

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

January 17, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Commissioner Broili
Commissioner Phisuthikul
Commissioner McClelland
Commissioner Harris
Commissioner Hall
Commissioner Pyle

STAFF PRESENT

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

COMMISSIONERS ABSENT

Vice Chair Kuboi
Commissioner Wagner

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:08 p.m. He announced that Commission conducted an informal dinner meeting to review their work program. In addition, they discussed items that were part of the Director's Report.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro and Commissioners Broili, Phisuthikul, McClelland, Harris, Hall and Pyle. Vice Chair Kuboi and Commissioner Wagner were excused. Commissioner Hall left the meeting at 8:00 p.m.

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF MINUTES

The minutes of January 3, 2008 minutes were approved as corrected. Chair Piro announced that the City Council has started their review of the Planning Commission's recommendation related to the Ridgecrest Commercial Neighborhood zoning.

GENERAL PUBLIC COMMENT

Les Nelson, Shoreline, questioned the City's plan for doing the 2008 Comprehensive Plan amendments. He reminded the Commission that the amendments must be packaged into a once-a-year amendment process that includes extensive public involvement. He pointed out there was only one Comprehensive Plan amendment in 2007. He said that although he has studied the State's Growth Management Act, he is unclear about the Comprehensive Plan amendment process. He suggested there are so many changes being considered at this time that it is difficult for the public to keep track of what is going on.

Chair Piro explained that the Growth Management Act requires Comprehensive Plan updates every seven years, and limits amendments to not more than once a year. The City would be required to update their Comprehensive Plan in 2011. However, the Planning Commission is in the process of preparing a Comprehensive Plan amendment docket, and they plan to conduct an initial study session on this issue on February 7th. Mr. Cohn added that the 2008 Comprehensive Plan amendment docket would not include any privately initiated amendments. The Commission would review the docket list of amendments and then forward a recommendation to the City Council, who would be responsible for making the final decision.

PUBLIC HEARING ON REZONE REQUEST FROM CATALINA COMPANY FOR PROPERTY LOCATED AT 14727 – 24549 32ND AVENUE NORTHEAST (FILE NUMBER 201677)

Chair Piro reviewed the rules and procedures for the quasi-judicial public hearing. He swore in all those who wanted to provide testimony during the public 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. Commissioner Pyle disclosed that he has been involved in several community meetings regarding this particular area in Shoreline. While he has not had any specific conversations about this application, he has been involved in conversations about the future of the area. He indicated that none of his discussions have led him to make a decision on the subject application. None of the other Commissioners disclosed ex parte communications, and no one in the audience voiced a concern, either. Chair Piro opened the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran provided an overview of the proposed rezone application submitted by the Catalina Company. The proposal is to change the current zoning of seven parcels from R-12 and R-18 to R-24 for future development of the site. Using the zoning map, Mr. Szafran identified the subject parcels and

reviewed the current zoning of adjacent and surrounding properties. He noted the five parcels north of 147th Street have a Comprehensive Plan designation of High-Density Residential (HDR), and the two parcels south of 147th Street have been designated as Mixed-Use (MU). Properties to the west of 31st Avenue have been identified as part of the Briarcrest Special Study Area, and properties to the north have been designated as Low-Density Residential (LDR). He provided pictures to illustrate the existing development in the surrounding area, which includes older single-family homes, duplexes, triplexes, apartment buildings, condominiums, and newer town homes. There are also older commercial developments that front on Bothell Way.

Mr. Szafran reviewed how the proposed application would meet the zoning criteria as follows:

- Would increase the number of housing units.
- Would increase the choice of housing options.
- Would locate higher-density housing in an appropriate area directed by the Comprehensive Plan.
- Would locate higher-density housing adjacent to public transportation and major arterial streets.
- Would be consistent with the HDR and MU goals and policies.
- Would be consistent with the recent rezone request in the immediate area.
- Bulk and size would be consistent with what current zoning allows.

Mr. Szafran reviewed that the proposed application would comply with Comprehensive Plan Land Use (LU) Policies. He referred to LU14 and pointed out that the parcel's current HDR designation, which is consistent with R-18 through R-48 zoning, would create a transition between higher-intensity uses and lower-intensity uses. He also referred to the LU12, which states that appropriate zoning for the Medium-Density Residential (MDR) designation would be R-8 and R-12. He summarized that even though the applicant's parcels are currently zoned R-18 and R-12, they are actually identified in the Comprehensive Plan as HDR.

Next, Mr. Szafran reviewed the following public comments that were received regarding the application:

- The high water table in the area was voiced as a concern. The applicant conducted preliminary soils tests on the subject property, and no water was found.
- Concern was raised about cut-through traffic in the immediate area, but actual traffic counts done by the City's Traffic Engineer identified a decrease in traffic since improvements were completed on Bothell Way.
- Concern was voiced about town homes being constructed next to single-family residential homes. The Development Code has standards to lessen the impact, but current zoning would already allow the properties to be redeveloped with town home type development.
- It was suggested there is no community vision for the neighborhood. The Comprehensive Plan identifies the subject property as HDR and MU, which staff considers being the vision for the area.

Mr. Szafran advised that staff's preliminary recommendation is approval of the proposed R-24 zoning.

Applicant Testimony

Scott Solberg said he was present to represent the Catalina Company, as well as other property owners in the area who have been involved in the rezone request. He reviewed how the proposed application would meet the following rezone criteria.

- **The rezone must be consistent with the Comprehensive Plan Land Use Goals.** Mr. Solberg explained that the proposed rezone application would be consistent with the Comprehensive Plan because:
 - The Comprehensive Plan Land Use Map identifies five of the parcels as HDR and two as MU.
 - The proposed zoning is consistent with the Comprehensive Plan Land Use Map.
 - It would create an environment for diverse and creative development.
 - It would encourage quality housing for future residents.
 - It would reduce sprawl through the efficient use of land.
 - It would allow the City to effectively manage surface and storm water.
- **The rezone must positively affect the public health, safety or general welfare.** Mr. Solberg advised that the proposed rezone would positively impact on the public health, safety and general welfare by:
 - Promoting the redevelopment of the aging housing inventory.
 - Encouraging construction of new affordable, clean, quiet, energy-efficient town homes.
 - Improving infrastructure and public landscape.
 - Complementing and encouraging the improvement of immediate neighboring properties through example.
 - Improving the right-of-way through development.
 - Improving storm and surface water through engineering and natural alternatives.
 - Improving the quality of life through positive growth.
- **The rezone must be warranted to achieve consistency with the Comprehensive Plan.** Mr. Solberg pointed out that the proposed rezone would be warranted because it:
 - Provides higher density development near areas of employment and public transportation.
 - Makes it economically feasible to use the subject parcels as intended.
 - Provides an opportunity to construct smaller, more affordable homes.
 - Allows development to be consistent with other neighboring sites that have recently been rezoned.
 - Allows development to be consistent with SMC 20.40.030.C.
- **The rezone must not be detrimental to neighboring properties.** Mr. Solberg emphasized that the proposed rezone would actually improve the neighborhood character and increase neighboring property values.
- **The rezone must have merit and value to the community.** Mr. Solberg explained that the proposed rezone would provide merit and value to the community by:
 - Providing an opportunity to begin the necessary steps to improve a neighborhood that is currently in decline.
 - Providing examples to illustrate what is and what could be.

Mr. Solberg provided a picture of a development located on property that was rezoned from R-12 to R-24 in 2006. He referred to SMC 20.40.030.C, which states that the purpose of the HDR (R-18, R-24, R-36 and R-48) zones is to provide a mixture of predominantly apartment and town home dwelling units and other compatible uses.

Mr. Solberg also provided examples of the type of development that could occur on the site if the zoning were to remain R-12. He noted that all of the subject sites are nearly the same size at 8,460 square feet, which would yield 2.33 units per site. Because the City does not allow developers to round up, the only option would be to construct one house directly behind the existing one. This would result in piecemeal development that would be undesirable and economically unfeasible. The same would be true if the site were zoned R-18, which would allow 3.48 units per site. It would still not be economically feasible to remove the existing house, and people would not likely purchase a new unit behind an old house. Therefore, it is likely all properties would remain transient.

Next, Mr. Solberg provided an example of the type of density that could be developed if the site were rezoned to R-24, which would allow 4.66 units per site and offer the ability to round up to five units per site. The result of the rezone would be the removal of the older, non-energy-efficient, obsolete housing to make way for new sustainable housing. In addition, the new town homes would be affordable in comparison to the cost of the existing housing.

Mr. Solberg provided a graph to illustrate the differences between R-12, R-18 and R-24 zoning. He explained that R-18 and R-24 zones allow a maximum impervious surface coverage of 85%, and the R-12 zone would allow 75% lot coverage. The maximum building coverage allowed would be 70% for R-24 zoning, 60% for R-18 zoning, and 55% for R-12 zoning. The base height would be the same for all three zones. Therefore, all R-12 zones that abut R-24 zones allow the ability to develop to the same height as allowed in an R-24 zone.

Mr. Solberg pointed out that currently on the west side of the street from 145th Street to 149th Street, about 70% of the units are rentals and 30% are owner-occupied. On the east side of the street there are slightly more rentals. He provided graphs to illustrate the current property uses and current zoning on 32nd Avenue Northeast.

Mr. Solberg reported that several neighborhood meetings were conducted by the applicant, and the majority of the property owners along 32nd Avenue indicated their support of the increase in density from R-12 and R-18 to R-24. The rezone would make it economically feasible to improve all of the under developed properties in the area. He described the benefits of gentrification as follows:

- Reduction in crime and code violations.
- Reduction in the inventory of under developed land.
- Reduction in the inventory of economically obsolete housing.
- Increase in home ownership.
- Increase in sustainable housing.
- Increase in economically and environmentally efficient housing.

He further described the anticipated results of redevelopment as follows:

- Safer streets for children, pedestrians and cyclists.
- New sidewalks, curbs and gutters.
- New green ways and street trees.
- New energy efficient housing.
- Increase in off-street parking spaces.
- Better management of stormwater and surface waters.
- Improved visual streetscapes.

Mr. Solberg provided a satellite overview of the neighborhood, and specifically identified the areas where traffic counts were conducted at the behest of the City. He reported that, mostly due to mitigation that has already occurred along Bothell Way, the traffic counts identify a negative traffic impact associated with the proposed rezone.

Questions of the Applicant and Staff

Commissioner Hall pointed out that the chart on Page 40 of the staff report identifies an 80% maximum impervious surface coverage for R-18 zones, yet the applicant indicated the R-18 zone has an 85% impervious surface coverage requirement. Mr. Szafran answered the correct number is 80%.

Commissioner Broili asked the applicant to share his thoughts about what constitutes affordable housing. Mr. Solberg said he has researched median houses for King County, as well as the residences within the pocket of 30th Avenue between 145th and 149th Streets and Bothell Way that have sold within the past two to four years. It is his belief that the existing homes seem to be selling for more than the proposed town homes and the town homes that were recently completed off of 145th Street and 31st Avenue.

Commissioner McClelland questioned where the displaced residents would go. Mr. Solberg said most of the people he has talked to, including the applicants, plan on moving out of the neighborhood. Through his research, he has found that the existing single-family homes have more land than house. Therefore, they are more valuable regardless of the structure that's on them. He advised that he has data from a real estate broker that supports his comment that single-family homes with development potential in the neighborhood are selling in the \$400,000 range. The brand new town homes in the area that have more square footage and are energy efficient are selling for \$379,000. He said he estimates that the new units developed on the subject properties would probably sell for about \$350,000 compared to the cost of the dilapidated existing home (about \$400,000) that would require significant repair and maintenance.

Commissioner McClelland asked if Mr. Solberg is assembling the land himself. He said he does not own the parcel that is furthest to the north, nor the parcels to the south. The additional properties were added to the rezone application later during neighborhood meetings.

Diana Herbst, Shoreline, requested the applicant clarify his statement that there would be no negative traffic impact if the property were built out in its entirety. Mr. Solberg clarified that the traffic engineer compared the existing traffic situation to data that was collected by the City prior to the improvements on Bothell Way, and then estimated the impact associated with the proposed new development. Mr. Cohn added that while more units in the neighborhood would increase traffic, the traffic analysis

suggests there would be less traffic in the future than there was two years ago before the change to Bothell Way was made.

Public Testimony or Comment

Dennis Lee, Shoreline, said he has been appointed to represent the Briarcrest Neighborhood Association. He said he met with Mr. Solberg who indicated a desire to work with neighborhood. However, there are no tools in the City's Development Code that would allow this to occur. He recalled that the current zoning and Comprehensive Plan land use designation for the subject property was inherited from King County before Shoreline was incorporated. Because there is no neighborhood plan in place for this area, owners have speculatively purchased properties that have become so rundown that the citizens in the neighborhood are glad when they are redeveloped into something else. He cautioned that just because a neighborhood is run down does not mean a developer has to fix the problem. The neighborhood can do this for themselves by utilizing a neighborhood subarea plan concept. He noted the market is moving towards more affordable housing, and condominiums and town homes are more affordable. However, they are not real property. They are partnerships between people about common land and over a given length of time they can become quite volatile in the market. Real property, meaning a duplex with a zero lot line or small houses on small lots, has never gone down in value, even when the larger houses were not sellable.

Mr. Lee pointed out that the real traffic problem is not within the neighborhood, but the access to and from the neighborhood. Lake City Way and 145th Street provide nearly the only access to the subject properties, except for an easement on the church property. He said he suspects there will be traffic problems in the future.

Mr. Lee pointed out that drainage is also a problem in the neighborhood, although perhaps not on the subject property. He noted that a perc test does not identify where the water goes. He suggested further study must be done to identify the current drainage situation on the subject property. In addition, neighbors are concerned about the impact a three-story building would have on their neighborhood. They are also concerned about the parking requirements. He summarized that a neighborhood plan could resolve many of these concerns.

Elaine Solberg, Shoreline, said she is a real estate broker. She expressed her belief that the homes her husband builds are beautiful and energy efficient. She said they have a vested interest in the community and would like to improve the area and develop more affordable housing. She submitted a comparable market analysis showing that many of the homes in the Briarcrest Neighborhood that have sold within the last few years were built in the 1940's and 1950's. The analysis was identified as Exhibit 1. Ms. Solberg said their intent is to replace the existing dilapidated homes with new units that attract families to the neighborhood. She said she is in favor of the proposed rezone. She corrected Mr. Lee's remark by clarifying that their town home development would not become shared property. Each individual owner would own everything within their space, and there would be no shared property.

Russel Pearson, Shoreline, said he has no vested interest in the proposed rezone application. However, he has been trying for years to get the neighborhood cleaned up, but he has experienced very little success or support from others in the area. He said he supports Mr. Solberg's proposal to improve the

neighborhood. He expressed disappointment that none of the people who are opposed to the rezone have every helped him pick up garbage and clean up the streets in the neighborhood. While he doesn't want to sell his home and move away, he is tired of the dilapidated properties that surround him. He suggested that if people care about the neighborhood, they should have done something years ago. Now it is too late. None of the property owners live on the 32nd Avenue; the units are all being used as rentals. He summarized that the proposed rezone would accommodate development that would clean up the neighborhood, stop the crime, etc. The development would provide sufficient parking so cars are not spilling out all over the street.

Commissioner Hall left the meeting at 8:00 p.m.

Jennifer Kriebel, Shoreline, said she purchased her home about five years ago with the understanding that the subject property would eventually be converted into a high-density residential area. She said that while she has taken pride in ownership and has cared for her home, the area has gone down hill. She pointed out that, other than the applicants, no one lives on 32nd Avenue. She suggested the residents recognize the neighborhood for what it is. Directly across the street from her home is a fourplex, a 24 plus unit apartment building, and multiple rentals. The unit across the street from her is currently occupied by six to eight people with five cars. They double park and no one on the property takes care of the garbage. The City does not respond when there are problems. In addition, multiple billboards are located above the apartment buildings, as well as abandoned cars and a recreational vehicle. She summarized that development of the subject properties would increase and improve the area. If people are concerned about the infrastructure, they should recognize the developer would be required to pay for curbs, sidewalks, gutters, improved lighting, etc. These are improvements that cannot be funded by the City budget.

Kevin Dwinelle, Shoreline, said he lives in and owns the fourplex that is located on 32nd Avenue. He said he is not interested in changing his property, but he wants to support his neighbors in an effort to clean up the neighborhood. He said he has spent time over the past years renovating his fourplex unit, and he has received numerous compliments. But he can only do so much. The only way to improve the rest of the neighborhood is to allow developers to make changes. He said he supports the proposed rezone application and believes it would result in the necessary improvements. He noted that 32nd Avenue is located within an urban environment that needs multi-family housing opportunities.

At the request of Commissioner Pyle, Mr. Dwinelle clarified that his property is located at the corner on 147th Street. Commissioner Pyle noted that Mr. Dwinelle's property fronts on a non-passable street. He asked Mr. Dwinelle if he or neighboring property owners have ever considered approaching the City with a street vacation request that would allow the property to be granted back to the property it originally came from. Mr. Dwinelle said he did not even know this was an option, but he noted the street is used frequently by pedestrians.

Les Nelson, Shoreline, said he assumes the rezone would be accomplished as part of a Comprehensive Plan amendment. He expressed his belief that it would be appropriate to delay the Comprehensive Plan amendment for the subject properties until the special study area work has been completed. He suggested that perhaps people are most concerned that there is no plan or clear direction for the future of the neighborhood. Commissioner McClelland clarified that no Comprehensive Plan amendment would

be required to implement the proposed rezone. The rezone would bring the zoning on the properties into compliance with the Comprehensive Plans current land use designation for the sites.

Mr. Cohn reported that the area north of 145th Street from Bothell Way to 15th Avenue would be part of the Southeast Shoreline Subarea Plan, which would occur over the next year. Staff anticipates public meetings within the next few months, with the formation of a citizens' advisory committee who would work throughout the summer to develop a plan for the special study area. However, the subject properties, though they are in the Subarea Plan boundaries, are not in the special study area. The subject properties have already been identified in the Comprehensive Plan as MU and HDR. While it is conceivable that one outcome of the subarea plan would be to re-designate the subject properties, the rezone criteria requires the Commission to consider the current Comprehensive Plan designation, and not what the designation might be changed to in the future.

Matthew Gallagher, Lake Forest Park, said he represents the developer of the property two parcels to the south of the southernmost part of the subject property. He voiced his strong support for the rezone application. He expressed his belief that the properties along 32nd Avenue have the potential to be redeveloped to become a buffer to the Briarcrest Neighborhood. The proposed rezone would meet the Comprehensive Plan's goal for high density residential development by providing a variety of housing opportunities. He referred to the development that was completed 2½ years ago at 14513 – 32nd Avenue, as well as the vacant parcel for which development plans have already been submitted to the City. He said there have not been any water table issues on either of these properties.

Dennis Bruce, Shoreline, licensed geotechnical professional engineer, said he was asked by the applicant to conduct a preliminary soils and drainage study for the subject properties. He referred to the report he prepared in September of 2007. He explained that test pits found extremely dense native sands, but no ground water. He explained that while new developments must comply with a lot of expensive and rigorous drainage requirements, the older homes are allowed to simply dump their storm water onto the ground. He concluded there are no geotechnical or drainage issues that would preclude the applicant's proposed project, and specific additional studies would be required once the plans are formalized.

Commissioner Broili asked if Mr. Bruce is familiar with low-impact development practices. If so, he asked if the subject property would be appropriate for low-impact development projects. Mr. Bruce said he is familiar with low-impact development practices such as infiltration, etc. He said the sandy soil on the property would accommodate a very high infiltration rate. However, this type of concept would have to be considered in conjunction with the total picture.

Commissioner Pyle asked Mr. Bruce if he is a licensed engineer or licensed geologist. Mr. Bruce said he is a PE, with a practice in geotechnical specialty.

Bud Bennion, Shoreline, said he lives in the area identified in the Comprehensive Plan as special study area, just two blocks away from the subject properties. He emphasized there is a water problem in his area, and he questioned how the situation would be impacted by development on the subject properties. Mr. Cohn invited Mr. Bennion to provide information to the City's stormwater personnel so they could research his situation. Mr. Szafran recalled that during the significant flood event that occurred in

December of 2007, he checked with the City's Surface Water Department and learned that only one complaint was filed related to property on the west side of 30th Avenue.

Erik Spicer, Shoreline, said he is also one of the applicants and lives at 14549 – 32nd Avenue. He recalled that the big floods that occurred in December did not impact his property. He said he has no plans for developing a fourplex on his property. He has one of only two owner-occupied houses on the entire street. He said he supports the rezone so that the neighborhood could be improved.

Commissioner McClelland said she was under the impression that all applicants were working together to rezone and then redevelop the property. Now she is hearing there are multiple applicants requesting rezones for their individual lots, but there is no proposal for wholesale redevelopment of the properties. Chair Piro clarified that Mr. Solberg, the lead application for the rezone, owns three of the seven parcels, and he is planning to redevelop his properties. The other four property owners are parties to the rezone and their properties have been included in the application. Commissioner McClelland clarified that, regardless of whether or not Mr. Spicer has plans to redevelop his property now, he would have the ability to construct a duplex on the site if the rezone is approved as proposed.

Commissioner Pyle emphasized that the application is for a non-project rezone. No development proposal has been attached to the proposed action. He noted the City no longer conditions rezones, so the Commission could not adjust the zone. They must either recommend approval of the proposed R-24 zoning or not. Mr. Cohn clarified that the Commission could modify the rezone by suggesting a different density, but they could not place conditions on the rezone. Commissioner Pyle summarized that the Commission must take action on the non-project rezone application and the potential outcome that could be built on the site as a result.

Monica Anderson, Shoreline, expressed her belief that the neighborhood is not beautiful right now. She said she owns the house at the corner of 32nd Avenue and 147th Street. She lived there for a while herself, but was too embarrassed to have her friends visit because she had to call police almost everyday about cars that were dumped across the street from her. The neighborhood will never be a nice residential neighborhood as long as there is a huge parking lot. She said she has a difficult time renting her home. Her 4-bedroom home should rent for about \$1,600, but she has only been able to charge \$1,100. She expressed her belief that if the property were rezoned and redeveloped, the street could become a nice, residential street.

Diana Herbst, Shoreline, said she lives on 30th Avenue. She disputed comments that the neighborhood was never nice. She emphasized that the neighborhood is much more than just 32nd Avenue. The other streets are nice and beautiful and animals and birds often visit. The houses on her street were built in the 1960's, and surface water has been a problem in the past. She expressed her belief that redeveloping 32nd Avenue without a comprehensive overview could negatively impact and influence the future sub area plan.

LaNita Wacker, Shoreline, clarified an earlier statement by saying that the Comprehensive Plan of Shoreline was not inherited from King County. She said she ran for City Council in 1995 and participated with other citizens in many public hearings to create and adopt a new Comprehensive Plan for the City, which reflects the citizens' wishes, as well as the growth and vision associated with the

Growth Management Act. She clarified that the zoning map was inherited from King County and has not been brought into compliance with the Comprehensive Plan. The current proposal for R-24 zoning is a simple request to make the zoning fit the Comprehensive Plan that was adopted by the citizens of the City. She expressed her belief that the request is reasonable. The residences in the general vicinity of the subject properties have, in many instances, reached functional obsolescence. They are two-bedroom, single-bathroom homes with old wiring and plumbing. They are ready for redevelopment since the value of the property lies in the land. The applicant has talked about utilizing green and sustainable concepts, etc. All of this would result in revitalization for the City. There are many areas in the City that have functionally obsolete housing. She urged the Commission to keep in mind that young families will not likely purchase homes that are functionally obsolete and require \$50,000 to \$100,000 worth of repairs in order to make them livable.

A member of the audience asked Ms. Wacker to identify the obsolete homes she referenced in her statement. Ms. Wacker answered that houses built in the 1960's and prior have single-pane windows, and because they are mostly rental homes, it is likely they also have old wiring, heating systems, etc.

Claire Snyder, Shoreline, said she lives in the home at 14723, and they were once the owners of the property. While they try to keep the property up, most of the other neighbors do not. She said she is in favor of the proposed rezone.

Jennifer Kriebel, Shoreline, said her home was built in the 1940's, and the plumbing and wiring is very outdated. Most people cannot afford to purchase homes in the area, and still have enough money to do the necessary repairs to make the homes livable and functional.

Cecilia Navaluna, Shoreline, said she owns at house at 14545 – 32nd Avenue. She said she supports the rezone application. She agreed with Ms. Anderson and said that even if she improved her home, it would still be difficult to find a good renter. If the rezone application is approved, she plans to demolish the home and possibly redevelop the property with a fourplex. Commissioner Broili asked if Ms. Navaluna is one of the applicants for the proposed rezone. Ms. Navaluna answered she is not. She said if she had been invited to participate in the rezone application, she would have done so.

Elaine Solberg inquired if Ms. Navaluna has been able to charge a rent that covers the payment on her home. Ms. Navaluna answered that she has owned the house since 1999 and has had four different tenants. The house has been vacant for about 1/3 of the time. Not only did she not get the monthly rent, but she has not been able to charge a high enough rent to cover the cost of the payments. However, they kept the property because of the land's value.

Presentation of Final Staff Recommendation

Mr. Cohn summarized that staff believes the Staff Report addresses the concerns raised by the public. Staff continues to support their original recommendation to approve the rezone application as presented. He said Mr. Lee makes a good point that merely because the neighborhood is run down isn't a reason to change the zoning. However, that's not what the Staff Report suggests. The Staff Report points out the neighborhood is designated for High Density Residential, which means it is envisioned for higher

density assuming issues such as traffic, drainage, etc. can be addressed. He referred to the Staff Report which provides evidence that these are not issues of concern for the proposed rezone.

Mr. Cohn recalled that a member of the public also suggested that the rezone could become an issue of precedent for the special study area. However, staff does not believe this would be the case. The special study area would stand on its own. The subject properties have already been identified in the Comprehensive Plan as High-Density Residential.

Final Questions by the Commission

Commissioner Pyle clarified that Mr. Lee did not appear to contest whether or not high-density zoning would be appropriate for the subject properties. He simply had a concern over the tools available in the Development Code with regards to the form of development that could occur on the site. He said he hears this concern often. He expressed his fear that patches of development could occur in the area that could make it impossible to realize the vision established through the study. He suggested that if they could align the timing right, they might even see the site targeted for R-48 or something similar to what is being considered for the Ridgecrest Neighborhood. On the other hand, Commissioner Pyle expressed his belief that the application meets all the rezone criteria, as well as the Comprehensive Plan's vision of high density.

Commissioner Broili agreed with Mr. Lee about the form of development, and he has spoken often about the need to move forward rapidly to amend the Development Code to be more stringent in that regard. However, that is not the issue before the Commission at this time. The Commission must consider the rezone application, which is consistent with the Comprehensive Plan. He said he sees no reason to recommend denial of the application.

Commissioner McClelland recalled that when just one of the properties came before the Commission previously for a possible rezone, the Commission indicated it would not be appropriate to rezone just one lot. She expressed her belief that the effect of the current rezone proposal would be similar to the rezone proposal that was previously considered. Unless all the properties are aggregated, future development would be limited. She suggested there might be an opportunity to implement a form-based zoning concept similar to what was done for the Ridgecrest Neighborhood so the City could address the whole neighborhood at the same time. She said she is not confident the proposed rezone application implements the vision of the Comprehensive Plan.

Mr. Cohn agreed that redevelopment on the subject properties would not take place all at the same time, and this would also be true if a form-based zoning concept were implemented. He recalled that when a rezone proposal was submitted for just the one property, the Commission expressed a desire for staff to look at the area more cohesively and include more parcels. The current proposal includes seven parcels that would be rezoned to R-24. The intent is that, at some point in the future, the rezone action would set a very precise number for development on 32nd Avenue.

Commissioner McClelland questioned if there is a way to get all property owners together to create a neighborhood development plan. Although the City cannot require a subarea plan at this time, perhaps they could facilitate the use of the concept for the subject properties, as well.

Commissioner Broili asked if any attempt has been made to include other property owners as part of the rezone application. Mr. Cohn said it is too late to add additional properties to the application. The hearing was advertised as a rezone proposal for just the seven properties identified on the application. However, the City could advise other property owners along the street to join together in an effort to rezone the remainder of the street. The City should not place themselves in the position of approaching property owners, but this could be one option discussed as part of the Southeast Shoreline Subarea Planning Process. Commissioner Broili encouraged staff to invite future applicants to reach out to adjoining property owners. Mr. Szafran said the applicant did make an effort to contact property owners along the street.

Mr. Solberg explained how he inherited the responsibility of being the lead applicant. He emphasized that, at that point, the City's notice of meeting and procedure had already been started. If there had been an opportunity to include other neighbors, he would have done so.

Mr. Solberg referred to Commissioner McClelland's concern and indicated he intends to redevelop his properties one at a time, and the other applicants would likely follow in the future. He said he would be willing to participate in the Southeast Shoreline Subarea Plan, and within one year they could end up with designations that oversee the entire neighborhood. If the subarea plan results in a legislative rezone of adjacent properties, the zoning of the subject properties would be taken into consideration. The end result would likely be in harmony with the neighborhood's vision.

Commissioner Harris agreed with Mr. Solberg that in the development community, it takes a "pioneer" to plant the seed of redevelopment, and then others follow. However, unless the City initiates a rezone process, it is customary for a property owner to do so. He summarized Mr. Solberg's comment that R-12 and R-18 zoning would result in an additional unit behind the existing unit. He noted that an R-24 zoning designation would allow at least five units per site, which would eliminate this type of situation and make it economically feasible to demolish the existing structures and redevelop with more uniform zoning along the street.

Ms. Solberg indicated that she and her husband would redevelop their property regardless of whether or not the rezone is approved. They cannot afford to keep supplementing the rent in order to make their monthly payments. They would rather build nice fourplex units rather than piecemeal development.

Commissioner McClelland questioned the worst that would happen if the applicants withdrew their application and reapplied for a rezone that included more properties. Mr. Solberg asked if the Commission has the ability to waive the rezone fee to bring the same applicants in with more people on board. He reiterated that the subarea plan would start within the next few months and would be in place before the street is significantly developed. He expressed his belief that the subarea plan would likely identify the property the same as what they are asking for now. The applicants are asking for a jump on what is already to come.

Chair Piro recalled that spot zoning was a key issue when the earlier rezone application was considered for just one of the properties. The Commission agreed it would not be appropriate to deal with zoning on a parcel-by-parcel basis. He said envisioned dealing with the zoning on 32nd Avenue on a block-by-

block basis, so the seven-parcel application does not really satisfy his concerns. However, he has been swayed by the testimony not only from the applicants on 32nd Avenue, but other property owners as well, about the value of moving forward with the rezone application. Since they are approaching their work on the special study area, it might be appropriate to advance the rezone as a precursor, recognizing it does not satisfy all of the issues that were raised by the Commission a year ago.

COMMISSIONER HARRIS MOVED THE COMMISSION RECOMMEND TO CITY COUNCIL APPROVAL OF STAFF'S RECOMMENDATION TO REZONE SEVEN PARCELS AT 32ND AVENUE NORTHEAST FROM R-12 AND R-18 TO R-24. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Harris complimented Mr. Solberg for his well prepared presentation on behalf of the applicants. He pointed out that the testimony provided by property owners surrounding the subject parcels has been mostly in favor of the rezone. The rezone application meets the Comprehensive Plan Land Use Map zoning designations, as well. Commissioner Broili stated his belief that the rezone application is consistent with the Comprehensive Plan and makes sense for the neighborhood. He agreed with the comments provided earlier by Commissioner Harris.

Commissioner Pyle agreed the proposal meets the rezone criteria and is a step in the right direction. However, he expressed concern about the Southeast Shoreline Subarea Plan effort that is getting underway, especially in light of a comment made earlier by staff that the subarea planning effort might be pushed back later in the agenda for the year. Mr. Cohn said staff intends to start working with the public very soon. Commissioner Pyle reminded staff that while the subject properties are not part of the special study area, they are directly related. It is important to move ahead with the subarea planning effort as soon as possible. Perhaps they should consider postponing future rezone applications until the subarea planning process has been completed.

Closure of the Public Hearing and Commission Deliberation

COMMISSIONER MCCLELLAND MOVED THE COMMISSION CLOSE THE PUBLIC HEARING FOR THE CATALINA COMPANY 32ND AVENUE NORTHEAST REZONE REQUEST. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.

Vote by Commission to Recommend Approval or Denial or Modification

Commissioner McClelland suggested that as part of the Southeast Shoreline Subarea Plan, the City should consider opportunities for providing a gateway to the City near the intersection of 145th Street and 32nd Avenue. They should look for opportunities to pull properties west of 32nd Avenue into the City of Shoreline as something they can enjoy and be proud of.

THE MOTION TO RECOMMEND APPROVAL OF THE STAFF RECOMMENDATION WAS APPROVED UNANIMOUSLY.

PUBLIC HEARING ON REVISED PROPOSAL FOR HOUSING DENSITY IN COMMUNITY BUSINESS (CB) ZONES

Chair Piro reviewed the rules and procedures for the Type L Legislative Public Hearing, then opened the hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohn recalled that a proposal to allow additional housing density in CB zones was previously studied by the Commission in March and April of 2007. After a joint City Council/Planning Commission discussion on October 8, 2007, the City Council decided to send the item back to the Commission for additional review.

Mr. Cohn explained that the impetus behind the code revision was the realization that high-density residential development would not occur in CB zones because the current density limitation of 48 units per acre is too low a threshold to encourage residential development there. Staff believes the situation still exists. If the Development Code isn't modified, it is unlikely that CB zoned areas near Aurora Avenue and Ballinger Way would redevelop with residential uses even though they are logical areas for this type of use because they are close to retail stores and good transit service.

Mr. Cohn said the revised proposal would regulate density through height, bulk, setback and parking requirements rather than by an arbitrary density number. The proposed amendment would affect all CB zoned properties that are located:

- Within the Town Center Area or along Ballinger Way.
- At least 90 feet from single-family zoned properties.
- Within a 10 to 15-minute walk from Aurora Avenue North or Ballinger Way.

Mr. Cohn provided a map to illustrate the areas that would be affected by the proposal. Because the proposed changes would only apply to two specific areas, Mr. Cohn said staff believes they meet the intent of focusing increased residential densities in those areas with infrastructure to serve it. In addition, single-family zoned properties would be protected.

Questions by the Commission to Staff

Commissioner Pyle questioned how the areas would be measured. Mr. Cohn said his understanding is the areas would be measured the same way as the moratorium was measured: from the edge of the legal tax parcel boundary. Commissioner Pyle asked if the City's right-of-way is actually zoned. Mr. Cohn answered that, in most cases, the City's right-of-way is not zoned, but some pieces of the trail are zoned. Commissioner Pyle referred to Bellevue's transition areas, which are measured from the edge of the zone rather than the edge of the property boundary. Mr. Cohn said in most cases, the zone only goes to the property boundary, and not to the middle of the right-of-way. Commissioner Pyle asked if a property would have to be located entirely within the green boundary in order to be eligible for the modified zoning. Mr. Cohn answered affirmatively.

Commissioner McClelland requested a map to identify the properties on Ballinger Way that would be eligible for the modified zoning. Mr. Cohn clarified that all properties that are adjacent to Ballinger Way would be eligible, and maps of Ballinger Way were included in the packet.

Public Testimony or Comment

Michelle Moyes, Shoreline, said she owns residential property in the area known as the Westminster Triangle, which would be very much impacted by the proposed new density. She asked the Commission to consider changing the eligibility criteria to be more than 90 feet away from the residential homes. Perhaps a better number would be 120 feet. She encouraged them to walk through the areas in question.

Mr. Cohn responded that the proposal would not apply to properties in or near the Westminster Triangle. It would only apply to the area on Aurora Avenue North that is located north of 170th Street. It would not apply to properties south of 170th Street.

LaNita Wacker, Shoreline, indicated her support for the proposal with some modifications. She emphasized that the proposal does not constitute a rezone. It is related to CB zoning that currently exists in the Comprehensive Plan. Utilization of the cubic space of the building would be up to the developer. She suggested that to avoid losing valuable commercial space to residential uses, it would be appropriate to require the first floor to be built to the commercial standards of the CB zone. This would create the potential for a mixture of retail and residential uses. Ms. Wacker disagreed with Ms. Moyes and suggested that 90 feet is too excessive. She pointed out that commercial properties are very expensive, and a 90-foot setback requirement would deny property owners the full use of their property and could constitute a taking situation. She expressed her belief that a 20-foot setback would be adequate. There are many good reasons to allow more residential development in the CB zone. Allowing density to be located near transportation service is good. Allowing the density to be controlled by development standards would also be appropriate.

Chair Piro asked if staff considered the option of requiring commercial development on the first floor in the CB zone. Mr. Cohn answered that staff did not consider this type of requirement.

Commissioner McClelland pointed out that the CB zone allows for development right up to the property line, with no setback. The 90-foot requirement means that the modified zoning would not be allowed within 90 feet of a single-family residential zone. Mr. Cohn agreed, noting that if a property is closer than 90 feet of a single-family residential zone, the modified zoning could not be applied.

Ms. Wacker expressed her concern that the bulk of a building in a CB zone would be the same whether it is next to a single-family home or Aurora Avenue North. The proposed code amendment would not change the outward appearance of development in the CB zone so it would have absolutely no visual impact to any of the surrounding residential property owners. However, the amendment would positively impact the City by creating the opportunity for more affordable housing.

Commissioner Pyle agreed that the visual impacts of the change would be negligible, but the community has indicated they are not comfortable with the number of parking spaces required and the opportunity for increased density. The community has expressed a desire for more control over these concerns. Ms.

Wacker expressed her belief that the controls are already in the Development Code and would be triggered by the traffic impacts. She said one misconception is that the proposal would result in a significant change, but that is not the case.

John Behrens, Shoreline, suggested the map be made clearer by identifying which properties would be eligible for the proposed new zoning. He agreed that the City could easily prepare a map that would identify all of the parcels that are entirely within the green polygon identified on the map. Again, Mr. Behrens suggested the City clearly identify those properties that would be impacted by the change. He expressed his belief that the City would change as a result of the proposed amendment to the CB zone. He said he is not comfortable the City has done enough study to identify all of the impacts associated with the change. He noted that the properties lie within two very sensitive drainage areas, and there are already problems with flooding and stormwater runoff. Mr. Szafran clarified that the proposal is a change to the City's Development Code, not a rezone application.

Jim Abbott, Shoreline, said he supports the proposed amendment to the Development Code. He particularly agreed with the remarks provided by Ms. Wacker. He provided a site plan and concept that was prepared by his architect, Marlin Gabbert, for a project located within the area that would be affected by the code amendment. Regarding the parking concern, Mr. Abbot pointed out that if there is more housing and less commercial space, developments would require less parking and not more. He expressed his belief that the proposed code amendment would benefit the few properties that are close to Aurora Avenue North and Ballinger Way, and it would also provide an opportunity for more housing in an area that is close to businesses and transit service.

Les Nelson, Shoreline, expressed his belief that changing the definition of a zone is the same as changing the zoning. It requires a Comprehensive Plan amendment that would be more properly addressed from a comprehensive standpoint. He questioned why they should change the CB zone to be the same as the Regional Business (RB) zone just to meet the needs of a few developers. He voiced concern that this could set a precedent for the same action to occur elsewhere in the City. If they want to apply the RB zoning standards to properties along Aurora Avenue North and Ballinger Way, they should just change the zoning to RB rather than modify the CB zoning standards. He suggested the Commission wait to make their recommendation until after issues surrounding the current moratorium have been resolved.

Mr. Cohn explained that the Growth Management Act makes it clear that cities have the right to change the Development Code without changing the Comprehensive Plan. The intent of the CB zone is to allow residential, commercial, and office development. The Comprehensive Plan envisions that this area be a place for commercial and residential uses, which is consistent with CB zoning.

Mr. Nelson pointed out that the Comprehensive Plan does not address any residential density above R-48, so allowing unlimited density in the CB zone would be inconsistent with the Comprehensive Plan. The only way to make this change is through a Comprehensive Plan amendment to bring the code into conformance with the Comprehensive Plan.

Commissioner Pyle suggested that Mr. Nelson may be confusing the Comprehensive Plan's reference to R-12, R-18 and R-48 zones, which are specific zones in the City's Development Code, as a limit on

density, but that is not the case. The Comprehensive Plan actually calls out a specific set of zoning controls, one of which is CB. The proposed action would amend the CB zoning controls to eliminate the cap on density.

Mr. Cohn suggested the Commission continue the public hearing to allow those who have not had an opportunity to address the Commission to do so at a later date. However, they should make it clear that those who have already had an opportunity to speak would not have another opportunity to speak.

COMMISSIONER BROILI MOVED THAT THE LEGISLATIVE PUBLIC HEARING FOR HOUSING DENSITY IN THE COMMUNITY BUSINESS (CB) ZONE BE CONTINUED TO THURSDAY, FEBRUARY 21, 2008. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

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 announcements were made during this portion of the meeting.

AGENDA FOR NEXT MEETING

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

ADJOURNMENT

**COMMISSIONER BROILI MOVED THAT THE MEETING BE ADJOURNED AT 10:10 P.M.
COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.**

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission