

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 18, 2008  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### Commissioners Present

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

### Staff Present

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Associate Planner, Planning & Development Services  
Flannary Collins, Assistant City Attorney  
Jill Mosqueda, Drainage Review Engineer  
Jeff Forry, Permit Services Manager, Planning & Development Services  
Belinda Boston, Acting Planning Commissioner Clerk

### Commissioners Absent

Commissioner Pyle

### Guests

Keith McGlashan, City Council  
Cindy Ryu, Mayor of Shoreline (left the meeting at 7:20 p.m.)

### CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:08 p.m.

### ROLL CALL

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

### APPROVAL OF AGENDA

The Commission approved the agenda as presented.

### DIRECTOR'S COMMENTS

Mr. Cohn noted that the Director's comments would be postponed to later in the meeting.

## **APPROVAL OF MINUTES**

The minutes of September 8, 2008 were approved as corrected.

## **GENERAL PUBLIC COMMENT**

**Les Nelson, Shoreline**, complained that it is still difficult to find information about Planning Commission meetings on the City's website. He suggested that the meeting announcement and agenda should be featured on the website's home page. He said he has brought this problem to staff's attention on numerous occasions, but it has still not been resolved.

Commissioner Piro pointed out that the City has a program that electronically sends out announcements of Planning Commission meetings to people on the list. Mr. Cohn said that the Planning Commission information is also accessible from the Planning Division's home page. He said staff has been working to implement additional changes to address Mr. Nelson's concerns, but they have to wait until the new website is up and running. Chair Kuboi added that the Planning Commission meetings have also been advertised on the list of "what's happening" in Shoreline on the right side of the home page, but this meeting was not included for some reason. Mr. Cohn agreed that staff would make sure the meeting is included on the list in the future.

**Cindy Ryu, Mayor of Shoreline**, thanked the Commissioners for their service. She said she is looking forward to the joint Planning Commission/City Council Dinner Meeting that is scheduled for September 22<sup>nd</sup>. She pointed out that she would not stay for the hearing.

## **PUBLIC HEARING ON REZONE REQUEST FOR PROPERTY LOCATED AT 753 NORTH 185<sup>TH</sup> STREET**

Chair Kuboi reviewed the rules and procedures for the quasi-judicial public hearing. He reminded the Commission of the Appearance of Fairness Rules. He opened the public hearing and invited the Commissioners to disclose any communications they might have received about the subject of the hearing outside of the hearing. None of the Commissioners disclosed ex parte communications, and no one in the audience expressed a concern, either.

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

Mr. Szafran said the application is to rezone property located at 753 North 185<sup>th</sup> Street from R-12 (Single-Family Residential) to Community Business (CB). He displayed a Comprehensive Plan Map for the area, which identifies the parcel as Community Business. Property to the north is identified on the map as Community Business, Medium-Density Residential, and Mixed-Use. Properties directly to the south are designated as High-Density Residential, with Medium and Low-Density Residential towards the west.

Mr. Szafran displayed a zoning map of the area and explained that parcels immediately to the west of the subject parcel are zoned Office (O), R-18 and R-12 and developed with medical offices, condos, a

fire station and other office uses. The parcel to the south is zoned R-48 and developed with an apartment building. The Fred Meyer shopping center is zoned RB and located directly east of the subject parcel. To the north is the former James Alan salon building, which is currently zoned CB. He advised that the building currently located on the subject parcel has been designated on Shoreline's Historic Inventory List. He also provided numerous photographs to identify the existing conditions on surrounding properties.

Mr. Szafran advised that the proposal is to change the zoning on the site from R-12 to CB. He referred to a chart outlining the differences between the proposed CB zoning and the Regional Business (RB) and Neighborhood Business (NB) zones. He summarized that the CB zone would allow 14 dwelling units on the site, a 60-foot height limit, 85% impervious surface, and 10-foot setbacks from adjacent residential properties. The NB zone would allow 7 dwelling units on the site, as well as a 35-foot height limit if developed as commercial only and a 50-foot height limit if developed as mixed-use. The setbacks and impervious surface requirements would be the same for both the NB and CB zones. Currently, the RB zone would allow up to 33 dwelling units, a 65-foot height limit, a setback requirement of 15 feet, and more impervious area.

Mr. Szafran reported that the City received two comment letters regarding the proposed rezone. One voiced a concern about traffic in the area, and it noted there were no sidewalks available. The other voiced a concern that the SEPA Determination ignored the historical significance of the site. Mr. Szafran noted that the Aurora Corridor Project would improve traffic circulation in the area, and the parking demand would be addressed on site. Therefore, the proposal should not impact existing parking areas on Linden Avenue. Mr. Szafran pointed out that the current proposal only deals with land use and not a specific project so the City would deal with the historical impact of the existing building if and when a building permit comes in.

Mr. Szafran referred to a map outlining the proposed improvements associated with the Aurora Corridor Project. He also explained how the proposal would meet the zoning criteria as follows:

- ***Is the rezone consistent with the Comprehensive Plan?*** Mr. Szafran noted that the staff report lists numerous specific Comprehensive Plan goals and policies that would be met by the rezone application, as well as six policies that might not be fully met. He summarized that, overall, the rezone would be consistent with the Comprehensive Plan designation of Community Business.
- ***Will the rezone adversely affect the public health, safety or general welfare?*** Mr. Szafran said staff does not believe the rezone would adversely affect the public health, safety or general welfare. He explained that if the site were developed with residential uses, the impacts could be positive because the greater residential density and commercial development would be located on arterial and collector streets and away from single-family neighborhoods. These services would also be located closer to existing retail centers.
- ***Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*** Mr. Szafran said staff believes the rezone is warranted to achieve consistency with the Comprehensive Plan, which calls for more efficient use of land and higher densities in appropriate areas that are close to services

and transportation. The Aurora Corridor Project would result in improved circulation patterns on 185<sup>th</sup> and Aurora Avenue, which would support more intense development on the subject property.

- ***Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*** Mr. Szafran said staff does not believe the rezone would be detrimental to uses or property in the area.
- ***Will the rezone have merit and value for the community?*** Mr. Szafran said staff believes the rezone would have merit and value for the community since it would provide an opportunity to accommodate more jobs and multi-family dwelling units in an area that is not immediately adjacent to existing single-family neighborhoods. The subject parcel is also in close proximity to services and transportation.

Mr. Szafran said staff recommends approval of the application to rezone the subject property from R-12 to CB.

Commissioner Kaje thanked staff for providing a thorough assessment of which Comprehensive Plan goals and policies the proposal would be consistent with, as well as those it would not be consistent with. He noted that the staff report indicates the proposed rezone would be consistent with Policy CD61, which talks about working cooperatively with other jurisdictions, agencies, organizations and property owners to preserve historic resources. On the other hand, the staff report also suggests that the issue of historic inventory is not on the table for discussion at this time. He suggested these two statements are inconsistent.

Chair Kuboi invited staff to provide more clarification about whether or not the issue of historic preservation is germane to the Commission's deliberation on the rezone application. Mr. Cohn said staff does not believe a discussion regarding historic preservation is germane to the Commission's deliberation. However, because the issue was raised in a comment letter, staff attempted to address the concern. He noted that the property could be redeveloped under the current zoning, as well as any alternative zoning. City Attorney Collins agreed that the Commission should not address the issue of historic preservation as part of their deliberation on the rezone application. Instead, the issue would be addressed later when and if a building permit application is submitted.

### **Applicant Testimony**

**Shimon Shriki, Applicant**, reminded the Commission that the purpose of the rezone is to enable him to redevelop the property into something else. Therefore, he suggested it is important to deal with the issue of historic preservation now. If the building has to remain on the subject parcel, there would be no ability to redevelop the site in another fashion. Chair Kuboi again reminded Mr. Shriki that the rezone action would have no bearing on the issue of historic preservation. Mr. Shriki questioned the point of rezoning the parcel if redevelopment would never be possible. Vice Chair Hall emphasized that it is important to keep in mind that even if the property is not rezoned, a property owner could submit a building permit based on the current zoning. A decision regarding the historic value of the property would be made at the building permit stage. The Commission does not have the authority to address

historic preservation. Mr. Shriki said his understanding was that the building had no historical value. He said they have a company that is interested in moving the structure to another location.

Commissioner Behrens requested clarification from the City Attorney as to whether the City has the ability to prevent the property owner from tearing the building down. Commissioner Hall clarified his earlier comment that even if the Commission recommended denial of the rezone, they could not prevent someone from tearing down the building. Again, City Attorney Collins reminded the Commission that historic preservation is not something they should consider in conjunction with the rezone application. Mr. Cohn clarified that the building is on the City's Historical Inventory, but it is not on either the King County or Washington State Registers of Historic Properties. Mr. Cohn suggested this subject could be addressed after the hearing.

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

Commissioner Behrens asked staff to delineate the borders of the Aurora Corridor Project. Mr. Szafran said the western boundary is Linden Avenue and the eastern boundary is Midvale Avenue. Commissioner Behrens also asked staff to provide more information about how the proposed rezone would be consistent with Comprehensive Plan Policies LU20 and LU31. Mr. Szafran clarified that LU20 and LU31 were mistakenly included in the list of policies the rezone would be consistent with. Commissioner Behrens referred to LU55, which refers to the expansion of public mass transit and encouraging cycling and walking in the City as an alternative to dependence on individual vehicles. He asked if the Aurora Corridor Project would include expansion of bicycle lanes or trails. Mr. Szafran said there are no specific plans to expand bicycle lanes, but there are plans to redevelop the sidewalks in front of the subject property.

Commissioner Behrens asked staff to describe how transit would play a supportive role for the proposed rezone. He particularly asked for clarification regarding the number of parking spaces that would be required. Mr. Cohn clarified that the numbers provided in the staff report were based on staff's assumption of the number of employees that could be housed in the new structure on the subject property, plus an additional five stalls for visitors. Commissioner Behrens pointed out that if the new building is used as a medical or dental office, it would generate more traffic beyond just the people that work there. While he understands the numbers are assumptions only, he expressed concern that it assumes a lot of the people working and visiting the building would use the transit system. Mr. Cohn clarified that, at this time, staff doesn't know what the building would be used for or how large it would be. The numbers identified in the staff report came from the ITE Manual for a general office building.

Commissioner Behrens said he lives close to the subject parcel, and he uses the transit service in the area. He noted that there is not a lot of transit service available on Aurora Avenue, except during peak hours. Mr. Cohn said it is important to keep in mind that the County has made a commitment to provide rapid-ride service along Aurora Avenue at regular intervals throughout the day.

Commissioner Behrens referred to Comprehensive Plan Policy T17, which is supposed to minimize through traffic on local streets. He asked staff to share how the proposed rezone could impact Linden Avenue. Mr. Szafran responded that the subject parcel would not gain access from any local street.

While Linden Avenue is identified as a collector street in this location, 185<sup>th</sup> Street serves as an arterial. Commissioner Behrens agreed but noted that traffic from the site would access Linden Avenue North, which is a collector and not an arterial, and this would have an impact on the residential neighborhood. Mr. Szafran said that because there is no specific development proposal, staff cannot identify the direction traffic would flow from the site. However, he agreed that Linden Avenue could potentially be impacted.

Commissioner Behrens referenced Comprehensive Plan Policy T47, which states the City should monitor traffic growth on collector arterials and neighborhood collectors and take measures to keep volumes within reasonable limits. Once again, he pointed out that Linden Avenue is a collector street that has been identified as being somewhat stressed. He asked if something could be done in this location to address the problem. Mr. Szafran said the City's Traffic Engineer has indicated the traffic counts on Linden Avenue are not heavy, and a redeveloping the subject parcel would not unduly stress the street. Chair Kuboi noted that while one of the citizen letters characterized Linden Avenue as stressed, the Public Works Department has indicated that the current traffic on Linden Avenue does not meet their definition of "stressed."

Commissioner Broili said that he understands that staff must make some parking assumptions as part of their review of the rezone application. However, he expressed concern that the balance between employees and potential customers is out of line. Commissioner Piro expressed his belief that it is robust to assume there would be 75 vehicles for 75 employees. This would assume no one would carpool or use the transit system. Mr. Cohn explained that the assumption was driven by the amount of parking that would fit in a 1.5 story space and not on how tall the building was, etc. Staff used the ITE Manual to identify a rough estimate of the number of trips a project would generate based on the number of parking stalls that could be provided. He clarified that the assumptions were intended to give the Commission an idea of what might be built. While staff could have done more analysis, it is important to keep in mind that they do not know the types of uses that will be located on the site in the future.

### **Public Testimony or Comment**

**Wendy DiPeso, Shoreline**, suggested the Commission consider the possibility of changing the process so a rezone request can be heard in conjunction with a building permit application. She pointed out that this would help the Commission and public better understand what to expect of the site. It would also allow them to mitigate any neighborhood concerns prior to approval of the rezone and building application. In addition, it would save developers both time and money if the City's expectations were clear and upfront and would ensure there is no staff bias in support of a developer. Why approve a rezone application if the developer's ultimate plan is something the citizens of Shoreline will not accept?

Chair Kuboi said there is a natural tendency to want to talk about rezones and projects as part of the same discussion. However, he clarified that the City's current process requires the Planning Commission to evaluate a proposal based on five rezone criteria, and none of them are project specific. He explained that in the past, the City did contract rezones that were premised on a particular project. However, that is no longer an option in Shoreline. He expressed his belief that intertwining the specific

merits of a rezone versus the perceived merits of and actual project could easily convolute the discussion. He noted that any changes to the current process would require a separate legislative action. Commissioner Broili explained that staff makes decisions based on existing codes, and the appropriate way to deal with staff bias, either perceived or real, is to strengthen the codes so there are no gray areas. This would take the emotional aspect out of the review so staff decisions could be based solely on the code and regulations.

Commissioner Behrens said he appreciates the thorough reports that are prepared by staff. However, he suggested that instead of providing a recommendation as part of the report, staff could merely present the facts for the Commission's review. This would be another way to make staff reports appear absolutely neutral.

**Les Nelson, Shoreline**, expressed concern that if the historic preservation discussion is postponed until a development permit application has been submitted, neither the Commission nor the public would not have the ability to comment. He suggested that perhaps the City should consider options for moving the building to a location near the new City Hall, which would create a type of City Center. It could also be relocated to a property close to the Historical Museum, but if they wait until the development permit stage, it would be too late for groups to work together to relocate the structure. He suggested the Commission consider opportunities for them to play a role in the process of preserving historic structures. The Commission agreed to put this topic on their list of parking lot agenda items.

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

None of the Commissioners had additional questions of the staff, the applicant or the public.

### **Deliberations**

**VICE CHAIR HALL MOVED THE COMMISSION RECOMMEND APPROVAL OF THE REZONE APPLICATION BASED ON THE FINDINGS AND RECOMMENDATIONS PRESENTED BY STAFF. COMMISSIONER PIRO SECONDED THE MOTION.**

Vice Chair Hall said he was glad Commissioner Behrens brought up issues related to transit and bicycle opportunities. He noted that the subject parcel is located close to the Aurora Corridor and the Interurban Trail, and it is better to put this more intense development on Linden Avenue and 185<sup>th</sup> Street than in many other locations in the City. He agreed it would be a challenge to obtain adequate bus service along the Aurora Corridor, but he noted that transit agencies tend to wait to add service until there is adequate demand.

Vice Chair Hall applauded staff for trying to create assumptions as part of their report. Because the Commission cannot consider the actual type of development that might be proposed by the applicant, it is helpful to have some assumptions. At the same time, the Commission should not assume that the assumptions represent what would actually be built or that they represent the absolute worst case scenario. In terms of parking stalls, for example, if the Fred Meyer site were to develop into something much larger, the subject parcel could become a parking garage. He cautioned that if the Commission

relies on any set of assumptions when making a recommendation on a rezone application, whether presented by the applicant or staff, they must keep in mind that the property could be sold the next day and something totally different could be built. The challenge to the Commission is to recognize that anything allowed under the Development Code could potentially be built on the subject parcel.

Vice Chair Hall pointed out that the City's adopted Economic Development Strategy addresses the need to redevelop the commercial areas. It is important to keep in mind that any redevelopment is likely to take place at a higher density or higher intensity of use than what currently exists. Every proposal that is submitted to the Planning Division is likely to have some incremental impact on traffic. The Commission needs to be cognizant of whether or not the codes are adequate enough to protect the neighborhoods; and if not, they need to recommend changes. They must also make sure the City's long-range plan includes a long-term transportation plan to meet the needs of future development. He concluded that he supports the proposed rezone because the associated incremental parking and traffic impacts would be acceptable due to the site's proximity to the center of the City and the main transportation corridor.

Commissioner Piro said he appreciates the concerns raised by Commissioners Broili and Behrens regarding the long-term ramifications of the proposal. He noted that the parameters the Commission must work within enables them to not be limited to one specific project, but an array of possibilities given the rezone potential. He referred to the list provided by staff to identify which Comprehensive Plan policies the rezone proposal would be consistent with, as well as those it might not be consistent with. He noted that good issues were raised as a result of this process.

Commissioner Piro expressed his belief that redevelopment and infill provides a way for Shoreline to manage growth and meet growth management objectives, housing targets, economic development strategies, sustainability strategies, etc. It is important to strategically identify opportunities for locating and advancing more compact urban form, and clearly this can be done along the Aurora Corridor. He summarized that the modest additional intensity that would occur as a result of the proposed rezone would be a significant step towards achieving the City's overall objectives.

Commissioner Wagner said her biggest concerns about this site, as well as other rezones the Commission has considered in this same area, are related to traffic. She said she takes her daughter to a daycare in the vicinity of the subject parcel, so she can appreciate the concerns raised about traffic. However, she is comfortable recommending approval of the proposed rezone because it is the right place for greater density, particularly given the site's close proximity to Aurora Avenue. She said her concerns were further addressed by staff's analysis on Page 26 of the staff report, which identifies where the heaviest traffic impacts would be and how the Aurora Corridor Improvement Project would address concerns associated with cumulative impacts.

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

**THE MOTION TO RECOMMEND APPROVAL OF THE REZONE APPLICATION AS PROPOSED WAS APPROVED 7-1, WITH COMMISSIONER BEHRENS VOTING IN OPPOSITION.**



THE COMMISSION TOOK AT 5-MINUTE BREAK AT ABOUT 8:20 P.M. THEY RECONVENED THE MEETING AT 8:25 P.M.

### **STUDY SESSION ON STORMWATER DEVELOPMENT CODE AMENDMENTS**

Mr. Tovar introduced Jeff Forry, who is the Manager of the Permit Services Team. He explained that the Permit Services Team deal with permit applications every day of the week, and they are responsible for making sure sites are engineered so they comply with the City's Development Code, Stormwater Manual and Engineering Development Guide. He invited Mr. Forry to provide an overview of the proposed Development Code amendments related to surface water. He noted that the proposed amendments are intended to help the City do a better job of managing surface water and come close to the objectives articulated in the newly adopted sustainability strategy.

Mr. Forry advised that a work group consisting of representatives from the Public Works and Planning and Development Services Divisions prepared the draft regulations. He said the purpose of the current proposal is to modify the Development Code and amend a chapter to the Shoreline Municipal Code (SMC) to implement a new Stormwater Manual. He noted that the documents provided to the Commission were intended to be working documents, so some typographical errors and some editorial clarifications still need to be made prior to the public hearing.

Mr. Forry recalled that on July 11, 2005, the City Council adopted the City's current Surface Water Master Plan, which was subject to a number of public hearings in conjunction with the Comprehensive Plan update. The plan identifies deficiencies in existing ordinances and incorporates goals and policies from the Comprehensive Plan. The State Department of Ecology (DOE) issued the City a National Pollution Discharge Elimination System (NPDES) Permit on February 16, 2007, which requires the City to implement new regulations that are equivalent to the DOE manual by August, 2009.

Mr. Forry explained that the City's current stormwater regulations were adopted when the City incorporated in 1995 and have been modified piecemeal to address new requirements. The language is based on a 1992 version of the King County Surface Water Code. He advised that the regulatory language supporting the City's stormwater management program is located in Chapters 13 and 20 of the Shoreline Municipal Code (SMC). He advised that the NPDES Permit requires implementation of the DOE equivalent manual, and the City's current Surface Water Management Plan also recommends implementation of this manual. In addition, the sustainable strategies that were recently adopted also place an emphasis on updating the Surface Water Management Code to provide acceptable levels of service.

Mr. Forry noted that the King County 2005 Manual has not been deemed an equivalent manual by the DOE, and there is no timeline for this to occur. Staff considered what impact the DOE Manual would have on the local regulations and how much modification would be required to directly implement the document. He summarized that implementing the King County Manual would require the City to amend their Critical Areas Ordinance, Clearing and Grading Ordinance, some of the land use provisions, etc. These amendments might change the flavor of Shoreline, and they did not feel it would be the

appropriate direction to go. It would involve a time consuming process, and in the end, the City still wouldn't have an equivalent manual in place to comply with the NPDES Permit requirements.

Mr. Forry explained that the DOE Manual is designed specifically for western Washington, and there are five volumes that contain best management practices for implementing stormwater control for both water quality and flow control. It also contains all the technical provisions and the minimum criteria for determining what projects to apply the standards to. It includes the engineering methodologies and the best management practices for flow control through low-impact development techniques and site planning. The DOE Manual is designed to look at proposals from a forested condition, and it provides for a higher level of review as part of the preliminary review process. It emphasizes minimum site disturbance and it offers expanded tools to developers and city staff to achieve water quality standards. It also offers expanded source control for water quality issues and provides for low-impact development. He said the DOE Manual's goal is to minimize impact to sites during construction, achieve post construction compliance, enhance vegetation, and minimize tree removal.

Mr. Forry specifically highlighted the following amendments:

- **Section 20.30.040 and Table 20.30.290 (Engineering Standards).** Mr. Forry explained that the engineering standards provide the technical guidance for development in the City, including street sections and drainage issues. In order to be consistent with the DOE, the word "variance" would be changed to "deviation." He explained that staff could approve a deviation to the standards if an applicant provides an engineering analysis showing another acceptable method of achieving compliance. He emphasized that while deviation would be allowed, the City would not grant a reduction in the standard.
- **Section 20.50.230 (Impervious Surface Standards).** Mr. Forry explained that when staff attempts to apply the impervious surface standards in the Development Code, they always end up debating with developers because they want to apply low-impact development options in order to reduce the impervious surface from a land use standpoint. Staff believes the maximum impervious surface should be considered under the Surface Water Manual (SWM) and not as a land use consideration. Therefore, staff is recommending the term "impervious surface" be changed to "hardscape." This is a slightly different concept that would actually shrink the developable envelope on a property. For example, if a development has a large driveway that exceeds the thresholds for maximum impervious surface, they would typically provide pervious concrete to mitigate their impervious impact, but this would not lessen the development impact. There would still be a mass of development on the property that still exceeds the 50% parameter. Staff believes it would be helpful to move away from conflicts between land use and surface water by dividing the issues and keeping them unique. Hardscape would include pervious and impervious surfaces, gravel walkways and driveways, etc. The intent of the proposed amendment is to keep the footprint of development on sites to a minimum.
- **Section 20.50.310.B.2 (Clearing and Grading Standards).** Mr. Forry reminded the Commission that the City's current Surface Water Manual was adopted in 1995 and amended in 1998. At that time, the City Council chose to use 1,500 square feet of new impervious surface as the threshold for the drainage review requirement. He pointed out that the DOE Manual includes a threshold of 2,000

square feet; but it relates to new, added or a combination of new/added impervious surface. Changing the threshold to 2,000 square feet would not only be consistent with the DOE Manual, it would also give the City more opportunity to review proposals at the development stage using a lower threshold. He summarized that although a 2,000 square foot threshold appears to be greater than the City's existing 1,500 square foot threshold, it would include both new and existing impervious surface.

- **Section 20.60.070 (Adequacy of Public Facilities).** Mr. Forry pointed out that because the surface water management technical criteria would be included as part of the Storm Water Manual (SWM), the technical information that is currently contained in Chapter 20 should be removed. Rather than repeating all of the technical information, Chapter 20 would refer to the new SWM. He summarized that at this time, staff is not proposing any amendments to the technical criteria contained in the DOE Manual.

Mr. Forry advised that staff would provide each of the Commissioners with a copy of the proposed amendments to Shoreline Municipal Code 13.10 when they become available. He explained that, as proposed, a new Surface Water Management Code would replace SMC 13.10 and would adopt a surface water technical manual, incorporate the necessary "legal authorities" now found in the King County Manual, and implement and enhance new and current programs required by the NPDES Permit. He emphasized that this item would be heard separately by the City Council. The Planning Commission would be charged with evaluating and forwarding a recommendation to the City Council regarding the proposed amendments to the Development Code, using the proposed amendments to SMC 13.10 and the DOE Manual as background information.

Commissioner Broili asked Mr. Forry to clarify his earlier comment that the changes made to the King County Manual would not favor the City of Shoreline. Mr. Forry answered that the changes were written around King County's specific codes for critical areas, development regulations and zoning regulations. In order to adopt the manual, the City would have to evaluate their entire Development Code and apply the same rationale to their existing land use, zoning and critical areas regulations. He reminded the Commission that the City's adopted Surface Water Master Plan recommends adoption of the DOE's equivalent manual. There was no indication in the master plan that it would be desirable to adopt the King County Manual. He noted that doing so would be a monumental task and would not meet the requirements of the NPDES Permit, either.

Vice Chair Hall recalled that the staff report talks about adopting maps to complement the adopted SWM, particularly a map related to critical areas. He said he sees critical areas as part of the Growth Management Act (GMA) development regulations. He pointed out that if the critical areas ordinances is amended in the future, all sections of the code that contain the critical areas map would have to be amended, as well. Mr. Forry clarified that the maps would not be adopted as part of the code. Instead, the currently adopted mapping information would be inserted into a technical manual that is provided to applicants.

Vice Chair Hall referred to the proposed amendment that would change the term "impervious surface" to "hardscape" and questioned if it would be appropriate to use the same percentages and only change what they apply to. He agreed it would be appropriate to distinguish between "hardscape" and

“impervious surface,” but the Commission must carefully review the percentages to determine if they would still be appropriate.

Vice Chair Hall raised the question of whether or not a regional stormwater facility should be outright permitted in all zones, or if a conditional use permit should be required in some zones. For example, if a regional detention facility is proposed, should the surrounding property owners have an opportunity to participate in the decision making process through a conditional use permit requirement.

Vice Chair Hall said he understands the proposed amendment that would change the term “variance” to “deviation,” as it applies to the engineering standards. However, he noted that citizens often express frustration and confusion when these distinctions are made. The public gets the perception that the words in the code may not be implemented if a developer goes through a variance or deviation process.

If the SWM purports to regulate development, Vice Chair Hall said it would be important to clearly understand the implications of stormwater no longer being a Growth Management Act (GMA) development regulation. For example, any future amendments to the stormwater code would not come before the Planning Commission, since they only deal with development regulations. He referred to the proposed amendment to Section 20.30.750, which provides a list of code violations that would be determined to be public nuisances. He noted the list includes violations of the stormwater code (SMC 13.10), and this could end up blurring the current distinction between GMA development regulations and the stormwater code. Lastly, Vice Chair Hall referred to Section 20.60.070.B and inquired if the distinctly different language in Items 1 and 2 was intentional.

Commissioner Kaje referred to the new definition for “impervious surface” on Page 39 of the Staff Report. He suggested the term “under natural conditions prior to development” is vague and should be changed to clarify it means “forested condition.” Mr. Forry pointed out that the definition for “impervious surface” came directly from the DOE Manual. Ms. Mosqueda explained that the DOE allows jurisdictions to model their surface water flow to prairie forested land or to existing conditions if 40% of the down stream basin was developed in 1985. At this time, staff is working to determine if any of the City’s downstream basins were developed to 40% in 1985. Commissioner Kaje suggested the definition be more specific to clearly capture the intent. Mr. Forry agreed to offer clarification for the definition to address concerns raised by the Commission.

Commissioner Kaje referred to Section 20.30.290.A, which describes the purpose for a deviation. He expressed his belief that the term “unnecessary hardship on the applicant” appears vague. He suggested the language be changed to provide some boundaries for determining “unnecessary hardship.” He pointed out that Section 20.30.290.B.8.c provides more clarification regarding the threshold for a deviation. Staff agreed to review this section and provide some recommended language for Section 20.30.290.A to address Commissioner Kaje’s concern.

Mr. Forry encouraged Commissioners to forward their questions regarding the proposed amendments to him. He agreed to formulate a formal response to the Commission as soon as possible. In addition, he agreed to provide clarification about the points that were raised by the Commission during the meeting.

Mr. Forry noted that the amendments are tentatively scheduled for a public hearing before the Planning Commission on November 6<sup>th</sup>. Commissioner Kaje pointed out that the Commission would not have any meetings in October so there would be no opportunity for additional Planning Commission discussion prior to the hearing. Vice Chair Hall suggested the Commission could move the process along more quickly if they forward their comments to staff in writing. Staff could provide a written response to all Commissioners, and all written correspondence could be incorporated into the public record. This would allow the Commission to focus on comments from the community at the hearing. He cautioned that adding another study session prior to the public hearing would likely result in the need to postpone their visioning work. Chair Kuboi agreed it would be appropriate to attempt to hold the hearing on November 6<sup>th</sup>. Mr. Cohn pointed out that the next available date for the hearing would be December 4<sup>th</sup>.

Commissioner Broili said he is unclear how the proposed amendments would tie in with the technical requirements for stormwater management. For example, where in the code would low-impact development be addressed. Mr. Forry said all of this information is contained in the DOE Manual that would be adopted by the City. He noted that the DOE Manual, by nature, is low-impact development. Ms. Mosqueda said the Puget Sound Low-Impact Development Manual would also be applicable. Commissioner Broili inquired if the proposed language amendments would provide a strong enough code to enforce the provisions in the listed manuals. Mr. Forry said the new language proposed for SMC 13.10 would allow for sufficient enforcement.

Commissioner Broili referred to Section 20.30.750, which provides language to enable the City to enforce the stormwater management regulations. He pointed out that in his neighborhood, property owners actually paved over pervious areas that are owned by the City, even though the practice is in violation of the current code. The concern was brought to the attention of the City, but it took six months for them to address the problem. He said he supports adoption of the DOE Manual for Western Washington, but it must be accompanied by code language that allows the City to adequately enforce the regulations. Mr. Forry said the language in the Development Code has already established a comprehensive code enforcement program, which includes education. In addition, the City has a fairly robust inspection and compliance program, and he anticipates they will continue to pursue this as a high priority.

Commissioner Broili said he supports the proposed amendments related to the concept of “hardscapes.” He said that in his profession, he has to deal with roofscapes, hardscapes, and landscapes. He suggested the City utilize this same concept because there are mitigation tools for each of these scenarios.

Mr. Forry suggested that prior the public hearing, staff could provide an overview of the DOE Manual, but he does not recommend the Commission evaluate the entire technical manual.

## **DIRECTOR’S REPORT**

Mr. Tovar reported that the City retained the services of a videographer and narrator to produce a DVD that would be used at each of the community visioning meetings in October. Staff is currently working with the Mayor, Deputy Mayor, Chair Kuboi and Vice Chair Hall to create a script that outlines the flow

of each of the meetings. They have also discussed the next steps in the process, such as the town hall meeting and the Council's review of the public comments. He recalled that staff previously talked to the Commission about reviewing the three adopted strategies and identifying the pieces that might belong in the vision statement or framework statement. He noted that these issues would all be topics of discussion at the joint City Council/Planning Commission Dinner Meeting on September 22<sup>nd</sup>. He advised that staff previously sent each of the Commissioners the existing visioning statement, with some framework goals. They also sent the Commissioners the materials from the Cities of Redmond, Kirkland, Bothell and Mountlake Terrace. He agreed to send this same information to the City Council prior to the hearing. He suggested that at the joint meeting, staff could present their concept of what would happen at the public meetings and what the sequence of events would be. He noted that the discussion groups at each of the meetings would be recorded to some extent to make sure that everyone has an opportunity to express their opinions and ideas. At the end of the discussion groups, each participant would be invited to submit their written thoughts to the City to become part of the record.

Chair Kuboi said that while the DVD asks some high-level questions, the discussion group process is not necessarily designed to elicit a lot of detail. Mr. Tovar pointed out that the examples staff provided from other cities are not extremely detailed in nature, either. Chair Kuboi expressed concern that while the Commission has seen examples of what they think the end product could look like, the City Council has not had this opportunity. He said it is important to have some discussion at the joint meeting as to what the City Council envisions as an end product.

Vice Chair Hall said he has extraordinarily high confidence that no matter how much they ask the public to speak regarding the general vision for the City, they will tend to focus on their individual streets and what they want to happen. He suggested the biggest challenge would be managing the disconnect between the anticipated finished product and the specific details most people will want to discuss. He recalled Deputy Mayor Scott's question of how the City Council and Planning Commission could become even better at listening to people so they know they have been heard, even if their words don't end up in the finished document.

Vice Chair Hall said that in the meeting with the Deputy Mayor and Mayor, they were able to set the agenda for the joint City Council/Planning Commission meeting. They also agreed on the sequence and priorities of the discussion items. They agreed to discuss the visioning process first, including the role of both the Planning Commission and City Council. The second item of discussion would be related to Planning Commission's recommendation on master plans, which the City Council is still struggling with. They are concerned about how much specific verbiage should be included in the document, how much ability staff should have to administer the language, and how much the Planning Commission and City Council should be involved. Mr. Tovar said the issue is really about how much the City Council can rely on the Planning Commission to review quasi-judicial master plan permit applications and make a recommendation for the City Council to consider as part of their closed-record review. The City Council would prefer to handle master plans legislatively because there would be fewer rules about who they can talk to about the application. A quasi-judicial review would not allow this same type of free exchange.

Vice Chair Hall said the joint meeting agenda would also include a brief update on the Planning Commission's subcommittee work on design review. In addition, the Commission could describe that advantages they would gain by passing some of the rezone hearings to the Hearing Examiner.

Chair Kuboi reported that Deputy Mayor Scott mentioned a desire to have objectives set up in advance to evaluate whether or not the visioning process is successful. He invited the Commissioners to consider possible parameters that could be used to measure success. He stressed the importance of being able to affirm that the process was valid and inclusive and that valid data and information was obtained.

Chair Kuboi also suggested the master plan discussion should focus on the issues that are creating the most discomfort and concern amongst the City Council. Vice Chair Hall noted that Mayor Ryu expressed concern that the City Council is spending too much time dealing with land use issues when they have a number of other items to deal with. He noted the Commission struggles with balance, too. How much time should they spend on rezones versus handing them off to the Hearing Examiner, etc? He said he invited the City Council to describe how the Commission could deliver their product in a manner that allows them to be more efficient at decision making.

Commissioner Kaje questioned if plans have been made to involve the non-English speaking members of the community in the visioning process. Mr. Tover said the project manager has been working on this issue, and the plan is to provide Korean and Spanish interpreters to help facilitate some discussions with at least these two communities. Commissioner Kaje asked about the possibility of providing translations of the DVD that was prepared by the City. Mr. Tover said they may have to rely upon a translator who is familiar with the script to speak along with the DVD at the events that are designed to accommodate the Korean and Spanish members of the community. Commissioner Kaje said one measure of success is whether or not the outreach program was inclusive of all parts of the community. Vice Chair Hall suggested that distribution success could be measured by how many comments they get in various languages. In addition, staff could prepare a map that identifies the addresses of each of the people who provide comments to measure whether or not the outreach effort obtained input from all geographic areas of the community. Mr. Tovar pointed out that the venues for the public meetings are scheduled in various locations throughout the City.

### **UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

### **NEW BUSINESS**

Commissioner Broili recalled Commissioner Behren's earlier suggestion that the staff report no longer include a staff recommendation. Instead, the staff report could focus on the facts of the proposal only. He recommended the Commission consider this approach for future applications. He expressed his concern that the Commission could be somewhat influenced by the staff's opinion. Mr. Tovar voiced his belief that it is the staff's responsibility to make recommendations to the Commission. He suggested that changing the current process would involve an extensive conversation between the staff and the

Commission at some future point. Mr. Cohn reminded the Commission that in a quasi-judicial process in which the Commission is acting as the judge, it is up to the staff to develop and present a case. Even if the staff did not specifically state their recommendation at the end of their report, the report itself makes a case one way or the other.

Commissioner Behrens expressed concern that neither side should be viewed as a prosecutor or a defender. He said he precisely read through the Planning Commission's rules for open hearings, which clearly outlines that the City would present the staff report and then the applicant and his/her experts would be invited to speak. He said he relies on the City staff to provide background information, which is critical in their decision making process. However, it should not be the City staff's responsibility to provide evidence and testimony in support of an application. This should be the burden of the applicant. He pointed out that after an applicant's presentation, both the proponents and opponents should be given an opportunity to speak. This would allow the Commission to hear a balance of comments both pro and con. In quasi-judicial hearings, the role of the City staff should be to provide the proponents and opponents a background to paint their arguments against. He summarized that it might not be appropriate for the City staff to be an advocate in one way or another in quasi-judicial hearings. The Commission agreed to place this issue on their list of "parking lot" agenda items.

Mr. Tovar recalled that Commissioner Behrens also talked earlier about the process by which things are designated historic and how the City goes about protecting them. He explained that historic properties can be addressed through regulations or through the SEPA review process. However, he suggested this would also be a valid issue to talk about as part of the visioning process.

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

Chair Kuboi reminded the Design Review Committee that they are scheduled to provide a report at the September 22<sup>nd</sup> joint City Council/Planning Commission meeting. He suggested that if they are unable to get together before that date, they should communicate via email, compare their thoughts, and perhaps come to some preliminary consensus. It was noted that the report at the joint meeting is the last item on the agenda, so the committee would likely only have a brief opportunity to provide an update.

### **AGENDA FOR NEXT MEETING**

It was discussed that there would be no Planning Commission meetings in October. Instead, the Commissioners were invited to participate in the public forums to discuss a vision for Shoreline. The November 6<sup>th</sup> agenda would include public hearings on the Stormwater Development Code amendments, as well as a review of the second package of Development Code amendments.



**ADJOURNMENT**

The meeting was adjourned at approximately 9:50 P.M.

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Sid Kuboi  
Chair, Planning Commission

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Belinda Boston  
Acting Clerk, Planning Commission