

**AGENDA**  
**CITY OF SHORELINE PLANNING COMMISSION**  
**SPECIAL MEETING**



Thursday, July 9, 2009

Shoreline Conference Center  
 18560 1<sup>st</sup> Avenue NE

<b>6:00 P.M.</b>	<i>Highlander Room</i>	<u>Estimated Time</u>
<b>1. DINNER MEETING</b>		6:00 p.m.
	Town Center Subarea Plan Process Background Information	
<b>7:00 P.M.</b>	<i>Mt. Rainier Room</i>	
<b>1. CALL TO ORDER</b>		7:00 p.m.
<b>2. ROLL CALL</b>		7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>		7:02 p.m.
<b>4. DIRECTOR'S COMMENTS</b>		7:03 p.m.
<b>5. APPROVAL OF MINUTES</b>		7:08 p.m.
	a. June 18, 2009	
<b>6. GENERAL PUBLIC COMMENT</b>		7:10 p.m.
<p><i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence.</i></p>		
<b>7. STAFF REPORTS</b>		7:25 p.m.
	a. Tree Regulations Discussion	
<b>8. PUBLIC COMMENT</b>		8:55 p.m.
<b>9. DIRECTOR'S REPORT</b>		9:05 p.m.
<b>10. UNFINISHED BUSINESS</b>		9:15 p.m.
<b>11. NEW BUSINESS</b>		9:25 p.m.
<b>12. REPORTS OF COMMITTEES &amp; COMMISSONERS/ANNOUNCEMENTS</b>		9:35 p.m.
<b>13. AGENDA FOR July 23</b>		9:55 p.m.
<b>14. ADJOURNMENT</b>		10:00 p.m.

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

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# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

June 18, 2009  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### Commissioners Present

Chair Hall  
Vice Chair Wagner  
Commissioner Behrens  
Commissioner Broili  
Commissioner Kaje  
Commissioner Kuboi  
Commissioner Perkowski  
Commissioner Piro  
Commissioner Pyle

### Staff Present

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Associate Planner, Planning & Development Services

### CALL TO ORDER

Chair Hall called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

### ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Hall, Vice Chair Wagner and Commissioners Behrens, Broili, Kaje, Kuboi, Perkowski, Piro and Pyle.

### APPROVAL OF AGENDA

Items 7.a and 7.b were reversed in agenda order so the Commission could discuss the big picture Comprehensive Plan Update prior to talking about the specific permanent regulations for Regional Business zones. The agenda was accepted as modified.

### DIRECTOR'S COMMENTS

Mr. Tovar reported on the status of the City Hall Project, which is being completed quickly. All the curbing along Midvale Avenue has been installed, as are the stairs and artwork. Just today, the contractor began installation of the fountain and water feature in the courtyard. He noted that temporary

asphalt was poured between the south face of the new building and the back of the Sidewalk on 175<sup>th</sup> Avenue. He explained that the next phase of the Aurora Project would start in late 2009 or early 2010 and would include additional travel lanes, widened sidewalks and installation of landscaping for the segment of 175<sup>th</sup> Avenue from Aurora Avenue to the crest of the hill. The temporary asphalt would provide ADA accessible parking spaces so the building could open for business on August 20<sup>th</sup>. The new parking garage would not be available until November or December after the Annex has been removed to make room for the garage approach.

Mr. Tovar announced that Parks, Public Works and Planning staff will work together to create a wayfinding signage program. It is anticipated the program would be limited to public facilities in the City since the signs would be located in the rights-of-way and attached to the City's infrastructure of poles, monuments, etc. No design details have been outlined yet, but staff's goal is to have the program designed by the end of 2009 and installed in 2010. There are capital dollars and staff time available to work on the project now.

Commissioner Broili asked if the program would include a map of the City that could be posted on the City's website. Mr. Tovar agreed that a map could be prepared and made available in different forms. He explained that sign sizes would vary depending on the location and message being conveyed.

Commissioner Broili asked if staff has obtained models from other cities to help them put together a successful program. Mr. Tovar answered that Planning & Development Services staff directed its intern to do a fair amount of this research. She obtained information from a number of cities on the West Coast, including Olympia, Bellevue, Mill Creek, Redmond, and Kirkland. A lot of information is also available via the internet. Commissioner Broili said he was thinking less about the sign design, and more about a system for deciding which signs would be used and where. Mr. Tovar said staff has not designed a strategy, but there are numerous resources and ideas available. He noted the City's current Public Works Director has experience with wayfinding programs, and he has already made some useful observations. David Levitan is the project manager and would provide updates to the Commission as the project moves forward.

Mr. Tovar announced that Snohomish County issued their Final Environmental Impact Statement (FEIS) for their Point Wells Comprehensive Plan amendment, and it is available on their website. City staff will review the FEIS and provide comments on behalf of the City at the July 8<sup>th</sup> public hearing. He noted that the Commission's work program includes the Point Wells Subarea Plan, and staff would spend the summer writing the City's FEIS. In addition to the subarea plan, staff has also decided to initiate a companion pre-annexation zoning code. When the Commission begins their hearings in the fall, the public would be able to comment on both the plan amendment and implementing development regulations. Staff would speak with different interest groups and citizens, review available information from environmental documents, and develop a draft zoning ordinance for public hearings. He summarized that Point Wells would not be on the Commission's agenda until late September, and perhaps even later.

## **APPROVAL OF MINUTES**

Commissioner Kaje recommended numerous changes to the minutes. The Commission had a brief discussion about whether it would be appropriate to approve the minutes as amended or postpone approval until the minutes have been corrected. It was noted that the Commission's minutes are released to the City Council in draft form.

The minutes of May 21, 2009 were approved as amended as per Commissioner Kaje's notes.

### **GENERAL PUBLIC COMMENT**

Chair Hall noted there is no other time on the agenda scheduled for public comment. Therefore, in addition to general comments, he invited the public to comment on the two items scheduled later on the agenda as part of the staff report. A member of the audience suggested the Commission allow the public to comment after each of the two staff report items. This would allow them to share their thoughts after they have heard the staff and Commission's discussion. Chair Hall agreed to allow the public an opportunity to comment later on the agenda. He suggested the Commission have a discussion as part of "New Business" related to opportunities for public comment.

**Laethan Wene, Shoreline**, said he was present on behalf of Citizens with Disabilities. He noted that "disabled" or "special needs" are more appropriate terms than "handicapped" when identifying ADA parking spaces.

**Les Nelson, Shoreline**, noted that when updating the Comprehensive Plan, the City's emphasis always seems to be on meeting the growth targets. Rather than focusing on the target growth numbers, he suggested a better goal would be to adopt a plan that reflects what the citizens want the City to look like in the future, accepting that growth would occur. Chair Hall noted that the Commission took part in more than 20 community meetings last fall, two town hall meetings, two joint meetings with the City Council, etc. He asked if throughout this process, Mr. Nelson felt the Commission was talking to the community about how to satisfy the mandates of the Growth Management Act. Mr. Nelson answered no. He agreed the public meetings focused on the vision, but they did not make it clear to the community that the Vision Statement was intended to become the basis for the 2011-2012 Comprehensive Plan update. Chair Hall encouraged Mr. Nelson to review the final amendments to the current Comprehensive Plan, which incorporate the Vision Statement and Framework Goals. The new language clearly states, "While the Growth Management Act requires a comprehensive plan, the vision statements were put in place by the community in order to guide development of the community plan." Mr. Nelson did not disagree that the Commission made every attempt to work with the community, but they were not clear that the language would be incorporated into the current Comprehensive Plan.

Commissioner Broili asked Mr. Nelson to clarify what he meant by his suggestion that the Comprehensive Plan should be updated to reflect what the Citizens want the City to look like. Again Mr. Nelson suggested that rather than focusing on growth targets, the Commission should work with the community to come up with a plan, recognizing they must meet the growth targets. Commissioner Broili suggested the Commission must consider all the pieces equally. He asked Mr. Nelson to listen more closely to the Commission's long-range intentions, which embrace not only the look of the City,

but the growth management targets, as well. Mr. Nelson agreed but said he is not sure the public has the same perception. Often, they are put into a fear mode based on the need to meet growth targets, etc.

Commissioner Piro inquired if Mr. Nelson is of the opinion that how the City looks is somehow exclusive from the City's requirement to meet the growth targets. Mr. Nelson agreed that the target numbers must be part of the Commission's discussion. However, rather than focusing on how to meet that number, they should approach the issue by determining how the citizens want the community to look and where they want the higher densities to be located. Commissioner Piro clarified that Mr. Nelson is not advocating that the City not comply with the target requirement in order to achieve a community look. Mr. Nelson agreed and said it is all about creating a plan for how and where they want to accommodate the growth.

Commissioner Piro pointed out there are 14 goals within the Growth Management Act, as well as numerous requirements. Therefore, it will be important to come with a strategy for working in sequence. Targeting work is taking place right now, and that may be why it appears there is an over emphasis on the numbers.

Commissioner Kuboi asked Mr. Nelson to clarify his inference that his perspective is shared by a broader group of people. Mr. Nelson explained that as he talks to people in the community, they often ask him what is going on in the City because they know he attends City Council and Planning Commission Meetings. Commissioner Kuboi asked if Mr. Nelson has specifically heard the public use the word "fear." Mr. Nelson said people are certainly fearful about what is going to happen to their neighborhoods and their lack of control, and he has tried to tell citizens that they do have control and how they can participate in the process. Commissioner Kuboi clarified there is a distinction between people being fearful as opposed to the inference that the Commission is leveraging fear as a mechanism to implement Comprehensive Plan changes.

Commissioner Pyle suggested Mr. Nelson attend one of the Southeast Shoreline Subarea Plan Meetings, where actual planning is currently taking place on a neighborhood level. Citizens are being given an opportunity to comment about where the density might be located in their neighborhood. He suggested this model should be used more widely in the City in the future.

Chair Hall observed that the Commission's discussions regarding the 2004 Comprehensive Plan update had absolutely nothing to do with meeting growth targets. No changes were made to density. All of the consultant and Commission time was focused on updating the policies, the Surface Water Master Plan, Parks Plan, and Transportation Plan in order to better plan based on what the community wanted. He suggested the Commission's objective would continue to be to create a plan for the City. He encouraged Commissioners to become familiar with the adopted Vision Statement and focus their efforts on how best to implement it throughout the Comprehensive Plan.

## **STAFF REPORTS**

## **Work Plan: 2011 Comprehensive Plan Major Update**

Mr. Tovar referred the Commission to Attachment B of the Staff Report, which outlines the City Council's proposed 2009-2010 Goals and Workplan. He noted that Goal 1 calls for implementing the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods and businesses. He noted that many of the bulleted items for Goal 1 are projects the Commission is already engaged in: Southeast Area Neighborhood Plan, Town Center Plan, Tree Regulations, and density and incentive regulations for Regional Business (RB) zones. In addition, the City Council identified a few chapters in the Comprehensive Plan that would be appropriate for Commission review: Urban Design, Capital Facilities, and Parks.

Mr. Tovar referred to Goal 2, which calls for providing safe, efficient and effective infrastructure to support land use, transportation and surface water plans. Staff has already discussed some of the bulleted items with the Commission, which include updating the Transportation Master Plan, developing a Citywide Trail and Bicycle Connection Plan, maximizing the effectiveness of local transit service, negotiating acquisition of the Seattle Public Utility and providing leadership and advocacy at the regional level for sustainable land use, transportation and basin plans. He summarized that the Council provided broad direction the Commission should keep in mind as they identify a process for updating the Comprehensive Plan.

Mr. Tovar referred to Attachment A (2009-2011 Comprehensive Plan Work Program), which identifies projects that are already in the existing adopted work program. He reviewed each of the tasks on the list as follows:

- **Design Review Regulation.** The Commission would begin their work on design review regulations starting at the end of the summer and continuing into 2010.
- **Sub Area Plans.** The Commission's work on the Point Wells Subarea Plan would stretch out into the fall. At their next meeting, staff would seek feedback from the Commission regarding the process for the Town Center Subarea Plan. An open house was held recently for the Southeast Neighborhood Subarea Plan, and the group will begin their work to prepare a proposal for the Commission to hold hearings on this fall. At some point, they also need subarea plans for the areas around the two light rail stations at 185<sup>th</sup> and I-5 and 145<sup>th</sup> and I-5, which will be up and running by 2023. These stations will have a large effect on expectations, land values, circulations, etc. within some distance. Somewhere in the Comprehensive Plan Update process the City must figure out what they want to happen within a given area around the two stations.
- **Comprehensive Plan Updates.** Staff has not finalized their thoughts on what the sequence of the process should be, and he invited the Commission to provide their perspective.

- Vision and Framework Goals. The Vision and Framework Goals have already been adopted into the Comprehensive Plan. These documents would provide a touchstone for the Commission as it considers land use issues such as subarea plans and the RB regulations.
- Introduction, Profile and Implementation Text. The Commission may want to spend some time discussing how to make the introduction more relevant, timely and current.
- Growth Targets and City-Wide Allocation Scenarios. Draft growth target numbers will be announced in July, and the City will have a legal duty to ensure their Comprehensive Plan can accommodate the new numbers. Citizens should not be concerned about the mandate because Mr. Tovar does not anticipate the City would have difficulty meeting the target numbers. Most of the Comprehensive Plan Update should focus on implementing the Vision Statement and Framework Goals that have been established. Growth and change are anxiety producing, which is something the Commission should expect when they discuss growth and land use changes. The process must be very open and transparent and provide ample opportunity for the public to participate.

One of the Commission's early discussions should be about where in the community they want to create some of the required capacity. The question should become where they want to spend their capital resources to identify where they want to grow first and how they can help make that happen.

Commissioner Behren's email provides some good ideas for how the Commission might build on the concept of concentrating development in some places as opposed to others. He referred to the City Council's discussion about encouraging clusters of larger buildings rather than homogenous buildings of the same height and density all along the Aurora Corridor. It may be appropriate to consider where it makes sense to concentrate more density, taller buildings, larger floor areas, employment, etc., but it must be done from a city-wide perspective. A one-size fits all approach to the RB zoning designation may not adequately address the concerns, and it may be more appropriate to differentiate between the different RB zoned areas. Even if the City determines it currently has the capacity to accommodate the growth targets, it will still be important to get ahead of the curve and figure out what type of development and uses they want to encourage in the areas surrounding the two light rail stations. History has shown that high-capacity transit stations change land uses.

- Community Design Element. The Growth Management Act does not require the City to have a design element, but they have chosen to do so.
- Capital Facilities, Transportation, Utilities, Land Use, Parks and Open Space, Housing, Shoreline Master Program Elements. These sections are already part of the Comprehensive Plan. The Commission would review each of these sections and make recommendations for appropriate changes.

Mr. Tovar pointed out that the City does not have the financial resources to increase the number of staff or hire consultants to help them through the Comprehensive Plan Update. He encouraged the Commission to size their expectations to match the City's limited resources.

Commissioner Piro recalled there is guidance in the Growth Management Act to develop an economic development element. In addition, the recently adopted Vision 2040 provides guidance for local jurisdictions to consider an environmental element to house sustainability concepts. He questioned if these items would be part of the update. Mr. Tovar answered that the current Comprehensive Plan does not include elements related to economic development or the environment, but these issues are addressed in the Framework Goals. Rather than creating new chapters, it might be more appropriate to incorporate some of the Framework Goals related to sustainability and economic development as they review existing chapters such as land use, housing and capital facilities.

Commissioner Broili referred to Mr. Tovar's comment related to the City's limited resources to complete the Comprehensive Plan Update. He observed that because the project definitely necessitates community involvement, perhaps the Council of Neighborhoods Organization could provide an excellent avenue for obtaining free and community-driven involvement in a process that would normally require consultants. Mr. Tovar said staff would be looking for feedback from the Commission as to the best process for engaging the public. When it comes to figuring out community values and priorities, organizations and individual citizens can be a good source of information. He explained that, typically, consultants are hired to complete the more technical work, and that is where the City does not have a lot of resources. There is some technical work being done on the Transportation Master Plan and a traffic model would be prepared to help illustrate the implications of the land use alternatives the Commission would consider. But it is important to keep in mind that staff would be responsible for providing Commission support and engaging the public in the discussions. Commissioner Broili summarized that there are talented people within every community in Shoreline who would be interested in becoming involved at the volunteer level to provide technical information that would normally be provided by a consultant.

Commissioner Broili inquired if staff envisions a set number of subarea plans, or would this be an evolutionary process as the City grows and potential subarea planning areas become evident. Mr. Tovar answered that staff has not identified a set number of subarea plans. Usually, subarea plans are used to deal with parts of the City that are different and unique. Commissioner Broili asked if all the subareas have been identified. Mr. Tovar answered no and suggested that as the Commission proceeds through the Comprehensive Plan Update process, other subarea planning locations may be identified. For example, the Commission may recommend subarea plans for the neighborhoods that would be adjacent to the new transit stations.

Commissioner Pyle recalled the City is currently in the process of updating their Transportation Master Plan. He inquired if this effort would address the two transit station locations. Mr. Tovar answered affirmatively. Commissioner Piro expressed his belief that both of the new stations would be located on the east side of the freeway. He said he has walked extensively in both of these areas, and they lack basic infrastructure such as sidewalks. Placing one of the City's major transportation infrastructures where there are no sidewalks would be inappropriate. He said he would hope the Transportation Master

Plan would identify robust sidewalk improvement plans for those areas specifically. Mr. Tovar advised that staff members responsible for transportation planning would come before the Commission at some point in the future to provide an update.

Commissioner Kaje requested that staff provide more information at a future meeting about why the 185<sup>th</sup> Avenue site was selected as the future location of one of the new transit stations. Mr. Tovar agreed to invite appropriate staff members, as well as a representative from Sound Transit, to provide some background information. Commissioner Wagner asked that staff also provide clarification as to whether the two locations are set in stone or if they could change in the future.

Commissioner Behrens referred to Mr. Nelson's earlier comment and observed that when people are unaware of all of the circumstances that are involved, they become fearful. He suggested the best way to reduce people's fears is to create a plan and make it known. If the City has a plan in place, the public would have a better understanding of how their concerns would be addressed. He observed that, oftentimes, a developer chooses a site and then his proposal ends up driving all of the planning for surrounding properties. This tends to make people afraid. He referred to his email, which suggests the City should do the planning first and figure out where it is appropriate to put certain uses and density and how to resolve the associated impacts. Having a plan in place to address community concerns would result in more citizen support and change would be accomplished in a more organized fashion.

Commissioner Behrens said he lives near the corner of 185<sup>th</sup> Avenue, and he watches constant traffic. He recalled there was a proposal to break the train off at 145<sup>th</sup> Avenue and bring it up Aurora and then bring it back down 185<sup>th</sup> Avenue to the freeway. He questioned if that is still an option. Mr. Tovar answered that the City Council recently received a letter from the advocacy group, Futurewise, informing them that Sound Transit is doing the environmental work for their light rail alignments, which requires them to identify alternatives. One alternative is the option of breaking off from I-5, coming up to 145<sup>th</sup> Avenue from Northgate, entering onto the Aurora Avenue right-of-way and at some point getting back over to the I-5 alignment. That letter was not responded to positively by the City Council. Commissioner Behrens observed that the costs associated with widening the street and the extensive rights-of-way issues could make 185<sup>th</sup> the most expensive place for the station. He suggested that this site would also be a major inconvenience to a lot of Shoreline residents.

Commissioner Broili asked if the City Council goals were prioritized. Mr. Tovar answered no.

Chair Hall suggested it would be appropriate for the Commission to focus their time and resources on those sections of the Comprehensive Plan where there are perceived problems or disconnects between the plan and the newly adopted Vision Statement. He further suggested the Commission begin with a scoping exercise to identify the problems and opportunities. They may find that some elements of the plan do not need significant changes. He recalled that the Commission extensively reviewed each of the Comprehensive Plan Policy Statements as part of their 2004 update.

In addition to the subareas mentioned by staff, Chair Hall noted there are also unfinished planning efforts from 1995 and 1996 such as the Ballinger Study Area. He said he would like the Comprehensive Plan and zoning map to include intentional designations and zoning for the entire City rather than

calling out special study areas but never completing a study. He suggested there are two ways to view a subarea plan product: a stand-alone subarea plan or a set of amendments to the Comprehensive Plan. For example, the Ballinger study may not lead to a separate subarea plan document, but it could lead to updates of the future land use map and zoning.

Mr. Tovar suggested the next City Council/Commission Joint Meeting on September 28<sup>th</sup> would be a good time to address issues surrounding the Comprehensive Plan Update. By that date, the Commission might have a good idea about how to address study areas and subarea plan areas and which should be looked at first. Staff could provide some direction as to what the required resources would be for each of the areas. Again, he reminded the Commission that tasks that are consultant intensive would be a challenge for the City to move forward with at this time.

Mr. Tovar encouraged the Commission to begin the task of updating the Comprehensive Plan by reviewing the introductory section and identifying irrelevant and dated language. They should also consider additional language that could provide a historical description of how the Commission and City Council went about the process of adopting a new Vision Statement and Framework Goals. Chair Hall agreed that the introductory section must be updated, but perhaps this technical work could be done by staff. He said he is much more interested in discussing the goals, objectives and policies that will guide future development. He recommended that as the Commission considers amendments to the text of the Comprehensive Plan, he would like them to remove more language than they add. He expressed his belief that in some cases there are redundant and overlapping policies that should be deleted.

Commissioner Pyle referred to Attachment B (Proposed City Council 2009-2010 Goals and Workplan), and asked Mr. Tovar to provide more information about Goal 2, which calls for negotiating acquisition of Seattle Public Utilities (SPU). Mr. Tovar explained that SPU provides water to the western 2/3 of the City. Long term, the staff and City Council have concluded it would make sense for the City to acquire this infrastructure. Although SPU patches breaks in the system, they don't have an active program for updating and maintaining it. Commissioner Pyle inquired if it would be in the City's best interest to have two water districts in the City. He suggested they acquire the entire system, so they have only one water system. Mr. Tovar said that would probably make sense long term, but SPU may be more interested in getting out of the water business in Shoreline than the Shoreline Water District, the other water provider would be. He noted the sewer provider, Ronald Wastewater, already has an agreement with the City that they will become a division of the City's Public Works Department in about 15 years.

Chair Hall pointed out that the Growth Management Act includes a statement that cities are the preferred providers. However, water or sewer districts have elected officials, and it could be difficult to gain support from these elected officials to disband a district. Mr. Tovar pointed out that in the interim, the capital facility plans that districts create for water and sewer have to be consistent with the City's Comprehensive Plan. In addition, the City's Utility Element must talk about their infrastructure and capital facilities to make sure that land uses are coordinated with the utility systems. However, he pointed out that SPU is not a special district, but part of the City of Seattle. Therefore, rather than compelling them to convey their infrastructure to the City, the City must negotiate with them. Shoreline Water and Ronald Wastewater are required to have capital and infrastructure plans that support the City's land use plan.

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

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

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

### **Project Scope of Permanent Regulations for Regional Business Zone**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

must remain cognizant of where the new rules might apply as they consider issues such as floor area ratios, heights, etc. They must also review and perhaps reconsider past decisions where the Commission has indicated that RB would be appropriate. They should keep in mind all of the locations that have the potential of being rezoned to RB.

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

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

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

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

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

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

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

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

## **PUBLIC COMMENTS**

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

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

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

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

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

### **DIRECTOR'S REPORT**

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

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

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

### **UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

## **NEW BUSINESS**

### **Suggestions for Improving the Minutes Process**

Commissioner Piro agreed with Chair Hall's earlier recommendation that if the Commissioners have detailed corrections to make to the minutes, they should submit them in advance so they can be transmitted to the Commissioners prior to the meeting. Then the Commission could make a determination as to whether the minutes could be adopted as amended or if approval should be postponed until the corrections have been made. Commissioner Broili said he doesn't see a pressing need to change their current process for approving minutes. He observed there is seldom a need to make extensive changes to the proposed minutes. The Commission agreed to carry on as they have been for the time being.

## **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Pyle reported that the balance of the Southeast Shoreline Subarea Plan Citizens Advisory Committee, in conjunction with staff, did a great job of dealing with a lot of very strong public comments. The open house was successful and well attended. It was interesting that everyone gravitated to the maps right away and started getting angry without reading through all of the policies and statements the group had come up with. As stated earlier by Commissioner Behrens, ignorance ultimately leads to anger and/or fear. Once people started to read the statements, they became more comfortable about what was being proposed. He said he would attend the next meeting and learn more about how the group plans to filter the public information back into their process. The group has done a good job of moving the project forward.

Chair Hall reported that while he could not attend the Southeast Shoreline Subarea Plan open house, he was able to attend the Advisory Committee's previous meeting. He emphasized that the process was extremely citizen driven.

Chair Hall announced that he attend the Economic Development Advisory Committee (EDAC) meeting last week where the Long-Term Financial Advisory Committee (LTFAC) advised that they presented their final report to the City Council. He explained that some of the people who participated on the LTFAC also participate on the EDAC, but it is important to note that recommendations of the LTFAC are different than the direction the EDAC is going. He noted the City is already doing some of the recommendations made by the LTFAC, such as considering a transportation district (a \$20 car tab fee to provide additional funding for transportation). He said he would be interested in the Commission hearing a report from EDAC at some point in time.

Given the current budget situation, Commissioner Pyle asked staff to predict the Commissioner's ability to attend the American Planning Association (APA) Conference this year. Mr. Tovar said the Planning and Development Services Department was asked to identify some reductions in their travel and training budget. As a result, they have adjusted this year's budget, but there should still be money for some Commissioners to attend the APA Conference.

**AGENDA FOR NEXT MEETING**

Chair Hall reminded the Commission that the July 2<sup>nd</sup> Meeting was cancelled, and a special meeting has been scheduled for July 9<sup>th</sup>. Mr. Cohn announced that the July 9<sup>th</sup> meeting would be a dinner meeting, starting at 6:00 in the Highlander Room. The Commission would adjourn to their regular meeting at about 7:00 in the Mt. Rainier Room.

**ADJOURNMENT**

The meeting was adjourned at 9:45 P.M.

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Will Hall  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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## Memorandum

**DATE:** June 26, 2009

**TO:** Planning Commission

**FROM:** Joseph W. Tovar, FAICP  
Paul Cohen, Town Center Project Manager

**RE:** Background Information regarding the Town Center Subarea Plan process

At the July 9 dinner meeting, the staff will provide a preliminary overview of the Town Center Subarea Plan item on your Work Program. We are providing the Commission members with this memorandum and attachments a week early because there is a lot of reading to be done for the other item on your agenda – potential amendments to the City’s tree regulations. That material will come to you in a packet in early July.

Our discussion with you on the 9<sup>th</sup> will be preliminary and open-ended in nature because while we have some ideas to share with you, the staff would like you to help shape the design of the process. In preparing for this discussion, it quickly became apparent to us that there is quite a bit of background information to convey. We have grouped this information under a series of discrete headings below. Some of these are lists of relevant existing policies (see Section I below) or work program items you will be involved in over the next six months (Section II below), others are background studies or reports that you may have not see yet (such as the two University of Washington reports referenced in V.B below).

We have also provided our initial thinking about sites and issues to visit during the “walkabout” we have scheduled for July 23 (Sec. III). Also listed are some possible outreach methods and stakeholder groups we would like to engage (Sec. IV). Also listed are the various City staff members who are likely to be involved in various aspects of the overall Town Center effort (Sec. V.A), some other resources we will make available to you, and a draft project Schedule (Sec. VI). We will present a more detailed “critical path” diagram at your meeting showing how these various steps and pieces can fit together over the life of the project.

Attached to this memorandum are a number of items that we suggest you review before the July 9 study meeting. Some of this is fresh in your memory, such as the City Vision and Framework Goals (Attachment #1). Others may be less fresh, such as the Framework Policies for Town Center that were adopted in 2007 (Attachment #2). At your meeting it would be useful to discuss the five Framework Policies listed there, to take stock of what pieces have already been accomplished (e.g., FW-2 establishing the study area boundary and FW-4 which has provided

input to the design for Mile Two of the Aurora Project), and what tasks are about to begin (e.g., FW-5 regarding “wayfinding signs”). The “Signature Boulevard” portion of the City Vision, and several of the Framework Goals (Attachment #1) likely provide a good starting point to address FW-1 “Articulate a Community Vision for the town center at an early step in the development of detailed provisions for the subarea.”

The last two attachments to this memorandum (#5 regarding Shoreline, Burien, and Sammamish Town Centers and #6 describing “Form Based Codes”) are supplied for your use and information. We have also enclosed a DVD of national land use and walkability expert Dan Burden who participated in the City’s Shoreline Speaker Series back in 2007. Mr. Burden actually gave a walking tour of two areas along the Aurora Corridor, including parts of Town Center, and gave a lecture that evening with a critique of what he saw and illustrations from across the country of walkable communities. If you have technical difficulty viewing the DVD, please call Jessica at 801-2501 during normal business hours to see if she can help you. This same talk can be viewed as streaming video on the City’s website at <http://shorelinewa.gov/index.aspx?page=181>.

## **I. Key Existing Comprehensive Plan and other Policy Framework**

- A. City Vision and Framework Goals – adopted 2009
- B. Town Center Framework Policies adopted in 2007
- C. Sustainability Strategy adopted 2008
- D. Housing Strategy adopted 2008
- E. Economic Development Strategy adopted 2006
- F.

## **II. Coordination with other Planning Work Program Tasks**

- A. Permanent Regulations for the Regional Business (RB) zone – adoption Nov. 09
- B. Design Review regulations – winter 2010
- C.

## **III. Itinerary for Town Center walkabout on July 23**

- A. Public Projects – recent, new and pending
  - 1. Completion of Interurban Trail through Town Center- 2007
  - 2. New City Hall – to open August 2009
  - 3. Mile Two of the Aurora Project – construction 2009-2010
  - 4. Expansion of Interurban Trail Park – Summer 2010
  - 5. Wayfinding Signage – design in Winter of 2010, construction Spring 2010
  - 6. New Shorewood High School – planning in 2009 – construction 2011
  - 7. King County/Metro TOD site at N. 192<sup>nd</sup>/Aurora
  - 8.

B. Private Projects – recent, new and pending

1. Sky Nursery Remodel
2. Echo Lake Project
3. Leiser Office Building at N. 185/Midvale
4. Key Bank Remodel
5. Aurora Rents site at N. 175<sup>th</sup>/Aurora
- 6.

C. Other items and issues to note during walk

1. Topography and existing vegetation
2. Circulation details – sidewalks, driveways, unimproved rights of way
3. Character of existing adjacent residential neighborhoods on Stone and Linden and their connections (visual, pedestrian, vehicular) to Midvale and Aurora.
4. Existing business and land uses
5. Existing signage, including business signs and billboards
- 6.

**IV. Outreach**

A. Methods

1. No citizens advisory committee
2. Mail notice of open house, study sessions, hearings to stakeholder groups
3. Articles in Currents
4. Post large notice board signs at six sites, on which to post updated notices.
- 5.

B. Stakeholder groups

1. Neighborhood Associations that overlap with study area (See Attachment 4)
2. Economic Development Advisory Committee
3. Chamber of Commerce
4. Forward Shoreline
- 5.

**V. Resources to support the project**

A. City Staff

1. Joe Tovar, PADS Director
2. Paul Cohen, Senior Planner: Project Manager
3. David Levitan, Associate Planner: Transportation Master Plan analysis and Wayfinding Signs
4. Kim Lehmberg, Associate Planner: Private Sign regulation update for TC
5. Juniper Nammi, Associate Planner: Neighborhood LEED program
6. Miranda Redinger, Associate Planner: Innovative Housing

7. Steve Cohn, Senior Planner: Population/Employment targets analysis
8. Ray Allshouse, Shoreline Building Official and member Kirkland Planning Commission
9. Alicia McIntire, Aurora Project Planner
10. Nora Smith, City Neighborhoods coordinator: liaison with adjacent neighborhoods
11. Mark Mayuga, Economic Development Manager
12. Dick Deal, City Director of Parks, Recreation, and Community Services

B. Background Studies/Reports available for review now

1. UW Urban Planning studio report – 2007
2. UW Landscape Architecture report - 2008
3. Midvale Demonstration Area Ordinance – 2009
4. Central Shoreline Subarea Plan – 2002

C. Graphics

1. GIS base maps showing streets and parcel lines
2. Updated aerial photos (available early September)
3. Sketch-Up computer model
- 4.

E. Other

**VI. Draft Schedule**

- A. Summer 09 – design the process, conduct Town Center Walkabout(s), field trip to other Town Centers (Mercer Island? Burien? DesMoines?)
- B. Fall 09 – Public Open House(s), Commission study sessions, staff draft proposed Subarea Plan and implementing regulations
- C. Fall 09/Winter 2010 – public hearings on proposed Subarea Plan and implementing regulations
- D. Winter/Spring 2010 – City Council adoption

**Attachments**

- #1 City Vision and Framework Goals
- #2 Comprehensive Plan Appendix 5 – Framework Policies for Town Center Subarea Plan
- #3 Study Area of the Town Center Subarea Plan
- #4 Town Center Study area overlaid on Shoreline Neighborhoods Map
- #5 Town Centers article in AIA Forum Magazine, Spring 2009
- #6 Information about Form-Based Codes

**Enclosure**

DVD of Dan Burden presentation about walkability in Shoreline 08/06/07

## **2029 Vision Statement**

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

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

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

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

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

## *Introduction*

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

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

### **A City of Neighborhoods**

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

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

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

### **Neighborhood Centers**

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

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

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

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

### **The Signature Boulevard**

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

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

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

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

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

### **A Healthy Community**

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

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

## *Introduction*

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

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

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

## **Framework Goals**

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

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

- FG 1: Continue to support exceptional schools and opportunities for lifelong learning.
- FG 2: Provide high quality public services, utilities, and infrastructure that accommodate anticipated levels of growth, protect public health and safety, and enhance the quality of life.
- FG 3: Support the provision of human services to meet community needs.
- FG 4: Provide a variety of gathering places, parks, and recreational opportunities for all ages and expand them to be consistent with population changes.
- FG 5: Encourage an emphasis on arts, culture and history throughout the community.
- FG 6: Make decisions that value Shoreline's social, economic, and cultural diversity.
- FG 7: Conserve and protect our environment and natural resources, and encourage restoration, environmental education and stewardship.
- FG 8: Apply innovative and environmentally sensitive development practices.
- FG 9: Promote quality building, functionality, and walkability through good design and development that is compatible with the surrounding area.
- FG 10: Respect neighborhood character and engage the community in decisions that affect them.
- FG 11: Make timely and transparent decisions that respect community input.
- FG 12: Support diverse and affordable housing choices that provide for Shoreline's population growth, including options accessible for the aging and/or developmentally disabled.
- FG 13: Encourage a variety of transportation options that provide better connectivity within Shoreline and throughout the region.

*Introduction*

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

FG 15: Create a business friendly environment that supports small and local businesses, attracts large businesses to serve the community and expand our jobs and tax base, and encourages innovation and creative partnerships.

FG 16: Encourage local neighborhood retail and services distributed throughout the city.

FG 17: Strengthen partnerships with schools, non-governmental organizations, volunteers, public agencies and the business community.

FG 18: Encourage Master Planning at Fircrest School that protects residents and encourages energy and design innovation for sustainable future development.

## Appendix 5

# Framework Policies for the Town Center Subarea Plan

The following policies establish the framework for development of the land use, capital facility and programmatic aspects of the Town Center Subarea Plan.

**FW-1** Articulate a community vision for the town center as an early step in the development of detailed provisions for the subarea.

**FW-2** Establish a study area boundary (Figure 1) to provide context for evaluating the opportunities and potential impacts from future development of commercial and mixed uses along Aurora Ave. N.

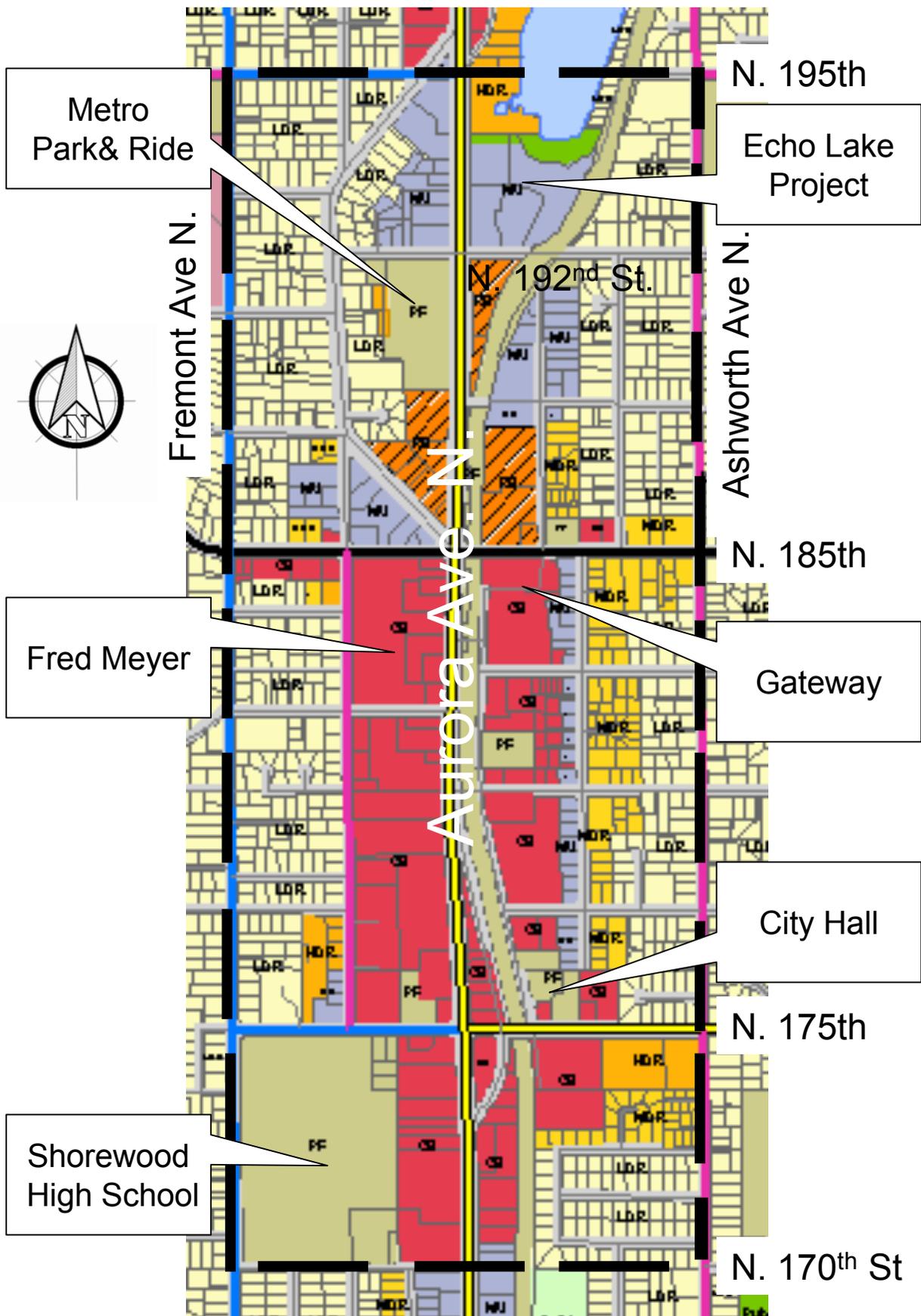
**FW-3** Engage Shoreline residents and businesses in detailed design processes for a) a park site on both sides of the Interurban Trail and b) Midvale Ave N.

**FW-4** Design roadway, transit and pedestrian facilities consistent with the City's preferred "Flexible alternative" for Aurora Avenue between N. 165th St. and N. 205th St.

**FW-5** Prepare a program of civic directional or 'way finding' signage and evaluate refinements to city sign regulations to reflect the emerging function and visual character of Aurora Avenue.

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# Town Center Subarea Plan STUDY AREA



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GGLO

# A Downtown for Every 'Burb

**"Town Centers" are planned for three Seattle suburbs**

*Joseph W. Tovar, FAICP*

Frank Lloyd Wright once said that the rise of the automobile "threw open the door to the cage of the city." In his vision of "Broadacre City," each "Usonian" home was situated on an acre of land and served by high-speed highways. The imagery of low-slung homes sprawling across a vast landscape was compelling and romantic, foreshadowing post-war suburbanization.

In contrast, the regional form envisioned by Washington's Growth Management Act (GMA), adopted in 1990, is a compact urban landscape, connected by multiple transportation modes, encompassed within a landscape of farms, forests, and rural countryside. This compact urban landscape is only about 16% of the total land area of the central Puget Sound region, with the balance designated as rural, farm, and forest lands. The anti-sprawl ethic of the GMA in some ways reflects, in other ways shapes, our thinking about the place of the individual in the community and the place of the man-made landscape within the natural one.

Long established cities like Seattle, Everett, and Tacoma have very distinct downtowns, but the region's thirteen cities incorporated since 1990 have largely had to create their "town centers." Some, such as Burien, had the street grid of a nascent business district in place for many years, but lacked strong residential or civic components. Others, such as Shoreline, had no well-developed downtown grid, growing instead around commercial corri-



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ABOVE: Burien Town Center Building Design by GGLO TOP: Burien Town Center Master Plan

dors along major highways. Sammamish is an example of a third type, on the metropolitan edge, with an even less articulated road grid, but enjoying the flexibility of larger parcels of relatively undeveloped land.

## Burien

There were many reasons why Burien chose to create a mixed-use town center. Scott Greenberg AICP, Planning Director for Burien, said, "We wanted to build on our existing downtown area to create a sense of place and identity. The Town Square project is a public-private, mixed-use development, with our new city hall, a regional King County library, and residential. We see it as a business, government, and cultural focal point for the community, and a catalyst for redevelopment and revitalization for the larger downtown area." He also said that by focusing residential growth in the downtown area, the city hoped to support and preserve Burien's well-established residential neighborhoods.

The Burien Town Square project sits on ten acres and is served by a new street grid that is essentially complete. It will contain 400 housing units in a combination of townhouses and mid-rises, 70,000sf of new retail/office space, and a one-acre public park. The 45,000sf regional library/city hall complex is scheduled to open in May of 2009.

Burien currently has an administrative design review process and adopted design guidelines with a 90-day estimated review time. The broad design objectives are to: promote quality development and reinforce a vision of an attractive, pedestrian-oriented downtown with a small town atmosphere; convey a sense of permanence, attention to detail, quality, and investment. A “design departure” process is available if the applicant can demonstrate how the original intent of the standard will still be met. Burien also adopted the SEPA “urban infill” exemption for the Town Square project. Greenberg said, “We are considering expanding this residential and mixed-use project exemption to the entire downtown Burien area. This would streamline the review process.”

### Sammamish

The city of Sammamish adopted its Town Center Plan for many of the same reasons as Burien. Planning Director Kamuron Gurol said, “We wanted to create a central gathering spot with a sense of place. We also wanted to increase the housing choices in Sammamish, provide public amenities, and focus new growth into a center rather than disperse it across the city.” The less-developed land use pattern of Sammamish helps explain the larger expanse of its Town Center, including the 20-acre Sammamish Commons Park with natural features incorporated into the overall scheme.

A new Sammamish City Hall of 38,000sf and adjacent parkland were early investments in the public infrastructure for Sammamish Town Center. The plan calls for up to 2,000 new residential units and up to 600,000sf of retail and office. Building heights up to six stories are permitted, with the primary use likely to be residential rather than office due to the city’s place in the region. The city of Sammamish is in the process of preparing development regulations and design guidelines to promote high quality development, emphasize walkability, and describe appropriate aesthetic character.

Gurol said: “We welcome the input of developers and architects about the most efficient design review process. We hope to meet the needs both of the community and those who make the major investment and design decisions that will implement our Town Center Plan.” He stressed that it is important for the city to streamline the development review process, provide flexibility for design creativity, and a high degree of certainty for site plan layout and design requirements. He also said “City governments can set the stage by land acquisition and infrastructure investments that demonstrate the community’s commitment to accomplishing the vision.”

### Shoreline

Shoreline developed as a classic “bedroom community” only fifteen minutes away from the jobs, services, and amenities of Seattle. It built its identity and reputation on great schools and parks, but lacked either a seat of local government or a commercial “center.” Instead, low-rise strip commercial development coalesced for decades along the three-mile long Highway 99/Aurora corridor. Soon after incorporation in 1995, the city of Shoreline decided to transform Aurora Avenue North into an urban boulevard with landscaped medians, underground utilities, decorative street furniture, broad sidewalk, and bus lanes to complement the four lanes of general purpose traffic.

The extreme makeover of the first mile of Aurora is now complete, and work begins this year on the “middle mile” which bisects the city’s designated “Town Center.” A cluster of facilities within several blocks of N. 175th Street at Aurora Avenue lend a civic character to the area. The main headquarters of the Shoreline Fire Department sits at this key intersection, while the new 60,000sf City Hall is under construction a block to the east. These two public buildings bracket the Interurban Trail, (a bicycle/pedestrian path that parallels Aurora) a linear park, a historic red-brick road, and the second mile of the Aurora project. Bus rapid transit will reach this Town Center by 2013, serving a transit stop adjacent to the park site. A block to the west are the local museum and Shorewood High School, which is about to undergo a major renovation.

The city hopes that public investments in these amenities and transportation improvements will attract residential and commercial development. A new Town Center development code is under review, including design standards and development incentives to build mixed-use, mid-rise projects up to six stories in height. The environmental analysis will establish how much of the city’s 20-year growth target can be accommodated in their transit-served, mixed-use Town Center.

### Growth Comes to the “Center”

Each of these new cities is building a “Town Center” as a functional and symbolic focus for community life, to increase housing choice, and support transportation investments. Each calls for mixed-use, mid-rise compact building forms at the heart of their centers. And though each Town Center sits on a fraction of its city’s geographic area, it is there that each city intends to accommodate a significant percentage of GMA-mandated residential growth targets. Each of these cities also recognize the importance of good design and intend to employ design standards and design review processes to ensure community and context-appropriate architecture.

The GMA vision of compact urban development is even more compelling in view of Washington’s climate change objectives to decrease vehicle miles traveled and greenhouse gas emissions. Regional initiatives, such as the Cascade Agenda, stress the importance of making cities lively and attractive magnets for new growth in order to conserve the rural and resource landscape. Building successful town centers as focal points for civic, cultural, and residential life will therefore be important not only to these individual cities, but the region as a whole. ■

*Joseph W. Tovar FAICP is President of the Washington Chapter of the American Planning Association. He has been the Planning Director for the city of Shoreline for three years, helped draft the Growth Management Act in the early 1990s and spent twelve years interpreting the GMA as a member of the Growth Management Hearings Board.*

Town Centers at a Glance			
	Burien	Sammamish	Shoreline
<b>Date incorporated</b>	1993	1999	1995
<b>2008 population</b>	31,000	40,000	53,000
<b>Land area (sq. mi.)</b>	7.5	18	12
<b>Population/sq. mi.</b>	4,133	2,222	4,416
<b>Area of Town Center</b>	89 acres	240 acres	55 acres
<b>Capacity for new units in Town Center</b>	4,500	2,000	5,500
<b>Maximum building height</b>	12 stories	6 stories	5 stories

## Information from the Form-Based Code Institute

<http://www.formbasedcodes.org/index.html>

### Definition of a Form-Based Code

January 29, 2008

A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through city or county regulations.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in Form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS) to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, Form-based codes are regulatory, not advisory.

Form-based codes commonly include the following elements:

- *Public Space Standards.* Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- *Building Form Standards.* Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- *Administration.* A clearly defined application and project review process.
- *Definitions.* A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

- *Architectural Standards.* Regulations controlling external architectural materials and quality.
- *Landscaping Standards.* Regulations controlling landscape design and plant materials on private property as they impact public spaces (e.g. regulations about parking lot screening and shading, maintaining sight lines, insuring unobstructed pedestrian movements, etc.).
- *Signage Standards.* Regulations controlling allowable signage sizes, materials, illumination, and placement.
- *Environmental Resource Standards.* Regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.

## **Eight Advantages to Form-Based Codes**

1. Because they are prescriptive (they state what you want), rather than proscriptive (what you don't want), form-based codes (FBCs) can achieve a more predictable physical result. The elements controlled by FBCs are those that are most important to the shaping of a high quality built environment.
2. FBCs encourage public participation because they allow citizens to see what will happen where-leading to a higher comfort level about greater density, for instance.
3. Because they can regulate development at the scale of an individual building or lot, FBCs encourage independent development by multiple property owners. This obviates the need for large land assemblies and the megaprojects that are frequently proposed for such parcels.
4. The built results of FBCs often reflect a diversity of architecture, materials, uses, and ownership that can only come from the actions of many independent players operating within a communally agreed-upon vision and legal framework.
5. FBCs work well in established communities because they effectively define and codify a neighborhood's existing "DNA." Vernacular building types can be easily replicated, promoting infill that is compatible with surrounding structures.
6. Non-professionals find FBCs easier to use than conventional zoning documents because they are much shorter, more concise, and organized for visual access and readability. This feature makes it easier for nonplanners to determine whether compliance has been achieved.
7. FBCs obviate the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce. They also require less oversight by discretionary review bodies, fostering a less politicized planning process that could deliver huge savings in time and money and reduce the risk of takings challenges.
8. FBCs may prove to be more enforceable than design guidelines. The stated purpose of FBCs is the shaping of a high quality public realm, a presumed public good that promotes healthy civic interaction. For that reason compliance with the codes can be enforced, not on the basis of aesthetics but because a failure to comply would diminish the good that is sought. While enforceability of development regulations has not been a problem in new growth areas controlled by private covenants, such matters can be problematic in already-urbanized areas due to legal conflicts with first amendment rights.

~ Peter Katz, President, Form-Based Codes Institute



## Memorandum

**DATE:** July 9, 2009

**TO:** Shoreline Planning Commission

**FROM:** Joseph W. Tovar, FAICP, Director of Planning and Development Services  
Paul Cohen, Senior Planner  
Brian Lee, Associate Planner

**RE:** Tree Code Amendments – Proposed Purpose and Retention/Replacement Sections

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At your May 21<sup>st</sup> meeting, staff was to facilitate a discussion of the purpose section of the tree code. To provide some context for the discussion, related development code sections of dimensional standards, landscaping, and critical areas (Attachment A) were to be presented as well. Due to time constraints, the discussion was postponed to a later date. Staff is returning to you on July 9 to present a modified purpose section and a different approach to the core requirements of retention and replacement.

### Purpose Section Proposal

Background - The tree code purpose section has no conflicts with the dimensional standards, landscape, or critical area purpose sections. The landscape section mirrors and mostly supports the tree code purpose section. Internally, the tree code purpose section is a mix of clearing and grading language and tree and vegetative cover language. These different topics need to be separated under a later proposal for clearing and grading requirements later in the process. The remaining tree purposes (Attachment A under items D, H, I, J, and L) can be reduced into a few statements that list the attributes of tree and vegetative cover and the need for flexibility to accommodate site design constraints. Staff proposes the following revised purpose section.

Proposal –

1. “Preserve and restore trees and vegetative cover to:
  - promote the city’s treed identity and screening between development,
  - improve rain water absorption and erosion control,

- provide wind protection and mitigate air pollution,
- provide plant diversity and wildlife habitat, and
- strive for a no-net-loss of tree canopy and vegetative cover city-wide”.

2. “Provide flexibility to allow development, solar access, and greater tree protection.”

### Tree Retention and Replacement Proposal

Background - The goals of these code amendments are to close gaps in tree removal, better understand the status of trees, and build confidence that the City is providing the best protection and enhancement of our trees through flexibility and clarity. At this stage the proposal is based on single family zoned areas because it is the great majority of our city land area and acts as a test case in which to gauge other land uses. Keep in mind that our sample survey of tree canopy coverage in single family zones is approximately 34%.

A key change to get closer to these goals is to repeal the exemption for removal of the 6 significant trees in 3 years and provide accountability for tree removal and include them in a site’s assessment for tree protection. Another change is to reduce the significant tree size from 8 inches and 12 inches to 4 inches. A 4-inch tree can be about 20 feet in height and would be essential to the growth of a secondary canopy. These changes are integral to the proposed tree retention and replacement code below.

Staff recommends viewing tree protection as a part of the environmental benefit of general vegetative cover. This concept gives the City flexibility to allow for solar access and reduces conflicts between tree retention and construction activity and structures.

Staff recommends the use of a tree credit method of retention and replacement. Currently, the City has a 20% retention requirement regardless of tree size. The proposed “tree credit method” (below) would base a tree’s value on its diameter rather than whether it meets the definition of “significant tree” alone.

Three main benefits of this method are;

1. A property’s credit requirement can be assigned to a few larger trees which promotes retention of large trees,
2. It would provide greater equity between sites with a few trees and sites heavily forested, and
3. It establishes a base line from which all subsequent site activity is measured.

We recommend a base requirement for single family zones that apply for construction or tree removal activity. Staff analyzed various scenarios based on a proposal from a citizen’s group and Kirkland’s code, both of which would require maintaining a minimum of 35 credits per acre. In addition, staff analyzed the scenarios that would occur based on a standard that would require a minimum of 90 credits per acre. Staff found that 35 credits were substandard to our goal of no-net-loss and 90 credits were too burdensome and inflexible on sample sites. From these sample scenarios, staff developed the following proposal:

Proposal -

- Require 60 tree credits per acre or 10 credits for a typical 7,200 square foot lot. Ten credits could be met in several ways, ranging from saving 20 10-inch trees to saving one 47 inch tree on a 7,200 square foot lot. (The chart and diagrams that explains this method will be presented at the July 9 meeting.)
- Significant tree trunks that are within 10 feet of the building foot print could be retained but not included in the credit requirement because of the likely root damage from construction activity.
- All removed trees will have replacement trees associated with them. Two replacement trees would be required for every tree credit not met by the site.
- If a site has enough trees to meet the minimum 60 credits per acre then no replacement trees are required on site. If a site doesn't have enough trees to meet the credits then they must plant enough replacement trees to meet the credits on site.
- Excess replacement trees can either be planted on site or their value placed in a forestry account. This account is like a fee-in-lieu account where monies can be used for City tree planting programs or forest management programs. The fees are to be determined.
- Replacement trees are proposed to have a minimum of 2-inch caliper and maintenance increased to 5 years to increase survivability and likelihood that it will become significant (4 inches) by the end of the maintenance period.
- Future tree removal is allowed by permit if the site retains 60 tree credits per acre. 60 credits an acre is the baseline at anytime. Previous replacement trees are protected under a 5-year maintenance bond. After 5 years the trees can be cut as a part of the site's tree credit requirement.
- Based on the requirements for retention, replacement, and the forestry account no-net-loss may be possible over time.
- A city survey of tree canopy every 5 years will indicate whether no-net-loss is achievable. The City can adjust the code requirements accordingly.

Staff acknowledges that there are several side issues to be resolved. These include:

- Cost and time of administrating potentially many, small, tree maintenance bonds.
- Requirements for land uses with smaller pervious surface requirements and potential vegetative cover.
- Inclusion of retained, 2-inch trees with the replaced, 2-inch requirement.

Our plan is to resolve the purpose and replacement and retention sections of the code first. Once direction is given by the Commission on these two sections, staff will address other sections including hazardous trees, code enforcement, site design, exceptions, landmark, and clearing and grading sections of the tree code will follow. Prior to the

## **Agenda Item 7.a**

commission's public hearing and recommendations we will analyze the draft as a whole. At your July 9th meeting, Paul Cohen will discuss and explain the purpose and retention and replacement sections code sections in more detail. If you have any questions prior to the meeting, contact Paul at (206) 801 2551 or at [pcohen@shorelinewa.gov](mailto:pcohen@shorelinewa.gov).

### **Attachment**

A: Purpose sections for Clearing and Grading and Tree Code, Landscape Code, and Critical Area Code

**Attachment A**

**Clearing, Grading, and Trees Code**

**20.50.290 Purpose.**

The purpose of this subchapter is to reduce the environmental impacts of site development while promoting the reasonable use of land in the City by addressing the following:

- A. Prevention of damage to property, harm to persons, and environmental impacts caused by excavations, fills, and the destabilization of soils;
- B. Protection of water quality from the adverse impacts associated with erosion and sedimentation;
- C. Promotion of building and site planning practices that are consistent with the City's natural topography and vegetative cover;
- D. Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the City and provide continuity and screening between developments;
- E. Protection of critical areas from the impacts of clearing and grading activities;
- F. Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities;
- G. Protection of anadromous fish and other native animal and plant species through performance-based regulation of clearing and grading;
- H. Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution;
- I. Rewarding significant tree protection efforts by granting flexibility for certain other development requirements;
- J. Providing measures to protect trees that may be impacted during construction;
- K. Promotion of prompt development, effective erosion control, and restoration of property following site development; and
- L. Replacement of trees removed during site development in order to achieve a goal of no net loss of tree cover throughout the City over time. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(A), 2000).

**Landscape Code**

**20.50.450 Purpose.**

The purposes of this subchapter are:

- A. To enhance the visual continuity within and between neighborhoods.
- B. To establish at least an urban tree canopy through landscaping and street trees.
- C. To screen areas of low visual interests and buffer potentially incompatible developments.
- D. To compliment the site and building design with landscaping. (Ord. 238 Ch. V § 7(A), 2000).

**Critical Areas Code**

**20.80.010 Purpose.**

- A. The purpose of this chapter is to establish supplemental standards for the protection of critical areas in compliance with the provisions of the Washington Growth Management Act of 1990 (Chapter 36.70A RCW) and consistent with the goals and policies of the Shoreline Comprehensive Plan in accordance with the procedures of Chapter [20.30](#) SMC.
- B. By identifying and regulating development and alterations to critical areas and their buffers, it is the intent of this chapter to:
  - 1. Protect the public from injury, loss of life, property damage or financial losses due to flooding, erosion, landslide, seismic events, soils subsidence or steep slope failure;
  - 2. Protect unique, fragile and valuable elements of the environment;
  - 3. Reduce cumulative adverse environmental impacts to water quality, wetlands, streams and other aquatic resources, fish and wildlife habitat, steep slopes and geologically unstable features;
  - 4. Meet the requirements of the National Flood Insurance Program and maintain the City of Shoreline as an eligible community for Federal flood insurance benefits;
  - 5. Ensure the long-term protection of ground and surface water quality;
  - 6. Alert members of the public, including appraisers, assessors, owners, potential buyers, or lessees, to the development limitations of critical areas and their required buffers;
  - 7. Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's Environmental Procedures (Chapter [20.30](#) SMC, Subchapter 8); and comply with the requirements of the Growth Management Act (Chapter 36.70A RCW) and its implementing rules;

8. Establish standards and procedures that are intended to protect environmentally critical areas while accommodating the rights of property owners to use their property in a reasonable manner; and
9. Provide for the management of critical areas to maintain their functions and values and to restore degraded ecosystems. (Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(A), 2000).