

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

March 13, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Wagner
Commissioner Phisuthikul
Commissioner McClelland
Commissioner Harris
Commissioner Hall (left at 9:20 p.m.)
Commissioner Broili

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Flannery Collins, Assistant City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

COMMISSIONERS ABSENT

Commissioner Pyle

CALL TO ORDER

Chair Piro called the special 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 Piro, Vice Chair Kuboi, and Commissioners Wagner, Phisuthikul, McClelland, Harris, Hall, and Broili. Commissioner Pyle was excused.

APPROVAL OF AGENDA

The Director's Report was moved the end of the meeting. The remainder of the agenda was approved as presented.

APPROVAL OF MINUTES

The minutes of February 21, 2008, were approved as submitted.

GENERAL PUBLIC COMMENT

Susan Melville, Shoreline, pointed out that the southwest corner of her property is 13½ feet from the northeast corner of the Overland Trailer Park, yet she has never received a public notice about the proposed project. She expressed concern that the City did not give adequate notification of the proposal, since she has never seen *THE ENTERPRISE* available at Top Food or the Central Market, and it is infrequently delivered on her street. While she used to learn City information on Channel 21, she no longer can find the channel on cable. Most people do not think to read the Shoreline webpage to see what type of development is going to take place near them, but that is really all the public notice that was made available. It seems the neighbors have been left to figure out their own notification process.

Mr. Cohen pointed out that developers are responsible for providing notice of neighborhood meetings. However, the pending application for the Highland Trailer Court property was put on hold by the moratorium. Therefore, no application was submitted or vested. If a new application is filed under the new rules and someone argues that the public meeting notification was inadequate and did not meet the requirements of the code, staff could require the applicant to do the meeting over. He emphasized that the City was not required to advertise tonight's study session, but the public hearing would be advertised in the local newspapers, etc. He pointed out that the proposed code amendment would be applied Citywide and not to just this one site. Therefore, notices would not be posted on properties and individual notices would not be sent out.

Mr. Tovar agreed this is a chronic concern and staff will advocate improvements when code amendments are discussed by the Commission in a few months. He also suggested that the City's requirements for communicating with the general public about legislative amendments could be one of the topics for discussion at the joint City Council/Planning Commission meeting. It is important for the public to know what is going on, and the City must talk about how they can improve the current situation.

Mr. Cohen pointed out that since the site was proposed for development, many concerned neighbors have contacted the City. As a result, staff has met with several of the neighbors to discuss the issue further. He summarized that staff is always willing to respond to a citizen's request to discuss a proposed project.

Dennis Lee, Shoreline, explained that quasi-judicial reviews are conducted based on the rules found in the Revised Code of Washington, and they are typically fairly clean. However, the legislative process is a different matter. He suggested the Commission ask for an evaluation of the process after a legislative matter has been decided. For example, he noted that the Briarcrest Neighborhood Association was notified of the City's proposed Southeast Neighborhood Subarea Plan, but they were responsible for notifying the rest of the stake holders. He suggested it would be much better to include the neighborhood in the subarea planning process. Leaving the neighbors out of the process is a big mistake.

Les Nelson, Shoreline, recalled he was before the Planning Commission in October to talk about a very large scale development (the former Highland Trailer Court site) that was proposed for a one-acre parcel that would have equated to about an R-240 zone. Projects of this type continue to pop up throughout the

City because the current zoning and process for approval does not require Commission review. He reminded the Commission that he believes the Comprehensive Plan does not support a residential density above R-48. He recalled that when the City was incorporated, Regional Business was R-36, with a 35-foot height limit. He noted the Comprehensive Plan identifies most of these areas as Community Business, and the Comprehensive Plan is supposed to govern. He referred to Land Use Policies 18 and 19, which do not mention any zoning above R-48. He asked the Commission to keep this in mind. Citizens do not want to see six-story buildings next to neighborhoods.

Commissioner Broili commented that the Commission does not review development proposals that are consistent with the current code requirements. Development proposals only come before the Commission if an applicant is asking for a variance or there is some other anomaly in the way the property is being developed that is outside of the code.

REPORTS OF COMMITTEES AND COMMISSIONERS

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

STUDY SESSION ON CODE AMENDMENTS TO REPLACE MORATORIUM IN COMMERCIAL BUSINESS (CB), REGIONAL BUSINESS (RB) AND INDUSTRIAL (I) ZONES

Mr. Cohen presented the staff report on the proposed amendments to replace the moratorium in CB, RB and I zones. He explained that Moratorium 488 was passed in October of 2007 in response to a strong neighborhood reaction to a proposal located at 1210 North 152nd Street, where an applicant was proposing 240 units in a six-story structure abutting an R-6 zoned neighborhood. The site was zoned RB and abuts an R-6 zone. Though the RB zoning had been in place since before the City incorporated, the development potential and its impact were not apparent to nearby residents until an actual project had been proposed. In addition, the City was concerned about other similar situations citywide since the code presently has relatively few protections for low-density areas that abut high-density zones.

Mr. Cohen referred to the proposed code amendment, which is succinct and direct, and is intended to be a short term “patch” to reduce impacts to adjacent single-family neighborhoods until the City can get through a larger subarea planning processes where transition requirements would be refined. He referred to Comprehensive Plan Housing Goal H III, which talks about transition areas between more intensive development and single-family neighborhoods. The goal is to provide new development that is compatible in quality, design and scale (within neighborhoods) and that provides effective transitions between different uses and scales. He further noted that Housing Policy H28 states that the City should assure that site and building regulations and design guidelines create an effective transition between substantially different land uses and density. This goal is reiterated again in Community Design Policy CD9, which states that the visual impact of commercial, office, industrial and institutional development must be buffered from residential areas. He summarized that those three items provide the policy support for the proposed code amendment.

Mr. Cohen explained that the current Development Code has one area that conflicts with the moratorium’s intent and three areas where the amendment needs to be repeated since it does not have its

own code section. He reviewed that the proposed amendment would delete Exception 9 in SMC 20.50.020 which allows R-48 zoning adjacent to single-family to reach heights of 50 and 60 feet. In addition, the following new language would be added to both SMC 20.50.020(2) – Exception 2 and SMC 20.50.030 – Exception 4.

- **All development in commercial CB, RB or I zones abutting to or across a right-of-way from single-family zones R-4, R-6 and R-8 shall meet these requirements.** *Mr. Cohen explained that staff wanted to make sure that single-family properties across the street were included. The original moratorium talked about any commercial property within 90 feet, and the new language would include only properties abutting or across rights-of-way. Staff's intent was to simplify which commercial zoned properties would be affected by the transition area requirement and to show the affect of transition area requirements the first 100 feet into a commercial property. He noted that the proposed definition of transition area affects fewer properties than those affected by the moratorium. Mr. Cohn pointed out that if there's an intervening property between single-family and the commercial property, the proposed language would not impact this property. The residential property must be abutting or across the street in order for this provision to apply.*
- **For these commercial zones abutting to or across a street rights-of-way from R-4, R-6 , and R-8 zones transition areas allow a 35-foot maximum building height at the required setback and a building envelope within a 2 horizontal to 1 vertical slope up to the maximum building height for the commercial zone.** *Mr. Cohen explained that the intent of the proposed language is to match the adjacent maximum single-family building height on the commercial property with the current 20-foot setback and then use a 2:1 building envelope up to the maximum height allowed in the zone. This would reduce the looming quality of a 60-foot high façade with decks peering into single-family backyards. He provide a sketch (Attachment D) to illustrate the concept.*
- **In addition to setbacks, building facades abutting R-4, R-6 and R-8 zones must have insets minimally for every 50 horizontal feet of façade. The inset must be a minimum 800 square feet of open ground with a minimum 20-foot horizontal dimension.** *Mr. Cohen advised that the intent of this proposed language is to complement the 35-foot height limit of single-family homes with a horizontal element to break up the potential for a broad and voluminous building mass for more of a single-family house scale. He noted that each inset would potentially remove three, 800-square foot areas. He reminded the Commission that the Code already has multi-family residential design standards that further refine the façade, roof, etc.*
- **Transition area setbacks shall contain Type I landscaping along property lines abutting R-4, R-6 and R-8 zones and Type II landscaping along property lines with right-of-way across from R-4, R-6 and R-8 zones. A solid, 8-foot high fence shall be placed on the abutting property line. Patio or outdoor recreation areas are allowed up to 20% of buffer area and no less than 10 feet from abutting property lines if Type I landscaping can be effectively grown.** *Mr. Cohen explained that the purpose of Type I landscaping is to screen. He said the intent of the proposed language is to provide ample landscape area to grow Type I landscaping abutting single-family zones. Type I landscaping would act as a screen with mostly native conifers, 10 feet in height at planting, and planted 10 feet apart with shrubs three feet apart. In addition, patio and outdoor*

recreation areas would be limited to provide more privacy to the single-family properties. Again, he referred to Attachment D to further illustrate the concept and emphasized that it was not intended to replicate the site on North 152nd, but the transition requirements on the back side would be similar. He reviewed sketch ups to illustrate how the proposed code amendments could be applied to the property at 1210 North 152nd Street.

Mr. Cohen referred to the two maps (Attachment B) that were prepared by staff to identify the properties that would be impacted by the proposed amendments. The maps identify all of the CB, RB and I zones in pink. The commercial zones impacted by the transition area are identified by a darker red. The yellow areas identify single-family zones that trigger the transition area requirements. He noted that the proposal is not a lot different than the initial moratorium, but it involves slightly fewer properties.

Commissioner Wagner asked how the business owners in the CB, RB and I zones could find out how the proposed amendments would impact them. Mr. Cohen answered that staff would use the maps to make an administrative decision about the transition requirements.

Vice Chair Kuboi asked if there is a height requirement for mature trees as part of the Type I Landscape Standard. Mr. Cohen said the idea is to select species that would grow taller, but the trees must be at least 10 feet high when planted. Vice Chair Kuboi said it appears that the proposed language would allow a developer to plant a type of tree that eventually grows to 11 feet tall, and that would meet the letter of the language. Mr. Cohen said there is language in the landscape standards about using native species, but no more specific standards related to maximum height.

Commissioner Broili asked how the City would enforce long-term maintenance of the landscaped areas. Mr. Cohen answered that the code would require a two-year maintenance agreement, and any problem trees would have to be replaced. However, once a certificate of occupancy has been granted, the maintenance would be addressed by the tree code. Commissioner Broili pointed out that the tree code would permit a property owner to legally remove all of the required trees within a fairly short period of time, since it allows the removal of up to six significant trees every three years. Mr. Tovar said that would theoretically be possible. He suggested staff come back with additional language that would require a property owner to record an easement over that part of the property indicating that the screening trees could not legally be cut without permission from the City.

Commissioner Hall pointed out that in other apartment complexes that have been constructed in Shoreline, the trees end up being appreciated by the inhabitants of the new buildings as much as the property owners across the street. He cautioned the Commission not to go too far to regulate things that are going to be generally preferred by the neighborhoods anyway. Once the trees have been planted and established, the community support for the image is likely to be strong enough that there would be no need to require an easement dedication for the City to constantly monitor. Commissioner Broili agreed, as long as the units are owner-occupied. However, he would be concerned about apartment complexes because absentee landlords often don't care about maintaining the trees. Commissioner Phisuthikul pointed out that the property owner would be responsible to maintain any character that enhances the property. Removing trees could end up devaluing a property.

Mr. Cohen pointed out that on large CB, RB or I zoned properties, the transitioning area requirements would only impact the first 100 feet into the site. Commissioner Wagner clarified that a bulky, tall building would be allowed on a large CB, RB or I zoned property, as long as it is set back at least 100 feet from the property line.

Vice Chair Kuboi said the proposed language uses the terms “setback,” “transition area,” and “buffer area.” It sounds like some of the buffer area would be in the setback and some of the transition area might be in the buffer area. He suggested staff provide more clear definitions of these terms. Mr. Cohen agreed the buffer area is a part of the transition area. The transition area is the whole requirement around the property, and the setbacks and insets and buffers are components of that area.

Commissioner Wagner asked where the setback area would be measured from when CB, RB and I zones are located across the street from single-family zones. Mr. Cohen said the transition area would be measured from the subject property line, which is consistent with the current code. It would not be measured from the property across the street that it would impact.

Commissioner Phisuthikul asked if the phrase “public rights-of-way” includes alleyways. Mr. Cohen answered affirmatively. Commissioner Phisuthikul asked what the setback requirements would be from an alleyway that abuts a single-family property. Mr. Cohen answered that he would have to research how the City currently views alleyways to see if the existing language would meet the intent of the transition area requirements. If it doesn’t staff would propose appropriate language for the Commission to consider at their next meeting. Commissioner Phisuthikul said that if a commercial property fronts two or three streets, then the setback from all three streets would only be 10 feet. Mr. Cohen agreed and noted that the building envelope with a 2:1 slope would be from all three streets, as well.

Commissioner Harris pointed out that the proposed amendments do not take grade or topography into consideration. Mr. Cohen agreed. Commissioner Harris pointed out that the Aurora Square site is probably at least 30 feet below the residential zones above. In theory, the residential units could be looking down on roofs if the proposed code amendments are approved. Mr. Tovar reminded the Commission that the proposed amendments are intended to be a first generation fix to the problem of transition. As the Commission does more detailed reviews of specific sub areas, they will consider issues such as topography, lot size, circulation, adjacent land uses, existing vegetation, etc. This effort may cause them to revisit the transition issue again and perhaps make adjustments.

Commissioner McClelland asked if any of the single-family properties identified in yellow on the maps are designated in the Comprehensive Plan for a higher use. Mr. Cohen said he doesn’t know the answer to that question right now. Mr. Tovar agreed that staff would study this more to identify potential inconsistencies between the zoning and the Comprehensive Plan.

Commissioner Phisuthikul asked how staff arrived at their recommendation that the stepback of the building should be 2:1. He cautioned that a 2:1 stepback requirement could result in a large area of non-useable space, and a stepback of 1:1 would be a better proportion to incorporate the space into the design of the building. Mr. Tovar said the 2:1 setback concept came out of the Ridgcrest Commercial Neighborhood proposal as an acceptable stepback for properties that are immediately adjacent to low-

density single-family properties. He agreed with Commissioner Phisuthikul that this ratio might not be appropriate in all situations, and the Commission could consider this issue when they look at different parts of town in more detail in the future. He reminded the Commission that the proposed amendments are meant to be a “patch” for the near term, and there are things they can do in the long-term to better address the issues on an area-by-area basis. Commissioner Broili said he is pleased with the proposed amendments as a first step in a longer process. However, he cautioned that he doesn’t want to lose flexibility to address individual and unusual situations that might come up. It is important to keep flexibility in the code so long as it allows for creative approaches and solutions. But at the same time, it should not allow for abuse. The proposed language represents a good start.

Given that the issue at hand is bulk, appearance and transition, Vice Chair Kuboi asked if color would be a parameter worth considering. He noted that color can make things stand out or blend in, depending on the goals. Mr. Cohen reiterated Mr. Tovar’s comment that this is the initial attempt to take care of most of the concern raised by citizens. Color is subjective and addressing color at this time could significantly slow down the amendment process. He said staff’s goal is to get the amendments in place as soon as possible. However, color would be an appropriate topic of discussion when considering more refined design standards later on.

Mr. Cohen said he would work quickly to update the draft language to address the Commission’s questions and concerns and get it out to them as soon as possible in preparation of the public hearing on March 20th. He said the City Attorney has provided suggestions for refining the language to make it clearer.

Mr. Tovar agreed with Mr. Cohen that color and other issues could be addressed at a later date. He said that later in the meeting the Commission would consider possible discussion items for the joint Planning Commission/City Council Meeting. He suggested the Commission may want to discuss the potential review of the City’s current design standards and their design review process. This issue could have major policy implications.

Commissioner Hall thanked staff for providing excellent sketches to illustrate the 2:1 stepback concept. However, he noted current code would allow an additional 15 feet of height for a 10-foot stepback. He agreed with Commissioner Broili that 2:1 may not be the right number in every situation, but it provides for a step in the right direction as an interim code.

Commissioner Wagner asked staff to explain why Neighborhood Business (NB) zones are not part of the proposal. Mr. Cohen pointed out that the base height for a NB zone is 35 feet, which is more at the scale of single-family residential height limits. In addition, the properties tend to be small and in smaller commercial pockets. He said NB zones that are next to R-4 and R-6 zones currently require a 20-foot setback and Type I Landscaping. Commissioner Hall noted the moratorium only applied to CB, RB and I zones. Chair Piro suggested this clarification be communicated to the City Council as part of the amendment package.

Commissioner Wagner pointed out that the sketch provided by staff does not identify potential parking options. She suggested that the proposed language could provide incentive for developers to place

parking lots next to single-family residences. Mr. Tovar suggested they ask the public at the hearing if they want to have a parking lot on the other side of the trees and fence with the building mass further away, or they would rather have the building mass somewhat closer. She agreed with Commissioner Broili that the code should be flexible. However, the proposed amendments would result in a reduction in the developer's ability to maximize the current space. She suggested the next version of code revisions should include options that allow developers to give something back to the community in exchange for being able to use more of their space.

Commissioner McClelland suggested that when a developer submits a development proposal in an RB or CB zone that is adjacent to a single-family zone, perhaps the City could require the applicant to at least offer to landscape the first ten feet of each of the affected single-family parcels so that some of the screening and transition actually takes place on the other properties. While not everyone would want to take advantage of this offer, it could help soften the impact to a row of single-family parcels. She suggested this would provide a softer buffer than a fence or large trees as currently proposed. Mr. Tovar advised that most of the buffering materials would likely be coniferous plantings and not ornamental and other types of plantings that would normally be found in most single-family neighborhoods. However, the City could consider establishing a minimum buffer standard for the subject property, but provide flexibility that would allow a developer to diminish the requirement somewhat with the permission of neighbors as suggested by Commissioner McClelland.

Commissioner Broili said he is not enthralled with the idea of making a developer landscape someone else's backyard. However, perhaps it would make sense to allow flexibility for a property owner to work with neighboring property owners to provide different landscaping that allows for better solar access and screening.

Vice Chair Kuboi inquired if the proposed language would impact the proposed City Hall Project. Mr. Tovar answered it would not impact the structure because the building would be located at the extreme southwest corner of the property and more than 100 feet from the property line.

Commissioner Phisuthikul expressed concern that requiring an inset that provides 800 square feet of open ground for every 50 horizontal feet of façade may place too much burden on small properties where the property line abutting the residential area is only 100 feet. In addition, if a building is 40 feet away from the parking lot already, the proposed language would still require an open court. This could potentially result in a loss of 20 feet of building articulation. Mr. Cohen said the 800 square foot inset and the 35-foot height identifies the building envelope. If a developer decides to build 20 feet further into his/her own property for a total of 40 feet, the offset requirement would not apply as long as the envelope was met. Articulation would be required as a part of multi-family development, but it would be smaller than 800 square feet. Staff came up with 800 square feet because it was substantial and a step beyond based on the scale of potential development in the RB, CB and I zones. The offsets on the back side would break up the initial parts of the building into more of a single-family scale.

Commissioner McClelland referred to Commissioner Pyle's emailed comments, particularly his proposal that they add language that would limit access to commercial and multi-family development that is subject to transition from arterial streets only. He further recommended that if access from an

arterial street is not available, the applicant would be responsible for the installation of appropriate traffic calming devices. Commissioner Wagner pointed out that the properties in question are located on Aurora Avenue or other major arterials, and most people would access the properties via major streets. Commissioner McClelland said she recently visited the Echo Lake area and found that 192nd Street is getting overwhelmed by cars that are using it to access Meridian Avenue. Chair Piro said his interpretation of Commissioner Pyle's recommendation was related to the access location for the development, which should be from the arterial streets only.

Commissioner Hall questioned if they want to require access from major arterials only. He suggested that adding more access points along Aurora Avenue could create problems. Perhaps it would be better for the access to come from a side street and then head towards a controlled intersection along Aurora Avenue. He also expressed concern about the safety of allowing cars coming from underground parking garages right on to Aurora Avenue. He agreed that traffic safety is important, but the issue would be better addressed by the City's Engineering Department. He cautioned against creating code language that could end up hindering public safety in the future. Chair Piro agreed with Commissioner Hall.

Mr. Tovar said the specific question of circulation and access is important and could be considered in more detail as part of the subarea planning process. Again, he reminded the Commission that the proposed language is intended to be a patch that would fit all of the RB, CB and I situations throughout the City to some level of improvement over the existing codes. However, staff acknowledges there are different circumstances that need to be looked at more closely through the subarea planning process.

Commissioner Broili agreed with Commissioner Hall and reminded the Commission that any development permit that is submitted to the City would be reviewed carefully. The City's Engineering Department would not approve a development permit that allows vehicular access from underground parking directly onto Aurora Avenue.

PUBLIC COMMENT

John Behrens, Shoreline, pointed out that all the proposed amendments are aimed at visual transition. He suggested that a true transition would include form, density and use. Trying to make something look smaller than it is doesn't really address what "transition" really means. If transition is done properly, it improves and helps create a sense of community in a neighborhood. He suggested the sites should be limited to two acres in size. This would allow the City to create a true transition between the single-family homes and the larger structures. The one acre of the site that is adjacent to single-family residential could be developed as R-24. This would allow for owner-occupied town house development with on-site parking and would help buffer the privately owned homes adjacent to the development. He pointed out that if the entire state of Virginia were zoned R-100, the entire population of the United States could live in the state. He cautioned that when the City creates zoning proportions that are like R-200, they are really creating quite a bit of density. Limiting the zoning to two-acre sites would allow for appropriate transition and cut down on the density.

Commissioner Wagner asked for clarification about Mr. Behrens' suggestion that properties be limited to two acres in size. Mr. Behrens suggested the proposed zoning language should only apply to parcels

that are in excess of two acres. This would actually create a real transition. Otherwise, the proposal's only purpose would be to alleviate visual impact. Commissioner Wagner explained that Mr. Behrens' proposal would leave all RB, CB and I zoned properties that are less than two acres in size as status quo. She noted that, at this time, a property that is smaller than two acres in the RB zone would be allowed to build 60 feet straight up with no transition. Mr. Behrens clarified that the current zoning caps the density of any proposed development. To say you would have a 65-foot wall on a one-acre structure is to assume a density that the acre wouldn't realistically hold.

Chair Piro clarified that Mr. Behrens is speaking only about those parcels less than two acres that are already zoned RB, CB and I. Mr. Behrens appears to be suggesting they keep the existing zoning, without any transition requirement when adjacent to a single-family property. Mr. Behrens said that a one-acre site would be limited to the zoning that's allowed under the Comprehensive Plan. Commissioner Wagner pointed out that the RB zone doesn't currently have a limit on actual number of units allowed on a site. Mr. Cohen agreed and noted that a one-acre lot that is zoned RB could potentially be developed into 200 tiny units.

Commissioner McClelland clarified that the Comprehensive Plan is not the zoning code. They are talking about the City's development regulations and zoning code, and all of the subject parcels have already been zoned RB, CB and I. They are not discussing a Comprehensive Plan issue. Changing the zoning of the subject parcels to R-18 or R-24 zoning would require a down zone. The current proposal would not change the zoning designation for any properties.

Mr. Behrens explained that the Comprehensive Plan includes a map that shows land use. Unless he is mistaken, none of the subject properties are identified on the Comprehensive Plan land use map as RB. He specifically referred to the property at 152nd Street and Aurora Avenue. Commissioner McClelland pointed out that the Comprehensive Plan designations use different words than the zoning code. Regional Business is a permitted zone, not a comprehensive plan designation.

Chair Piro said he is still not clear how Mr. Behrens proposal would address the issue of transition. Mr. Behrens said his proposal would address a land use issue. It would take a two-acre site and actually use transition in shape, function and density. You would go between single-family homes to create an interim step up into a different type housing that would be zoned at around R-24. Then you would leave the last acre as a visual transition area as discussed by the Commission. Building large structures adjacent to single-family homes as per the proposal only provides a visual transition from the neighborhood. Commissioner McClelland asked if Mr. Behrens is proposing the City rezone a one-acre strip of RB, CB and I properties that are adjacent to single-family zones to R-18 or R-24. Mr. Behrens said that was not his intent. Instead, he said he doesn't believe the current land use allows for density in excess of R-24 or R-48, so the City would not have to down zone or take away a developer's right to use the property. They would just not allow him/her to use it in excess of what is already allowed. Mr. Behrens agreed to submit his proposal in a written form to make it more understandable.

Mr. Cohen said Mr. Behrens' main concern is that the zoning is not compatible with the Comprehensive Plan. He noted that the Comprehensive Plan identifies many of the subject properties as CB, which allows a variety of designations, including RB. In addition, the CB land use designation would allow

residential, commercial or office development up to 60-feet in height. He summarized that if Mr. Behrens' real concern is about height, it is important to note there is very little distinction between what is allowed in the CB and RB zones. He emphasized that, practically, there is no conflict between the Comprehensive Plan and the code. The code allows higher density than R-48 in a number of zones, most specifically in RB.

Mr. Tovar said it is important to understand that staff disagrees with the way Mr. Behrens and Mr. Nelson have addressed their understanding of how the plan reads and what it does and does not allow. While Mr. Behrens is welcome and entitled to express his opinion, staff does not believe his proposal is supportable or necessary.

Commissioner Broili agreed with Mr. Behrens that transition must include more than structure size and look. It should address density and use, as well. Mr. Tovar said staff agrees, but they feel the best place to address this issue is during the subarea planning processes for individual areas. Mr. Broili agreed.

PUBLIC COMMENT

Susan Melville, Shoreline, said she is more confused than she was before the meeting. She said she moved to Shoreline six years ago. After the developer's public hearing, she became much more interested in Shoreline politics. Since then, she has attended a number of City Council and Planning Commission Meetings. She hears over and over that the Comprehensive Plan was prepared by the citizens of Shoreline and represents the vision of Shoreline. She further hears that the zoning map was inherited from King County. She referred to the Comprehensive Plan land use map, which shows amendments through January 2006. The Overland Trailer Court is clearly identified on the map as Community Business, but it was identified as Regional Business at the first neighborhood meeting. She suggested that the vision of Shoreline (Comprehensive Plan land use map) appears to have no meaning. She said she did not get any notice when the zoning of the property was changed in 2006 even though she owns property just 13 feet away. None of her neighbors received notice, either. She said she visited the City's Planning Department on two occasions in 2007 to find out what was going on with the property. Even though there had been a predevelopment meeting with the developer, she was told there was nothing planned for the property.

Commissioner Hall suggested staff prepare a document to demonstrate the relationship between the Comprehensive Plan and the zoning map. It would also be important to explain some of the history about how the Comprehensive Plan was created. Mr. Tovar agreed to prepare this document. However, he suggested that is not really Ms. Melville's concern. He agreed that the zoning map and Comprehensive Plan land use map say different things for the subject properties. In order to have a clear understanding, it is important to read the policies found in the text of the Comprehensive Plan, as well. He agreed this is frustrating and confusing, but staff has determined that the proposed amendments would not be inconsistent with the Comprehensive Plan.

Chair Kuboi asked staff to respond to Ms. Melville's comment about not being told that something was going on with the Overland Trailer Court property. Mr. Tovar explained that if a citizen asks staff what is happening on a piece of property, they will tell them if an active permit application has been filed.

They may not even know about a project if the developer is working on preparing an application. They may not know about a neighborhood meeting until after the meeting has occurred. He is not surprised that staff didn't know about the proposal for the trailer park, since an application had not been filed. He emphasized that staff does not withhold information from the public about permit applications. Vice Chair Kuboi asked if staff can share information they know about a proposal that is in the pre-application stage. Mr. Tovar said staff typically informs the public of any plans they know about. However, the technical staff is often unaware of conversations potential developers have with senior planners. A project is not real to the City until a permit application has been submitted. Commissioner Wagner asked if it would be inappropriate for staff to speculate to someone in the public about a potential project that has not been submitted as an application. Mr. Tovar said he did not see a problem with staff sharing the knowledge they have with the public when asked.

Chair Piro said the Commission has heard many times over the years that somehow the Comprehensive Plan is the City of Shoreline's, and the zoning code is some alien document they inherited from King County. It is important to understand that while the two documents must be compatible, it doesn't mean they are uniform word for word. It is very fair to acknowledge that the City's Comprehensive Plan has a history that builds upon decades of planning that was done by King County. As the City has incorporated, they seized their own destiny by creating a new Comprehensive Plan. Existing zoning had status under King County, and they are working to resolve issues and make the zoning consistent with the Comprehensive Plan. It is everyone's intent to make sure they achieve the vision of the Comprehensive Plan. The document prepared by staff can clarify the relationship between the two documents from a comprehensive perspective.

Les Nelson, Shoreline, provided a photograph to illustrate what the view of the Overland Trailer Park Project would be from his neighborhood. He noted that the proposed project would change the character of the neighborhood significantly. They want to follow the vision for Shoreline and encourage open space and trees. In this particular project, letters regarding a pre-application meeting were exchanged between the applicant and the City a full year before the neighborhood meeting was conducted. The City denied the applicant's request for a parking reduction at first, but later authorized the change. He questioned why staff was unable to tell the neighbors that a project was being considered.

Mr. Nelson referred to his written comments which were entered into the record as Exhibit 1. He said he would like the City to rezone the properties to R-24. He said he believes the Comprehensive Plan identifies an intermediate and true transition zone, which is not just about heights. He expressed his belief that the proposed amendments would still result in a huge building. Further, he suggested that if they don't create an R-24 zone, the drawing should be modified to start at the property line and then incorporate a 2:1 stepback ratio. If they want to allow a developer to get some of the height back they could require them to soften the surface with a green and growing building that looks good. If emergency access is going to be required, the applicant should be required to move the building in order to provide space for both the access and the required landscaping. The landscaping should be maintained.

Chair Piro referred to the sketch provided by Mr. Nelson to illustrate the difference between the staff's proposal and his neighborhood association's alternative recommendation. He asked if Mr. Nelson is proposing that strictly residential projects in CB, RB and I zones be limited to 35 feet in height and mixed use would be limited to 50 feet. Mr. Nelson answered affirmatively. Chair Piro asked what height limit Mr. Nelson would propose for an office/commercial development. Mr. Nelson said the 50-foot limit is desirable to encourage mixed-use, which is what they desire for the RB and CB zones. Chair Piro asked if Mr. Nelson's proposal would apply to all parcels in the RB, CB and I zones, regardless of size. Mr. Nelson answered affirmatively, but he further suggested that narrow properties be limited to 35-feet in height. He urged them to maintain the recommended 2:1 stepback ratio. He said he would rather the City be overprotective to start with.

Dennis Lee, Shoreline, said he is really unhappy about how the Commission and staff handled Ms. Melville's frustrations. While it is okay to ask a citizen to provide clarification, it is inappropriate for the Commission to debate with a citizen. Mr. Lee expressed his belief that the Comprehensive Plan provides the foundation and vision for the City. The document was created through a group of 150 citizens who participated in monthly meetings from April 1996 to June 1997. The group conducted an in-depth exploration of key issues facing Shoreline, and they helped City staff consider issues important to the residents and businesses. He suggested that if the Commission were to poll the participants of the initial group, they would indicate that high density in Shoreline is R-48. The group talked about zoning transitions: R-6, R-12, R-24 and then R-48. Mr. Lee said he believes the citizens are being run around, and he doesn't even live near one of these zones. He expressed concern they are trying to provide a transition for a zone that is too high, and the citizens don't really know what's going on.

Commissioner Wagner pointed out that the RB, CB and I zones already exist on the subject properties, and the current zoning regulations allow a certain amount of development. The proposal would reduce what the developer originally had the ability to do by putting transition requirements in place. Now it appears that Mr. Lee is implying that is still higher than what the citizens of Shoreline expect. Mr. Lee said he doesn't really think most people know what's going on, and he questioned why that is. He said he supports the concept of transition, but he doesn't support changing everything to RB zoning so that residential development can occur without a comprehensive plan process. The Comprehensive Plan is supposed to be the foundation for the zoning code. If the zoning code is not consistent, it must be changed to be consistent with the Comprehensive Plan. Then the City could conduct the special study area reviews and update the Comprehensive Plan in the future. He expressed concern they are moving into ultra-high density when that was never what the citizens wanted.

Commissioner Wagner asked Mr. Lee to share his thoughts on what an appropriate transition zone would be for the subject properties. Mr. Lee proposed they use the R-48 zoning as the maximum density until a review of the Comprehensive Plan has been completed. The goal should be to preserve some of the CB zones and make it possible to have very high density near places that already have adequate infrastructure. He suggested that conditions have changed since the Comprehensive Plan was adopted, and a thorough review is warranted to encourage sustainable communities and to address the demands of the Growth Management Act.

Chair Piro reminded Mr. Lee that the current issue before the Commission at this time is transition. He recalled Mr. Lee's recommendation that R-48 zoning should be the cap for density. He asked Mr. Lee to share his thoughts on how transition between an R-48 and R-8 zone that abut each other should occur. Mr. Lee said the Comprehensive Plan provides a tier approach for transition, and the transition between the R-48 and R-8 zones would have to be done via a comprehensive plan amendment. They would have to either change the zoning or bulldoze some of the neighborhoods. Chair Piro disagreed with the suggestion that single-family neighborhoods redevelop at a higher density to provide adequate transition. Mr. Lee said they are doing this exact thing on 30th Avenue as people sell their homes and move away. Mr. Lee said that if the City doesn't want to do true transitions, they should just say so. Chair Piro said they are attempting to provide transitions, but it is not the Commission's policy to redevelop single-family neighborhoods to provide the transition. The current proposal is an effort to preserve and maintain the integrity of single-family neighborhoods.

DIRECTOR'S REPORT

Mr. Tovar reported that the Environmental Sustainability Strategy is at the printers, and hopefully they can distribute copies to the Commission at their next meeting. They will meet jointly with the Park Board on March 27th to review and discuss the main points of the strategy. A public hearing before the City Council would be conducted April 14th. Staff is hoping the Commission can set aside agenda time on April 3rd to discuss this issue further and prepare a recommendation to the City Council.

Mr. Tovar announced that the City Council subcommittee would interview candidates for the vacant Planning Commission positions on March 19th and 20th. Those Commissioners who want to be considered for reappointment have been scheduled for interviews, as well. The subcommittee would make a recommendation to the full Council, and they are expected to make a decision on March 24th. He reminded the Commission of their joint meeting with the City Council on April 7th.

Mr. Tovar reported that the City Council would meet on March 17th to discuss possible changes for dealing with study sessions. Their goal is to improve opportunities for public outreach and still enable study sessions to function appropriately. He said he would share the City Council's ideas with the Commission on April 3rd. Perhaps the Commission could consider opportunities to reform how they conduct study sessions, as well.

Mr. Tovar announced that staff would prepare a list of possible discussion items to cover at the joint Planning Commission/City Council Meeting on April 7th. The Commission could review the agenda items on March 20th and provide further direction to staff. He suggested that perhaps it would be appropriate for Chair Piro and Vice Chair Kuboi to meet with the Mayor and Deputy Mayor to discuss the process and objectives for the meeting. He reviewed that the Commission indicated their desire to discuss the subarea process, what to nominate for the first and second batch of Development Code Amendments, etc.

Chair Piro reminded the Commission of the upcoming joint Planning Commission/Park Board Meeting scheduled for March 27th. He asked the Commission to share potential agenda items for that meeting, as well. Vice Chair Kuboi referred to the Jackson Plateau Project and suggested they have some

discussion about it being a perfect addition to the Paramount Park Open Space. Mr. Tovar suggested this discussion could take place under the general topic of when there are land use proposals adjacent or close to park properties, what things should they think about ahead of time (i.e. acquisition opportunities or other regulations that should apply).

Commissioner Broili expressed frustration that there is insufficient time at joint meetings to address all of the issues adequately. He suggested there would be value in having a longer joint meeting or day long retreat where they could all get on the same page in terms of expectations. This would help all bodies be more effective in the work they do. Mr. Tovar agreed that an hour is not enough time for the joint meeting with the City Council, and he suggested they may be able to meet with the City Council for 90 minutes. Perhaps an additional retreat meeting could be held later in the year, but it is difficult to get more time on the regular City Council agendas.

AGENDA FOR NEXT MEETING

Chair Piro reviewed that a public hearing has been scheduled for March 20th on the proposed code amendments to replace the moratorium.

ADJOURNMENT

**COMMISSIONER BROILI MOVED TO ADJOURN THE MEETING AT 9:48 P.M.
COMMISSIONER WAGNER SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.**

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission