

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

February 21, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Hall (left at 9:27 p.m.)
Commissioner Harris (left at 9:02 p.m.)
Commissioner McClelland (arrived at 7:30 p.m.)
Commissioner Pyle
Commissioner Wagner

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
David Levitan, Assoc. Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk
Flannary Collins, Assistant City Attorney

COMMISSIONERS ABSENT

Commissioner Phisuthikul

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:05 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi and Commissioners Broili, Hall, Harris, Pyle and Wagner. Commissioner McClelland arrived at 7:30 p.m. and Commissioner Phisuthikul was excused.

APPROVAL OF AGENDA

The Director's Report was postponed until later in the meeting. The Commission approved the remainder of the agenda as presented.

APPROVAL OF MINUTES

The minutes of February 7, 2008 were approved as submitted.

GENERAL PUBLIC COMMENT

Les Nelson, Shoreline, asked the Commission what they feel would be an adequate transition between single-family zones and commercial, regional and neighborhood business zones. He expressed concern that the City's Comprehensive Plan appears to allow commercial zones with unlimited density to abut single-family zones. He suggested it would be more appropriate for the City to establish a separate zoning designation to accomplish the intent of transition zone.

Commissioner Pyle asked Mr. Nelson if his concerns could be addressed through design review. Mr. Nelson answered affirmatively, as long as the final decision represents the true intent of a transition area. Vice Chair Kuboi asked Mr. Nelson to explain how unlimited density would impact the size and bulk of a structure. Mr. Lee answered that unlimited density would allow a developer to completely fill a building envelope, and believes that establishing a density limit would automatically decrease the potential bulk of a building.

CONTINUED PUBLIC HEARING ON HOUSING DENSITY IN CB ZONES – HEARING/DISCUSSION/RECOMMENDATION

Chair Piro reviewed the rules and procedures for the continued legislative public hearing. Commissioner Wagner advised that while she was not present at the last meeting, she read the minutes from the previous hearing and was ready to participate.

Staff Overview

Ms. Simulcik Smith announced that the Commission received three additional comment letters regarding the subject of the hearing, and each Commissioner had a copy of the letters in front of them.

Mr. Szafran reviewed that this item was previously studied by the Commission on March 15th and April 19, 2007. The issue was considered by the City Council on October 8, 2007 and remanded back to the Planning Commission for additional consideration. The Planning Commission began the public hearing for this item on January 17, 2008.

Mr. Szafran said staff believes the amendment is necessary since Commercial Business (CB) areas are not being redeveloped at this time, and many of them are appropriate for higher density housing. The current density limit of 48 units per acre has discouraged residential development. Staff believes it is appropriate to direct these types of residential developments into places where adequate infrastructure and walkability exist.

Mr. Szafran reviewed that the revised proposal would modify the standards to permit the unit count to be governed by a structure's height, bulk, parking and setback requirements, but only if the following conditions could be met.

- The properties must be located within the Town Center Study Area or along Ballinger Way.

- The properties must be located more than 90 feet from single-family zoned properties.
- The properties must be located within 1200 feet (a 10 to 15-minute walk) of Aurora Avenue or are directly adjacent to Ballinger Way.

Mr. Szafran displayed a map to illustrate the properties along Aurora that would meet the above criteria.

Continued Public Testimony or Comment

Dennis Lee, Shoreline, suggested the Commission table the proposal for now, since it has the appearance of being a rezone, which requires a quasi-judicial hearing. He also expressed concern about down zoning properties, which is not bad unless there would not be sufficient commercial zoning to support the allowed residential density. Again, he reminded the Commission that the Comprehensive Plan talks about high-density residential being R-48, and that is what the majority of the citizens want to maintain. If unlimited density is allowed, it must be carefully planned for so that surrounding community and neighborhood businesses are preserved.

Michelle Cable, Shoreline, said she supports the proposed amendment that would increase the number of housing units allowed in the CB zones. She suggested that many people have included the Aurora Triangle Project as part of the subject amendment in error, and this has created anxiety throughout the community. She emphasized that the proposed code amendment would only apply to commercial zones. Ms. Cable said she owns property on Ballinger Way that would be impacted by the proposed amendment. She said she believes the amendment would provide an opportunity to develop affordable senior housing in the corridor, and the City Council has noted there is a shortage in the number of senior housing in Shoreline. The proposed amendment, as modified, would also implement the City's Comprehensive Plan, the City Council's 2007-2008 Goals, and the Comprehensive Housing Strategy's Committee Recommendations. She noted that Shoreline is mostly built out, which means the expected growth would have to occur as infill or as redevelopment. Shoreline must take steps to allow increased density in areas of the City that can reasonably accept it.

Matthew Fairfax, Shoreline, said he owns the James Alan Salon, which currently employs 23 people. He said he is also part owner of one of the properties impacted by the proposal. He said he purchased the property on 185th with the intention of expanding his business so he could employ more people, but also to provide more housing opportunities in the area. He expressed concern that if the proposed amendment is not approved, their ability to construct a financially sustainable building would be very limited. Expanding the number of residential units allowed on the property would improve their ability to finance redevelopment. He noted the proposal would only impact a few properties. Although the Comprehensive Plan identifies other potential CB zones, it is important to remember that any changes would have to be reviewed by the Commission and approved by the City Council. This offers the City sufficient safeguards to manage growth in the future. Again, he said he supports the proposed amendment and believes it would be very good for the community.

Marlin Gabbert, Shoreline, said he is the architect for the project on Linden Avenue and 185th Street. He expressed his belief that the proposed project would be consistent with the concepts outlined in the Comprehensive Housing Strategy that was prepared by the Citizen Advisory Committee. The project is

located in the CB zone, and they would provide commercial uses in the lower level, with residential units above. This mixed-use type project would be ideal because of its close proximity to needed services. In addition, the project would provide adequate housing opportunities to support the commercial uses in the area. He noted that office buildings would not provide the same commercial support that high-density housing would. Mr. Gabbert recalled that the Comprehensive Housing Strategy also indicated a desire for green building features. He provided a handout outlining how the building would be designed and noted that the buildings step up to provide a good transition from the R-12 zone. The design would include green roofs, etc.

John Behrens, Shoreline, noted that the proposal would involve very few properties. He questioned why this proposal is not being considered as a rezone request. He said he would not be opposed to the type of development proposed by those present. However, a rezone proposal would offer the neighboring property owners an opportunity to work with the developers to address their concerns. He expressed his belief that 95% of the City's residents have no concept about the difference between Regional Business (RB) and Commercial Business (CB). He suggested that if the City were to tell the neighboring property owners what the buildings would look like, they would be able to engage the community in the process of designing their own neighborhoods and they would likely support the developers.

Commissioner McClelland asked staff to share the notification requirements for the legislative hearing process. Mr. Tovar advised that a legislative hearing notification includes a notice in the newspaper and a posting on the City's website. In this case, staff also placed information in the "It's Happening in Shoreline" flyer and "Currents" and it was also mentioned on the cable channel and during the City Manager's Report. They also provide notice to those individuals on an email list who have expressed an interest in these sorts of issues. He emphasized that the City is not required to mail notices for legislative hearings. Mailed notices are only required for quasi-judicial hearings.

Presentation of Final Staff Recommendation

Mr. Szafran said staff recommends the Commission forward a recommendation of approval to the City Council, including the three additional criteria identified by staff. He suggested a fourth criterion could be added to allow only commercial development on the ground floor, if the Commission desires.

Final Questions by the Commission

Commissioner Pyle pointed out that the green boundary line on the map crosses numerous properties. He questioned if a property must be located completely within the green line in order to be eligible for the change in zoning control. Mr. Szafran answered affirmatively. Mr. Cohn referred to the colored map that was provided to the Commission at their last meeting. He noted that the cross hatched areas are already zoned regional business and would not be impacted by the change. Only properties within the striped areas would be affected by the proposal.

Commissioner Pyle asked if there are any properties outside of the striped areas that are CB that would not be eligible for the amended zoning. Mr. Szafran answered there are properties outside of the area

that have land use designations of community business or mixed use that could potentially be rezoned to CB. These properties would not be eligible for the unlimited density provision. Commissioner Pyle summarized that the proposal would actually create a subzone of the CB zone, and properties within the green boundaries would be eligible for the change. Mr. Szafran agreed, as long as the properties meet all of the requirements discussed earlier. Mr. Szafran reminded the Commission that the boundaries of the area impacted by the proposed change were reduced since the first time the proposal came before the Commission.

Vice Chair Kuboi recalled that a previous staff report indicated one of the underlying reasons for the proposal was that, collectively, the City was losing out on development opportunities because of the arbitrary constraint on the allowed number of residential units per acre. He questioned if the City has examples to illustrate what they have lost out on that would lend support to making a change at this time. Mr. Tovar reminded the Commission that the proposal was first introduced to them nearly one year ago. The Commission recommended approval, but the City Council remanded the proposal back to the Commission for further review. He said that while staff does not perceive an urgency to make a decision on the proposal, it is important to keep in mind that developers are interested in moving forward. He cautioned, however, that no project has been proposed for the subject properties at this time. He noted that within the next year, the Commission would review the entire area again, from a broader context as part of the Town Center Subarea Plan.

Commissioner Hall recalled that when the proposal was presented previously, the Commission recommended approval. His vote was the only dissenting one. Based on testimony, he felt creating a new zone would be a clearer, easier way to make the change. Second, he felt there was inadequate public involvement in the process. He noted that the public did become more engaged in the issue after the proposal was forwarded to the City Council for consideration. Over the past year, they have heard from a number of people, so he is no longer concerned about inadequate public input. He said he also previously expressed concern that the proposal only deals with a small number of parcels. He agreed with Mr. Behrens that a quasi-judicial rezone would be a better way to address uses on these properties. At the same time, the Commission has heard testimony that the proposal could provide support to small businesses in the area, affordable housing opportunities, and buffer protection for residential neighborhoods.

Commissioner Broili said he understands that one of the goals of the proposal is to increase flexibility for developers to do more creative design within the framework of the design guidelines. However, he questioned how the projects would be evaluated and reviewed to be sure they meet the intent of the amendment. Mr. Cohn explained that staff is not suggesting a change in review criteria, so no design review would be required. He suggested the Commission could adopt an additional criterion, such as requiring only commercial uses on the ground floor. This would ensure the projects would be mixed-use. However, issues such as traffic impacts, etc. would be evaluated using the City's standard process. Mr. Szafran added that the development regulations would still apply to all proposals submitted for the subject parcels.

Commissioner Broili expressed concern that increased density could result in increased impacts to neighboring properties. He said he is not confident the City has all of the tools necessary to review and

evaluate these projects to make sure the impacts associated with increased density could be mitigated. Mr. Tovar explained that the SEPA review process would still apply to the subject properties. He emphasized that the City's current tools are not as good as those they hope to have in place as other legislative amendments come forward in the near future.

Commissioner McClelland recalled that when the proposal was initially presented to the Commission, they discussed that the current code allows no flexibility. She said she supported the proposal in order to update the code to respond to newer concepts with regard to zoning and uses. The Commission was told that if they let the market determine the composition within with the building, most of the citizens of Shoreline would not be impacted in any way. She said she still supports the concept, and she is baffled as to why some citizens are still resistant and alarmed by the change given the City's ability to control the impacts associated with this type of development.

Commissioner Wagner questioned what the City has done to date in this particular area to address the cumulative traffic impacts associated with redevelopment. Although the proposed change would not result in a significant increase in the amount of traffic associated with redevelopment of each property, it is important to consider the cumulative impacts on the traffic flow. She said the citizens have also expressed concern in the past about inadequate on-site parking and the impact this has to on-street parking. Staff earlier described the Planning Director's administrative ability to reduce the number of required on-site parking spaces. She suggested the Commission consider whether it would be appropriate to include a criterion that prohibits a reduction in the number of required parking spaces. However, she said she is not totally in support of this additional criterion because there are other transportation options such as car sharing, transit, etc.

Commissioner Hall agreed that it is important to consider traffic and parking impacts. He recalled that parking was a major issue during the cottage housing debates. However, he noted that his neighborhood has homes with two and three-car garages, yet three or four cars are parked in the driveway or on the street. When discussing cottage housing, it was noted that smaller homes cater to a different demographic: single people, young couples with no children, and senior citizens. They have heard from experts that the demographics in the region and in the City are shifting. He said he is not concerned that having higher density with smaller apartments leads to greater parking and transportation problems. In fact, he suggested the smaller apartments might be occupied by more singles or starter families with one car. He said he feels comfortable that the proposal is likely to be okay from a traffic and parking perspective. He suggested that, in the long run, the more they locate people close to transit, the better off the overall traffic would be.

Chair Piro concurred with Commissioner Hall's analysis of the parking issue. He added that this is the City's richest opportunity to really grow the transit oriented type of development. The best transit service in the entire City is located between 170th and 195th Streets, which is an area that would function even better in the future in terms of transit. He agreed that because of the type of demographic population served by the new units and the proximity to transit services, there would not be the same type of traffic and parking issues associated with intense development in other locations.

Vice Chair Kuboi recalled the Commission previously discussed that two identical buildings on the outside could be divided into different unit counts on the inside. He said Mr. Nelson suggested that, based on development economics, the R-48 scenario would result in a smaller overall structure because it wouldn't be profitable to build to a more maximum-sized structure. He invited staff to share their opinion about the validity of this perspective. Mr. Tovar said no one knows for sure what the market will do in the future. Many factors could impact a developer's decision regarding the size and number of units. He emphasized that staff believes it is more important to pay close attention to the building envelope and its associated design standards; then they can step back and let the market fill in the envelope. Envelope size could be addressed via building heights, setbacks, step backs, floor area ratios, etc.; but these are separate issues from unit count.

Commissioner Pyle recalled it was mentioned earlier that there are certain financial constraints with regards to building out commercial space along Aurora Avenue. It has also been suggested that controlling the number of units by the actual building envelope or dimensional standards would provide some incentive for redevelopment to occur by making it more financially feasible. He pointed out that the Gateway Center along Aurora Avenue would have been a prime location for a mixed-use development, but they were able to construct a financially feasible building without providing any residential units. In addition, while initial concern was raised about the Monty Nicon Building near Costco (a five to six-story residential building), no one appears to be impacted by its size. He suggested these examples show that both residential and commercial developments are feasible, so he doesn't see support for the argument that there are current financial constraints in the market that result in the City missing out on opportunities along Aurora Avenue.

Mr. Tovar said staff does not believe there is a desperate, pressing need in the community to make the CB zone as viable as the RB using the unit count issue. However, they believe there is no good reason to restrict what happens in the CB zone if they don't do the same for the RB zone. If the proposed change were approved by the City Council, the CB zone would function as a less intense RB zone, with certain limitations on height, building coverage, etc.

Commissioner Pyle said the Commission has heard a lot recently about the need to protect single-family neighborhoods. He questioned if it would be possible to incorporate criteria into the Comprehensive Plan such as prohibiting access to multi-family developments through single-family neighborhoods, since this would push in the direction of orienting development towards the core of intensity as opposed to allowing free-flow access through the single-family neighborhoods. Mr. Tovar said that is exactly the type of criteria they should consider when reviewing subarea plans along Aurora Avenue.

Commissioner Pyle questioned why staff is recommending the proposed amendment only apply to properties that are more than 90 feet from single-family zones. Mr. Tovar answered that there was some discussion during the moratorium hearings before the City Council that 90 feet was a standard distance beyond which there was some protection provided for the single-family residential zones. Commissioner Pyle noted the green boundary line falls right behind one of the properties eligible for the proposed amendment. He asked if this had anything to do with the number that was chosen for separation between the single-family and commercial zones. Again, Mr. Tovar advised that the number came from the moratorium as the number identified by the City Council. Commissioner Pyle asked if

the Comprehensive Plan designation would allow other property owners to request a rezone to RB. Mr. Tovar clarified that any property owner could apply for a rezone to RB, but that doesn't mean the City would grant approval. Mr. Szafran recalled that rezoning the James Alan Salon property to RB was an application that was previously considered and denied.

Commissioner Hall said his preference would have been to address zoning for this area on a much larger scale. However, the community expressed concern about the proposal that would have accomplished that goal. The current proposal would allow the City to try the form-based zoning concept in an area that is adequately separated from single-family zones. He urged the Commission to consider the proposal from a policy perspective, and then let staff determine what the correct number should be.

Commissioner Pyle said that approval of the proposed amendment would essentially accomplish the same thing as the Ridgecrest Commercial Planned Area 2, which creates certain controls that apply to specific properties. He expressed concern that they are working piecemeal throughout the City to create a transition, while protecting the single-family neighborhoods. He suggested they should really look at the larger picture and retool zoning in the entire City.

Commissioner Broili recalled that the moratorium provided a buffer between single-family residential and commercial zones along the entire corridor, and a certain distance was determined adequate for the buffer. He suggested that is how the boundary line for the proposed amendment was established. Commissioner Pyle expressed his belief that more space would be necessary in order to achieve an adequate transition. He suggested 200 to 300 feet would be needed to obtain solar access and make sure the intensity of development is stepped down as it reaches the residential neighborhoods. The greater distance would also allow an opportunity to close streets off and add roundabouts, etc. to limit access to the single-family neighborhoods from the more intense cores and lessen the perceived impact. Commissioner Broili agreed.

Mr. Szafran noted that currently there are only four properties zoned CB within the green area, but there are a number of other properties within the striped area that could potentially be rezoned to CB to take advantage of the unlimited density provision.

Chair Piro expressed his belief that adequate transitioning could be accomplished to protect the existing single-family neighborhoods, and they should not be required to take on any burden of the transition. He referred to the City of Seattle, where figures indicate that the single-family neighborhoods that existed in the 1980's and 1990's continue to be viable single-family neighborhoods even though the City has taken on more intense mixed-use developments to accommodate their growth. He suggested the City of Shoreline could do the same.

Closure of the Public Hearing and Commission Deliberation

**COMMISSIONER HARRIS MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER BROILI SECONDED THE MOTION.**

Chair Piro noted that the City Attorney has advised the Commission would still be allowed to ask questions of clarification from staff and legal counsel even after the hearing has been closed. Ms. Collins concurred, as long as no new information is brought forward.

THE MOTION CARRIED UNANIMOUSLY.

Given the relatively few properties that would be affected by the proposed amendment, Vice Chair Kuboi questioned why the public still has the perception that the flood gates would be open for large buildings to be constructed all over the City. Mr. Tovar recalled that when the proposal was first initiated, it included a much larger area. While he doesn't know exactly why members of the public are so concerned about the impacts of the proposed amendment, it is important for the Commission to remember that if there are problems in the future, they would have an opportunity to address them when they review the area again as part of the Town Center Subarea Plan. The subarea plan process would allow the Commission to consider the cumulative impacts and the various tools that could be used to mitigate those impacts. However, he said staff does not anticipate any significant problems.

Chair Piro observed that a lot has transpired since the Commission first reviewed the proposed amendment. There have been many opportunities for public discourse on the matter, and some valid issues and points have been raised. He particularly noted the concerns raised about the importance of protecting the integrity of the single-family neighborhoods, as well as the commercial opportunities that currently exist on Aurora Avenue. However, after continued discussion on the matter, he said he would continue to support the Commission's initial recommendation. There are enough oversight tools in place to allow the City to implement the form-based zoning concept in this area.

Vote by Commission to Recommend Approval or Denial or Modification

COMMISSIONER HARRIS MOVED TO APPROVE STAFF'S RECOMMENDATION TO MODIFY THE DEVELOPMENT STANDARDS IN CB ZONES TO ALLOW UNIT COUNT TO BE GOVERNED BY A STRUCTURE'S HEIGHT, BULK, PARKING AND SETBACK REQUIREMENTS, BUT ONLY IF A SITE MEETS SPECIFIC REQUIREMENTS:

- A. PROPERTIES ARE LOCATED IN THE TOWN CENTER SUBAREA STUDY AREA OR ALONG BALLINGER WAY.**
- B. PROPERTIES ARE LOCATED MORE THAN 90 FEET FROM SINGLE-FAMILY ZONED (R-4, R-6, AND R-8) PROPERTIES.**
- C. PROPERTIES ARE WITHIN 1,200 FEET (A 10-15 MINUTE WALK) OF AURORA AVENUE OR ARE DIRECTLY ADJACENT TO BALLINGER WAY, BOTH OF WHICH CONTAIN MAJOR TRANSIT ROUTES.**

COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Harris recalled one of the Commission's initial discussions that a structure's bulk, size and setback would be the same. The proposal would only modify the way the building is divided

within. Therefore, he does not believe the impacts would be increased, and the parking standards, the floor ratio requirement, etc. would sufficiently govern the density of each development.

Commissioner Broili reiterated that he would like to see increased density along Aurora Avenue, since this would protect the need to redevelop the residential areas to a greater density. Increasing the density along Aurora Avenue would also support the viability of mass transit and increase the bus lines and other transit opportunities along Aurora Avenue. He said he does not believe the amendment would result in more massive buildings. When the Commission considers the area again later in the year as part of the Town Center Subarea Plan, they could consider additional tools to control design issues associated with greater density. He said he feels comfortable recommending approval of the proposed amendment.

Commissioner Harris pointed out that the James Alan Salon has been located in Shoreline for more than 20 years, and they have indicated their desire to greatly increase the size of their business. Increasing jobs and the tax base is one of the City's sustainability goals.

Commissioner Hall clarified that when reviewing the Ridgecrest Commercial Planned Area 2, the Commission discussed whether the City could require retail or commercial space on the ground floor. Mr. Tovar said it would not be possible to construct a building in the CB zone with density regulated the same as in the RB zone unless there is a retail component. If a development cannot produce retail space, it would have to operate at the traditional CB zoning density limitation. Mr. Tovar said a property owner would not be allowed to construct a building with density greater than R-48 unless there is retail space on the ground floor.

Commissioner Wagner said her interpretation of the proposed amendment is that developments in the CB zone must be retail capable, but not that retail space would be required. She noted that there is no way to guarantee the uses during the permitting process. Commissioner Harris said he envisions adding an additional criterion that would require ground floor commercial, but not necessarily retail uses.

Vice Chair Kuboi noted Commissioner Broili's previous comments related to design review and noted the proposed motion does not make any reference to design review. Commissioner Broili noted that design review may be added during the next year as part of their review of the Town Center Subarea Plan.

Commissioner McClelland said she would not support the proposed amendment if it would allow a residential-only development in the CB zone. She said she would be in favor of adding an additional criterion to require commercial space on the ground floor.

COMMISSIONER HARRIS MOVED TO AMEND THE MAIN MOTION TO ADD ONE ADDITIONAL CRITERION, "D. PROPERTIES SHALL HAVE GROUND FLOOR COMMERCIAL." COMMISSIONER MCCLELLAND SECONDED THE MOTION TO AMEND THE MAIN MOTION.

Commissioner Wagner questioned how staff would enforce this requirement at the permitting stage. Mr. Tovar said the City would only issue tenant improvement permits for uses that are allowed on the ground floor. The space would have to be used as commercial space or remain vacant. A property owner would not be allowed to convert the space to residential at a later date.

COMMISSIONER HARRIS' MOTION TO AMEND THE MAIN MOTION TO INCLUDE CRITERION D WAS UNANIMOUSLY APPROVED.

COMMISSIONER PYLE MOVED TO AMEND THE MAIN MOTION TO ADD ANOTHER CRITERION, 'E. PROPERTIES THAT REDEVELOP IN THE CB ZONE ARE NOT ELIGIBLE TO TAKE ADVANTAGE OF SMC 20.50.400(B) THAT ALLOWS THE DIRECTOR TO APPROVE A 50% PARKING REDUCTION. VICE CHAIR KUBOI SECONDED THE MOTION.

Since the zoning controls are intended to limit the amount of development on the site, Commissioner Pyle expressed concern about the Planning Director's ability to reduce the requirements. This could result in a developer's ability to construct more residential units, but provide less parking than what is typically required. He noted public concerns about parking and traffic.

Vice Chair Kuboi noted the number of concerns raised by the citizens about spill over parking. The proposed criterion would acknowledge the need to pay attention to impacts to surrounding neighborhoods when considering the implementation of new concepts.

Chair Piro pointed out that this is an area where the City is trying to advance transit oriented development. Therefore, it is important to recognize that the travel behaviors of the residents in the redeveloped buildings may not be the traditional type of automobile users they are accustomed to. He said he would be willing to consider an alternative resolution that would allow a developer to negotiate a parking reduction. Commissioner Pyle said his motion to amend was related to Section B, but Section A also allows for a reduction of up to 20%. He said he doesn't feel comfortable allowing a 50% reduction, but allowing some flexibility would be appropriate. Chair Piro said he supports the concept of allowing some flexibility for the City to reduce the parking requirement on a case-by-case basis.

Commissioner Harris emphasized that the parking requirement should not be reduced for the commercial portions of a development. However, he would not be opposed to allowing the Planning Director to approve a reduction in the parking requirement for senior housing. Mr. Szafran pointed out that a recent code interpretation already allows for a significant reduction in the amount of parking required for senior housing.

Commissioner McClelland agreed with Commissioner Pyle that there should be some limitation to the amount of parking reduction allowed. However, she said she would support a criterion that allows the Planning Director some flexibility to grant a limited parking reduction. She pointed out there is very little street parking available near the subject properties.

Commissioner Pyle recalled that the Commission and staff have repeatedly emphasized the proposed amendment would not result in a difference in the bulk and scale of the buildings, and the number of units would be controlled by the actual zoning regulations. He suggested the code already allows enough flexibility that he is not confident it would adequately limit the number of units that could be constructed, particularly if the code allows up to a 50% reduction in the parking requirement. If the Commission wants parking requirement to limit the number of units, they cannot allow other parts of the code to grant a significant reduction.

Commissioner Hall said he would not support this proposed amendment to the main motion. He explained that regardless of the zone, parking would always be an issue. The Planning Director's discretion to approve parking reductions should be handled equally. He said he does not believe the proposed amendment would grant a density bonus. The proposal merely modifies the zoning district to change the allowed density within the constraints that exist elsewhere in the building code, including the parking constraints. The City is serious about promoting transit opportunities, and reducing the amount of parking would create an incentive for people to get out of their cars. He noted the Commission has not heard a large concern from the public about parking as it relates to this proposal. He would like to leave the parking issue to the Planning Director's discretion.

COMMISSIONER PYLE'S MOTION TO AMEND THE MAIN MOTION BY ADDING AN ADDITIONAL CRITERION RELATED TO PARKING FAILED 2-6, WITH COMMISSIONER PYLE AND VICE CHAIR KUBOI VOTING IN FAVOR AND CHAIR PIRO AND COMMISSIONERS BROILI, HALL, HARRIS, MCCLELLAND AND WAGNER VOTING IN OPPOSITION.

THE MAIN MOTION TO APPROVE THE STAFF'S RECOMMENDATION TO MODIFY THE DEVELOPMENT STANDARDS IN THE CB ZONE WAS UNANIMOUSLY APPROVED AS AMENDED.

Commissioner Hall said he would still have preferred to define a new zoning district and rezone all of the properties. He recommended that, as the Commission reviews subarea plans in the future, they avoid creating zoning exceptions throughout the City. He would much rather accomplish the City Council's goals in the most straightforward way possible so the community knows exactly what's happening. Mr. Tovar agreed with Commissioner Hall. He explained that part of the rationale for subarea planning and implementing zoning is to provide the public with a clear understanding of what each zoning designation means.

PUBLIC HEARING ON HART REZONE REQUEST FOR PROPERTY AT 17562 – 12TH AVENUE NORTHEAST (FILE NUMBER 201680)

Commissioner Harris recused himself from participation in the quasi-judicial public hearing and left the room.

Chair Piro reviewed the rules and procedures for the quasi-judicial public hearing and opened the hearing. He reminded the Commissioners of the Appearance of Fairness Rules and invited them to

disclose any discussions they might have had regarding the subject of the hearing outside of the hearing. None of the Commissioners disclosed ex parte communications, and no one in the audience voiced a concern, either.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Levitan presented the staff report. He explained that the proposal before the Commission is a request to change the zoning of a single parcel located at 17562 – 12th Avenue Northeast from R-12 to R-24. He advised that the current zoning designation of the neighborhood along 12th Avenue Northeast between 175th and 185th Streets is R-6 to the west, R-12 immediately to the south, and R-18 immediately to the north and east. Further to the east is the North City Business District. He said the current Comprehensive Plan designation for the subject property is high-density residential. The property to the west is identified as low-density residential, and further to the east and south is the North City Business District. Further to the south is a bit of high-density residential.

Mr. Levitan provided a photograph of the existing project site, which is currently developed as a single-story, single-family residence. The lot size is 8,100 square feet. Sidewalks have been developed on the east side of 12th Avenue Northeast, but not on the west side. He provided photographs to illustrate the current uses to the west in the area currently zoned R-6. They consist entirely of one and two-story single-family residences. He advised that ten townhomes are located immediately to the north of the site built on a private road (Northeast 177th Street). Further to the north is a mixture of single-family residences and a 20-unit apartment complex. Uses to the south include a mixture of single-family residences and a duplex and triplex. Further to the south are Tracy Owen Park and the old YMCA site.

Mr. Levitan noted the applicant is GHJ, LLC, and Mr. Jim Hart is present to represent the applicant. He provided photographs to illustrate the types of development the applicant typically builds. He advised the applicant has indicated that development of the subject property would be similar. Mr. Levitan also provided examples of other new development that has occurred in the area: a town home development and a single-family residence.

Mr. Levitan displayed a table outlining the development standards for the R-12, R-18 and R-24 zones, which could be consistent with the high-density residential Comprehensive Plan designation. He noted that an R-12 zone would allow two units on the subject property, the R-18 would allow three and the R-24 would allow four. He emphasized that the setbacks and height limits are the same for all three zones. However, the building coverage and impervious surface standards are slightly different.

Mr. Levitan said staff believes the rezone request would meet the rezone criteria in the following ways:

- It would increase the number of housing units, as well as the housing choices.
- It would locate the higher density housing in what staff believes is an appropriate area, adjacent to the North City Business District and major arterials (Northeast 175th Street and 15th Avenue Northeast).
- It would be consistent with the goals of the high-density residential land use designation goals and policies found in the Comprehensive Plan.

- The size and bulk of any proposed development would be consistent with what the current R-12 zoning allows.

Mr. Levitan explained that the site's current Comprehensive Plan designation of high-density residential would be consistent with the proposed R-24 zoning. The proposed change would create a transition between the single-family uses to the west and the higher-intensity uses in the North City Business District to the east. He said staff believes the most appropriate zoning for high-density residential is R-18 through R-48.

Commissioner Hall clarified that the Comprehensive Plan and Zoning Code indicate that R-12 is an implementing zone for the high-density residential land use designation. He questioned if staff is suggesting that R-12 is not an appropriate implementing zone. Mr. Cohn explained that if the property were designated in the Comprehensive Plan as medium-density residential, R-12 would have been an appropriate zone. However, because the Comprehensive Plan identifies a high-density residential land use designation for the subject property, staff believes the intent was for a density greater than R-12. Commissioner Hall asked if there is legislative background available to back up the staff's interpretation. He noted that none of the Planning Department Staff were present when the original Comprehensive Plan was adopted.

Mr. Cohn agreed that staff made an interpretation based on the zoning choices available. Commissioner Hall said he is not at all sure the staff's interpretation meets the intent of the original land use designation. It was his understanding that any of the zones would implement the Comprehensive Plan equally well, and the City would have to rely on other criteria to choose one over the other. Mr. Cohn expressed staff's position that having a Comprehensive Plan with overlapping possibilities is confusing, and they intend to clear this matter up by the end of the year.

Mr. Levitan advised that members of the community raised a number of concerns during the notice of application and notice of public hearing periods, as well as during the neighborhood meeting process. He reviewed each of the concerns as follows:

- **Parking:** Two residents mentioned existing street parking difficulties on 12th Avenue Northeast. It was noted that, oftentimes, the spaces are all utilized by people from the apartment complex at 180th and 15th due to lack of parking there. He explained that the City would require that all four townhomes have a two-car garage, which very few of the single-family residences in the neighborhood have.
- **Traffic:** One resident mentioned that people use 12th Avenue Northeast to bypass 15th Avenue Northwest between Northeast 180th Street and Northeast 175th Street. He explained that the proposal would only result in a net of two more units than what is currently permitted by the existing R-12 zoning. Therefore, no traffic study was required. Staff does not believe the proposal would add a significant amount of traffic or reduce the level of service in the area.
- **Drainage:** One resident complained that the street floods somewhat frequently, and that the parking situation complicates the matter by blocking the street sweepers from coming through. He noted that the new development on the site would be required to meet more stringent development standards

than in the past. Proposed drainage improvements would be reviewed by the City's Development Review Engineer.

Mr. Levitan said staff's preliminary recommendation is to approve the rezone request for the subject property from R-12 to R-24.

Applicant Testimony

Jim Hart, Shoreline, said he was present to represent the applicant, GHJ, LLC. He advised that he has lived in Shoreline for 20 years, and all three of his children attended Shoreline schools. Two of them currently live on 12th Avenue Northeast. He briefly described two other projects he has done on 12th Avenue Northeast in the past several years. He explained that in both cases he purchased single-family homes and then short platted the property to construct four units on each parcel. Each of the units provides three bedrooms, with two-car garages. The people who have purchased the units are typically younger people who are purchasing their first home. Many times, there are two drivers, and they all use the garages. Mr. Hart said he does not anticipate any increased street parking as a result of the proposal. He recognized there is congestion during the day at the south end of 12th Avenue Northeast, primarily because there is inadequate parking at the post office. However, in the evening hours, there is not a parking problem.

Mr. Hart advised that when the property came on the market, he spoke with City staff who informed him the City wanted more high-density development on that side of the street. He said he knows there is demand for the type of housing he is proposing for the subject property. Regarding the issue of water runoff and flooding, Mr. Hart noted that both of the projects he has done on the same street have required large, on-site retention systems that are designed to retain and infiltrate the water on site.

Questions by the Commission to Staff and Applicant

Chair Piro asked what type of development Mr. Hart could construct if the Commission were to recommend approval of a rezone to a lesser density such as R-18. Mr. Hart said he would be inclined to sell the property if it were rezoned to R-18. He explained that because of the expensive infrastructure requirements and the lengthy development process, allowing one more unit on the site would make the project much more viable. He said the subject property is adjacent to the North City Business District, where the City has spent considerable dollars to improve the infrastructure. It would be very easy for people to walk from the subject property to the businesses in North City. He emphasized that the Comprehensive Plan states this area is where the City wants more intense residential development. He noted that the Comprehensive Plan's high-density residential land use designation would also be consistent with R-48 zoning, which would allow a nine-unit complex. While he believes nine units would be too much, four or six units would be appropriate to make the project viable. Further reducing the number of units would make each of the remaining units more expensive. He said he would like to keep the costs down so the units are more affordable.

Chair Piro noted there are other parcels along 12th Avenue Northeast that are zoned R-24. He questioned if these properties have been rezoned recently, or if the R-24 zoning designations were in

place before the City incorporated. Mr. Levitan said he doesn't know the exact date of when the properties were zoned R-24. However, when the proposal for the original townhomes came in, a rezone was not required. These properties may have historically been zoned R-24 because they are closer to Northeast 175th Street. Mr. Hart said his understanding is that redevelopment of the YMCA property, which is two parcels down from the subject property, would be fairly large in scale.

Vice Chair Kuboi asked if the applicant's proposed development would be identical to developments he has done elsewhere on 12th Avenue Northeast. Mr. Hart answered that the subject property is a little deeper than the other two properties. Therefore, he plans to use a different configuration in order to provide a larger backyard area. He said he is also thinking of making the units smaller in size in an effort to keep them more affordable.

Commissioner McClelland recalled that the Commission has talked a lot about the transition between higher-density uses and single-family neighborhoods. Theoretically, having this higher-density residential zone as a transition between the lower-density residential and North City appears to be a good zoning concept. However, there is no transition between the higher density on the east side of the street and the lower density on the west side of the street. She said she can understand the neighborhood's negative reaction to adding four units and eight cars where one unit and two cars currently exist. She said the staff report does not address the impact to the people living across the street. She questioned if the code would require any kind of transitioning affects to soften the impacts associated with the redevelopment of the YMCA site.

Commissioner McClelland suggested the City could make physical changes to signal to people that this is a residential neighborhood. She asked if the City would be obliged to resolve issues and concerns that are raised as the east side of 12th Avenue Northeast converts to higher residential uses and the west side remains low-density. She suggested that property owners on the west side of the street are entitled to certain protections for their single-family neighborhood.

Commissioner Hall left the meeting at 9:27 p.m.

Mr. Cohn said the City has not discussed the concept of placing signs to identify the residential neighborhood, but perhaps this may be appropriate based on current activity in North City and the potential redevelopment of the YMCA site. The proposed zoning could be considered transitional because it is between the single-family neighborhood on the west side of 12th Avenue Northeast and the commercial zones in the North City area. The street could still be considered residential in nature, and that suggests the City may want to consider special treatments to address the impacts. Perhaps it would be appropriate to create a parking management plan to address the concerns.

Mr. Hart pointed out that townhomes built in Seattle typically have single-car garages, with narrow driveways that are difficult to access. Typical townhomes in Shoreline provide two-car garages, with wider driveways to meet the City's 20-foot requirement. He said he does not believe his projects have contributed to the on-street parking problems.

Public Testimony or Comment

Dennis Lee, Shoreline, said he likes the concept of providing a transition zone. He noted that the R-12 zones tend to have units that face the street so that cars can access the garage and park off the street. However, developments in the R-24 zones tend to have driveways between the homes with garages facing away from the street. He suggested this could result in situations where the parking required by code is never used because the spaces are too difficult to access. He recommended the City address this issue by creating design standards for transitional zones, including the assurance that adequate access is provided for the required parking.

Presentation of Final Staff Recommendation

Staff did not change their preliminary recommendation.

Final Questions by the Commission and Commission Deliberation

None of the Commissioners had additional questions of the applicant.

Closure of the Public Hearing

COMMISSIONER PYLE MOVED TO CLOSE THE HART REZONE PUBLIC HEARING. VICE CHAIR KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Vote by Commission to Recommend Approval or Denial or Modification

COMMISSIONER WAGNER MOVED TO RECOMMEND APPROVAL OF THE APPLICATION TO REZONE ONE PARCEL AT 17562 – 12TH AVENUE NORTHEAST FROM R-12 TO R-24 AS PER STAFF'S FINDINGS. COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Wagner said that having previously lived in a town home, she can appreciate the desire for housing choices. However, the staff and Commission have adequately addressed concerns related to parking and traffic impacts. They have also addressed the fact that the development would appropriately accommodate the necessary parking. She expressed her belief that it is important to provide a variety of housing options in the City, and the subject property is located within walking distance of the North City Business District. Although the zoning would be more intense than neighboring properties, the proposed town home development would still be more in line with the intangible neighborhood character than an apartment complex. Townhomes have more of a homey feeling that provides a better transition between the single-family and commercial properties.

Commissioner Pyle agreed the proposed rezone would be in line with the City's vision for transition, especially given the property's proximity to the pedestrian accessible amenities located in North City. He said he believes this is a great place to accommodate town home development within Shoreline.

THE MOTION CARRIED UNANIMOUSLY. (*Note: Commissioners Harris and Hall had left the meeting and were not present to vote on this item.*)

Vice Chair Kuboi complimented Mr. Levitan for preparing a good staff report that was efficient and to the point.

PUBLIC HEARING ON ADOPTING INTERIM PROCEDURES TO TRANSFER QUASI-JUDICIAL PUBLIC HEARINGS ON CERTAIN MATTERS FROM PLANNING COMMISSION TO THE HEARING EXAMINER

Chair Piro reviewed the rules and procedures for the legislative public hearing and opened the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Tovar referred to the Staff Report and clarified that staff recommends that all quasi-judicial items transferred to the hearing examiner be transferred for the next 12 months. The Staff Report indicates the Planning Commission would continue to review quasi-judicial rezones where there is a special study area and quasi-judicial rezones with subarea plans in progress. They would also continue to review master plan proposals. Mr. Tovar pointed out that three quasi-judicial items would come before the Commission during the first quarter of 2008. If this schedule continues, it could become cumbersome for the Commission unless some of the items are rerouted to the Hearing Examiner. He said he anticipates this trend to continue throughout the year, which would require the Commission to push other projects to future agendas.

Questions by the Commission to Staff and Applicant

Chair Piro said he likes the fact that the proposal would be tried on an interim basis, and a 12-month period would be appropriate. He noted the Commission has discussed this proposal on two previous occasions in an effort to clear their plate and leave room for those items that would benefit more from the Planning Commission process.

Public Testimony or Comment

There was no one in the audience to participate in the public hearing.

Presentation of Final Staff Recommendation

Mr. Tovar recommended the Planning commission approve the proposed change as presented.

Final Questions by the Commission and Commission Deliberation

Commissioner Broili suggested it would be appropriate for staff to provide a brief report to the Commission on rezones and other quasi-judicial issues that are heard by the Hearing Examiner. Mr. Cohn agreed to report on these items as part of the Director's report.

Commissioner Pyle expressed his belief that the proposal offers a great opportunity for the Commission to take a hard look at the regulations and potential amendments rather than focusing so much on reviewing applications. This may enable them to avoid a lot of the problems they have faced in the past.

Closure of the Public Hearing

THE PUBLIC HEARING TO CONSIDER ADOPTING INTERIM PROCEDURES TO TRANSFER QUASI-JUDICIAL HEARINGS ON CERTAIN MATTERS FROM THE PLANNING COMMISSION TO THE HEARING EXAMINER WAS CLOSED BY CONSENSUS OF THE PLANNING COMMISSION.

Vote by Commission to Recommend Approval or Denial or Modification

COMMISSIONER MCCLELLAND MOVED TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION TO TRANSFER QUASI-JUDICIAL PUBLIC HEARINGS ON CERTAIN MATTERS FROM THE PLANNING COMMISSION TO THE HEARING EXAMINER. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION WAS APPROVED 5-0-1, WITH CHAIR PIRO, VICE CHAIR KUBOI, COMMISSIONER BROILI, COMMISSIONER MCCLELLAND AND COMMISSIONER PYLE VOTING IN FAVOR AND COMMISSIONER WAGNER ABSTAINING. (Note: Commissioners Hall and Harris had left the meeting and were not present to vote on this item. Commissioner Wagner indicated she abstained because she was not present when the Commission previously discussed the proposal.)

DIRECTOR'S REPORT

Mr. Tovar noted that the March 6th agenda would include a rezone application that would likely take the entire evening to complete. Staff had originally intended to bring forward a study item to replace the moratorium on the March 6th agenda, but there would not be sufficient time. He noted that the current moratorium expires at the end of April, so the City Council must take action on the matter by that time. Therefore, the Commission's study meeting and hearing on the regulations to replace the moratorium must be held in March. He recommended the Commission schedule a special meeting on March 13th to conduct a study session to review the proposed regulations to replace the moratorium. A public hearing could then be conducted on March 20th. The Commission agreed to schedule a special meeting on March 13th.

Mr. Tovar announced that February 22nd is the deadline for Planning Commission appointment applications. He further advised that the City Council would hear the Commission's transit resolution on February 25th. Chair Piro said he would attend the City Council Meeting to represent the

Commission. Commissioner Pyle expressed concern that the Commission's resolution may become muted because it was bundled with Sound Transit's Phase 2.1 Project.

REPORTS OF COMMITTEES AND COMMISSIONERS

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

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

No additional announcements were made during this part of the agenda.

AGENDA FOR NEXT MEETING

Chair Piro advised that the next meeting is scheduled for March 6th, and a special meeting was scheduled for March 13th.

ADJOURNMENT

COMMISSIONER BROILI MOVED TO ADJOURN THE MEETING AT 10:02 P.M. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission