

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION

### REGULAR MEETING



Thursday, October 1, 2009  
7:00 p.m.

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

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. September 17, 2009	
6. GENERAL PUBLIC COMMENT	7:10 p.m.
<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. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.</i>	
7. PUBLIC HEARING <i>Continuation of Legislative Public Hearing</i>	7:15 p.m.
a. <b>Permanent Regulations for Regional Business (RB) Zone Continued</b>	
1. Staff Overview and Presentation of Revised Staff Recommendation	
2. Questions by the Commission to Staff	
3. Public Testimony - <i>on new proposal or from public who hadn't commented at 9/17 meeting</i>	
4. Final Questions by the Commission	
5. Deliberations	
6. Closure of Public Hearing	
7. Vote by Commission to Recommend Approval or Denial or Modification	
8. DIRECTOR'S REPORT	8:45 p.m.
9. UNFINISHED BUSINESS	8:50 p.m.
10. NEW BUSINESS	8:55 p.m.
a. <b>Review of Planning Commission Bylaws</b>	
11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	9:20 p.m.
12. AGENDA FOR October 15	9:25 p.m.
13. ADJOURNMENT	9:30 p.m.

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

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

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 17, 2009  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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#### **Commissioners Present**

Vice Chair Wagner  
Commissioner Behrens  
Commissioner Broili  
Commissioner Kaje  
Commissioner Kuboi  
Commissioner Perkowski  
Commissioner Piro  
Commissioner Pyle (left at 9:36 p.m.)

#### **Staff Present**

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

#### **Commissioners Absent**

Chair Hall

#### **CALL TO ORDER**

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

#### **ROLL CALL**

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

#### **APPROVAL OF AGENDA**

The agenda was approved as presented.

#### **DIRECTOR'S COMMENTS**

##### **Commission Work Program**

Mr. Tovar advised that the joint City Council/Planning Commission Meeting was very productive. They reviewed the work program document and he recalled that staff used a larger format to identify the

work involved with updating the Comprehensive Plan. While the update does not have to be completed until December of 2011, there are numerous steps that must take place at the Planning Commission level starting in early 2010.

Mr. Tovar recalled the City Council indicated they were interested in the Commission moving forward with a discussion about mega homes regulations, which staff has identified on the agenda in mid 2010. They also asked the Commission to revisit the City's current regulations regarding home occupations in single-family zones, with an interest in liberalizing or making them more permissive. Staff will identify a scope of what might be changed and present their findings and recommendations to the Commission.

Mr. Tovar reminded the Commission of their request that the Planning Commission and City Council meet again in January 2010 to review how much progress has been made on issues such as the tree regulations, Point Wells, Regional Business zoning regulations, etc. At that time, they could decide to adjust the work program and perhaps postpone discussions related to mega homes and home occupations. It is anticipated the City Council would formally adopted the updated Commission's 2010 Work Program.

Commissioner Kaje observed that some sections of the Comprehensive Plan won't require a lot of Commission involvement. However, he would like to hear staff's thoughts about how the Commission might go about prioritizing the areas that will require a significant amount of Commission attention. He also referred to the issue he raised at the joint meeting about how the City Attorney and staff could help unravel some of the more complicated issues that have the potential of detracting from the Commission's ability to make progress on the bigger questions. He said he would like feedback from the staff and/or City Attorney prior to the Commission's next discussion regarding the permanent regulations for the RB zones. Mr. Cohn reported that the City Attorney has been working on a response and expects to report to the Commission in late October or early November.

### **Improving Public Communications**

Mr. Tovar emphasized the City Council has indicated they would like to have more and better ways to engage the public (Council Goal 10). He referred to the Town Center Subarea Plan process and noted the various methods that would be used to engage the public. For example, staff would attend neighborhood association and the Chamber of Commerce Economic Development Advisory Committee meetings, place an article in the October issue of *CURRENTS*, provide information on the City's website, and place large notice board signs around the study area.

Mr. Tovar reviewed that Commissioner Piro emphasized at the joint meeting that *CURRENTS* is the most effective way to reach the citizens of Shoreline. However, the publication does not include any information about the Planning Commission. He noted the Commission had suggested they have some regular presence in the publication, and perhaps one page each quarter could be dedicated to an update on what is happening.

Commissioner Broili said everyone agrees that *CURRENTS* is the one of the City's most effective tools for keeping the citizenry apprized of what is going on. However, nothing is being done to increase its

circulation or provide information from all City departments. He summarized this would be a good place to start to achieve Council Goal 10.

Commissioner Perkowski suggested that perhaps a black and white table of upcoming events for the Planning Commission could be inserted into *CURRENTS*, and this would be less costly than a full-color page.

**COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND THAT STAFF PURSUE REGULAR COMMUNICATION IN *CURRENTS* ON THE WORK AND AGENDA OF THE PLANNING COMMISSION. COMMISSIONER PERKOWSKI SECONDED THE MOTION.**

Commissioner Kuboi questioned if the Commission wants to pitch their request as a column for staff to talk about planning issues or as actual Planning Commission space. He noted the Commission also has planning issues they would like to talk to the citizenry about.

Commissioner Broili observed that many issues that come before the City Council have passed through the Planning Commission previously. Therefore, it is for the public to be aware of the work the Planning Commission is doing.

Vice Chair Wagner said this information could be provided in a simple bulleted format to outline the items that are coming before the Commission in the near future. Rather than providing too many details, references could be provided to identify where additional information could be found. Perhaps they could highlight those items that will require and/or benefit from a significant amount of public input.

Commissioner Piro suggested that at a minimum, each edition of *CURRENTS* should contain information that informs the public of how to access the Commission's website. In addition, the publication could provide a brief calendar of what is on the Commission's agenda for the next three months. Commissioner Kaje expressed his belief that every issue of *CURRENTS* should include a section that outlines the issues that each City Department is currently dealing with and identifies how the public can become involved. In addition, it would be helpful if the Commission was given space on a quarterly basis to provide more information about the larger issues before them.

Commissioner Behrens said he supports the idea of using *CURRENTS* to inform the public of Planning Commission activities. He suggested that rather than a quarterly opportunity, the Commission could develop a timeline that specifically identifies when larger issues on the work program should be discussed in the publication. Mr. Tovar cautioned that they should be careful about how much detail is published regarding specific dates and times for future Commission discussions.

**THE MOTION WAS TABLED UNTIL THE END OF THE MEETING.**

Commissioner Behrens pointed out that because City Hall is located in the center of the Town Center study area, perhaps the City should consider using an electronic reader board at City Hall to publicize the study. Mr. Tovar said this idea was already suggested, and it was not approved.

Vice Chair Wagner recalled that at the joint meeting, it was recommended the term “mega homes” be changed to something that is less polarizing. She suggested the Commission focus on the issue of proportionality rather than the term “mega homes.”

### **Point Wells**

Mr. Tovar recalled that in August, the Snohomish County Council adopted the urban center designation for their Comprehensive Plan for Point Wells. Notice of this designation was published on September 12<sup>th</sup>, which means the appeal period is open until November 11<sup>th</sup>. The Shoreline City Council will discuss this issue and decide whether or not to appeal. He reported that the Snohomish County Council would hold a public hearing on proposed zoning to implement the urban center designation at Point Wells on September 30<sup>th</sup>. Staff has reviewed the draft zoning proposal, as well as a number of potential amendments, and will prepare input to submit to the County. As proposed, the new zoning would not be effective until February 8, 2010, which is when the urban center plan designation would also take effect.

Mr. Tovar said staff conducted a charette with the Richmond Beach Community Association regarding the Point Wells site. The information would be compiled and available for review within the next few weeks. Staff is also working on a pre-annexation zoning ordinance. He recalled that a public hearing was conducted several months ago on a proposed subarea plan for the area, but the new plan would be somewhat different. Staff plans to have a draft of the subarea plan, as well as the pre-annexation zoning ordinance, available to the public and to the Commission for a study meeting in November. A public hearing has been tentatively scheduled for December 3<sup>rd</sup>. Mr. Tovar said it is important for staff to have a clear understanding of what Snohomish County is proposing before they complete their proposed draft plan for the Commission’s review. He said he anticipates the Commission would forward their recommendation to the City Council in early 2010.

Commissioner Broili asked if King County has weighed in on the Point Wells issue. Mr. Tovar answered that staff has been communicating with King County Councilmembers, but it is really not a King County issue. There is not a lot they can do, except inject another layer of jurisdictional planning that would not necessarily be helpful.

Commissioner Behrens inquired if either Snohomish County or the City of Shoreline has looked at the issues involved with bringing water and power to the site in order to develop it. Mr. Tovar said the developer of the project has indicated there are utilities available on the site. However, the City challenged the developer’s statement that police and fire services are available. Commissioner Behrens questioned where the water and power would come from. Mr. Tovar answered the water would come from either Seattle Public Utilities or the Olympic View Water District. Commissioner Behrens observed that the amount of power and water that could be provided to the area would define the type of development that could occur. Mr. Tovar explained that the City does not have a water or sewer franchise, but they do control what happens in the public rights-of-way in Shoreline. In April, the City Council adopted a resolution that says the City would not issue any street cut permits or expanded utility lines to serve an urban center at Point Wells. Commissioner Behrens summarized that, as per the resolution, any large-scale development of the site would require that the utilities come from north of the county line.

Mr. Tovar summarized that the City has already gone on record that Snohomish County's proposed zoning for Point Wells does not comply with the Growth Management Act and with their own Comprehensive Plan. Some of the concerns they raised are related to water, sewer, police, fire, etc. The Growth Management Act talks about where urban growth should be concentrated and where services can be provided efficiently, and the City does not believe the County can efficiently provide the necessary services to Point Wells.

### **APPROVAL OF MINUTES**

The minutes of September 3, 2009 were approved as amended.

### **GENERAL PUBLIC COMMENT**

**Laethan Wene, Shoreline**, suggested that rather than focusing on businesses, the City should do more to provide affordable housing.

**Christine Menke, Shoreline**, said that although she understands that growth is rapidly occurring in the City and that it will continue to do so for some time, finding good and affordable approaches to housing is the right thing to do. She also said it is important to consider the environment, in general. She said she moved to Shoreline 23 years ago because of the beautiful space. She reminded the Commission that the goal of the Washington State Growth Management Act is to address concerns about uncoordinated and unplanned growth, as well as sustainability, environment, and quality of life. She recalled that at the joint meeting, she was struck with how the City Council was working so hard to ensure that a home-based business would not disturb the neighborhood. They addressed issues such as how many cars, signage, how many employees, etc. However, in another part of the City they are grappling with a non-taxpaying entity that is attempting to grow significantly, which would affect the neighborhood in a very big way. The City also has a green team and mini grants are going out to citizens to establish environments that help create a stable community. She suggested it would be great if the City could pull all of their efforts together. She implored the Commission to think about the lack of open park space. She provided a chart showing that the City of Shoreline stands near the bottom in terms of park space per capita when compared to other cities of 10,000 or more people.

**Les Nelson, Shoreline**, suggested that as they think about development, they should ensure that open space is provided for. He observed that every time the City grants a rezone, it is a gift to the developer because it makes the property worth more money. However, it is often unclear how the community benefits from the change. He said it is the Commission's responsibility to represent the community and require open space as part of development. This will result in a better community. He suggested staff ask Seattle Public Utilities what it would take to get an adequate supply of water to the Point Wells property. He explained some of the restrictions that would apply to the situation.

## **LEGISLATIVE PUBLIC HEARING ON PERMANENT REGULATIONS FOR REGIONAL BUSINESS (RB) ZONE**

Vice Chair Wagner reviewed the rules and procedures for the public hearing and then opened the hearing.

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

Mr. Cohn presented the staff report for the proposed permanent regulations for the Regional Business (RB) zone. The regulations would adopt the interim regulations that were adopted in May of 2008, which limit the maximum density in the RB zone to 110 dwelling units per acre. The interim rules have been extended twice in order to provide the community time to work on modifying the City's Vision and Framework Goals, which was completed earlier this year. The Vision and Framework Goals offer direction that has applicability when discussing permanent regulations for the RB zone.

Mr. Cohn said the City Council recently adopted Ordinances 546 and 549, which relaxed the interim density standards in the Midvale Demonstration Area (MDA) to allow 150 dwelling units per acre if additional conditions are met. The proposed permanent regulations for the RB zone would also replace the MDA regulations.

Mr. Cohn said staff is recommending the RB zoning district be renamed to eliminate confusion with the Comprehensive Plan designation. He emphasized that staff is not proposing to rezone properties. The proposal is to rename the zones that are already identified as RB. Staff considered alternative ideas and concluded that it might be a good idea to create two zones the Neighborhood Mixed Use (NMU) Zone and the Aurora Mixed Use (AMU) Zone. Both zones would have the same uses, but slightly different development standards. The maximum density in the NMU zone would be 70 dwelling units per acre. The maximum height would be 40 feet for strictly residential developments and 50 feet for mixed use developments. The maximum density in the AMU Zone would be 150 dwelling units per acre. The maximum height would be 65 feet if specific conditions are met. All development in either zone would require administrative design review. In addition, both zones would include transition design standards and added requirements for common recreational space.

Mr. Cohn explained that, as proposed, housing density in the AMU Zone could be increased to 110 dwelling units per acre, a maximum height of 60 feet, and a maximum floor area ratio (FAR) of 3.2 if the following standards are met:

- The building is a mixed-use building with at least 3,000 square feet of retail or personal service space on the ground floor.
- At least 1/3 of the required parking is underground or under building.
- The ground floor includes windows that allow passers-by to see inside 80% of the ground floor street frontage.
- An overhang or awning over at least 80% of the 1<sup>st</sup> floor along an arterial street.
- Construction that meets a 3-star standard under King County Built Green Standards or equivalent.



Mr. Cohn advised that, as proposed, housing density in the AMU Zone could be increased to 150 dwelling units per acre, a maximum height of 65 feet, and an FAR of 3.6 if the following conditions are met:

- The development must meet all standards for the 110 dwelling units per acre zone.
- The development includes infrastructure for electric vehicle recharging.
- 15% of the units are affordable.
- Meets King County's 3-star Built Green Standards or equivalent plus independent verification.
- The developer must hold a neighborhood meeting.

Mr. Cohn advised that staff also advertised an alternative proposal that would maintain the current RB standards and name, except the maximum housing density would be limited to 48 dwelling units per acre. He reminded the Commission that the City Council wanted them to consider this option, as well. He noted the alternative proposal stemmed from a Comprehensive Plan Amendment proposal that was initiated by a private individual.

Mr. Cohn said staff reviewed the proposed permanent regulations based on the criteria in the Development Code as follows:

- **The amendment is in accordance with the Comprehensive Plan.** Staff believes the proposed amendment is in accordance with the Comprehensive Plan, supports many of the recently adopted Framework Goals, and creates better transition. In addition, it supports the sustainability standards and would result in more pedestrian amenities, including mixed-use buildings.
- **The amendment will not adversely affect the public health, safety or general welfare.** The proposed amendment would support the public health, safety and general welfare of the citizens of Shoreline. The regulations would provide for increased transition requirements between commercial structures and residential neighborhoods. The proposed FAR requirements would limit building bulk, and recreation space for occupants of multi-family structures would be increased noticeably over current requirements. In addition, large projects would require environmentally friendly building practices.
- **The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.** Staff believes the amendment is not contrary to the best interest of the citizens and property owners because it encourages additional residential development along the Aurora Corridor. It would add protection for single-family neighborhoods from potential large developments, and would result in development that is in line with the City's recently adopted Vision.

Mr. Cohn recommended the Commission approve the proposal because it meets the criteria in the Development Code.

Mr. Cohn reviewed the following additional issues that have been raised regarding the proposal:

- In an email, Chair Hall raised issues about whether it was appropriate or necessary to adopt two zones. He believes that one zone would be sufficient and the transition standards would apply to smaller properties.
- Les Nelson sent an email with attachments expressing his belief that the market would provide some amenities even if they are not required by City code. Staff is suggesting that the market would dictate underground parking. He also expressed his belief that no matter what action was taken, it would still make sense to change the definition of “Regional Business” in the Comprehensive Plan to define the appropriate housing density.
- Debbie Kellogg submitted two emails. The latest one talked about whether or not the City followed the appropriate process regarding state notification in the optional Determination of Non-Significance (DNS) Process. She believes the Department of Ecology should have been notified prior to the issuance of a DNS. As per the Washington State Administrative Code (WAC), staff believes the State should be notified when a DNS is issued. However, staff contacted the Department of Ecology for clarification, and will comply with whatever they recommend. He summarized that this matter would be decided by the Department of Ecology, and the Commission should not spend time focusing on the issue now. Ms. Kellogg also raised an issue about whether the public was properly notified. When staff pointed out that the City provided a 14-day notice as required in *THE SEATTLE TIMES*, Ms. Kellogg agreed that adequate notice was provided.

Mr. Tovar referred to Chair Hall’s issue about whether it is appropriate to adopt two zones and reminded the Commission of the discussion in the adopted Vision Statement that explicitly talks about Aurora Avenue North being the City’s signature boulevard. He concluded that the Vision Statement provides a policy basis for creating two separate zones.

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

Commissioner Kaje referred to Item 6a on Page 22 of the Staff Report and questioned what is meant by the term “retail and personal services.” He noted the use table in the code calls out “retail/services.” Mr. Cohn said the term “personal services” refers to types of services that are used by individuals (i.e. insurance offices, accounting offices, etc.)

Commissioner Kaje again referred to Item 6a on Page 22 of the Staff Report and asked why staff used 3,000 square feet instead of a FAR standard. He noted the current RB zoned properties are a variety of sizes. Mr. Cohn explained that the proposed language was based on a 10,000 to 15,000 square foot lot, which staff felt was small. He agreed that it could also be based on FAR. He said it is important that properties that accommodate retail and/or personal service development face the arterial or main street. Properties facing side streets or back alleys are not appropriate for retail and/or personal service uses.

Commissioner Behrens referred to Item 2 on Page 21 of the Staff Report, which limits the maximum building height within 100 feet of the property line between RB and R-4 through R-12 to 45 feet. It would further limit building height between 100 and 200 feet of the property line to 55 feet. He asked if staff is proposing a developer adjust the building size and terrace the building or have a separate transitional building. Mr. Cohn answered that both options would be allowed.

Commissioner Behrens referred to Item 3 on page 22 and noted that the term “RB” should be changed to “AMU and NMU.”

Commissioner Behrens expressed concern that the proposed language would result in less than adequate benefit to the community. He referred to Item 6b on Page 22 of the Staff Report and questioned why staff settled on 1/3 as the amount of parking that must be underground. Mr. Cohn answered that he did a quick calculation using a 1 to 2 acre parcel to identify the amount of parking that would be required and how much would have to be provided underground in order to build to a density of 110 dwelling units per acre. Commissioner Behrens asked if staff has considered the option of creating a system that would separate the residential and business parking requirements and allow the business parking to be located at grade. He suggested the ability to park in front of the retail space would make a development more attractive to potential users. Mr. Cohn said this would be possible, but the Commission would have to decide if they want to encourage parking lots between the sidewalk edge and the retail spaces.

Commissioner Behrens referred to the Market Square development, which would be developed at a level far higher than what is being proposed. He asked staff to compare the proposed language to how the Market Place site is being developed. He summarized his belief that the Market Square developer is offering far more than what the City would require as per the proposed amendment. Vice Chair Wagner suggested this issue would be more appropriately addressed as part of the Commission’s deliberation process.

Commissioner Perkowski referred to Item 4 on Page 21 of the Staff Report, which would limit building height in the NMU Zone to 40 feet for residential development and 50 feet for mixed-use development. He requested feedback from staff as to how they came up with the 10-foot incremental change. Mr. Cohn said the additional height is an attempt to encourage mixed-uses. Commissioner Perkowski suggested that having a larger (up to 15 feet) incremental change would be a better incentive. Mr. Cohn said that he is also working with the Southeast Shoreline Neighborhood, and they are talking about 50-foot heights for mixed-use buildings. However, he agreed that 55 feet might be a better number. Commissioner Perkowski expressed similar concerns about the proposed language that would allow building height in the AMU Zones to increase to 60 and 65 feet. Mr. Cohn explained that the intent of Item 7 on Page 22 was to allow development in the AMU zone to have a density of 150 dwelling units per acre, while still maintaining the current RB height limit of 65 feet. Staff originally considered a 50-foot height limit for the middle level that allows a density of 110 dwelling units per acre, but then decided to propose a somewhat higher number.

Commissioner Perkowski referred to Item 6e on Page 22, which requires construction to meet a 3-star standard or equivalent. Item 7d says the same thing but adds a requirement for independent verification. Mr. Cohn said this distinction was made by the City Council as part of the MDA process. In order to develop to the highest density level, they wanted to require more than a 3-star standard and less than a 4-star standard. Staff believed that requiring an independent verification addressed their concern, and Council agreed.

Commissioner Kuboi referred to Item 3a at the bottom of Page 62 of the Staff Report, which references the administrative design review process. He questioned the appropriateness of making reference to a

document that does not yet exist. Mr. Cohn advised that an administrative review process was adopted for Ridgecrest, and staff could fall back on this process until a new process has been adopted. Commissioner Kuboi inquired if the design review process is intended to be a significant method of affecting the outcome of future development. Mr. Cohn said the intent is that staff would seriously review the design review criteria and recommend changes as appropriate.

Commissioner Kuboi referenced the second bullet in Item ii on Page 63 of the Staff report, which talks about affordable housing. He expressed concern about how the proposed language would work. Mr. Cohn explained that the 15% factor would be based on unit count, and the 75% factor would be based on unit size. For example, in a 100-unit development, 15 of the units would have to be affordable to households in the 75% median income category. The Department of Housing and Urban Development identifies a standard rental rate for 1-bedroom units, 2-bedroom units, etc. Commissioner Kuboi observed that, as proposed, a developer would not be incentivized to do anything more than the smallest units. Mr. Cohn said there would be no incentive, but that does not mean they would take that approach. Again, agreed there would not be a disincentive for two-bedroom units. However, most of the units would likely be studios and 1-bedroom.

Commissioner Broili asked for further clarification about the issue raised by Commissioner Perkowski regarding the 3-star standard. Mr. Cohn said the 3-star plus standard came from a City Council discussion about the MDA. The original proposal was a 3-star standard, and the City Council felt it should be greater. This resulted in the independent verification requirement.

Commissioner Kaje referred to the last bullet in the top section of Page 63, which requires 800 square feet of common recreational space. He inquired if that specifically means outdoor recreational space. Mr. Cohn answered no, and explained that it is staff's expectation that quite of bit of the recreational space would be located indoors.

Commissioner Behrens said he wants to be comfortable that a developer would not be able to use the unused setbacks around buildings to qualify for open or recreational space. The recreational space should be available for the people who live in the building to use. Mr. Cohn said they could use the term, "useable recreational space" and require that at least some portion needs to be continuous. Mr. Tovar shared Commissioner Behrens' concern in that the City should not encourage an applicant to design a building, then the parking, and then identify the left over property as recreational space. They want to make sure the open space is designed as useable recreational space. Mr. Tovar suggested staff craft some language that would require the space to be useable and functional as open space, and not a scrap of land that is left over when the building design is done.

Commissioner Pyle referred to the fourth bullet in Item ii on Page 63 of the Staff Report and asked why the pre-application neighborhood meeting would only focus on traffic impacts. Mr. Cohn said this language came from the City Council as part of their discussion of the MDA. Cut through traffic was a concern within the MDA, and the proposed language was intended to address the concern.

Commissioner Pyle encouraged the Commission to keep in mind that jurisdictions amend their development codes regularly. He observed that the numbers in the proposed language may not

necessarily be the best situation for every project. Rather than fine tune the numbers right now for projects that do not even exist, they should focus on the concepts and whether or not staff has actually achieved the Commission's intent.

### **Public Testimony**

**Les Nelson, Shoreline**, referred the Commission to the Comprehensive Plan amendment he submitted. He said he is concerned that development is done in the right way, and R-48 is what the community bought off on. He said he also put together a chart to explain the history and basis for his proposal and suggested that R-48 would be a good place to start. That is what the City Council originally directed until they approved the MDA, which allowed up to 150 units per acre. However, it is important to note this was a test and it never was used by developers. He questioned why they should make the higher density permanent for the new zones. Rather than focusing on parking incentives, etc., they should focus on what benefits the community would receive in exchange for the greater density and height. He suggested they visit good developments that have occurred in other jurisdictions. If the City allows a density of 150 units per acre, every property owner will want to build to that density. They could end up with big box buildings next to each other, and no one would have to be responsible for creating open spaces. If the density were limited to 48 or 70 dwelling units per acre, the City would be able to require developers to create space for the community. He said he would not be against a 100-story development in Shoreline as long as a large open space with a barrier is created as part of the project. This would require the developer to sacrifice some of his property to provide open space.

**Christine Menke, Shoreline**, suggested the City quantify the amount of park and open space that must be maintained per acre in Shoreline to preserve the beautiful city and increase the amount of parking. She agreed the City should not equate common recreational space with open space. She referred to a development in her neighborhood on 195<sup>th</sup> and Fremont Avenue and expressed her belief that although placing a notice in *THE SEATTLE TIMES* 14 days before a decision was made may have been legal, it was not adequate. She suggested this is the type of action that fosters public mistrust. Citizens are dealing with major issues in their neighborhoods, and they feel powerless against major corporations. She suggested that using *CURRENTS* and other methods as discussed by the Commission would be appropriate to improve public communication. She expressed her belief that Shoreline residents are not against development, but they want to be part of the process. She suggested they consider revisiting the issue at a time when more citizens are present to participate.

Commissioner Behrens observed that, typically, not a lot of citizens attend the Planning Commission hearings, and the Commission constantly talks about how they can get more people involved in the process. He asked why Ms. Menke decided to come to the meeting, and what the Commission could do to encourage more people to get involved in the process. Ms. Menke said she felt she didn't really have a say in what was happening in her City compared to the power of large corporations and entities. She became concerned about what could actually happen. She said Wendy DiPeso sifts through the information on the City's website and shares what is happening. She does not add her commentary, but merely informs people of what is going on and where they can obtain information.

**Laethan Wene, Shoreline,** informed the Commission that there are recreational facilities in the City. They have the Shoreline pool, the YMCA, and the recreational facilities at the Shoreline Center and the Richmond Highlands Recreation Center.

### **Final Questions by the Commission**

Commissioner Piro asked Mr. Nelson to share his opinion on the transition component in the staff recommendation (Item 2 on Page 21 of the Staff Report). Mr. Nelson said step backs are important to adjacent property owners. However, the difference in appearance is much less noticeable from properties further away. He said he would like to see transitional zoning that gradually increases the density from R-4 through R-8, to R-24, R-48, and then commercial. Rather than a developer making money by purchasing property and rezoning it to a greater density, the residents who live in the neighborhoods could get some eventual benefit from the zoning changes.

The Commission questioned if they would be allowed to ask questions of staff during their deliberations if the public hearing is closed. Mr. Tovar suggested the Commission not close the public hearing until they are absolutely sure they have finished asking questions of the public and staff. The Commission agreed to move “Closure of Public Hearing” to after “Deliberations.”

Commissioner Kuboi asked staff to review the parameters that could be considered as part of the Ridgecrest Administrative Design Review Process. Mr. Tovar read from Section 24.91.040 – Administrative Design Review, which was adopted for Ridgecrest. He noted that some items are very specific to Ridgecrest and could be deleted if the language is applied to the AMU and NMU zones. Commissioner Kuboi inquired if the administrative design review process would allow staff the ability to clarify the intent of the zoning code language when there is ambiguity (i.e. setbacks being used as open space or recreational space). Mr. Tovar said that if the zoning language includes a standard that the recreational space must be useable, staff would require an applicant to demonstrate that the space is functional and useable. An applicant could use the design departure avenue to try and make a case for a different solution, but it could not be used as a loophole to avoid the requirement. Commissioner Kuboi said he views administrative design review as the safety valve to make sure the intent of the zoning regulation is met. Mr. Tovar cautioned that staff would prefer the standards be as specific as possible so fewer issues are left to their interpretation. He reminded the Commission that the administrative design review section would be temporary until a permanent design review process is approved in 2010.

### **Deliberations**

Commissioner Perkowski pointed out that the term “mixed use” is not defined in Item 4 at the bottom of Page 21 of the Staff Report, and he questioned if there should be a minimum retail space requirement. Mr. Cohn recalled that the developers he spoke with indicated that a density of 65 to 70 units per acre would be necessary to accommodate “flat” style residential development. If the Commission wants to encourage that kind of development at the lower threshold, they must decide if they think it’s important to encourage or require a certain level of retail, as well.

Commissioner Behrens asked how much mixed use should be required to increase the height from 40 to 50 feet. Mr. Cohn said he does not have a good feel for how much requirement would be too much. He cautioned that requiring too much retail could become a disincentive. Mr. Tovar said the Ridgecrest zoning requires a 15-foot floor-to-ceiling height on the ground floor to accommodate retail uses, but they are not required to be occupied by retail uses. Mr. Cohn suggested the language be changed to allow the additional height if the ground floor were developed and plumbed to retail standards. Mr. Tovar said another option would require that the 5<sup>th</sup> level of development could only be as large as the amount of retail space that is provided on the ground floor. Commissioner Behrens said he does not have a preference for either option, but the current language is not clear enough to make a judgment as to when a developer would be allowed the additional height. Staff concurred.

Commissioner Pyle recalled that when the Commission first started their discussion about density, scale of development, transition, etc. they considered the idea that rather than having a strict unit count, the zoning code should be more form-based and controlled by the envelope. While he can appreciate Commissioner Behren's concerns, he expressed his belief that the building envelope would be the same regardless of the uses inside. He suggested the 50-foot height should be allowed as long as there is a retail component associated with the development.

Vice Chair Wagner referred to Item 6a on Page 22 of the Staff Report. She said that instead of requiring at least 3,000 square feet of retail or personal service space, she would prefer the required retail space be based on a proportion or ratio in relation to the rest of the building.

Vice Chair Wagner referred to Item 5 at the bottom of Page 21 related to the requirement for common recreational space. She recalled that when the Commission previously discussed the issue of public space, she raised the question of whether the public space would be set aside for the exclusive use of those who live in the development or if the space would be open for the rest of the community to enjoy. She noted the Comprehensive Plan talks about flexibility to offer developers incentives in exchange for community benefits. She would be interested in exploring options for requiring larger projects to provide more public open space. She said she is not suggesting the open space be completely accessible to the public, but that there be some feeling of open space even if it is part of the development. However, in order to be considered an incentive, the open space should be truly accessible to the public. Mr. Tovar inquired if Vice Chair Wagner would consider an outdoor café associated with a ground floor restaurant to be a public or quasi-public space. Vice Chair Wagner answered affirmatively, as long as there was a foundation for actual outside, terrace seating, etc. Mr. Tovar explained that open spaces can potentially overlap with active uses. He suggested staff propose language for the Commission's future consideration to address the issue of public open space.

Commissioner Broili agreed with Ms. Menke's suggestion that the language include a definition for the terms "recreational" and "open space." They do not have to be specific, but at least clear enough that everyone understands what they are talking about. He said he would not be opposed to allowing setbacks to be counted as part of the 800-square feet of common recreational/open space. However, rather than being an afterthought, it must be an intricate part of the overall design. He observed that this would allow for design flexibility.

Commissioner Broili reminded the Commission that they would be tackling the issue of design review in the near future, and most of the issues currently being discussed could be dealt with through good design via the design review process.

Commissioner Broili referred to the concern raised earlier by Commissioner Behrens about parking in front of businesses. He reminded the Commission that although the City is presently auto-oriented, many businesses do not provide parking in front. Instead, they provide parking garages to accommodate the parking needs, which is a good model. He said he would prefer that the streets be less car and parking oriented and more open to the street, recreational areas, etc. He encouraged the City to do whatever they can do to make a better transition from the building envelope, through the public space (sidewalks), and to the street. Parking cars should not be a part of the transition.

Commissioner Broili referenced Commissioner Pyle's comment regarding the 4<sup>th</sup> Bullet in Item ii on Page 63 of the Staff Report, which indicates that traffic impacts would be the only issue addressed at the neighborhood meeting. He suggested they either strike the word "traffic" or be more inclusive and name some of the other impacts that are important to the neighborhood and the environment.

Commissioner Piro said he would not be in favor of having surface parking as a major part of the solution. He inquired if it is possible to consider other options for placing additional parking within a structure. He observed that underground parking is costly, and perhaps some parking could be tucked behind the building at the sidewalk level. Where appropriate, he suggested they consider options for appropriate on-street parking. While this would not be an option for properties on Aurora Avenue, there may be opportunities for on-street parking along some of the side streets to serve the retail customers.

Commissioner Piro said that if they do maintain the standard that 1/3 of the required parking be located underground (Item 6b on Page 22 of the Staff Report) in order to obtain a density of 110 dwelling units per acre, perhaps it would be appropriate to ramp up the parking requirements in order to obtain a highest density of 150 dwelling units per acre.

Commissioner Piro asked staff to weigh in on some of the points made in Chair Hall's email, specifically the concern about splitting the RB zone into two zones. Chair Hall offered a solution that would blend the two zones together again. Mr. Cohn said staff is in favor of two zones, but they would certainly support a Commission recommendation to have only one. Mr. Tovar suggested the areas proposed for the new AMU zone are distinctly different than the other areas that are currently zoned RB and proposed for NMU. He reminded the Commission that the Aurora Project would be completed in two years, and bus rapid transit would be available within two years, as well. There is an Interurban Trail for the full length of the three-miles. None of these amenities exist in the other areas that are zoned RB. In addition, the recently approved Vision Statement talks specifically about the Aurora Corridor becoming the signature boulevard for the City. He concluded there is plenty of policy to suggest that the areas along the Aurora Corridor are fundamentally different.

Commissioner Piro summarized that he could support either approach. He said he appreciates Chair Hall's effort to advance some simplicity in terms of just having a single category of mixed-use. Mr. Cohn summarized that Chair Hall's point is that, generally speaking, the sites outside of the Aurora



Corridor are smaller and would not have as much development potential. He said staff has not done any prototypes to see if the numbers proposed by Chair Hall would effectively implement the Commission's intent, but he agreed that mixed use developments along the Aurora Corridor would be more intense than those that are not.

Vice Chair Wagner said she supports Chair Hall's concern regarding the name "Aurora Mixed Use." While she can appreciate and understand the policy reasons stated by staff about how the Aurora Corridor properties are different, this may change in the future. She said she would like to explore another name for the proposed zone that is not specific to Aurora Avenue. Commissioner Piro concurred, but he suggested that naming the zone would be the easiest part of the project.

Commissioner Kaje referred to Item 6 on Page 22 and suggested that some of the bulleted items should not really be considered incentives. They do not really merit anything to the City that would warrant a higher building envelope. For example, Item 6c, would require windows on 80% of the ground floor street frontage, but this should be a subject of design review and not necessarily related to the height. He suggested this item be pulled from the proposed language. The issue of functional open space should also be addressed as part of design review.

Commissioner Kaje again questioned the term "retail and personal services" and expressed concern that the language suggests the City knows what is best for the non-residential part of a mixed-use development. He suggested the language not specify the types of mixed uses that could occur on the ground floor unless they find, over time, they are not getting what they want. Mr. Tovar reminded the Commission of their earlier discussions about moving towards a form-based code. One of the purposes of form-based codes is you don't have to pick and choose uses. Instead, there would be a much shorter list of things that are prohibited, and anything else would be allowed. The market would determine the types of uses, which makes the code much simpler to administer. Commissioner Kaje asked staff to think about pulling out references to the types of mixed-uses allowed and consider what language should be added to specifically prohibit uses they don't want to allow.

Commissioner Kaje recalled that he has raised the issue of transitional zoning on a number of occasions. He suggested that "transition" would need to be a significant part of the Commission's future discussions of the Town Center Subarea Plan. However, transition is not really something that will be tackled as part of the zoning proposal currently before them. He said he supports the concept of having two mixed-use zones, as proposed by staff. The areas identified as NMU are fundamentally different than those identified as AMU, and he suggested some of the incentives should be different, as well.

Commissioner Kaje expressed his belief that none of the proposed incentives could be considered public amenities. While there is some shared value from moving parking, better energy efficiency, etc., they should not be considered public amenities. He referred to the adopted Vision Statement, which describes public open space along the Aurora Corridor. He summarized that they need to have more public open space amenities in the area proposed for AMU, but the situation is different in the proposed NMU area where there are already school yards, parks, etc. He invited staff to think about the different needs of the two proposed zones, especially related to outside public amenities as a fundamental incentive for the AMU zone.

Commissioner Kaje expressed his belief that some of the proposed incentives that would be required for additional building height would not really be meaningful. For example, because underground parking would already be necessary, it could not be considered an incentive. He explained that when a developer does more than he/she really needs to do, it can be considered an incentive. Things the developer needs to do to make the project work should not be considered incentives. Second, he expressed his belief that requiring independent verification of the 3-Star Built Green Standards is too wimpy and is not worth the additional height that would be allowed. While this is a good category for an incentive, he suggested they consider requiring a developer to obtain the next level of Built Green Standard. He said he likes the affordable housing incentive. However, if the City wants to provide affordable housing, not just for singles, but for families, they might change the language to require that the average size of the affordable units should be similar to the units within the overall development. This would result in a representative sample of the housing units as affordable and would be more responsive to the City's real need.

Commissioner Kaje said he supports the concept of providing electric vehicle charging stations as part of redevelopment. However, he suggested it should not be considered an incentive. Instead, it should be a requirement throughout both zones regardless of the size of the project.

Commissioner Kaje asked that staff remove some of the items that should not really qualify as an incentive and come back with stronger steps for incentives. He asked them to give some thought to having different incentives for the AMU zone as opposed to the NMU zone.

Commissioner Behrens once again referred to the Market Square development proposal, which would have 140 units on one acre of property. The project would provide 100% underground parking, an 80 square foot gymnasium, a 2,000 square foot café, a 5,000 square foot courtyard, and a 13,000 square foot roof top garden. The parking would be on two levels: underground and on the ground floor. The café and gymnasium would finish off the ground floor. The lot coverage would be 88%, leaving 12% of the lot empty. This proposed project contains all of the things the Commission has been talking about. The café would be useable not only by residents of the building, but by residents of the City. The proposed café and gymnasium alone would result in more recreational space than is proposed in the draft language. He strongly recommended the Commission review this development as they consider the proposed language. He summarized his belief that the City could do much better than what is being proposed. If someone is willing to build the Market Square project, why should they settle for less? Why settle for only requiring 1/3 of the parking to be located underground when someone is willing to develop a project with 100% underground parking? He suggested many of the issues the Commission has discussed are contained in this one development proposal.

Commissioner Kuboi pointed out that this project is not in the construction phase yet. Commissioner Behrens agreed that the project has not been started, but the permit has been approved.

Commissioner Kuboi said he wants the best development possible, but they also have to balance this desire with the reality that the current development environment is unstable. He cautioned that asking for more and more amenities could get the City into a position where no development is proposed. He reminded the Commission of Commissioner Pyle's earlier observation that the regulations could be

revised if the development situation changes. He questioned if the Commission would be doing the community justice by asking for something that is arguably unfeasible given the current economic situation. He agreed that the Market Square development is a wonderful proposal, but right now it is only a proposal. He observed that sometimes progress can best occur in incremental stages, and perhaps now is not the time to set the bar extremely high if they want to encourage redevelopment in the near term, with some progress towards the City's broader goals.

Commissioner Piro said he likes the idea of using the Market Square development proposal as an example and something the City should aspire to. However, regulating to a high degree might not be the best way to implement the concept. He suggested there are ways to incentivize the requirements to address their intent. He recalled the intent is for the majority of the structures in the new zones to have a full blending of residential, commercial, and retail uses. However, there is some value to having some buildings that are strictly residential. He referred to Seattle's Bell Town as an example of what can happen when developers are heavily regulated to the point they construct buildings with more retail space than the market can support because of formulaic commercial space requirements. He said he is willing to trust the market to a certain degree to know how to package some of the components discussed by the Commission for the benefit of the community. He cautioned against taking the regulations to such a degree that they become impossible to meet. It is important to find the right balance in order to achieve the various objectives.

COMMISSIONER PYLE LEFT THE MEETING AT 9:36 P.M.

Commissioner Broili agreed with Commissioner Kaje that the independent verification requirement would be meaningless. He suggested they require a 4-Star Built Green Standard. He noted that, as proposed, there would be no green building standards for the NMU zone. He suggested that development in the NMU zone be required to meet at least the 2-Star and perhaps the 3-Star Built Green Standard as an incentive to obtain the additional height.

Commissioner Broili said he understands that the proposed regulation would be evolutionary and could be changed and improved in the future as appropriate. However, he expressed concern that whatever redevelopment takes place now would be in place for a long time. Therefore, it would be a long time before the City could repair any mediocre developments that have been allowed. He appreciated Commissioner Behrens' recommendation that the City aim for a higher standard. While they may not be able to get everything that is part of the Market Street development proposal, but hopes they would push towards that long-range goal. He said he is not clear where the balance is between requiring too much and settling for mediocrity. He wants a better standard than they have now so that resulting development will be something the community can be proud of. He would like the City to be leaders in addressing environmental issues, sociological issues, and the way they think about development in the future. This should be reflected in whatever language is forwarded to the City Council.

Commissioner Kaje reminded the Commission that the proposed AMU and NMU zones are intended to be core business areas, yet most of the incentives are related to housing opportunities. Nothing would prevent a developer from building commercial space, and the City probably needs the tax base more than they need the additional housing. He said he is resistant to the notion of not making the

requirements too hard. If done correctly, the regulations could change what is developed. They might get a good mix of housing development from those who are willing to go through the hoops to put together good proposals, and they would also get some commercial development. This sounds like the Vision Statement for the Aurora Corridor, where there is already a mixture of residential and commercial uses. As they prepare for their next meeting, he encouraged the Commissioners to carefully consider the Vision Statement that was recently approved, which paints a picture of what the Aurora Corridor and neighborhood business centers are supposed to look like. They should not worry about allowing enough housing to be built as part of mixed-use projects, but they also want to encourage more commercial development along the corridor.

Commissioner Kuboi recalled a comment provided previously by Chair Hall that absent any of the incentives, new construction built today would be significantly better environmentally than what currently exists. He agreed that redevelopment, in and of itself, results in a benefit to the community. He referred to the Cottage Housing Ordinance and noted that the Commission periodically goes through the process of crafting language that articulates how the City wants to approach projects and concepts that they currently know nothing about. He questioned how the Commission can know what to include in the regulations now that will capture all of the eventualities. He suggested they go back to the concept of design review to address their concerns. Good design is very difficult to achieve from zoning regulations, and it is not linked to either low or high density. If the goal is good design that maximizes the advantages of the current properties and community needs, they will have to rely on a subjective review process (design review).

Commissioner Perkowski said that when he discussed the 40 and 50 foot height requirements of the proposed NMU zone, he was not referring to the building envelope. His real concern is the need to create true incentives for mixed use development. Perhaps they shouldn't even have an option for residential only development. Instead, the regulation could identify a standard for the amount of commercial space that must be provided as part of a mixed-use project. The Vision Statement clearly identifies mixed-use for this area, particularly along the Aurora Corridor. He said the incentives should be based on open space and retail. Mr. Tovar clarified that Commissioner Perkowski is not suggesting the City allow commercial only buildings in the AMU and FMU zones. Perhaps the regulations could require that the ground floor be built to accommodate retail uses. This would allow flexibility for the space to be used as residential if there is not adequate demand for additional commercial space. He suggested staff bring back the language the Commission crafted for the Ridgcrest area.

Vice Chair Wagner referred Commissioner Kaje's earlier comment about defining the uses allowed in the two zones. She suggested that industrial and light industrial uses be specifically prohibited in the AMU and NMU zones.

**COMMISSIONER PIRO MOVED THE COMMISSION CONTINUE THE PUBLIC HEARING ON THE PERMANENT REGULATIONS FOR THE REGIONAL BUSINESS (RB) ZONE TO OCTOBER 1, 2009. COMMISSIONER KAJE SECONDED THE MOTION.**

The Commissioner expressed their intent to allow the public to testify at the next meeting on new ideas that are presented. They agreed to forward their notes and comments to staff as soon as possible.

**THE MOTION CARRIED UNANIMOUSLY.** *(Note: Commissioner Pyle had left the meeting and did not vote on the motion.)*

### **DIRECTOR'S REPORT**

Mr. Cohn advised that, in addition to the continued hearing on the permanent RB regulations, they would review the Commission Bylaws at their October 1<sup>st</sup> meeting. A number of items that were scheduled on the October 15<sup>th</sup> agenda have been struck, and the only remaining item is related to Development Code amendments. He reminded the Commission of the Short Course in Planning session that is scheduled for October 14<sup>th</sup> in the City Council Chambers, and the Town Center Subarea Plan Open House that is scheduled for October 29<sup>th</sup>. He suggested the Commission consider whether or not they want to go ahead with the October 15<sup>th</sup> meeting, for a total of four meetings in October.

Mr. Cohn advised that while continuation of the tree regulations was tentatively scheduled on the Commission's November 5<sup>th</sup> agenda, staff is recommending this item be postponed and replaced with a discussion regarding Point Wells. The November 19<sup>th</sup> agenda would likely include a public hearing on the Point Wells Comprehensive Plan amendment, as well as a study session about the Southeast Shoreline Neighborhood Subarea Plan or the Town Center Subarea Plan. The tree regulations would likely be moved to a January agenda.

### **UNFINISHED BUSINESS**

#### **Debrief of Joint Meeting with City Council**

**COMMISSIONER PIRO MOVED THAT IN ORDER TO SUPPORT CITY COUNCIL OBJECTIVES OF GOAL 10 REGARDING PUBLIC COMMUNICATION, THE PLANNING COMMISSION REQUESTS THAT THE CITY MANAGER'S OFFICE REVIEW THE CITY'S CURRENTS NEWSLETTER TO INCORPORATE INFORMATION ON AGENDAS AND TOPICS OF INTEREST ON A REGULAR BASIS FOR THE PLANNING COMMISSION AND OTHER COMMITTEES AND BODIES THAT DEVELOP RECOMMENDATIONS FOR CITY COUNCIL CONSIDERATION AND ACTION, SPECIFICALLY TO HIGHLIGHT ITEMS THAT REQUIRE OR BENEFIT FROM PUBLIC INPUT. HE FURTHER MOVED THAT THE CITY MANAGER'S OFFICE REPORT BACK TO THE COMMISSION. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY** *(Note: Commissioner Pyle had left the meeting and did not vote on the motion.)*

### **NEW BUSINESS**

There was no new business scheduled on the agenda.

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

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

### **AGENDA FOR NEXT MEETING**

There was no additional discussion regarding the agenda.

### **ADJOURNMENT**

The meeting was adjourned at 10:03 P.M.

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Michelle Linders Wagner  
Vice Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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**Planning Commission Meeting Date: October 1, 2009**

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

**APPLICATION NUMBER:** 301605

**AGENDA TITLE:** Continued Public Hearing on revising Regional Business Regulations

**PRESENTED BY:** Joseph W. Tovar, FAICP, Director PDS  
Steven M. Cohn, Senior Planner

The next meeting will be a continuation of the public hearing on the Regional Business regulations. The hearing began on September 17, 2009.

At your last meeting, the Commissioners did not close the public hearing, but kept the hearing open so that staff and the Commissioners might respond to the testimony and have time to consider the September 17 discussion. It is the Commission's intent that the hearing be open to 1) members of the public who did not offer testimony on September 17 and 2) for those who testified to have an opportunity to offer additional testimony on staff modifications of its earlier proposal.

**Staff modifications of earlier proposal**

Following the September 17 hearing, the Commission discussed several of the major concepts in staff's proposal and offered additional ideas for staff to consider. From that discussion, staff has identified the following areas for discussion; the Commissioners may decide to discuss other ideas as well at the October 1 meeting:

1. The number of zoning districts and their names;
2. The type of public amenities provided as a tradeoff for increased height or density;
3. Proportionality for the amount of space in the public realm that is provided;
4. Provision for ground floor commercial space;
5. How to deal with underground/underbuilding parking requirement;
6. Other issues including base height, design review, neighborhood meetings, and encouraging jobs in mixed use areas.

Staff will address these issues individually:

### **The number of zoning districts and their names**

After the discussion at the last meeting about the name, staff will not change its recommendation to create two new mixed use zoning districts, one of lesser intensity and one of greater intensity. Understanding the Commissioners' concerns about nomenclature, staff suggests a modified name for the zoning district with greater intensity—we would propose to call that district "General Mixed Use". Staff proposes that the lesser intensity district is named "Neighborhood Mixed Use".

During the meeting, it was suggested that "Mixed Use" is not an appropriate term because that phrase suggests that the city is only encouraging vertical mixed use buildings. Staff does not agree, and believes that "Mixed Use" is not a limiting term, and applies to horizontal mixed use as well; that is, commercial and residential buildings located adjacent to each other in this district. The distinction staff wants to draw is one that suggests that a zoning district is solely commercial or solely residential.

### **The type of public amenities provided as a tradeoff for increased height or density**

Near the end of your last meeting, there was discussion about requirements of additional public amenities as a tradeoff for additional height or density.

In evaluating the merits of this idea, the Commission should consider that the current RB zone permits 65 foot heights and has no bulk or FAR requirements. Conceivably a developer could develop to about 5.5 FAR currently without additional conditions. Staff's proposal is an attempt to provide both a carrot and a stick—a carrot in that additional housing density would be permitted, but only if certain standards are met, standards that include: provision of public open space, green building and the encouragement of commercial uses in residential buildings.

Staff discussed the question of whether there should be a requirement for "green" open space in the more intense commercial areas of Shoreline and for gathering spaces; that is, plazas or covered areas in the more neighborhood oriented areas. After discussion, staff concluded that we did not want to make a distinction, and by using the term "open space in the public realm", we would let the market decide what form the open space should take.

### **Proportionality for the amount of space in the public realm that is provided**

Staff agrees that there should be some proportionality for the amount of public space required—that is, a larger building should have more public space a smaller building. Staff suggests the following: Provide open space at a rate of 1000 feet per 1.0 FAR of building. That would mean that if there is an office building of 20,000 square feet on an acre (approximately .5 FAR), there would be a requirement from 500 feet of public open space. If the building is 100,000 square feet on an acre (approximately 2.5 FAR), the requirement would be for 2500 square feet.

In addition, the staff revised recommendation is for 80% of the public space to be contiguous, with a maximum requirement of 1600 square feet as a contiguous piece



(the balance of the requirement has to be provided, but not necessarily in a contiguous piece).

### **Provision for ground floor retail space**

Staff's modified proposal is that, if a developer wants to build at a density greater than 48 dwellings/acre in GMU and NMU zones, the ground floor of buildings facing an arterial would need to be designed to accommodate commercial uses.

### **Requirements for underground/underbuilding parking**

In discussions with the Commission, there was general agreement that market forces would result in some amount of underground or underbuilding parking if the building is large enough. The question that arises then is, "Does Shoreline want to require that a specific percentage of parking be placed underground or underbuilding?"

Staff's recommendation is to not attempt to define a minimum amount of parking to be placed underground or underbuilding. Instead staff recommends that a focus be placed on what the Commission wants –such as public open space and parking that is screened from public view. Staff has added a standard in 20.50.470 that would require screening of parking areas.

### **Other issues**

#### Base Height Limit

Staff is currently suggesting a base height limit of 35 feet (for a purely residential building) and 45 feet if the first floor is built for commercial uses. If the development meets additional standards, the height limit would increase to 55 feet and 65 feet.

#### Design Review

Staff has developed additional language about the administrative design review process, stating that the Director will develop design guidelines for implementation.

#### Neighborhood Meetings

Neighborhood meetings are already required if a development exceeds SEPA minimum thresholds. The proposed language would require that staff attend the meeting if the housing density exceeds 110 dwellings/acre or height exceeds 55 feet. Because of limited staff resources, staff's proposal would only place this requirement on developments large enough to reach these thresholds.

#### Encouraging jobs in mixed use areas

The proposed regulations provide density and height/FAR incentives if developers propose buildings with commercial uses on the ground floor. Though the Commission's discussion focused on residential mixed use development, the height and FAR incentives are also applicable to purely commercial development, that is, projects with retail on the ground floor and offices above or office buildings with first floors built to a commercial standard. Staff believes that these incentives will result in additional non-residential development as well as residential development.

As a point of reference, a 4-story development on a 1-acre site would probably equate to about a 2.0 FAR. If it is developed as an office building, it would house about 350 jobs. Shoreline's 20 year target is for 5000 new jobs over 20 years or 250 jobs per year. That means that to meet the job target would require the development of two acres of office buildings every three years, or 14 new buildings in a 20 year period. While it is likely that the proposed regulations would result in additional housing developed in the GMU and NMU areas, staff believes that the existing commercial capacity in these areas will not be appreciably diminished if a portion of the properties are developed in residential uses.

### **Staff Recommendation**

Staff concludes that the staff proposal merits approval because it meets the criteria listed in 20.30.350 (see September 17 Staff report.)

If you have questions prior to the meeting, please contact Steve Cohn at 206-801-2511, or email him at [scohn@shorelinewa.gov](mailto:scohn@shorelinewa.gov).

### **Attachments**

1. Appendix
2. Draft Minutes from September 17, 2009
3. Sections 20.50.020, 20.50.230, and 20.50.410 in Legislative Format

**Appendix**

**The following standards would apply to all development in GMU and NMU zones**

1. All developments will go through administrative design review
2. Limit the maximum building height within 100 feet of the property line between RB and R-4 through R-12 zoned properties to 45', and limit the maximum building height between 100-200 feet of the property line to 55'
3. All buildings and required parking shall be located on the GMU and NMU-zoned property and not off-site.
4. The base permitted housing density is 48 du/acre and building height limited to 35 feet if the building is residential only or 70 du/acre and 45 feet if the first floor is built to commercial standards. Maximum FAR is 2.0
5. If built to a density greater than 48 du/acre, construction would meet a 3-star standard under King County's Built Green standards.
6. Common open space of the equivalent of 1000 sq. ft will be provided for each 1.0 FAR of development. If a building is .5 FAR, it would provide 500 square feet of open space; if 2.0 FAR, 2000 sq. ft. Of this, at least 80% has to be contiguous, up to 2000 sq. ft, if more than 2000 square feet is required, only 1600 sq ft needs to be contiguous.

**The following standards would apply to development in GMU zones**

7. Housing density could be increased to 110 du/acre and maximum height to 55 feet and maximum FAR of 3.2 if the following conditions are met:
  - a. The building must be designed to accommodate ground floor retail uses,
  - b. Private recreation space is provided at a ratio of 50 feet per unit, and
  - c. Construction meets a 4-star standard under King County Built Green Standards or equivalent
8. Housing density can be increased to 150 du/acre, maximum height of 65 feet and FAR to 3.6 if the following conditions are met:
  - a. All of the above plus
  - b. The development includes infrastructure for electric vehicle recharging and,
  - c. 15% of the units are affordable to households in the 75% King County median income category based on household size for a minimum of 30 years and,
  - d. Construction meets King County's 5-star Built Green Standards or equivalent,
  - e. The developer must hold a neighborhood meeting with City staff in attendance to identify impacts from building occupants and discuss appropriate mitigation measures. This meeting will be held after the pre-application meeting and before an applicant may submit an application for construction. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

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Draft Planning Commission Minutes from September 17, 2009  
are attached to this Agenda Packet under Item 5.

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

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

Exceptions to Table 20.50.020(2):

(1) Please see Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

(2) Development in CB ~~RB~~ or I zones abutting or across street rights-of-way from R-4, R-6, or R-8 zones shall meet the following transition area requirements:

(a) A 35-foot maximum building height at the required setback and a building envelope within a two horizontal to one vertical slope. However, safety railings with thin or transparent components and whip antennas are allowed above this building envelope. Structures allowed above the maximum height of the zone under Exception 20.50.230(5) may not exceed the building envelope slope, or exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

(b) Property abutting R-4, R-6, or R-8 zones must have a 20-foot setback. No more than 50 feet of building facade abutting this 20-foot setback shall occur without an abutting open space of 800 square feet with a minimum 20-foot dimension. However, the additional open space may be adjusted or combined to preserve significant trees.

(c) Type I landscaping, significant tree preservation, and a solid, eight-foot property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Type II landscaping shall be required for transition area setbacks abutting rights-of-way across from R-4, R-6 or R-8 zones. Patio or outdoor recreation areas may replace up to 20 percent of the landscape area that is required in the transition area setback so long as Type I landscaping can be effectively grown. No patio or outdoor recreation areas in the transition area setback may be situated closer than 10 feet from abutting property lines. Required tree species shall be selected to grow a minimum height of 50 feet. A developer shall provide a Type I landscaping plan for distribution with the notice of application. Based on comments at a public meeting held by staff, the City may approve an alternative landscaping buffer with substitute tree species, spacing and size; provided, that the alternative will provide equal value and achieve equal tree canopy. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping. Utility easements parallel to the required landscape area shall not encroach into the landscape area.

(d) All vehicular access to proposed development in GMU, NMU, ~~RB~~, CB, or I zones shall be from arterial classified streets unless determined by the Director to be technically not feasible. If determined to be technically not feasible, the developer shall implement traffic mitigation measures, approved by the City Traffic Engineer, which mitigate potential cut-through traffic impacts to single-family neighborhoods.

(3) Development in GMU and NMU zones shall meet the following requirements:

(a) All developments in the GMU and NMU zones are subject to Administrative Design Review as approved by the Director. The Director is authorized to adopt and amend design guidelines by administrative order.

(b) All developments in GMU and NMU zones are subject to providing public gathering spaces. Public gathering spaces shall be provided at a rate of 1000 square feet per 1.0 FAR of building. 80% of the public space shall be contiguous, with a maximum contiguous requirement of 1,600 square feet.

(c) A maximum 35-foot building height and 48 dwellings per acre for residential only buildings and 45-foot building height for mixed-use buildings, maximum density of 70 dwellings per acre, and a FAR (Floor Area Ratio) of 2.0, except:



(i) A maximum building height of 55 feet, maximum FAR of 3.2, and maximum density of 110 dwellings per acre is permissible if the development meets the following conditions:

- The building is designed to accommodate ground floor retail spaces; and
- “4-star” construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
- 800 square feet of common recreational space is provided for developments of 5-20 units; 40 feet of recreational space per unit is provided for developments over 20 units.

(ii) A maximum height of 65 feet, maximum housing density of 150 dwellings per acre and maximum FAR of 3.6 is permissible if all the conditions under (a)(i) of this subsection are met and the following conditions are met:

- The development includes infrastructure for electric vehicle recharging; and
- 15% of the units are affordable to households in the 75% King County median income category based on household size for a minimum of 30 years; and
- “5-star” construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
- After the pre-application meeting and prior to submitting an application for construction, the developer must hold a neighborhood meeting with City staff in attendance to identify impacts caused by the new development and propose appropriate mitigation measures. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

(d) The maximum building height for developments within 100 feet of the property line is limited to 45 feet and the maximum building height for developments between 100 and 200 feet of the property line is 55 feet.

(e) Structures allowed above the maximum height of the district under Exception 20.50.230(5) may not exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

(f) All conditions under Exception 2(b), (c), and (d) of this subsection must be met, for development in GMU and NMU zones abutting or across street ROW from R-4, R-6, R-8, and R-12 zones.

**20.50.230 Site planning – Setbacks and height – Standards.**

Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones

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

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	<del>Regional Business (RB)</del> <u>General Mixed Use, Neighborhood Mixed Use and Industrial (I) Zones</u>
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, GMU, NMU <del>RB</del> , and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (5)	35 ft (3)	60 ft	65 ft (4) (5) <del>(4)</del>
Max. Hardscape Area	85%	85%	90%

Exceptions to Table 20.50.230:

- (1) Front yard setback may be reduced to zero feet if adequate street improvements are available or room for street improvements is available in the street right-of-way.
- (2) Underground parking may extend into any required setbacks, provided it is landscaped at the ground level.
- (3) Bonus for mixed-use development in NB and O zones: In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base height may be increased for mixed-use development to four stories or up to 50 feet, if the added story is stepped back from the third story walls at least eight feet, and subject to the following requirement:

Residential dwelling units shall occupy a minimum of 25 percent to a maximum of 90 percent of the total floor area of the building.

(4) See SMC Table 20.50.020(2), Exception (2), for transition area requirements for ~~CB, RB, or I~~ development abutting R-4, R-6, or R-8 zones or across the street rights-of-way from R-4, R-6, or R-8 zones.

(5) See SMC Table 20.50.020(2), Exception (3), for transition area requirements for GMU and NMU development.

(6) ~~(5)~~ Except as further restricted by SMC Table 20.50.020(2), Exception (2), the following structures may be erected above the height limits in all zones:

a. Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance, fire or parapet walls, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 15 feet above the height limit of the district, whether such structure is attached or freestanding;

b. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 500 § 1, 2008; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 4(B-1), 2000).

#### **20.50.410 Parking design standards.**

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking in the GMU and NMU zones shall be located on the same parcel or same development area that parking is required to serve.

C. On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC [20.30.750](#).

D. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and
3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;

**20.50.470 Street frontage landscaping – Standards.**

- A. A 10-foot width of Type II landscaping for all development, except in GMU and NMU Zones, including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces.
- B. A 20-foot width of Type II for institutional and public facilities in residential zone areas.
- C. Frontage landscaping can be substituted in multifamily, commercial, office, and industrial zones, except in GMU and NMU Zones, with two-inch caliper street trees 40 feet on center if they are placed in tree pits with iron grates or in planting strips along the backside of curbs. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees.
- D. Trees spacing may be adjusted to accommodate sight distance requirements for driveways and intersections. See SMC [20.50.520\(O\)](#) for landscaping standards. (Ord. 238 Ch. V § 7(B-2), 2000).
- E. GMU and NMU zones require all surface parking to be screened from the public right-of-way and adjacent residential land uses. Screening shall consist of locating parking areas behind buildings, underground or structured parking, or behind a 4-foot masonry wall with Type II landscaping.



## **Memorandum**

**DATE:** September 25, 2009  
**TO:** Shoreline Planning Commission  
**FROM:** Steve Cohn, Senior Planner  
Jessica Simulcik Smith, Planning Commission Clerk  
**RE:** Proposed Amendments to the Planning Commission Bylaws

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The Planning Commission last reviewed and revised its Bylaws on May 1, 2008. This week, staff is proposing one change to the Bylaws: to revise Article IV - Meetings, Sections 1 and 2 to bring the special meeting provision in accord with that of the City Council. Currently, the Bylaws require a 7-day public notice period. The City Council's rules default to the 24-hour noticing requirements prescribed by State Law.

The requirement for notice is to ensure that all the members of the body are informed of the meeting so that a majority cannot call a meeting to discuss or adopt policy without informing all the body's members.

Staff proposes the following amendments to the Bylaws:

### **ARTICLE IV – MEETINGS**

#### **SECTION 1: SCHEDULE**

The Planning Commission shall hold regular meetings according to the following schedule:

First and Third Thursday of each month. The meetings shall begin at 7:00 p.m. and end at 9:30 p.m. unless modified. Should a regular meeting day be a legal holiday, the scheduled meeting shall be postponed to the succeeding Thursday, unless a majority of the Commission votes to select another day or to cancel the meeting.

~~A special meeting may be called by the Chair of the Commission, the City Council or Mayor, City Manager or designee, or by the written request of any three (3) Commissioners, providing a 7 day public notice period.~~

Special meetings may be held by the Commission subject to notice requirements prescribed by State law. Special Meetings may be called by the Chair of the Commission, the City Council or Mayor, City Manager or designee, or by the written request of any three (3)

Commissioners by written notice emailed or delivered to each member of the Commission at least 24 hours before the time specified for the proposed meeting.

### **SECTION 2: PURPOSE OF SPECIAL MEETINGS**

~~Special meetings called in accordance with Section 1 of this article shall be called for a specific purpose or purposes, and the announcement for such special meeting shall clearly state such purpose(s). In addition, a specific agenda shall be attached to the announcement of a special meeting delineating the order of business addressing the meeting purpose. The agenda for a special meeting need not conform to that specified in Section 3 of this Article.~~

Special meetings called in accordance with Section 1 of this article shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered. No special meetings shall be scheduled between December 15th and the end of the year. The agenda for a special meeting need not conform to that specified in Section 3 of this Article.

The current procedure for public notification is to post a “Special Meeting” notice at City Hall and the Shoreline Library. In addition staff posts announcements on the city’s website, on the agenda telephone line, and by email to list of subscribers.