provide a certain number of parking spaces, and this number would not include spaces that are available on the street. However, it is true that some people visiting the retail uses would park on the street. It is staff's intention that the residential parking spaces that are not utilized by tenants during the day would be utilized by the retail businesses. He said staff is very aware of the parking issue, and that is why the language identifies a minimum number of parking spaces that must be provided. Again, he emphasized that on-street parking spaces could not be used to meet the parking requirement.

Commissioner McClelland clarified that by allowing the applicant to meet a portion of the parking requirement by utilizing off-site, privately-owned property, there is an assumption that the owner of the property would secure private property off site specifically for parking. Mr. Cohn agreed but emphasized that this parking could not be located on properties that are zoned single-family residential. If all of the required parking would be accounted for either on-site or within 1,000 feet, Commissioner McClelland questioned how much spill-over parking the community would need to be concerned about.

Mr. Cohn said staff's intent is to require the applicant to account for the development's parking needs. The language suggests one stall for every studio and one-bedroom unit and 1½ stalls for every two-bedroom unit. Staff believes this requirement would come very close to what the actual parking demand would be. Commissioner McClelland pointed out that even if the parking demand for the type of development that is being considered is primarily met, there would also be some spill over parking. Mr. Cohn agreed that some people would likely park on the street instead of in an assigned stall. However, if no parking is available on the street, people wanting to visit the retail uses would park on site.

Commissioner Harris said he appreciates the changes staff made to the proposed language to address concerns raised at previous meetings. He expressed his concern about the transition between single-family and mixed-use developments. He asked staff to explain why only a 5-foot setback would be required on the west property line where the parking garage would be located. Mr. Tovar explained that the dimensions on the subject property are such that in order to make more parking work in the structure, the base would have to come within five feet of the west property line. Again, he emphasized it would be structured and not open parking. Commissioner Harris expressed concern that a 5-foot setback would leave very little space for a buffer. He questioned the fairness of requiring a single-family home to provide a 15-foot rear yard setback, while a commercial structure can have only a 5-foot setback.

Commissioner Pyle pointed out that staff did add a requirement in the design standards that the concrete base be of an architectural grade concrete that is stamped and sculptured. Even though the structure would be moved closer to the west property line, the design requirements would attempt to mitigate the impact. Mr. Tovar agreed that a concrete finish would be one option to soften the wall, and another option would be to add plant material to make it a green wall.

Commissioner Harris recalled that when reviewing a previous application, the Commission agreed to require a town house façade on the building side facing single-family residential development. Mr. Szafran noted that a townhouse façade design would be required for the upper portion of the structure on the west side, but not for the base of the building. The intent is to buffer that part of the building with vegetation or stamped concrete, etc. Mr. Tovar noted that the existing building on the site identified as Planned Area 2a is taller than the base that is being proposed for the proposed parking structure, and it does not include any buffering elements. The proposed change would improve the situation.

Mr. Tovar recalled a question raised by a member of the audience about whether or not the benefits to the community would be worth the tradeoffs. The Commission must fundamentally decide whether or not the proposed benefits (20% of the units as moderate housing, provisions for third place features on the ground floor, Green Street on 163<sup>rd</sup> and Built Green 3 Star requirement for new construction) represent an adequate tradeoff for the additional 15 feet in height. He emphasized that a property owner could apply for a development permit to build a 50-foot high, 4-story building based on the current zoning. Therefore, it is important to keep in mind that they must not only compare the building envelope described by staff to the existing low-rise building that is setback from the street, but also to what the current code would allow.

Mr. Tovar recalled that members of the audience requested the City do more to address the parking concerns. He explained that apart from addressing parking needs via the zoning requirements, the City could eventually decide to actively manage on-street parking through a permit program. The City could also consider opportunities for increasing on-street parking within the public rights-of-way by restriping the spaces to provide angle parking. He emphasized that these two items have not been identified as capital projects, but the City could consider them at some point in the future. He reminded the Commission that the goal is to create a pedestrian walkable precinct. This does not mean no cars, but cars should be in their proper place in structures or on streets as part of an overall streetscape design.

Mr. Cohn advised that Patty Hale was unable to attend the meeting, but staff did show her the same drawings that were provided during the hearing. She indicated she now supports the proposal because she thinks the 45% angle setback provision would work as a sufficient transition. She has previously stated that she supports the concept of mixed-use development for the subject property. He referred the Commission to the written comments she provided prior to the meeting.

Mr. Boydell pointed out that retail space in mixed-use buildings in a neighborhood such as Ridgecrest is likely to be successful. However, he asked for the neighborhood to be patient since it would take some time to make it work and find the right mixture of retail uses. He said he believes the developer has the experience and patience to do what is right and make the best effort in that direction.

## **Continued Commission Deliberation**

Chair Piro reminded the Commissioners to focus on the new and revised points, in particular. He said he appreciates staff's attention to the issues and points that were raised by the public and the Commission on previous occasions. He also thanked the public for raising very good issues about parking, etc.

Chair Piro suggested they consider the height and transition issues together. He said he would only support an additional 15 feet in height if the City could ensure a better job of transitioning any development on the site with the adjacent neighborhoods. When considering what the existing zone would allow and the transition that would be provided based on the proposed language, he said he believes the amended language would be better than the current zoning.

Chair Piro expressed his support of the language proposed by staff to address the issue of sustainability. He recalled that the previous language was ambiguous and merely encouraged the developer to incorporate sustainable features. The new language would require the developer to make a much stronger commitment.

Chair Piro suggested that, ultimately, the City must address the parking concerns by developing a district wide parking management plan for the area. He emphasized that this particular project could not be expected to resolve all of the parking problems. While staff has done a good job of mitigating as many of the parking issues as possible, the entire area should be subject to a rigorous parking management plan in order to address all of the concerns. He said he would prefer to see the district wide plan dealt with and resolved prior to considering a project of this type. However, that sequencing option was not made available to the Commission.

**COMMISSIONER BROILI MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER PYLE SECONDED THE MOTION.**

Chair Piro pointed out that if the public hearing were closed at this point, the Commission would not be able to pose additional questions to staff. Commissioner Phisuthikul indicated he had one more question to ask of staff.

**THE MOTION WAS WITHDRAWN.**

Commissioner Phisuthikul recalled that staff's proposed change to address sustainability features included two options: the King County Built Green Verification Process or the LEED Rating System. However, the draft language in Section 20.91.060.C.5 does not include LEED. Mr. Szafran said staff recommends that developers be required to meet the three-star Built Green Program standards, without offering the LEED Program as an option. Mr. Cohn added that the language would also enable the Planning Director to allow a developer to attain other sustainability standards that meet the intent of the King County Built Green Program.

Commissioner McClelland referred to Section 20.91.040.B (Standards for Approval) and suggested the language be changed to clearly state that administrative design review would be required for all

development within this zone. She further suggested it is extremely important that everyone understands the requirements and process for design review and how the public could be involved. To further clarify this issue, Commissioner Hall suggested that Section 20.91.040.B be changed to read, “When design review is required, the applicant shall demonstrate . . .”

Commissioner Hall referred to Section 20.91.060.B.2 and Section 20.91.060.B.3, and noted that the language makes reference to six items in Section 20.91.060.C when there are actually only five.

### **Closure of Public Hearing**

**COMMISSIONER PHISUTHIKUL MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **Vote by Commission to Recommend Approval or Denial or Modifications**

**COMMISSIONER HALL MOVED TO APPROVE STAFF’S RECOMMENDATION FOR THE RIDGECREST COMMERCIAL AREA ZONING WITH COMMISSION AMENDMENTS. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.**

Commissioner Hall recalled Mr. Tovar’s remark that, fundamentally, the proposal’s intent is to offer incentives to encourage design elements the City Council has already adopted as goals for the City such as creating sustainable development. He recalled that Commissioner Broili suggested on numerous occasions that the City require low-impact development and sustainable features, and the City is moving in that direction. However, at this time, the City does not require developers to incorporate either of these elements.

Commissioner Hall advised that another City Council goal is to provide more affordable housing opportunities in the City. At this time, the City does not have any regulations to implement this goal, either. He said he would rather see a much more ambitious citywide program to provide incentives for affordable housing, aiming particularly at the population that’s below 80% of the area medium income. However, the proposal currently before the Commission offers a step forward. He noted that in the staff report Mr. Tovar reminded the Commission of some of the items the Comprehensive Housing Strategy Committee included in their draft report, which have caused him to shift his position. He noted that the committee recommends the City test changes in the Comprehensive Plan and/or development regulations designed to encourage housing choice through pilot projects in select and limited sites or on a broader scale as a result of a defined neighborhood subarea planning and design process. He said he understands the concern of the Ridgcrest Neighborhood, but he recognizes they must take a step forward to address affordable housing opportunities. Perhaps starting with a smaller area makes sense.

Commissioner Hall agreed that parking is already a problem in the neighborhood and would continue to be a problem in the future. However, he is not convinced the parking would be worse if the rezone were approved. He expressed his belief that if Shoreline doesn’t begin to shift more towards a community where people could walk to the retail services they need, they would never move beyond the concept of wanting multiple cars per family. While transit could be part of the parking solution, he recognizes that

not everyone would give up their car. He said he is willing to accept the proposed parking requirements as a tradeoff for providing more affordable housing, sustainability and public space.

**COMMISSIONER PHISUTHIKUL MOVED THAT SECTION 20.91.060.C.5 BE CHANGED BY REPLACING “THREE-STAR STANDARD” WITH “FOUR-STAR STANDARD.” THE MOTION DIED FOR LACK OF A SECOND.**

**COMMISSIONER HALL MOVED TO CHANGE THE LANGUAGE IN SECTION 20.91.070.I TO READ: “A MAJORITY OF THE PARKING SHALL BE LOCATED ON SITE. THE REMAINING PARKING SHALL BE ON SITE OR WITHIN 1,000 FEET OF THE SITE ON PRIVATE PROPERTY NOT USED AS SINGLE-FAMILY RESIDENTIAL.” COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Hall explained that the proposed change would clarify the staff’s intent for this section. He emphasized the importance of making sure most of the parking is provided for on site.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Hall reminded the Commission that Section 20.91.060.B.2 and Section 20.91.060.B.3 must be changed to make it clear there are only five height incentive requirements listed in Section 20.91.060.C. The Commission agreed to make that correction.

**COMMISSIONER HALL MOVED TO CHANGE THE LANGUAGE IN SECTION 20.91.040.A TO READ: “ADMINISTRATIVE DESIGN REVIEW SHALL ~~ONLY APPLY~~ BE REQUIRED FOR DEVELOPMENTS IN RIDGECREST COMMERCIAL PLANNED AREA 2 THAT ARE 1.5 ACRES OR MORE AND THAT MEET ONE OF THE THRESHOLDS IN SMC 20.50.125.” HE FURTHER MOVED THAT SECTION 21.91.040.B BE CHANGED TO READ “THE APPLICANT FOR ANY WHEN DESIGN REVIEW IS REQUIRED, THE APPLICANT SHALL DEMONSTRATE THAT PLANS SATISFY THE CRITERIA IN SMC 20.91.050 UNLESS APPROVED AS A DESIGN DEPARTURE BY THE DEPARTMENT DIRECTOR CONSISTENT WITH THE INTENT OF EACH SUBSECTION.” COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.**

Commissioner McClelland requested clarification of the height incentive requirements found in Section 20.91.040.C. Commissioner Hall clarified that the height incentives are incremental and in the order presented in the proposed language. He reviewed that building height could increase to four stories if the structure is developed with non-residential uses and/or live/work uses. The building height could increase to five stories if the structure is developed with non-residential uses and/or live/work uses and meets all of the height incentive requirements identified in Section 20.91.060.C. A building height of six stories would only be allowed if the structure provides ground floor non-residential space, meets all five of the height incentives and if at least 20% of the residential units are affordable. He summarized that before a developer would be allowed a six-story structure, he would have to provide significant benefits to the community.

Commissioner McClelland suggested that rather than treating the proposal as an experiment, it should be considered an innovative opportunity to obtain the kinds of amenities people would like to see when commercial property in the City is redeveloped. She recalled the poor developments that have occurred during her tenure on the Commission. The proposed language is intended to result in better development that is workable not only for the neighborhood, but the entire City. She expressed her belief that the proposal fits in with what the Comprehensive Housing Strategy Committee imagined during their discussions. She said she is counting on staff being attentive to every word in the proposed language and the developer and architect to work with the community and go beyond what is required to provide the best product possible.

Commissioner Hall agreed with Commissioner McClelland's comments. He emphasized that if approved by the City Council, it is important that the City follow through with all of the conditions identified in the proposal.

Chair Piro observed that one clear message and/or theme amongst the Commission is that this proposal be done right. They can't just use the Ridgecrest Neighborhood as an experiment. He said it is important to understand they are only dealing with a rezone proposal and not a planned unit development that would allow them to consider and resolve all of the various design features. He said he is comfortable that the City has a very responsible staff and an engaged City Council, and the mechanisms are available to make sure the project is done right as it moves from rezone to reality. He complimented staff for their excellent work as the proposal has evolved.

Commissioner Harris explained that throughout the public hearing process he has tried to ascertain the desires of the Ridgecrest Neighborhood. He noted that Dick Nicholson, the Ridgecrest Neighborhood Association spokesperson, has spoken in favor of the proposal. Patty Hale, another outspoken leader of the neighborhood, has also indicated her support. He said he has been most concerned about the homeowners directly to the west, but none of them have voiced a significant concern. Based on this feedback, he said he would support the proposal.

Commissioner Pyle said he and his wife have recently walked throughout various areas of the City and North Seattle that are similar to the Ridgecrest Commercial Area to see how they are managed and what has occurred over the years. He noted that many parking regulations have been in place and many different types of retail uses has been developed on the bottom floor of the buildings. All of them are attractive developments, and he likes being able to walk to the commercial areas. He said that while he understands the neighborhood concerns, it is important to remember that the proposal is completely in line with the goals of the City's Comprehensive Plan. The first goal in the land use component of the Comprehensive Plan states, "Ensure that the land use pattern of the City encourages needed diverse and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation, and helps to maintain Shoreline's sense of community. He said this is a strong statement, and the proposal is directly in line with it. He said he identified the various goals and policies of the Comprehensive Plan that directly support the proposal, and staff has done a good job of hearing and addressing all of the concerns to come up with viable alternatives. He said he would support the proposal.

Commissioner Broili agreed with his fellow Commissioners. He said he was initially skeptical about the proposal, but most of his concerns have been addressed. He complimented staff for doing everything possible to address the issues raised by the community and the Commission. He said he has a fairly strong feeling of security that the proposal is a move in the right direction and that the end product would be desirable. He emphasized that the potential development that could take place on the property based on the current zoning would likely be far less desirable than development based on the proposed rezone language that offers controls to address the various issues. He said he is still concerned that the proposal cuts the parking requirement very fine in an area that already has many parking issues. However, because the proposal includes strong language to help address this issue via the parking plan requirement, he would be comfortable recommending approval.

**THE MAIN MOTION TO APPROVE STAFF'S RECOMMENDATION FOR THE RIDGECREST COMMERCIAL AREA ZONING WITH COMMISSION AMENDMENTS PASSED UNANIMOUSLY.**

Commissioner Hall referenced the statement on Page 56 of the Staff Report that zoning regulations are just one of the tools for addressing development in areas such as the Ridgcrest Neighborhood. The Staff Report identifies a variety of other tools the City could implement to address the community's concerns.

At the request of the Commission, Mr. Tovar explained that a police precinct is a potential magnet for pedestrian activity and a feeling of community ownership. It may be that meeting space could also be provided in this type of a facility, and the specific dimensions and rental structure would be subject to negotiation between the City and the land owner. He emphasized that having police presence on site is a huge marketing advantage to any property owner who is trying to sell or rent units. Commissioner Phisuthikul referred to a development in Lake Forest Park, which provides for a "third place" atmosphere by also including libraries, colleges, etc. He summarized that the more activities they encourage in a complex, the more people would gather.

**COMMISSIONER HALL MOVED THAT STAFF LOOK AT OTHER NON REGULATORY TOOLS THAT COULD BE USED TO ADDRESS SOME OF THE ISSUES IN RIDGECREST THAT MIGHT NOT BE FULLY ADDRESSED IN THE REGULATIONS. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Hall recalled that parking is the one issue related to the proposal that all Commissioners felt uneasy about. One of the ideas described in the staff report is to work with Metro to provide more transit service. He suggested more work could be done in this regard. If they really want quality, sustainable communities, they must go beyond regulations. Chair Piro recalled previous discussions about possible ways for the City to address the parking problem in the Ridgcrest Commercial Neighborhood.

**THE MOTION WAS UNANIMOUSLY APPROVED.**



## **REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner Phisuthikul reported on his attendance at the Comprehensive Housing Strategy Committee meeting on January 2<sup>nd</sup>. He advised that nine members of the 16-member committee were present, and the majority approved the recommendation and letter of transmittal to the City Council. They anticipate presenting their recommendation to the City Council on February 19, 2008. Mr. Cohn advised that copies of the committee's report could be obtained from the City's website in about a week. The draft copy, which is very similar to the final copy, is already available on the website.

## **CONTINUED DIRECTOR'S REPORT**

### **Planning Commission Recruitment Process**

Mr. Tovar announced that five Commissioner's terms expire at the end of March. Staff intends to publish a notice in *CURRENTS*, the City's website, the Council of Neighborhoods, etc. to make the public aware that there would be at least two vacancies on the Planning Commission. Applications and information could be obtained from the Planning Department Office. However, he emphasized that the City Council has not yet identified the process they would use to review the applications and interview applicants.

Commissioner Hall left the meeting at 9:30 p.m.

### **Point Wells Property**

Mr. Tovar announced that the Richmond Beach Neighborhood Association would conduct a public meeting on January 15, 2008 at the Congregational Church. One of the subjects on the agenda would be the Point Wells property, and a panel of at least four people have been invited to share what they know about the site. He reviewed that Point Wells is part of unincorporated Snohomish County, and the only road access to the property comes through the City of Shoreline. Snohomish County is in the process of writing an environmental document related to a Comprehensive Plan Amendment that would place an urban center at Point Wells. This development would likely include multi-family, office and retail uses. He summarized that the City has forwarded a letter to Snohomish County expressing their concerns and asking that they be involved in the review process.

Mr. Tovar said that Craig Ladiser, Snohomish County Planning Director, would be present at the public meeting to explain the proposal and the review process. He said he and the City Manager plan to attend the meeting, as do some of the City's elected officials. Staff would meet with the City Council prior to the meeting to review the City's adopted policy for the subject property, as well as the City's desired level of involvement in the process. He suggested the Planning Commission may be involved in the review process at some point in the future.

Commissioner Phisuthikul asked if staff anticipates more public meetings regarding the issue in addition to the meeting on January 15<sup>th</sup>. Mr. Tovar said staff would discuss the issue with the City Council at some point in the future to solicit input from them on how they want staff to respond to the proposal. He summarized there is a range of possibilities for how this issue could proceed.

Commissioner McClelland recalled that the Town of Woodway took ownership of a small piece of property that sits between the Point Wells site and the City of Shoreline. She suggested it would be appropriate for the City staff to carefully review a map to clearly identify this transaction.

Commissioner McClelland inquired if this property could be considered a super fund site. Mr. Tovar answered that according to some of the environmental information that was submitted by the property owner to Snohomish County, some clean up would have to take place and a fair amount of earth would have to be moved.

### **UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

### **NEW BUSINESS**

No new business was scheduled on the agenda.

### **ANNOUNCEMENTS**

Chair Piro reported that he had the honor of accepting a formal proclamation from the Mayor of Shoreline on behalf of the Commission. The City Council named the month of October “Community Planning Month.” He said he is delighted to be part of a city that recognizes the value of planning and takes the time to note the community planning efforts at all levels (citizen participation, Planning Commission, Planning Department Staff, and City Council). He presented the certificate to staff to display at the Planning Department Office.

### **AGENDA FOR NEXT MEETING**

Chair Piro announced that the next meeting was scheduled for January 17, 2008 and would begin with a dinner meeting at 6:00 p.m. The regular meeting would start at 7:00 p.m.

### **ADJOURNMENT**

The meeting was adjourned at 9:43 P.M.

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Rocky Piro  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

# **Agenda Item 7.1**

**Catalina Company Rezone Request  
14727-14549 32nd Ave NE  
Project #201677**

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**CITY OF SHORELINE  
PLANNING COMMISSION**

**PRELIMINARY FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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**PROJECT INFORMATION SUMMARY**

**Project Description:** Change the zoning of seven parcels from R-12 and R-18 to R-24 for future development.

**Project File Number:** 201677

**Project Address:** 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32<sup>nd</sup> Avenue NE, Shoreline, WA 98155

**Property Owner:** Catalina Company (authorized agent).

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

**Staff Recommendation:** Recommend approval of the rezone of seven parcels to R-24.

**INTRODUCTION**

A rezone of one parcel (14727 32<sup>nd</sup> Avenue NE) from R-12 to R-24 was previously considered by the Planning Commission on June 7, 2007. The Planning Commission denied that rezone because they concluded that the rezone did not meet the decision criteria for a rezone from R-12 to R-24. See Commission Findings dated November 1, 2007 attached as **Attachment 1**. The rezone from R-12/R-18 to R-24 that is under consideration tonight is for seven parcels (14727, 14723, 14721, 14709, 14707, 14551 and 14549 32<sup>nd</sup> Avenue NE). The concerns raised by the Commissioners in the denial of the 14727 32<sup>nd</sup> Avenue NE rezone are addressed in detail under the Conclusion section below.

**FINDINGS OF FACT**

*Current Development*

1. The parcels at issue are located at 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32<sup>nd</sup> Avenue NE.
2. The subject parcels range in size from 7,387 to 8,504 square feet and are developed with a 6 single-family homes and one four-plex. Five of the parcels are zoned R-12 and two of the parcels are zoned R-18. The five parcels north of NE 147<sup>th</sup> Street have a Comprehensive Plan Land Use designation of High Density Residential (“HDR”). The two parcels south of NE 147<sup>th</sup> Street have a Comprehensive Plan Land use designation of Mixed-Use (“MU”). See **Attachment 2** for surrounding Comprehensive Plan designations and **Attachment 3** for surrounding zoning designations.

## Agenda Item 7.1

3. If the request is approved, the combined development potential of the 7 sites is 35 dwelling units.
4. There are no existing sidewalks along 32<sup>nd</sup> Avenue NE adjacent to the subject properties. Right-of-way improvements are required when the applicant applies for building permits and include sidewalk, street lighting and curb and gutters.

### *Proposal*

5. The applicant proposes to rezone the parcels from R-12 and R-18 to R-24.
6. A pre-application meeting was held with the applicant and City staff on July 27, 2007, the applicant held the requisite neighborhood meeting on August 9, 2007, and a Public Notice of Application was posted at the site.
7. Comments received at the neighborhood meeting included:
  - “I’m in support of the rezone”,
  - increased property values,
  - older single-family homes should be preserved,
  - (concerns about) high water table.
8. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on August 30, 2007. A revised Notice of Application was issued September 27, 2007. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on October 16, 2007. Public comment letters can be found in **Attachment 4**.
9. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on October 16, 2007. The DNS was not appealed.
10. An open record public hearing was held by the Planning Commission for the City of Shoreline on January 17, 2008.
11. The City’s Long Range Planner, Steven Cohn, and Associate Planner, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to R-24.

### *Comprehensive Plan Land Use Designations.*

12. Parcels to the north have a Comprehensive Plan Land Use designation of High Density Residential, Low Density Residential and Private Open Space (cemetery).

## Agenda Item 7.1

- (See Attachment 2). Parcels to the south, west and directly east have a designation of High Density Residential and Mixed Use. Parcels further to the east, across 31<sup>st</sup> Avenue NE, are designated Briarcrest Special Study Area Mixed Use and zoned R-24, R-18, R-12 and R-6.
13. The Comprehensive Plan describes High Density Residential as “intended for areas near employment and commercial areas; where high levels of transit service are present or likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted”.
  14. The Comprehensive Plan describes Mixed Use as “intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses.
  15. The Comprehensive Plan describes Special Study Areas as “areas designated for future subarea planning, watershed planning, special districts, neighborhood planning, or other study. It is anticipated that the underlying zoning for this designation shall remain.” The Briarcrest area will be the subject of a subarea planning study beginning in the 1<sup>st</sup> quarter 2008.

### *Current Zoning*

16. A majority of the parcels in the immediate area are zoned R-12 with parcels zoned R-18 and R-24 scattered throughout the area (see Attachment 2). The parcels at issue are zoned both R-12 and R-18. R-48 and Neighborhood Business zoning is located along and adjacent to Bothell Way and NE 145<sup>th</sup> Street. The area is developed with older single-family homes, duplexes, triplexes, apartment buildings, condos and newer townhome developments. There are older commercial developments along Bothell Way.
17. The purpose of R-12 zones, as set forth in Shoreline Municipal Code 20.40.030, is to “provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities, in a manner that provides for additional density at a modest scale.”
18. The purpose of R-18 and R-24 zones, as set forth in Shoreline Municipal Code 20.40.030, is to “provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses.”

### *Proposed Zoning*

19. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:

## Agenda Item 7.1

- The rezone is consistent with the Comprehensive Plan; and
  - The rezone will not adversely affect the public health, safety or general welfare; and
  - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
  - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
  - The rezone has merit and value for the community.
20. The purpose of an R-24 zoning district, as set forth in the Shoreline Municipal Code 20.40.030, is to “provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses.” The R-24 zoning category allows all residential land uses, including detached single-family dwelling units (if a Conditional Use Permit is secured).

### *Impacts of the Zone Change*

21. The following table outlines the development standards for the current zoning (R-12), (optional zoning) R-18 and the requested zoning (R-24):

	<b>R-12 (Current)</b>	<b>R-18 (Possible)</b>	<b>R-24 (Proposed)</b>
Front Yard Setback	10'	10'	10'
Side Yard Setback	5'	5'	5'
Rear Yard Setback	5'	5'	5'
Building Coverage	55%	60%	70%
Max. Impervious Surface	75%	80%	85%
Height	35'	35' (40' with pitched roof)	35' (40' with pitched roof)
Density (residential development)	12 du/ac	18 du/ac	24 du/ac

### CONCLUSIONS

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



### *Rezone criteria*

#### **REZONE CRITERIA 1: Is the rezone consistent with the Comprehensive Plan?**

3. The rezone complies with the following Comprehensive Plan Goals and Policies:

##### Land Use

- Land Use Element Goal I - ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline's sense of community.
- Land Use Element Goal III - Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.
- Land Use Element Goal XVII – Manage the storm and surface water system through a combination of engineering solutions and the preservation of natural systems.
- LU14 – The High Density Residential designation creates a transition between high intensity uses (commercial) to lower intensity residential uses.
- LU99 and LU102 – Enforcement of construction and erosion control standards and allowing land alteration only if plans adequately prevent environmental impacts.
- LU152 – Seek opportunities for on-site water quality systems to support economic development and the efficient use of land.

##### Housing Goals

- Goals HI, HII, and HIII – Provide sufficient development capacity, pursue opportunities to develop housing for all economic segments of the community, and maintain and enhance multi-family residential neighborhoods with new development that is compatible with the neighborhood and provides effective transitions between different uses.
- H1 and H5 – Increase housing opportunities that is compatible with the character of existing residential and require new residential development to meet the minimum density as allowed in each zone.
- H24, H27 and H28 – Promote first time home ownership, anticipate future restoration needs of older neighborhoods and assure that design guidelines create effective transitions.

### Transportation Goals

- TI, TIII, TIV, TVI, and TVII – All of the transportation goals speak to safe and friendly streets, access to transit, livability and safety of residential neighborhoods, and encouragement of use of alternative modes of transportation.
- T17, T26, T27, and T29- These transportation policies speak to minimizing traffic on local streets and installing sidewalks for new construction projects to improve pedestrian safety.
- T45 – Reduce speeds and cut-through traffic on local streets while maintaining connectivity to the transportation system.

The R-24 rezone proposal is consistent with all of the above Comprehensive Plan Land Use Element Goals and Policies because more intense residential zoning should be encouraged in areas designated for both Mixed Use and High Density Residential land uses, as these parcels are designated.

The R-24 zoning would allow greater development intensity and be compatible with the already approved townhome development to the south and west. Although the current R-12 and R-18 zoning category is consistent with the HDR and Mixed Use designation, the existing detached single-family homes on this site and in the surrounding neighborhood are not consistent with the vision of development in the HDR designation, because although all housing types are permitted under HDR and MU, more intense residential zoning is encouraged in this area.

Rezoning the parcels to R-24 is consistent with the Comprehensive Plan as it would allow more intense residential uses, and is supported by land use, housing, clean air, transportation and community design goals of the Comprehensive Plan. R-24 zoning would allow for infill development that is compatible with recently built and planned housing types and provide densities that are envisioned for the HDR and MU land use designations.

### Other Considerations

The Planning Commission previously recommended denial of the rezone of one of the parcels (14727 32<sup>nd</sup> Avenue NE) from R-12 to R-24. The concerns raised by the Commissioners associated with criteria number 1 are set forth below. The applicant has gathered information to address the Commissioners' concerns. Staff reviewed the information and offers our analysis based on the new information that has been submitted:

***Concern #1: Consistency with Goal #1, specifically whether there is a high water table on the site. In the discussion of the previous rezone request, a***

## Agenda Item 7.1

*Commissioner suggested that Goal #1 requires the City to preserve environmental quality by taking into account the land's suitability for development. He noted that the public believes that a high water table exists in the area, and that when the water table is very high, a developer's options are very limited because they can't get infiltration on site.*

The applicant has submitted a preliminary geotechnical evaluation for three of the subject parcels, 14709, 14721, and 14723 32<sup>nd</sup> Avenue NE. Three test pits were dug at a depth of 6 feet. No ground water was observed in any of the three pits. Additionally, geotechnical reports were submitted with a new 5 unit townhome development at 14539 32<sup>nd</sup> Ave NE. Those reports are consistent with the applicant's reports showing no groundwater problems. Because of this additional information, the staff concludes that there is not a high water table in the rezone area.

***Concern #2: Consistency with Land Use Policy 149, specifically whether there is there a reason to restrict development on the site in order to maintain the current amount of pervious surface. One of the Commissioners cited Comprehensive Plan Land Use Policy 139 and suggested that this policy calls for restricting the water runoff rate and restoring water quality to predevelopment levels for all new development and redevelopment. He concluded that because of the high water table in this area, allowing 80% of the site to be developed as impervious surface would make it very difficult to meet the requirement of this policy.***

Again, geotechnical reports show no high water table in the immediate area. Managing runoff will be considered once building permits are submitted. Given the current development regulations, staff believes that a rezone allowing for an increase in the maximum impervious surface is appropriate.

***Concern #3: Consistency with Community Design Goal #1, specifically whether this rezone encourages community development and redevelopment that is consistent with the City's vision. The Commissioners suggested that they would be more likely to support upzoning the subject property if it were done in the context of a subarea plan that was carefully considered to balance the neighborhood goals.***

Staff does not believe that a subarea plan is necessary to develop a vision for this portion of Briarcrest because it already has a Comprehensive Plan Designation of Mixed Use and High Density Residential. In that sense, it is different from the area west of 31<sup>st</sup> Avenue NE, which does not have a Comprehensive Plan Designation.

Both the Mixed Use and High Density Residential designations allow a wide range of zoning choices. They offer a way to transition between more intense

uses and single family zones. In the case of the subject parcels, the transition could occur in two directions:

1. From 145<sup>th</sup> north to the cemetery.
2. From Bothell Way west to 30<sup>th</sup> Avenue NE.

Since the Comprehensive Plan does not directly set forth transition options and what was envisioned for the area, we look at the policy options that were available to choose from at the time of Comprehensive Plan designation. For the lower half of this area, i.e., south of 147<sup>th</sup>, the comprehensive plan could have called for commercial uses, but didn't. Or it could have designated the area as HDR. But that wasn't chosen either. Choosing Mixed Use suggest that the plan envisions commercial uses along 145<sup>th</sup>, and transitioning north to multifamily uses.

When we look at the upper half (north of 147<sup>th</sup>), the plan could have called for MDR (R8 and R12) as a transitional use. But it didn't. It calls for HDR. This suggests that the plan contemplates zoning of R-18 and above. One can imagine some combination of R-48, R-24, and R-18 as you transition from east to west.

Therefore, staff concludes that the Comprehensive Plan does offer concrete ideas re transition areas and overall future development of the area.

**REZONE CRITERIA 2: Will the rezone adversely affect the public health, safety or general welfare?**

4. Staff believes the rezone and associated future development will positively affect the neighborhoods general welfare. Codes have been revised and offer greater protection of downstream effects of development (drainage, in-street improvements, safer building codes, environmental quality, etc...) Both the GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City's development standards in its zoning regulations for the R-24 zone protect against uses that would be contrary to the public health, safety or general welfare. New development requires improvements to access and circulation through curb and gutters, sidewalks and street frontage landscaping. Allowing this rezone and new development in general improves public health, safety and general welfare.

New development will look different than the existing one-story single-family homes that were built decades ago. However, these homes will be in place indefinitely. All of the adjacent zoning currently allows for more density, it will only be a matter of time before the sites are redeveloped.

**REZONE CRITERIA 3: Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?** *The Commission previously concluded that the rezone was not*

warranted in order to achieve consistency with the Comprehensive Plan because both the existing R12 and the proposed R-24 zoning would be consistent with the Comprehensive Plan... There is no preference in the Comprehensive Plan for preserving one zoning designation over another.

5. Both R-12 and R-18 (current) and R-24 (proposed) zoning maintains consistency with the Comprehensive Plan. However, the Comprehensive Plan designation calls for High Density Residential on five of the seven parcels at issue. As noted above, R-24 is appropriate in the High Density Residential land use category and more closely meets the intent of the district than does the current R-12 zoning. R-24 zoning also provides a better transition from more intense uses to the east along Bothell Way and between existing R-12 zoning directly to the west.

This area is envisioned to transition from high intensity commercial zoning along Bothell Way to lower densities as you approach 30<sup>th</sup> Ave NE to the west. The proposal for R-24 meets this long term vision for the area as higher densities are expected within this area.

**REZONE CRITERIA 4: Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?**

In discussion of an earlier rezone proposal for one parcel in June 2007, a Commission expressed a concern with criteria #4.

**Concern #1:** *The Commissioner indicated the City doesn't have a clear idea of the existing drainage conditions and what facilities are available. The existing zoning allows up to 75% impervious surface, and the proposed R-24 zone would allow 85%. The Commissioner believed that it would be inappropriate to allow more impervious surface without addressing the drainage issues in a more comprehensive fashion.*

6. After reviewing the information submitted by the applicant, staff concludes that the proposed rezone will not have an impact to the existing single-family properties in terms of traffic or drainage. As noted under the discussion for criteria # 1, the applicant submitted a soils/drainage report that explains there is not a "high water table" in the immediate area and civil plans from recent develops also highlight this fact (14515 and 14539 32<sup>nd</sup> Ave NE).

The traffic report submitted explains traffic around the proposed rezone is relatively light. Adding traffic associated with 25 additional units is minor and will not cause additional delays in the area.

Under the current codes, townhomes as well as single-family homes may be 35 feet in height (40 feet with pitched roof). This rezone could potentially add 25 additional units (10 units exist now, current zoning will allow 16 units;

## Agenda Item 7.1

rezone would permit up to 35 units). This increase in additional units is not detrimental to the property in the vicinity because appropriate infrastructure is in place, multi-family zoning is currently in place for all of the seven parcels, traffic study indicates little impact to existing traffic patterns, and new development triggers public amenities such as curb, gutter, sidewalks and updated drainage facilities.

A DNS has been issued, and no environmental issues remain.

### **REZONE CRITERIA #5: Will the rezone have merit and value for the community?**

In discussion of an earlier rezone proposal in this area, the following concerns were raised:

- *The City should adopt a “vision” for the area and stop “piecemeal zoning” of the area;*
- *a comprehensive drainage plan for the Briarcrest Neighborhood should be addressed before more density can be built;*
- *a traffic analysis should be performed around the area of the rezone to address cut-through traffic;*
- *Small houses and seemingly affordable housing will be demolished for new development.*

Staff has reviewed the applicant’s materials and believes that the issues raised in the past have been adequately addressed.

- By rezoning 7 lots the Commission will be implementing the vision that has been adopted and avoid the site by site rezoning that has occurred in the past;
- Drainage and traffic issues have been analyzed –there are no drainage issues and traffic impacts can be handled by the existing infrastructure.
- This rezone will encourage redevelopment of the area, but, given the adopted Comprehensive Plan designation of MU and HDR and current multi-family zoning, redevelopment of this area is to be expected.

### **RECOMMENDATION**

The Planning Commission recommends that the City Council approve a rezone of seven parcels at 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32<sup>nd</sup> Avenue NE from R-12 and R-18 to R-24.

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

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

**ATTACHMENTS**

Attachment 1- November 1, 2007 Findings and Conclusions for application #201639

Attachment 2 - Comprehensive Plan Map

Attachment 3- Zoning Map

Attachment 4- Public Comment letter and email.

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**CITY OF SHORELINE  
PLANNING COMMISSION**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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**PROJECT INFORMATION SUMMARY**

**Project Description:** Change the zoning of one parcel from Residential 12 dwelling units per acre (R-12) to Residential 24 dwelling units per acre (R-24).

**Project File Number:** 201639

**Project Address:** 14727 32<sup>nd</sup> Avenue NE, Shoreline, WA 98155

**Property Owner:** Cascade Real Estate Investments.

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

**Staff Recommendation:** Recommend approval of the rezone of one parcel to R-24.

**FINDINGS OF FACT**

*Current Development*

1. The parcel at issue is located at 14727 32<sup>nd</sup> Avenue NE.
2. The parcel (tax ID # 1568100415) is 8,460 square feet and is developed with a single-family home. The site is zoned Residential 12 dwelling units per acre ("R-12") and has a Comprehensive Plan Land Use designation of High Density Residential ("HDR"). See **Attachment 1** for surrounding Comprehensive Plan designations and **Attachment 2** for surrounding zoning designations.
3. If the current application is approved, the parcel will be able to develop with a maximum of 5 dwelling units.
4. There are no existing sidewalks along 32<sup>nd</sup> Avenue NE adjacent to the applicant's property. Street improvements will be required when the applicant applies for building permits and include sidewalk, street lighting and curb and gutters.

*Proposal*

5. The applicant proposes to rezone the parcel from R-12 to R-24.
6. A pre-application meeting was held with the applicant and City staff on April 10, 2007, the applicant held the requisite neighborhood meeting on April 16, 2007, and a Public Notice of Application was posted at the site.

## Item 7.1 - Attachment 1

7. Comments received at the neighborhood meeting included “increased traffic and increased density” and “it might adversely affect surrounding property values”. The applicant indicated these were the only negative comments received.
8. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on April 26, 2007. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on May 10, 2007.
9. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on May 10, 2007. The DNS was not appealed.
10. An open record public hearing was held by the Planning Commission for the City of Shoreline on June 7, 2007.
11. The City’s Long Range Planner, Steven Cohn, and Planner II, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to R-24.

### *Comprehensive Plan Land Use Designations.*

12. Parcels to the north, south and west have a Comprehensive Plan Land Use designation of High Density Residential, which allows R-12 through R-48; parcels to the east, across 32<sup>nd</sup> Avenue NE, are designated Mixed Use, which allows R-8 through R-48 and all commercial and industrial zoning categories.
13. The Comprehensive Plan describes High Density Residential as “intended for areas near employment and commercial areas; where high levels of transit service are present or likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted”.

### *Current Zoning*

14. Parcels immediately north and west of the subject parcel are zoned R-12 and developed with single-family homes; the parcel to the south is zoned R-18 and developed with single-family home; and parcels to the east are zoned R-18 and developed with single-family homes and duplexes.
15. The purpose of R-12 zones, as set forth in Shoreline Municipal Code 20.40.030, is to “provide for a mix of single-family homes, duplexes, triplexes, townhouses,

**Item 7.1 - Attachment 1**

and community facilities, in a manner that provides for additional density at a modest scale.”

*Proposed Zoning*

16. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:
- The rezone is consistent with the Comprehensive Plan; and
  - The rezone will not adversely affect the public health, safety or general welfare; and
  - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
  - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
  - The rezone has merit and value for the community.
17. The purpose of an R-24 zoning district, as set forth in the Shoreline Municipal Code 20.40.030, is to “provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses.” The R-24 zoning category allows all residential land uses, including detached single-family dwelling units, if a Conditional Use Permit is secured.

*Impacts of the Zone Change*

18. The following table outlines the development standards for the current zoning (R-12) and the requested zoning (R-24):

	<b>R-12 (Current)</b>	<b>R-24 (Proposed)</b>
Front Yard Setback	10'	10'
Side Yard Setback	5'	5'
Rear Yard Setback	5'	5'
Building Coverage	55%	70%
Max. Impervious Surface	75%	85%
Height	35'	35'(40' with pitched roof)
Density (residential development)	12 du/ac	24 du/ac

**CONCLUSIONS**

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

Rezone criteria

*Is the rezone consistent with the Comprehensive Plan?*

3. The Commission's conclusion is that the facts are inclusive as to whether the rezone is consistent with the Plan:

The following facts show consistency with the Plan:

- Land Use Element Goal I of the Comprehensive Plan is to "ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline's sense of community."
- Land Use Element Goal III of the Comprehensive Plan is to "Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents."

The R-24 rezone proposal is consistent with Land Use Element Goal I and III because more intense residential zoning should be encouraged in areas designated for High Density Residential land uses.

The R-24 zoning would allow greater development intensity and be compatible with some of the already approved townhome development to the south and west. Although the current R-12 zoning category is consistent with the HDR designation, the existing detached single-family homes on this site and in the surrounding neighborhood do not comply with the goals and policies of the HDR designation since more intense residential zoning is encouraged in HDR areas.

*The following facts show inconsistency with the Plan:*

- **Comprehensive Plan Land Use Policy 1:** Commissioner Hall believes that this goal requires the City to preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources. He noted concerns raised by the public about the high water table that exists in the area. He noted that when the water

table is very high, a developer's options are very limited because they can't get infiltration on site.

- **Comprehensive Plan Land Use Policy 139:** Commissioner Hall reviewed that this policy calls for restricting the water runoff rate and restoring water quality to predevelopment levels for all new development and redevelopment. Because of the high water table in this area, allowing 80% of the site to be developed as impervious surface would make it very difficult to meet the requirement of this policy.
- **Community Design Goal 1:** The Commission noted that this goal encourages the promotion of community development and redevelopment that is carefully considered, aesthetically pleasing, functional, and consistent with the City's vision. The Commissioners suggested that they would be more likely to support upzoning the subject property if it were done in the context of a subarea plan that was carefully considered to balance the neighborhood goals.
- **Community Design Goals 2 and 4:** These goals talk about ensuring that development proposals contribute to the community and compliment adjacent development. In the past, the Commission has looked unfavorably at rezone proposals that propose significantly greater density than that permitted by the zoning of any of the adjacent parcels. Though there is a scattering of R-18 and R-24 zones in the vicinity, rezoning the subject property to R-24 would make it a higher density than any of the immediately adjacent parcels, including those across the street. The Commission was not convinced this would complement the adjacent development.

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

4. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City's development standards in its zoning regulations for the R-24 zone protect against uses that would be contrary to the public health, safety or general welfare. New development requires improvements to access and circulation through curb and gutters, sidewalks and street frontage landscaping. Allowing this rezone and new development in general improves public health, safety and general welfare.

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

5. Both R-12 (current zoning) and R-24 (proposed zoning) zoning maintains consistency with the Comprehensive Plan.

The area in question (145<sup>th</sup> to the south, Bothell Way to the east, 30<sup>th</sup> Ave NE to the west and NE 149<sup>th</sup> to the north) has seen significant development interest in the last few years. **Attachment 3** shows parcels that have been involved in pre-application meetings with staff, are new developments or have recently been rezoned to a higher density.

**Item 7.1 - Attachment 1**

This area, as described above, is an area envisioned to transition from commercial zoning along Bothell Way to lower densities as you approach 30<sup>th</sup> Ave NE to the west.

*The Commission concludes that a rezone is not warranted in order to achieve consistency with the Comprehensive Plan because both the existing R12 and the proposed R-24 zoning would be consistent with the Comprehensive Plan... There is no preference in the Comprehensive Plan for preserving one zoning designation over another.*

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

*6. The Planning Commission believes the rezone will be materially detrimental to uses or property in the immediate vicinity for the following reason:*

Commissioner Broili expressed his concern that the City doesn't have a clear idea of the existing drainage conditions and what facilities are available. The existing zoning allows up to 75% impervious surface, and the proposed R-24 zone would allow 85%. He expressed his belief that it would be inappropriate to allow more impervious surface without addressing the drainage issues in a more comprehensive fashion.

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

*7. The Planning Commission believes the rezone will not have merit and value for the community based on the following reasons:*

The City should adopt a "vision" for the area and stop "piecemeal zoning" of the area; a comprehensive drainage plan for the Briarcrest Neighborhood should be addressed before more density can be built; a traffic analysis should be performed around the area of the rezone to address cut-through traffic; Small houses and seemingly affordable housing will be demolished for new development.

**RECOMMENDATION**

The Planning Commission recommends that the City Council deny a rezone of one parcel at 14727 32<sup>nd</sup> Ave NE to R-24.

Date: 1 NOVEMBER 2007

By: 

Planning Commission Chair

**ATTACHMENTS**

Attachment 1- Comprehensive Plan Map

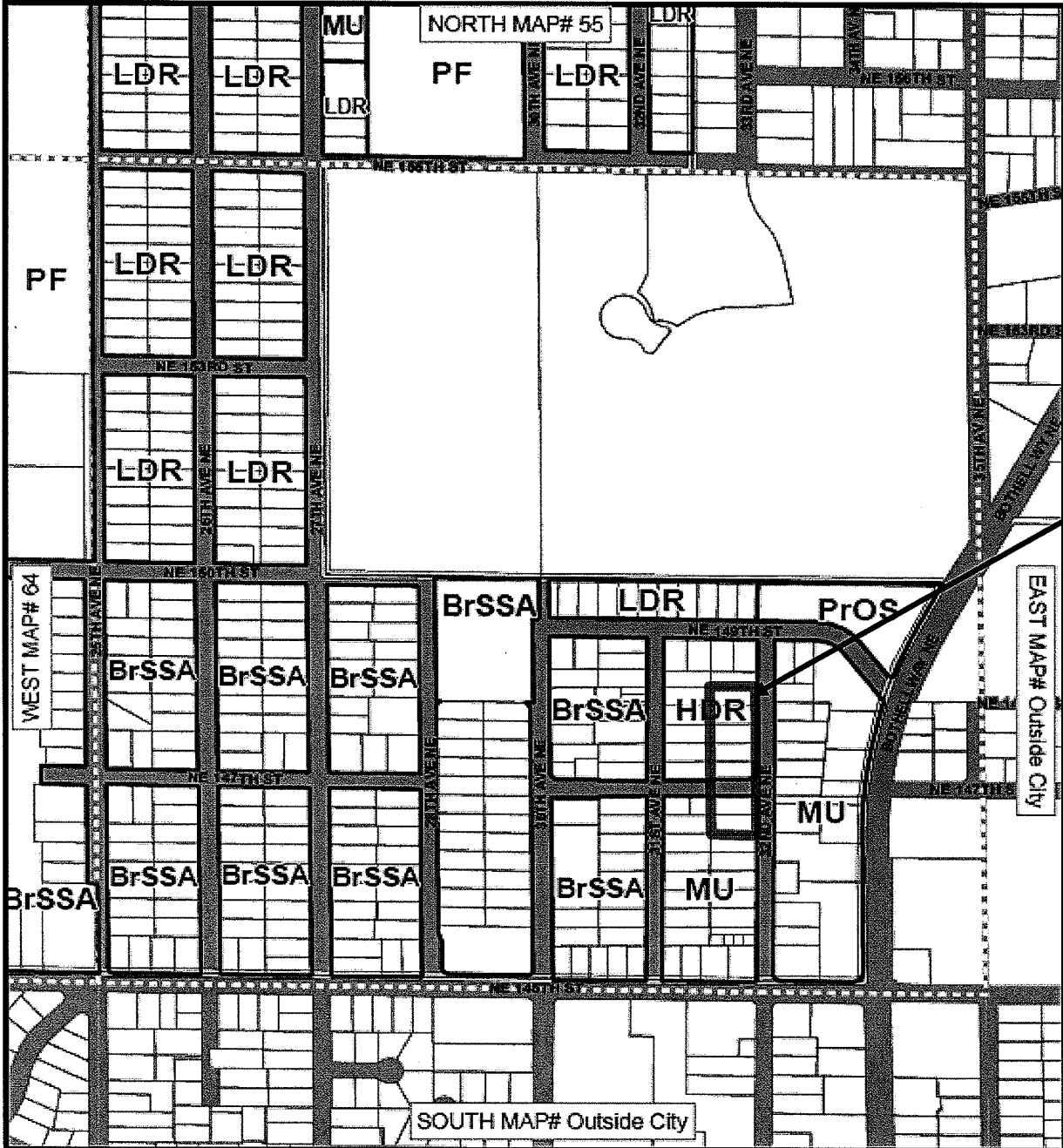
Attachment 2- Zoning Map

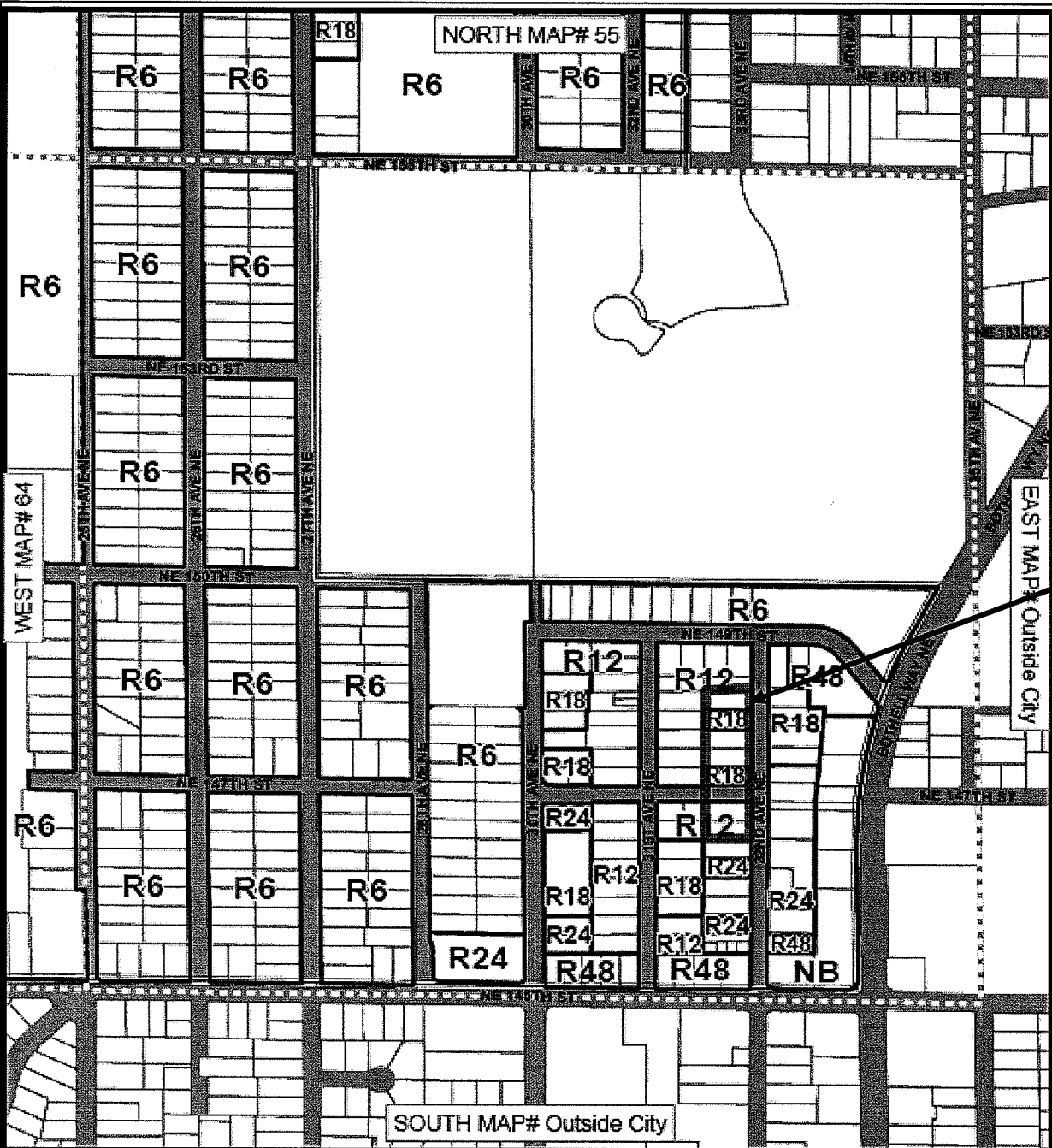
Attachment 3- Recent Development Map

Attachment 4- Public Comment

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**SITE**

Plot Date: 6/4/2007

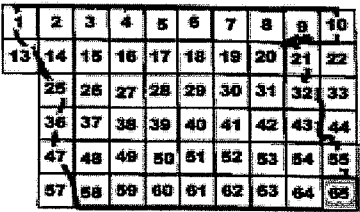
**CITY OF SHORELINE ZONING MAP**

**Zoning Legend**

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

**Feature Legend**

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



**MAP # 65**

1:3,600



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

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



SE1/4-S16-T26N-R4 E

## Item 7.1 - Attachment 4

Dear Mr. Szafran,

I wanted to write you to express my concerns about the proposed rezoning of 32nd Avenue (proposal #201677). We purchased our home in Briarcrest over 4 years ago specifically because we wanted a neighborhood that wasn't congested with townhomes crammed onto a lot that previously occupied a single home. We moved away from Greenwood, in Seattle, to get away from just this type of development. In our experience, townhomes do NOT add to the quality of life in a neighborhood. In Greenwood, we saw crime go up, and congestion increase as more and more single family, detached homes on a single lot were torn down to make way for townhomes and condos.

Those of us who have recently purchased homes (within the last 5 years) in Briarcrest intend to stay here for the long haul. We do NOT want our neighborhood made into a random patchwork of tall, close to zero lot line attached "family homes." Many of us chose to buy homes and live here because of the character of the neighborhood--single family detached homes/1 per lot. There is nothing more frustrating than going out into your backyard, only to have a wall of townhome windows staring down onto you. The loss of privacy that tall townhomes would bring is not something I would welcome in Briarcrest.

I am very concerned that this type of rezoning will greatly diminish the quality of our neighborhood by bringing increased congestion. We love the quiet in Briarcrest. Adding 4 attached homes per lot will only increase the number of cars, traffic and people throughout our neighborhood. There are 3 schools in our area, and many children who walk to/from school. We already have traffic congestion issues without adding more people and cars to the area. I recognize the concern of some neighbors who feel that crime is already an issue, and therefore, they believe that this type of development could bring more homeowners to the area, and in their minds, less crime. Yet, I do not agree that this proposed rezoning and development would decrease crime. Townhomes and condos can be rented out just as easily as a single family (detached) home--this isn't the solution for mitigating crime!

Instead, why not continue to work on a traffic flow plan with the neighbors and city? Why can't we partner with the police to create a more active police and community presence along 32nd Ave? Again, if our experience in Greenwood is any indication, building townhomes isn't going to make crime or congestion go away! In our experience, it made both worse! I do not want Briarcrest to become the "townhome/condo capital" of Shoreline. This frustrates me, as I doubt this type of rezoning would be proposed in the area of single family, detached homes in Richmond Beach. We moved here specifically because we are close to the Burke Gilman trail, close to schools, close to 522 and I-5 for commuting purposes, close to Third Place and a short drive to Central Market. We love the fact that our neighborhood is dominated by owner occupied detached single family homes, with a range of ages, and tenure in the area from 50+ years to less than 1 year. We love the fact that we have a quiet, friendly, and fairly uncongested neighborhood. The benefits purported by some neighbors and the developers who back this project are, in my opinion, falsehoods, and in reality, would take away from the quiet area we enjoy.

I appreciate you taking the time to review my concerns, and I hope to attend the November 15th Planning Commission meeting. If you have further information about this proposal, I would appreciate receiving (either in print or electronic form) a copy of the proposal and any other supporting documentation about the proposed project.

Thank you again!

Sincerely,

Jennifer Gallison  
Home Owner  
Briarcrest Neighborhood  
Shoreline, WA

## Item 7.1 - Attachment 4

Hello Steve,

I need to know what specific addresses are being discussed on this proposal #201677. I live on 32<sup>nd</sup> Ave NE and want to comment.

Can you please send me the proposal document and list the specific addresses being discussed?

Thanks,  
David Antieau  
Resident on 32<sup>nd</sup> Ave NE

E-mail: [dantieau@korry.com](mailto:dantieau@korry.com)

# **Agenda Item 7.2**

Revised Proposal for  
Housing Density in CB Zones

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

<p><b>AGENDA TITLE:</b> 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><b>DEPARTMENT:</b> Planning and Development Services</p> <p><b>PREPARED BY:</b> Steven Cohn, Senior Planner</p> <p><b>PRESENTED BY:</b> 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](mailto: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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## Item 7.2 - Attachment 1

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):

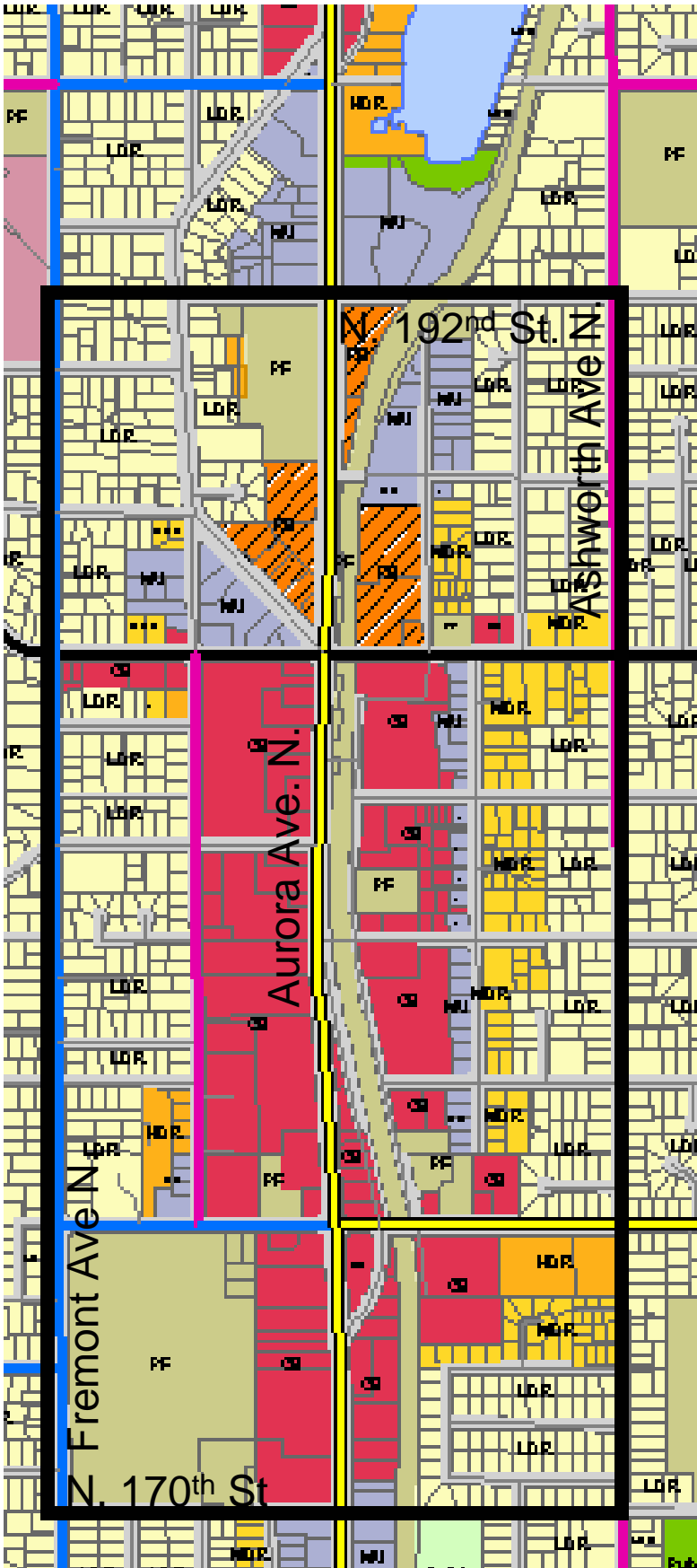
(1) For all parcels zoned CB within 1200 feet of Ballinger Way or Aurora Avenue in the Town Center Study Area and not within 90 feet of R-4, R-6, and R-8 zones, there is no residential density limit. Development is subject to all other requirements of the Shoreline Development Code.

~~(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.

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Phase 1 – STUDY AREA



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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

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### 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

## Item 7.2 - Attachment 3

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

## Item 7.2 - Attachment 3

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.

## Item 7.2 - Attachment 3

- **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 19<sup>th</sup> meeting. Hopefully, staff would have additional code amendments for the Commission to consider on April 19<sup>th</sup>, 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 19<sup>th</sup> 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

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### 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 20<sup>th</sup>, 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 15<sup>th</sup> 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 15<sup>th</sup> 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

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 15<sup>th</sup> 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

## Item 7.2 - Attachment 3

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.

## Item 7.2 - Attachment 3

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:**

<b>Payroll Period</b>	<b>Payment Date</b>	<b>EFT Numbers (EF)</b>	<b>Payroll Checks (PR)</b>	<b>Benefit Checks (AP)</b>	<b>Amount Paid</b>
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:**

<b>Expense Register Dated</b>	<b>Check Number (Begin)</b>	<b>Check Number (End)</b>	<b>Amount Paid</b>
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 185<sup>th</sup> 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 145<sup>th</sup> to 155<sup>th</sup> 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 145<sup>th</sup> 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 185<sup>th</sup> Avenue and 175<sup>th</sup> where most of the growth is. He suggested that the area go out on 185<sup>th</sup> Street and on 175<sup>th</sup> 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.**

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**Scott Passey, City Clerk**