CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

December 4, 2014 7:00 P.M.

Shoreline City Hall Council Chamber

Commissioners Present

Chair Scully
Vice Chair Craft
Commissioner Malek
Commissioner Maul
Commissioner Montero
Commissioner Mork
Commissioner Moss

Staff Present

Rachael Markle, Director, Planning and Community Development Steve Szafran, Senior Planner, Planning and Community Development Paul Cohen, Planning Manager, Planning and Community Development Miranda Redinger, Senior Planner, Planning and Community Development

Lisa Basher, Planning Commission Clerk

Julie Ainsworth-Taylor, Assistant City Attorney

Others Present

Mandi Roberts, Consultant from Otak

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Scully, Vice Chair Craft and Commissioners Malek, Maul, Montero, Mork and Moss.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of November 20, 2014 were adopted as submitted.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: REVIEW OF FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) AND DRAFT SUBAREA POLICIES FOR THE 185TH STREET LIGHT RAIL STATION SUBAREA PLAN

Chair Scully advised that the public would have opportunities to comment at various times during the study session on any issue of concern to them. He emphasized that no final decisions have been made up to this point.

Ms. Redinger explained that subarea plans are adopted as part of the Comprehensive Plan, which is the City's 20-year guiding document. Subarea plans are generally policy documents, which get filtered into functional master plans (transportation, parks, surface water, etc.) and then into the Capital Improvement Plan. Projects accepted into the Capital Improvement Plan are incorporated into the annual budgets and work programs. The 185th Street Light Rail Station Subarea Plan is a little different because the City will not stop at the policy level and wait to filter the policies through the master plans. Instead, the plan will go all the way through to prioritize capital projects and immediately incorporate them into the work programs.

Ms. Redinger also explained that not only will the proposed subarea plan change the Comprehensive Plan, it will also change the Zoning Map and Development Regulations, which are taken into consideration when reviewers look at specific site and building permits. The Planned Action Ordinance (PAO) is a way to streamline the process, whereby the City looks at the impacts of a large-scale project collectively and comprehensively. When individual permits come in, the City has already analyzed the impacts (traffic, stormwater, etc.) and knows what mitigation would be required. As long as the cumulative projects do not reach the threshold analyzed in the PAO, developers would not be required to do their own State Environmental Policy Act (SEPA) review. If the threshold is reached or a project is above and beyond the scope of the PAO, a separate SEPA analysis would be required. She emphasized that the PAO would not exempt developers from any of the other permit requirements or development regulations; it is just a way to look at the whole system impacts before the projects are done rather than on a site-by-site basis.

Ms. Redinger reminded the Commission that the Growth Management Act (GMA) requires the City to plan extensively to remain consistent with State goals. In December of 2012, the City updated its Comprehensive Plan to include 23 policies (LU 20-43) to guide planning for the 185th Street Light Rail Station Subarea Plan, which is moving into the adoption phase. She briefly reviewed the process to date, which started in May of 2013 and included numerous visioning and design workshops and an extensive public process. She reminded the Commission that the consultant presented a Review Guide of the Final Environmental Impact Statement (FEIS) at their last meeting, and the full 185th Street Light Rail Station Subarea Plan package will be posted online (shorelinewa.gov/185feis) in its final draft form by December 15th and presented to the Commission on December 18th. A public hearing before the Commission has been scheduled for January 15th. The public comment period is currently open and will remain open through January 15th.

Ms. Redinger briefly reviewed the elements contained in the Subarea Plan, noting that most of the information was influenced by the market assessment, public design and visioning workshops, and existing City policies and plans, all of which are included in the FEIS.

Mandi Roberts, Consultant from Otak, briefly walked the Commissioners through each chapter of the Subarea Plan as follows:

- Introduction. This section provides background information, explains how the plan is organized, and discusses the purpose and need for the plan. It also provides a synopsis of the planning and adoption processes and an overview of the local, regional, state and federal plans and policies the plan supports.
- Community and Stakeholder Engagement. This section provides an overview of the public and stakeholder involvement plan and the input that was received. It outlines the goals for community engagement, as well as the key messages. It identifies who participated in the process, and describes the methods and activities held throughout the process. It also provides a summary of the outcomes that shaped the subarea plan.
- Existing Conditions and Population Forecasts. This section provides an overview of existing and planned conditions. It also includes forecasts for population of the subarea. Most of the information in this section is also in the FEIS.
- Market Outlook. This section summarizes the key findings of the market assessment that was
 completed specifically for the subarea. It provides background and a demographic analysis, as well
 as recommendations for the types of product the analyst felt would be most suited for the subarea. It
 also discusses the potential impact of transit and transit-oriented development on property values and
 property taxes.
- Long Term Vision. This section presents the Preferred Alternative as the subarea plan, looking particularly at the long-term vision for build out based on the proposed zoning. It includes a zoning map, conceptual illustrations, framework plans and specific policies related to the subarea. It also provides an overview of the proposed Development Code updates to implement the subarea plan.
- Sustainability and Livability Benefits. This section discusses the sustainability and livability benefits that will occur from implementation of the subarea plan. It covers everything from environmental benefits that come from integrating land use and transportation and bringing more people in proximity to high-capacity transit to the expected improvements (enhanced neighborhood character, upgraded infrastructure, economic benefits, etc.) over time as redevelopment occurs. The section summarizes how the subarea plan leads to a good triple bottom line outcome for the Shoreline community, as well as the region.
- Incremental Implementation Strategy. This section focuses on actions to be completed over the next 20 years to implement the subarea plan. It also provides a summary of the anticipated growth and change over the next 20 years and a detailed analysis of the recommended capital projects that are needed to accommodate the anticipated growth. The purpose behind doing the PAO is to setup the framework (parks, utilities, schools, public facilities, etc.) that will support growth for the next

20 years. The section also provides cost estimates for the recommended upgrades and improvements.

Chair Scully invited members of the public to comment on the draft 185th Street Light Rail Station Subarea Plan.

Janet Way, Shoreline, said she was present to speak on behalf of the Shoreline Preservation Society. She referred to Page RG-3 of the FEIS Study Guide, which states that build out for Alternative 4 (preferred alternative) is 80 to 125 years. She expressed her belief that it is absurd to think the City has any idea what is going to happen 80 to 125 years from now. She observed that 125 years ago there was no City of Shoreline, and inhabitants of the area consisted of a few settlers, fur trappers and Native Americans. These people would never have been able to grasp the changes that have occurred during this time period, and they would certainly not have had the ability to plan for it. While the City needs light rail and can expect some population growth, she recently heard a report that the birth rate in the United States has actually decreased over the past few years. Again, she questioned how the City could possibly know what the needs will be 125 years into the future.

Boni Biery, Shoreline, said she lives across Aurora Avenue North from the proposed subarea. She said she believes the traffic on 185th Street, where she lives, will be significantly impacted by redevelopment in the subarea. She reminded the Commission that the City prides itself in being environmentally green, including taking care of its natural assets. She does not believe the proposed subarea plan places enough emphasis on maintaining or reestablishing green space for residents. The proposed plan would significantly increase the density, and it should include provisions for additional green space both in the subarea and citywide in areas that are short of green space. It should also include provisions for daylighting streams so they are useful and functional for habitat. Ms. Berry said she is also concerned that the proposed plan focuses more on future development and less on people. She asked the Commissioners to consider if they would want to live in the environment proposed in the plan.

Scott Anderson, Shoreline, said he lives just outside the boundaries of the subarea plan. He expressed concern about the increased traffic that would result from the proposed transit station. He noted that traffic is already a problem on 185th Street and 5th, 10th and 15th Avenues, particularly as a result of more recent changes to the streets. He asked the Commissioners to carefully consider the ability for these streets to absorb the additional capacity. While it makes sense to focus growth around the station area, they must also address the needs of those who will drive to the transit station. Secondly, Mr. Anderson said he works on Capital Hill and has seen how 85-foot structures have changed the character of the area. He would like the subarea to look more like Northgate, where the 85-foot tall buildings would be concentrated on a fairly tight corridor. While taller buildings are important, they should be confined to properties that are within walking distance of the transit center. Lastly, Mr. Anderson suggested the plan specifically call out improvements to 5th Avenue all the way to 205th Street to accommodate pedestrians and bicyclists. He suggested that Ballinger Commons represents a model apartment density. While he acknowledged it might not be possible to require that much green space, the City could compress the 85-foot tall buildings into a tighter zone and require all developers in this area to provide more green space.

Merissa Reed, Shoreline, said she also lives just outside of the subarea. She agreed with Ms. Way and Mr. Anderson that additional green space is needed. Although the 185th Street Station Citizen's Committee (185SSCC) discussed rooftop gardens to offset the green space, only those living in the development would have access to these spaces. She suggested it is important to add more space that is publicly accessible. They should also consider requiring other plantings to replace the trees that are removed. Although it would be costly, she said she still supports the idea of requiring underground utilities. She noted that, as currently proposed, the MUR-85 zone would allow buildings up to 140 feet, and she asked the Commission to consider an 85-foot maximum height limit for all properties except the Shoreline Center. She also asked them to consider a staggered setback requirement that would make the streets more inviting than a "cliff of buildings." Lastly, she expressed her desire that no micro housing be allowed within the subarea, that no single-family housing be allowed in the MUR-85 zone, and that there is a minimum density requirement in the MUR-85 zone. She noted that 188th Street is not included in the Transportation Study, yet it is a major cut through from Lake Forest Park. Perkins Way needs more study, as well.

Dan Dale, Shoreline, said the issue of building heights in the proposed MUR-85 zone was discussed that a recent Council of Neighborhoods Meeting. Several people expressed concern that, as proposed, a building height of up to 140 feet would be allowed throughout the MUR-85 zone with a Development Agreement. He said he does not believe that is what anyone envisions as good density around the station. He expressed concern that the subarea plan does not reflect the possibility that all of the MUR-85 zone could be built to a maximum of 140 feet. He agreed with Ms. Reed that the zoning should be dialed back to eliminate the provision for heights greater than 85 feet or at least limit the area where they are allowed. He referred to comments he submitted previously related to 10th Avenue, where MUR-35 zoning is proposed on the east side of the street and MUR-85 on the west. Allowing 140-foot buildings on 10th Avenue could dramatically change the character of the neighborhood. Lastly, he recalled that the City has placed the onus on Sound Transit to do a mobility study for 188th Street and Perkins Way. These streets already have heavy traffic, and adding space for more people in the subarea would further impact these two streets.

Commissioner Malek requested clarification of the proposed height limit for the MUR-85 zone. Chair Scully answered that, as currently proposed, the height limit in the MUR-85 zone is capped at 85 feet, but a greater height (no maximum limit) would be allowed via a Development Agreement. He pointed out that a Development Agreement would require City Council approval.

Chair Scully said that as he pondered the proposed subarea plan, he was most concerned about traffic, parks, and affordable housing. The consultant and staff have done a great job of outlining the problems and goals, as well as the framework for addressing them. The Development Regulations are the major decisions that need further direction from the Commission.

Ms. Redinger said it was not the City's intent to create a 100-year plan. However, it is estimated it would take 100 years for the Preferred Alternative to build out based on the standard growth rate. While 100 years may be a little farsighted and 20 years too shortsighted, 20 years is the typical time frame for comprehensive plans, subarea plans, planned action ordinances, etc. The goal is identify and focus on opportunities for park acquisition, green infrastructure, etc. now to address the needs of future development. She acknowledged that a lot of work must still be done, such as a corridor study to

determine more specific cross sections and needs and working with the Parks Board to create a funding mechanism. She acknowledged that the City cannot predict changes in behavior, climate and technology, but the plan provides flexibility and knowing the immediate implementation steps is important.

Ms. Redinger explained that the goal of the Planned Action Ordinance (PAO) is to simplify and expedite the environmental review of future individual projects within the subarea. She referred to Ordinance 702, which is the mechanism that would be used to adopt the full subarea package including:

- The Preferred Alternative Zoning Zap delineating the PAO boundaries (Exhibit A1)
- The Preferred Alternative Comprehensive Plan Land Use Designation Map (Exhibit A2)
- The FEIS Mitigation Measures recommended for both the 20-year and build-out timeframes for the Preferred Alternative (Exhibit B)
- Draft Development Code Regulations for the 185th Street Station Subarea Plan (Exhibit C)

Ms. Redinger referenced the Preferred Alternative Zoning Map for the PAO boundaries (Exhibit A1) and explained that the boundaries would remain the same even if the Commission recommends and the City Council adopts a phased zoning approach. She also referenced the Preferred Alternative Comprehensive Plan Land Use Designation Map (Exhibit A2). She explained that, typically, each land use designation accommodates a range of appropriate zoning designations and property owners have the opportunity to request a rezone to something else that fits within that category. However, for the proposed subarea plan, a separate Comprehensive Plan designation has been created for each zoning category. Ms. Redinger emphasized that that all of the documents in the draft PAO (Exhibits A1 and A2) are illustrative of requisite components and written as if the Preferred Alternative was to be adopted. However, this is not a foregone conclusion, and there is still opportunity for comments and additional direction from the Commission and City Council.

Ms. Redinger announced that the 145SSCC Committee will meet on December 11th from 7:00 to 8:30 p.m. in the Council Chambers. The meeting will feature a panel of speakers, including realtors and a representative from the King County Assessor's Office to address impacts to property taxes and property values.

Ms. Redinger advised that the Commission's discussion at the December 18th meeting will focus on fee simple language, transfer of development rights, property tax exemptions, and other outstanding issues. Again, she reminded them that a public hearing on the entire 185th Street Station Subarea Plan package is scheduled for January 15th. The City Council is scheduled to conduct a study session on the subarea plan package on February 9th, with potential adoption as early as February 23rd.

Chair Scully requested an explanation of the benefits of a PAO. Ms. Roberts explained that a PAO allows the City to look at potential impacts comprehensively through the Environmental Impact Statement (EIS) process. As long as a proposed project is consistent with the thresholds and analysis that was completed as part of the DEIS and FEIS, a developer would only be required to fill out an environmental checklist to show that the project is consistent with those levels. A PAO helps streamline the environmental approval process, giving the area a more competitive edge in terms of redevelopment potential. In addition, a PAO can provide a benefit to the community and represent good planning. The

PAO process provides tools for the community to understand what the future might look like. The FEIS enables the City to forecast what would be needed to support growth over time. Chair Scully summarized that the PAO basically frontloads the environmental review. Site specific review would no longer be needed because the environmental issues have all been studied up front as part of the PAO. Ms. Roberts added that project level review would also be required to ensure that a proposal meets the City's Development Regulations and requirements for site development. Developers must also meet the Department of Ecology's stringent regulations for surface water management and water quality.

Commissioner Malek asked if PAO's are becoming a standard practice in cities throughout the region. Ms. Roberts answered affirmatively. She noted that the Association of Washington Cities' Website provides examples. She noted that a PAO was prepared for the Overlake Village Station Area, which is on the light rail line.

Commissioner Moss observed that the boundary of the proposed PAO represents a smaller footprint than the overall study area boundary. The PAO boundary excludes the properties in the study area that would remain as low-density residential. Ms. Redinger advised that the boundaries are relatively comparable, but acknowledged they do not match exactly.

Commissioner Moss noted that the northern section of Meridian Avenue, which is already heavily trafficked, was not included in the PAO. She asked how the City would address capital improvements that are needed on this street, as well as other streets that feed into the PAO area. Ms. Roberts clarified that the intent of the PAO boundary is to illustrate where properties must be located in order to be considered part of the PAO and exempt from the SEPA process. The Capital Improvement Projects described in the proposed plan extend beyond the PAO boundary and are based on an analysis of what is needed to serve the anticipated growth.

Janet Way, Shoreline, said she was present to speak on behalf of the Shoreline Preservation Society. She voiced concern that approval of the PAO would mean that very little environmental review would be required for projects proposed within the area, and the public would no longer have an opportunity to influence the environmental outcome. She expressed her belief that most people living within the boundaries of the proposed PAO have little idea how it will impact them in the future. She encouraged the Commissioners to think carefully before moving the PAO forward to the City Council.

Dan Dale, Shoreline, commented that although the City and the 185SSCC has tried to reach out to the community, he is surprised by how many people still do not know exactly what is being proposed. He expressed concern that the process is happening too quickly. He also expressed concern that the proposed subarea plan repeatedly refers to a height limit of 85 feet in the proposed MUR-85 zone. The opportunity for additional height via a development agreement is only noted in one place. He is concerned that the public does not clearly understand the potential for development greater than 85 feet. Mr. Dale also requested that the City provide a map that illustrates the location of the 10 parks. Adding the parks to the equation will result in a different outcome in terms of full build out. He suggesting the Commission look for opportunities for "leaving the camp a little better than they found it" as they help the City double in size over a reasonable amount of time. While this station area can be a catalyst, it is important that growth be carefully controlled. Lastly, he encouraged them to consider utilities further; particularly water. He specifically referred to comments from the Ronald Wastewater District

cautioning that they cannot update a main for future development too early without running into significant water-quality concerns for existing customers.

Commissioner Moss reported that she attended the citizen's meeting last Monday night and was a little surprised that, via a development agreement, buildings in the MUR-85 zone could be much taller than 85 feet. She said she has some concern about development agreements, particularly allowing additional height when adjacent to lower-density residential zones. Commissioner Montero pointed out that development agreements would not be granted automatically. They must come before the Planning Commission for review, and the public would be invited to comment. The Commission will forward a recommendation to the City Council for a public hearing and final approval.

Commissioner Mork noted that no specific language related to bicycle facilities was included in the draft PAO. Ms. Redinger specifically referred to the Review Guide that was prepared to summarize the FEIS findings. She explained that for each of the elements analyzed, the guide provides a summary of impacts and mitigation measures. The mitigation measures start with traffic, and then there are subsections for parking management, bicycles, pedestrians, etc. Bicycle facilities will also be addressed in the corridor study that will follow adoption of the subarea plan, and the subarea plan will inform the next update of the Transportation Master Plan.

Vice Chair Craft referred to public concern that the PAO would allow developers to circumvent the environmental review process. He explained that the intent of the PAO is not to circumvent any of the environmental review. Instead, the environmental review for the properties within the subarea has been done up front, and the requirements have been laid out in the FEIS. Projects that are consistent with the requirements outlined in the FEIS can proceed after completing an Environmental Checklist to demonstrate compliance.

Chair Scully added that, without a PAO in place, the same streets can be studied multiple times as new projects are proposed. On the other hand, a PAO eliminates the public's ability to comment on a site-specific project. Overall, he supports the PAO concept if it is done right but acknowledged that a PAO might miss some site-specific issues.

Vice Chair Craft questioned how the City could mitigate for missed potential impacts within a specific area. Director Markle pointed out that a traffic impact study would be required for each development proposal, which could capture changes over time. Separate geo-technical and stormwater analysis would also be required. In addition, the City will improve its regulations for trees, streams, etc. over time.

Commissioner Mork asked if the public would be notified of project proposals within the PAO area. Ms. Markle noted that the City has approved PAOs in place for Town Center and North City, and a PAO will soon be approved for the Community Renewal Area. Currently, there are no special requirements for public notice if a project meets the PAO requirements.

Ms. Roberts referred to the Commission's earlier discussion about development agreements, and emphasized that a development agreement would be the only mechanism by which the 85-foot height

limit in the MUR-85 zone could be exceeded. Chair Scully added that a development agreement requires a lengthy and deliberate process with public notice and opportunities for public input.

Commissioner Moss asked if the criteria for evaluating a development agreement would include "fitting in" with the character of the neighborhood. Impacts on adjacent neighbors, such as solar access, are important to consider.

Ms. Redinger explained that development agreements evolved out of the DEIS concept for a master use permit, which was the zoning designation placed on the Shoreline Center and the North City School. A 140-foot maximum height limit was used when running the numbers (dwelling units, trips, commercial versus residential, etc.) for the DEIS. During the Commission's discussion on the three alternatives that led to the Preferred Alternative, the master use permit option was eliminated and the development agreement concept was applied to a larger area. The numbers in the FEIS assume that 25% of the area zoned Mur-85 could develop under a development agreement and exceed 85 feet in height. While this 25% assumption is likely high, the intent was to examine the maximum impacts possible.

In answer to Commissioner Moss's earlier question, Ms. Redinger referred to Page 43 of the Commission Packet, which contains the existing criteria for decision making for development agreements. She recalled that the Commission previously discussed mandatory components of green building, affordable housing, structured parking, etc. They also discussed a range of other requirements that could be negotiated. She reminded the Commissioners that they elected not to impose a maximum height for development agreements.

Ms. Redinger recalled that staff received criticism that the earlier materials were not specific enough. The more specific information was not available when the materials were initially published. She has asked the consultant to update the visual illustrations to be more realistic and reflective of the current Preferred Alternative. The staff and consultant will review the FEIS one more time before the January 15th public hearing to make grammatical corrections. This will include eliminating the word "limit" from the MUR-85 zone.

DIRECTOR'S REPORT

Director Markle did not have any items to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Special Presentation by Assistant City Attorney on Conflict of Interest

Ms. Ainsworth-Taylor explained that the laws regarding appearance of fairness apply to quasi-judicial matters such as approval of development permits and rezones. Not only must the process be fair; it must appear fair, too. At this time, the Commission does not take final action on any quasi-judicial items.

The recommendations the Commission forwards to the City Council are related to legislative decisions, and the Appearance of Fairness Doctrine does not apply to this type of decision making authority.

Ms. Ainsworth-Taylor advised that the City's code of ethics and the Commission's By-Laws speak to conflict of interest. In particular, it speaks to a financial or pecuniary interest in something. Commissioners should not participate in the decision making process on issues that could result in a financial gain for them. However, most of the issues that come before the Commission are unlikely to fall into this category.

Ms. Ainsworth-Taylor said that when acting as a Planning Commissioner, it should be clear to the public that each Commissioner is acting in the best interest of the Shoreline community and not in his/her own best interest. Commissioners who have background or interest in a particular matter can still participate in the decision making process, but the information should be disclosed to the Commission and the public at the earliest opportunity. Once the information has been disclosed, a decision can be made about whether or not it is appropriate for that Commissioner to participate. If it is determined a Commissioner's involvement would taint the decision-making process, he/she should ask to be recused from the process.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENT

Commissioner Malek disclosed that he owns a home in Richmond Beach and he currently serves on the Point Wells Subcommittee.

Commissioner Moss announced that the Light Rail Station Area Planning Subcommittee (Commissioners Maul, Moss and Mork) would meet soon to conduct a thorough review of the FEIS. They will share their thoughts at the Commission's December 18th meeting in preparation for the public hearing on January 15th. She noted that the subcommittee's meeting would be open to the public. She asked the Commissioners to identify specific issues they would like the subcommittee to focus on when reviewing the FEIS.

The Commissioners agreed that the subcommittee should focus their review on the following "hot button" issues:

- How the 185th Street Station would be impacted if the Point Wells property is developed, particularly if it is developed to the full measure that is currently proposed
- Whether or not a phase approach is appropriate
- Should single-family residential be an allowed use in the MUR zones
- Development agreements in general, and potentially capping the maximum height allowed in the MUR-85 zone
- The scale of the Planned Action Ordinance
- What is going on regionally for cross-city transportation plans
- Transition areas, setbacks, etc.
- Plazas and community areas

AGENDA FOR NEXT MEETING

Ms. Redinger advised that, in addition to concluding their study session on the 185th Street Station Subarea Plan, the December 18th agenda will also include a study session on the Draft Environmental Impact Statement (DEIS) for the Community Renewal Area. A public open house regarding the Community Renewal Area DEIS is scheduled for 6:00 p.m. prior to the regular meeting.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Keith Scully

Chair, Planning Commission

Lisa Basher

Clerk, Planning Commission

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