

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

October 27, 2008
7:00 P.M.

Shoreline Historical Museum

Commissioners Present

Vice Chair Hall
Commissioner Behrens
Commissioner Broili
Commissioner Kaje
Commissioner Perkowski
Commissioner Wagner

Staff Present

Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Flannary Collins, Assistant City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Chair Kuboi
Commissioner Piro
Commissioner Pyle

CALL TO ORDER

Vice Chair Hall called the special meeting of the Shoreline Planning Commission to order at 7:04 p.m.

ROLL CALL

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

REMAND OF RECOMMENDATION

Vice Chair Hall announced the only item on the agenda for the evening was a Remand of Recommendation, from the City Council, to rezone from Community Business ("CB") to Regional Business ("RB") the properties located at 18501 and 18511 Linden Avenue North.

Mr. Cohn reminded the Commission that they are being asked to develop a set of Findings of Fact and Conclusions. He suggested they introduce the documents being supplemented into the record that bring forward new facts and then discuss both the old and new facts prior to reaching a decision.

Mr. Szafran introduced new materials provided to the Commissioners this evening. The first was a set of photographs requested by Vice Chair Hall that illustrate development on adjacent sites in 2007 (when the first rezone recommendation occurred) as well as photographs of the sites as they appear today. The second set are maps created by Commissioner Kaje that show current parcels along Aurora Avenue and surrounding areas zoned RB and CB. The third are a set of maps provided by staff that show potential sites that could be zoned CB or RB based on the City's Comprehensive Plan.

Mr. Cohn directed the Commission to the Proposed Supplemental Findings before them that were also sent out earlier in the week. He pointed out two minor changes to the draft document. The first change was removing the word "criteria" from the last sentence in paragraph A. The second was deleting the apostrophe from "Commission's" in the first sentence in paragraph C.

Vice Chair Hall reopened the deliberation on the rezone to consider supplemental information and reminded the Commission that this is a quasi-judicial matter and the Appearance of Fairness rules are applicable. He invited the Commissioners to disclose any communications they might have received about the subject of the hearing since the closure of the hearing.

Commissioner Kaje disclosed that Councilmember Way approached him at an off-site conference where both were in attendance and informed him of City Council's decision to remand the item back to Planning Commission. The nature of the conversation had to do with procedure and did not go into detail about the project. He felt he could still be impartial. None of the other Commissioners disclosed ex-parte communications, and no one in the audience expressed a concern over any of the Commissioners participating.

COMMISSIONER BROILI MOVED TO SUPPLEMENT THE HEARING RECORD WITH THE NEW MATERIALS PROVIDED IN THE MEETING PACKET ALONG WITH THE PHOTOGRAPHS AND MAPS INTRODUCED AT THE MEETING. COMMISSIONER BEHRENS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Kaje asked for clarification on the color maps staff provided. Mr. Szafran explained that the colors and patterns on the maps show two things: parcels currently zoned RB and parcels that could potentially be zoned RB. Commissioner Kaje then explained the two maps he provided were to show how the City of Shoreline has used CB and RB zoning designations to-date. When creating the map, two things jumped out at him; CB has not been used very much, and most parcels along Aurora are zoned RB. He said he saw very few examples of existing RB that look like the two James Alan Salon parcels in terms of size or where they are situated on the Aurora Corridor. His reasoning for putting the maps together was to illuminate how this proposal fits in with what the City has done in the past. He concluded that if these parcels are rezoned, it would reflect a different pattern than what the City has done in the past. Commissioner Behrens complimented Commissioner Kaje on how his maps were clear, precise and easy to read. Commissioner Perkowski asked what data was used to create the maps. Commissioner Kaje said he used King County data from 2008.

Commissioner Behrens asked staff to clarify what parcels are included in the rezone request before them. Mr. Cohn said the property addresses listed under the project information summary on the

proposed Supplemental Findings are correct (18501 and 18511 Linden Avenue North). Commissioner Behrens asked whether there was a third property involved as well. Staff noted that there is a third adjacent property owned by the same company but it is not part of the rezone. Commissioner Behrens asked if this third piece of property would be used to hold any part or portion of what will be built. Mr. Cohn responded that if the third property is developed, it must meet regulations of R-12 zoning.

Commissioner Behrens shared his idea of how to create a structure for the parcels that is stepped. He proposed making the middle piece of property RB and the two side pieces CB so that the building envelope would taper. Commissioner Broili reminded the Commission of the decision at hand, whether or not to recommend a rezone, therefore they should not focus on a potential future structure.

Vice Chair Hall recounted the rezone proposal's history stating that the Commission previously recommended approval of the rezone request on a 5-1-2 vote and forwarded its recommendation to the City Council. The Council remanded this rezone request to the Planning Commission to supplement the record with information from the previous rezone request; the record includes more than 200 pages. The Commission has been asked to review these materials and either make the same recommendation or make a new recommendation based on the expanded record. He suggested that the Commissioners make sure all information is in the supplemental record before developing Conclusions and reminded the Commission that its recommendation goes back to the City Council for approval.

COMMISSIONER BROILI MOVED TO APPROVE THE REZONE OF PROPERTIES LOCATED AT 18501 AND 18511 LINDEN AVENUE NORTH FROM CB TO RB AS PRESENTED. COMMISSIONER WAGNER SECONDED THE MOTION.

Commissioner Broili recalled that the Commission has reviewed this proposal twice and he is convinced it is a reasonable request. The parcels are located on a major arterial (185th Street) and one block off Aurora Avenue. While he appreciates Commissioner Kaje's point about historical practices, he can not find a reason to change his previous decision on the rezone request based on any of the new material.

Commissioner Wagner recalled that the Commission has had many conversations over where the right place for development and increased density is. She believes, given the current state of the world's finances, it speaks great volumes that people still want to invest in our community, and the City should continue to make things possible that we think are good for the City. The Commission and public have talked about the importance of "third places" and there has been plenty of testimony that the James Alan Salon is a pillar of the community providing that place for people to meet. Spouses, mothers and daughters have been visiting the salon for many years. Commissioner Wagner pointed out two major concerns that she had in the past and previously shared with the public: traffic and parking. She explained that she is now comfortable with both. Staff has shown that the traffic will be addressed in the City's long-range plans for assessing traffic on Aurora as part of the second and third phases of the Aurora Corridor Project, and stated her belief that parking regulations and requirements will be taken care of at the time of development.

Commissioner Wagner referred to the Supplemental Finding of Fact where it says the Planning Commission previously recommended approval of the rezone to CB rather than RB. She believes

Commissioner Kaje's maps demonstrate that RB is more consistent than CB with what we expect along and near Aurora and is more in line with the City's long-range direction. She said the Commission often talks about the differences between CB and RB and the biggest concern is density. Recently the City Council changed the RB zone from allowing unlimited density to capping it off at 110 units per acre. So the circumstances of the proposal have changed since the first rezone request when the Planning Commission recommended CB. In the case of this rezone, surrounding properties are also in the process of redeveloping, unlike when the Commission reviewed it in 2007. Rezoning to RB is even more appropriate this time since redevelopment of this site will not have the same type of impact as it would have had two years ago.

Commissioner Kaje stressed that he has no doubt about the quality of the business and its dedication to the community but what concerns him is even though (as Commissioner Wagner pointed out) we see a lot of RB along Aurora, what we don't see is small fragmented parcels zoned RB that incrementally expand the RB zoning away from Aurora. It looks like over time the City has designated blocks of RB with low to medium residential surrounding it. He wonders why the City doesn't use transitional zoning along the edges instead, and questions why the City doesn't use a more transitional zoning in this case. From his work on the City of Shoreline Housing Committee he believes intersections like this are the place to put the density but it concerns him that it looks like a new application of RB. He is worried over setting a precedent that other little lots can come in and request the same thing.

Commissioner Kaje admitted that the City probably doesn't have the perfect tool and is forced to try to fit things in using CB and RB. He said he read through the record from the first rezone request and found competing arguments over consistency with the Comprehensive Plan and agreed that CB would fit well if only it allowed more residential units. He said that he's leaning towards not supporting the proposal for reasons having nothing to do with the proposed site development. He said that he would like to see the City develop a better tool than RB zoning for sites like this.

Commissioner Behrens expressed that he is going to change his vote from abstaining to voting against. He agrees with much of what Commissioner Kaje said. He feels a third of an acre is much too small a piece of property to be zoned RB. He believes an appropriate use of RB is a larger unit of property where you can fit more density in without forcing it into a small area. He said he read past compelling arguments from both Commissioners and City staff that supported CB at this location. Previous comments from residents around the area also noted the Comprehensive Plan envisioned the area as a rational boundary between single-family and business uses and the blending of the two land use designations would be negative. Commissioner Behrens commended James Alan Salon, noting that both his wife and daughter have been going there for years and he would like to see the salon stay in Shoreline.

Commissioner Perkowski stated he will still recommend approval of the rezone as nothing has changed his opinion that it would be an excellent location for RB. He said he does not agree that near term traffic impact analysis should be viewed as a deal breaker, and that he believes our current car centric behavior will change over time. He is also troubled with short term thinking about traffic. He admitted there will be an awkward stage moving from a car centric to transit oriented society but it shouldn't keep us from thinking long term.

Commissioner Wagner asked Commissioner Kaje to clarify specifically what are the concerns RB brings to this location. He answered that there are some uses that could occur under RB (not allowed in CB) that are undesirable for this location but noted that there was some testimony that these uses may not be likely to locate on this site. Commissioner Wagner also questioned whether Commissioner Kaje considered the potential zoning of the surrounding properties. He said he did take this into consideration but looked at it a different way. He pointed out that much of the south side of 185th is up against single-family zoning, so even though the current Comprehensive Plan designation would allow an RB zoning designation, he would be hard pressed to accept arguments to place it there. He questioned if the approach of applying the most intense zoning (RB) in little increments that push out into neighborhoods was the best way to provide transition. Because he believes that more residential density is appropriate on this site, he feels the City needs to get to work on other solutions that currently don't exist.

Commissioner Broili said he doesn't disagree with Commissioner Kaje that we need to work towards creating better tools to get us where we need to go, but it is not necessary to penalize this property. From every other perspective it meets the criteria for what the Commission has approved in the past. RB makes sense. Commissioner Broili said he wants to recommend approval of this proposal and then make sure the next time the Commission is faced with a similar situation, it has better tools to achieve a better outcome.

Vice Chair Hall agreed that the City doesn't have the appropriate tool to deal with the parcels. He recalled that in 2007 the Commission suggested that a hybrid of a zoning designation between CB and RB would be appropriate here. The Commission made a recommendation to do that but the City Council chose not to accept the Commission's recommendation. He noted it is his understanding that the Council has been hesitant to look at individual solutions until it adopts a new Vision for the City, which is currently underway.

Commissioner Hall stated that he has attended a couple of the Visioning meetings and two themes he has heard are: 1) a desire to protect single-family residential neighborhoods, and 2) recognition that growth will be coming and there is a need to accommodate it in appropriate places. He noted that the proposed rezone of this property to RB goes right to criteria the Commission used when they looked at this the first time which is why he wanted to remind the Commissioners of photos of the small homes that were adjacent to the property when they looked at the rezone in 2007. At that time, the Commission raised concerns about unlimited density right next to small houses. Since then, the adjacent houses have been removed and now there are forty foot townhomes. He believes that the new townhomes create a stair step transition to the single-family homes to the west. The fact that there is no single-family zone adjacent to the two parcels we are looking at rezoning relieves his concern about the impact this development would have. Vice Chair Hall also noted that the Planning Commission never reached the conclusion that RB was inconsistent with the Comprehensive Plan because the Commission never voted on this question. The only question the Commission voted on was whether a CB designation was consistent with the Comprehensive Plan.

Vice Chair Hall noted the changes that have occurred since 2007 when the Commission first considered the appropriateness of RB zoning on this site. There is new information on the record: the Aurora

Corridor Project improvements at the intersection of 185th and Aurora and a limit on density in RB. Commissioner Hall also noted that, even though RB allows a slightly taller building (65 feet as compared to 60 feet in CB), as a tradeoff, it requires an additional 5 feet more in setback.

Commissioner Hall agreed that there is a need to work on a mixed use zone where the Commission can address problems like this with a form based solution. His final point was that the testimony the Commission heard at the recent hearing was different than the testimony they heard in 2007. There is substantial new testimony in support of the rezone, with much less opposition. With townhomes in place, and things evolving in our community, the neighborhood may already be moving towards the higher density the Comprehensive Plan anticipates.

Commissioner Broili noted that in 2007 the Commission believed that they would consider form-based zoning in the near future. He wanted to develop a tool that would be more amenable to achieve goals the City wanted to achieve.

Commissioner Kaje asked a clarifying question of why SEPA didn't have to be re-done for the 2008 rezone request. Mr. Cohn said SEPA looks at impacts and the original application had a higher impact than the second application proposal. The proposed change that placed a maximum density in RB limited the potential maximum density on the site, so the proposal would have less impact than the earlier proposal. The Assistant City Attorney agreed. Commissioner Kaje asked why there was no supplemental checklist for a non-project action in the record supplied to the Commission. Staff noted that there was not a supplemental checklist in the file. Vice Chair Hall reminded the Commission since no one had appealed the original environmental determination, it is presumed to be valid.

Commissioner Behrens had two things to add to the record, the first being building density. He noted that the 2007 record included testimony that a developing this site at 48 dwellings per acre would result in significantly larger units than a development built at a higher density. It is his belief that larger units are more appropriate for multi-family dwellings because it would result in more families moving into these units. Families are likely to include school age children. He believes that this would result in a more stable type of tenant and one that is less likely to move. This would be better for the community. As for traffic impacts, Commissioner Behrens agrees that when and the intersection at 185th and Aurora is reconfigured it will have positive impact on the traffic flow on 185th. However, he is concerned about traffic along Linden which is used as a bypass to Aurora. He is concerned that higher density on this site will result in increased traffic through residential communities. He would be more inclined to support this if there was a traffic analysis in the package that showed a way of controlling traffic particularly along Linden and a way to regulate it. He noted that the street near 152nd and Aurora is now a dead-end street which is a step in the right direction. Traffic should be kept out of neighborhoods and encouraged to go onto arterials.

COMMISSIONER BROILI CALLED FOR THE QUESTION.

THE MAIN MOTION TO APPROVE THE REZONE OF PROPERTIES LOCATED AT 18501 AND 18511 LINDEN AVENUE NORTH FROM "CB" TO "RB" WAS APPROVED 4-2 WITH COMMISSIONERS BEHRENS AND KAJE VOTING AGAINST.

The Commission discussed what to add to the Supplemental Findings and Conclusions.

Two Supplemental Findings:

- There are no single family dwellings within half a block of these parcels.
- Commission did not make a decision on RB in 2007. It did not decide on this issue.

Two Supplemental Conclusions:

- This is an appropriate location for higher density
- At time we recommended a rezone to CB we believed that development code amendments would be forwarded very quickly that would enable higher density to be achieved at this site. Those amendments were not approved and therefore this rezone is an appropriate mechanism to allow greater density at this site.

ADJOURNMENT

The meeting was adjourned at 8:30 P.M.

Will Hall
Vice Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission