

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

November 29, 2007  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### COMMISSIONERS PRESENT

Chair Piro  
Vice Chair Kuboi (arrived at 7:07 p.m.)  
Commissioner Wagner  
Commissioner Harris  
Commissioner Hall  
Commissioner Broili  
Commissioner Pyle  
Commissioner McClelland

### STAFF PRESENT

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

### COMMISSIONERS ABSENT

Commissioner Phisuthikul

### CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

### ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro and Commissioners Wagner, Harris, Hall, Broili, Pyle and McClelland. Vice Chair Kuboi arrived at 7:07 p.m. and Commissioner Phisuthikul was excused.

### APPROVAL OF AGENDA

Chair Piro added a discussion regarding the South Echo Lake issue as part of Unfinished Business. He announced there would be no Director's Report since Mr. Tovar was unable to attend the meeting. There were no minutes for the Commission to take action on, either. The remainder of the agenda was approved as presented.

## **GENERAL PUBLIC COMMENT**

**Les Nelson, Shoreline**, pointed out that much of Aurora Avenue is zoned Regional Business, but is shown as Community Business in the Comprehensive Plan. He asked the Commission to keep in mind that when considering possible Comprehensive Plan changes for these properties, it is important to consider the associated goals and land use policies. He specifically referred to Land Use Policy 19, which defines the Regional Business area. He reminded the Commission that the City Council enacted a moratorium for development on these properties.

## **PUBLIC HEARING ON RIDGECREST COMMERCIAL AREA ZONING CONTINUATION**

Chair Piro announced that because this is a continued public hearing, the public would be invited to provide testimony only on staff's newest proposed changes. He asked that they not repeat the testimony they provided at the previous hearing, since it has already been made part of the public record. Chair Piro reviewed the rules and procedures for the public hearing. He then reopened the public hearing and invited Mr. Cohn and Mr. Szafran to present the Staff Report.

### **Staff Overview and Presentation of Preliminary Staff Recommendations**

Mr. Cohn advised that in January of 2007, staff met with residents of the Ridgecrest Neighborhood to solicit input regarding the Ridgecrest Commercial Area Zoning Proposal. He summarized that the community indicated the desire for redevelopment of the commercial sites, particularly those that are vacant. They offered support for the Crest Theater as a community institution. They expressed a desire for provisions that encourage retail and service oriented businesses for the local community, and they were interested in the development of a "third place" where people could participate in planned or unplanned interaction amongst the neighbors. The community also expressed an interest in different housing opportunities in the neighborhood, and there was some thought that the proposal should include neighborhood sustainability features.

Mr. Cohn expressed his belief that the proposal addresses the desires identified by the community and encourages the redevelopment on some sites in the commercial area. It encourages different types of housing options. It also encourages mixed-use type development so it is likely there would be more retail to serve the community. Because it encourages housing, the proposal would bring more people into the neighborhood to use the services, goods, and retail uses that already exist. The proposal also includes provisions that encourage the concept of a "third place;" a place where people can meet with their neighbors.

Mr. Szafran reported that on November 15<sup>th</sup>, staff had an opportunity to meet with several residents of the Ridgecrest Neighborhood to obtain feedback on the proposed code language. He addressed the concerns raised by the neighbors as follows:

- **Taller Buildings.** Mr. Szafran noted that the floor area ratios (FAR) proposed in the code would allow taller buildings than those permitted under the current NB zone. However, the FAR would be set at 4.75, which would not allow a six-story building to occupy the entire site. The maximum height

limit would be 65 feet. However, in order to develop to this height, a developer would be required to meet a substantial list of criteria. Stepback and setback standards were increased from those in the previous staff proposal and staff believes they make sense for the site. The proposal includes extra provisions for masking the buildings that are adjacent to the single-family residential zone with townhouse type architecture. By using the design review process, the City could allow taller buildings but require them to be less imposing than many people realize.

- **Increased Traffic:** Mr. Szafran advised that the proposal would result in increased traffic. However, it is important to understand there would be increased traffic no matter what is developed on the vacant site. The City's Traffic Engineer has indicated that 5<sup>th</sup> Avenue would be able to sufficiently handle the increased traffic.
- **Parking:** Mr. Szafran said staff revised the language to make it clear that the majority of the parking should be provided on site. They also added a provision for using underutilized off-site parking areas that are within a 1,000-foot radius of the site, as long as the property is not zoned single-family.

Mr. Szafran reviewed the following changes that were made to the draft code language since it was reviewed previously by the Commission:

- **Section 20.91.030.B.1.** Buildings adjacent to R-6 zones would be required to provide a 30-foot stepback/setback from the property line for floors above the third story. Buildings abutting 5<sup>th</sup> Avenue and any other multi-family zones would be required to provide a 10-foot stepback/setback above the third story. Buildings that are adjacent to 165<sup>th</sup> Street would not be subject to any stepback or setback requirements, and floors above the third story on buildings along 163<sup>rd</sup> Street must be setback or stepped back from the property line at least 20 feet.
- **Section 20.91.050.B.2.f.** The intent of this section is to provide additional visual relief from more intense development to the adjacent single-family zones. As proposed, building facades within 30 feet of an R-6 zone would be required to incorporate townhouse design elements. If the building is separated by a right-of-way, those facades within 20 feet would be required to incorporate town house design elements. Staff believes these changes would result in extra protection for the R-6 zones by providing additional buffer standard in addition to the stepback and setback standards.
- **Section 20.91.060.C.5.b.** This section now identifies the LEED Green Building Rating System for New Construction and Major Renovations as the manual used to identify sustainability features a developer could implement to obtain additional height.
- **Sections 20.91.070.** Sections A and B were changed to indicate that a parking management plan would be required and describe what must be addressed in the plan. Section E was changed to put a 30% cap on the amount of parking reduction that could be applied for and approved by the Planning Director. The previous draft was unclear about whether or not any parking would be required on site, and Section I was revised make it clear that a majority of the parking area must be located on site.

Mr. Cohn referred to the written citizen comments that were included in the Commission's packet. In addition, staff received an email from Sherry Press dated November 21<sup>st</sup>, expressing her concern about the parking impacts associated with the proposed change. She noted that Crest Theater patrons park in front of her home on most weekends. She suggested that if nothing else, the City should at least provide sidewalks on 167<sup>th</sup> Street to better demarcate where parking is and is not allowed. Mr. Cohn noted that Crest Theater Parking has permeated the discussions related to the Ridgecrest Commercial Neighborhood Zoning proposal. While staff believes it is important to address this concern, the discussion should be separate from the issue of what type of development could take place on the four corners. If the Crest Theater site were redeveloped, parking would be required on site, and the other sites would also have to meet specific parking requirements. Staff suggests parking be addressed by attaching a separate appendix or note on the Commission's recommendation to the City Council suggesting they ask staff to work with the neighborhood to figure out a good way to deal with overflow parking from the Crest Theater. It should not be incumbent upon any particularly development on the four corners to handle this overflow.

Mr. Cohn said Ms. Press' letter also suggests that ever since the undergrounding project took place on 15<sup>th</sup> Avenue Northeast, there has been more traffic on 5<sup>th</sup> Avenue. Mr. Cohn said that while he doesn't have any data to support this claim, he suspects there has been increased traffic on 5<sup>th</sup> Avenue over the last several years due to a variety of factors. However, the relevant question is whether redevelopment of the four corners under the new zoning would significantly change the traffic situation. Staff believes that 5<sup>th</sup> Avenue has sufficient capacity to handle the additional traffic. They understand that backups at the four-way stop would increase during the rush hour if the properties are redeveloped; therefore to better handle the increased traffic during rush hour, staff is suggesting that access to the bingo site come from 163<sup>rd</sup> Street. As part of their review of a development proposal for the site, staff would require a developer to analyze the traffic and additional mitigation might be required. Mr. Cohn cautioned that the impacts of general traffic increases in the neighborhood would have to be handled by updating the Transportation Master Plan.

As requested by Vice Chair Kuboi, Mr. Cohn distributed a drawing showing a six-story building with a pitched roof, plus an additional 10-foot appendage for an environmental feature. Mr. Szafran explained that the code would allow a solar panel to extend 10 feet above the roof deck, which is the flat piece on the top of the roof. Vice Chair Kuboi pointed out the draft language would allow the entire roof to be pitched, and a 10-foot high solar panel could be placed on top of the roof. He reminded the Commission that neighbors have expressed concern about the potential mass of any structure placed on the subject property. Mr. Cohn said the intent was to make the language flexible enough to avoid penalizing a developer for constructing a pitched roof.

Commissioner McClelland pointed out that Section 20.91.030.B.1 requires a 30-foot stepback or setback above the third story, yet the drawing only identifies a 20-foot stepback. Mr. Cohn pointed out that the base of the building was setback 10 feet. When the setback and stepback are combined, the total is 30 feet. Commissioner McClelland suggested the language make it clear that setbacks and stepbacks could be combined. She also suggested that if the building incorporated a townhouse design as required by the proposed language, the impact to the single-family residential neighborhood would be softened.

Mr. Cohn referred to Vice Chair Kuboi's comment that it appears the current Neighborhood Business zone would already allow four-story development. Mr. Kuboi questioned what benefit a developer would receive for putting in ground floor retail. Mr. Cohn explained that the current NB zone would only allow four stories if the development were a mixed-use building. Single-use residential buildings would only be allowed three stories. He said the proposed language includes a notation that on Site 2a, in exchange for having the mixed-use, the owner/developer would get not only the fourth floor, but also have the density rules change so that density would be a function of parking and floor area ratio. They would not be limited to the current NB zoning density of 24 units per acre. He emphasized that this density change would only apply to Area 2a, and not the properties on the other corners. However, all other regulations related to stepbacks and setbacks would affect all four corners.

Mr. Cohn advised that Vice Chair Kuboi also asked what specifically is being done to facilitate the creation of a "third place." Vice Chair Kuboi suggested that other than the provision for desiring ground floor commercial, there appears to be no particular mechanism to favor a coffee shop or a book store over a nail salon or accountant's office. Mr. Cohn said staff strongly recommends the code not distinguish between types of retail uses. However, language could be added to encourage property owners to provide these types of retail uses because they make the residential units more attractive to potential tenants. Vice Chair Kuboi expressed his opinion that staff's use of the term "facilitate" is a stronger statement than what is supported by the proposed language. Mr. Cohn agreed the language requires developments be built to first floor commercial standards, and added that the Economic Development Manager has agreed to work with the owner and community to get the types of uses they want.

Mr. Cohn said Vice Chair Kuboi submitted a series of questions related to what would happen if the ground floor spaces were not used for commercial. Mr. Cohn explained that building to commercial standards would require a glass façade on the ground floor. If the space is not used for commercial activities, the tenant would have to put up blinds or shades to keep people from seeing into the building. The requirement to provide a glass façade on the ground floor would not be waived.

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

Vice Chair Kuboi expressed concern that the proposed language would allow a reduction in parking for a Flexcar feature that might not materialize. While he supports the concept, he questioned the City's ability to enforce the requirement. Mr. Szafran expressed his belief that the Flexcar provision should remain in the proposed language. However, to address Vice Chair Kuboi's concern, the language could be changed to indicate that both the space and the car shall be provided. Vice Chair Kuboi asked if staff expects the developer to provide a subsidy to encourage the Flexcar Company to provide a vehicle as part of the project that is developed on Planned Area 2a. Mr. Cohn said the proposed language would require a developer to make provisions for a car-sharing program, but such a requirement might be difficult to enforce. Vice Chair Kuboi suggested the proposed language may create unrealistic expectations. As written, there would be no guarantee of compliance other than the parking space. He expressed the importance of making sure the proposed language adequately addresses the intent. Mr. Cohn suggested staff work on the language to make it clear that a car-share arrangement is the City's

desire. The City would also want some indication that the developer could make the reduced parking arrangement work with somewhat fewer parking spaces than would normally be required.

Commissioner Broili asked how much reduction in required parking space the developer would get for providing a Flexcar. Mr. Szafran explained that the proposed language identifies a minimum number of required parking spaces and requires the applicant to provide a car-sharing program. Mr. Cohn further explained that the proposed language would allow a parking reduction from what is currently required, and staff expects this to be somewhat offset by other opportunities for transportation, including a car-sharing program. Mr. Szafran said that the City's current code requires 1.5 parking spaces for each studio or one-bedroom unit. Two-bedroom units require 1.8 parking spaces, and 2 spaces for three-bedroom units. The proposed language for Planned Area 2a would require 1 space for studio and one-bedroom units and 1.5 spaces for two-bedroom units. Commissioner Broili suggested it is unrealistic to expect a car-share program to mitigate 80 parking spaces. He suggested this concept would be inappropriate given the parking problems that already exist in the area. In order for this option to work sufficiently, the City must have the ability to enforce the requirement.

Commissioner Harris suggested that, in theory, the car-share program requirement could be imposed upon a future homeowners association or a management group. Rather than using the Flexcar Program, the private owners could develop their own program.

Commissioner McClelland pointed out that car-share programs are directly tied to transit, since people who don't own cars have to get to work by either walking or riding the bus. She suggested the City require the same number of parking spaces that are required elsewhere, and then allow staff to reduce the parking requirement if and when the developer and/or future property owners can present a plan that supports the proposed reduction. If the goal is to create a successful urban quadrant on the four corners, transit service and other transportation opportunities must be available and utilized by the residents.

Vice Chair Kuboi noted that Section 20.91.050.B.2.f.iv lists townhouse design elements that would be required for development next to R-6 zones. He asked if the developer would be required to incorporate all of the elements. Mr. Cohn answered that a developer would not be required to incorporate all elements, but enough to achieve the intent of the section and result in a townhouse style development. Vice Chair Kuboi said he has a hard time visualizing the intent of this section, and he asked staff to provide pictures to illustrate the concept further.

Commissioner Wagner asked if the provision found in Section 20.91.050.B.2.f.iv would be a requirement of all sides of the development. Mr. Szafran said this section would apply to anything that faces R-6 development, which would include the south side of Planned Area 2a and the west sides of Planned Areas 2a and 2b.

Commissioner Broili suggested requiring an administrative design review process would allow staff to address the concern raised by Vice Chair Kuboi about what elements of townhouse design would have to be incorporated into the project design.

## **Public Testimony or Comment**

**Patty Hale, Shoreline**, expressed concern about the Commission limiting public testimony to just the changes proposed by staff. This limitation makes it difficult for her to adequately get her message across to the Commission regarding the impacts a six-story building would have on the surrounding residential property owners. She emphasized the neighborhood does not want urban intensity, but they would likely support plans that created urban excitement. She cautioned that urban intensity is a vision put forth by the Planning Commission and City staff, not the Ridgecrest Community. She referred to the proposed setback, height, and floor area ratio standards identified in Section 20.91.030.b.1 and said she appreciates the combination of the ability to do stepbacks and setbacks on the residential sides. However, there would be no stepbacks or setbacks required on 5<sup>th</sup> Avenue, which could result in a potential six-story building going straight up. While this would not front directly on a residential street, it fronts directly into her yard two blocks away.

Ms. Hale expressed her belief that the car-share program requirement is not realistic, as proposed. Even if the City were to require this provision, they would be unable to enforce the requirement once the building has been completed. Parking enforcement on a private development would be enforceable only by the property owner, and the police and City staff would not be able to enforce whether or not a space is used for Flexcar or ride share. She suggested the term “Flexcar” be removed from the language since it appears to give preferential treatment to a private enterprise.

Vice Chair Kuboi asked Ms. Hale to describe her vision for redevelopment of the Ridgecrest Commercial Area. Ms. Hale said the majority of the neighbors concurred with the vision put forth by the University of Washington students: a four-story building with very similar features to what is suggested in the proposed language, with a broken building front, variation in the building façade, and both commercial and alternative housing opportunities. No one at any of the public meetings indicated a desire for six-story buildings.

Vice Chair Kuboi asked Ms. Hale to qualify her earlier comment by explaining the difference between urban intensity and urban excitement. Ms. Hale responded that urban intensity could mean increased density and a revitalization of the properties. This could be done by providing new development with commercial space on the ground floor and living units on the upper floors. She suggested the City is using this area as an experiment to find out how much intensity and excitement can be handled by a neighborhood.

**Les Nelson, Shoreline**, pointed out that the Comprehensive Plan provides numerous land use policies related to Regional Business (RB) zones. However, none of them address the type of intensity that is being recommended for the Ridgecrest Commercial Area. The policies indicate that the greatest density allowed in the RB zone would be R-48. He questioned where the policies that support the concept of allowing unlimited density are found in the Comprehensive Plan. He explained that the intent of the City Council and Planning Commission was to create transitional zoning that goes from R-6 to R-8, to R-12, to R-48. He suggested that this could be accomplished by creating a building envelope for the subject property that starts with a reasonable height that people are used to and then work up to the

greater height. He pointed out adopting the unlimited density concept would require the City to amend their Comprehensive Plan to identify it as a land use policy.

**Dennis Lee, Shoreline**, said that while he was assured weeks ago that Planned Area 2a would be the topic of the public hearing, it seems the proposal is for a planned area development that includes all corners. He suggested that Planned Area 2a has very special characteristics because it is large and its backside is on a slope. He said it is very important that developers don't get the idea that the City would allow six-story buildings on the other properties at this intersection. This could result in a property owner deciding it would be more valuable to redevelop the Crest Theater site. He suggested that these other corners should also go through the planned development process to identify the type of redevelopment that could occur. Chair Piro advised that staff has repeatedly stated that Planned Area 2a was being considered separately from the other corners.

Vice Chair Kuboi noted that a lot of attention has been placed on Planned Area 2a at this time, because it is the most likely parcel to be redeveloped first. He asked if it is also staff's intent to eventually start a process for changing the zoning for Planned Areas 2b, 2c and 2d. Mr. Cohn said the City does not have any plans to change the zoning for the other planned areas in the near future, but it is always a possibility if requested by a property owner.

**Pam Mieth, Shoreline**, said she found the informal question and answer period with staff on November 15<sup>th</sup> to be very helpful. She appreciated hearing from the developer, the planners and the residents of the community. She said she is now a little more optimistic and resigned to the proposal. However, she expressed concern about the lack of a required setback at the ground level, especially on the south and west sides of the property. Trading some of the formal requirement for a stepback above the third floor to get some setback at the ground level would be great. She also expressed concern about the developer's indication that parking may be a separate paid amenity for residents. While this may open up paid slots for the theater patrons, it could result in more residents parking on the street. She said she is also concerned that the community has no sense of what the maximum number of units for the site might be, and that pitched roofs, gables and dormers would not be included in the height. She said there appears to be a slight change in the language regarding plantings on Northeast 163<sup>rd</sup> Street. One of the earlier versions provided more plantings along that side, and she would like this provision reinstated.

**Jan Stewart, Shoreline**, worried that the developer would not be required to include sustainability elements unless the height of the proposed project is increased significantly. She recalled that at meetings with the University of Washington Students, sustainability was a big issue. She suggested the City require sustainable features for all of the building, regardless of the proposed height. Commissioner Wagner pointed out that the current code identifies a variety of environmental requirements that the developer would be required to meet. The height incentives would require sustainability elements above and beyond those required by the code.

### **Final Questions by the Commission and Commission Deliberation**

Commissioner Broili referred to Section 20.91.060.C.5.b, which states that development shall include at least one feature from a list of features identified in the LEED Green Building Rating System for New



Construction and Major Renovations. Mr. Szafran clarified that the developer would be required to meet one of the features from the list in total. Commissioner Broili explained that the whole point of the LEEDS program is to go through a series of steps to get a rating. Requiring only one feature would mean very little. He suggested the City require the developer to meet the requirements of a specific LEED rating.

Commissioner Harris said he would be opposed to only requiring a 10-foot setback when the proposal is to allow a more intensive structure next to a single-family zone. Ten feet would not be sufficient space to accommodate substantial vegetation. He noted there would be no transitional zoning between the commercial and single-family zones. Commissioner Harris pointed out that the Ridgecrest Neighborhood is made up of moderate income housing, and perhaps it might be appropriate they consider options to attract higher income housing to the area to mix it up.

Commissioner Harris raised questions about the proposed requirement that building sides adjacent to the single-family residential properties be designed to appear as townhouses. He also asked staff to provide data to at least speculate how much the parking requirement would be reduced.

Commissioner McClelland thanked Mr. Cohn for reminding the Commission that the community is interested in redevelopment, and they have indicated that the Crest Theater is a neighborhood institution that should be retained. Retail uses in the area could provide a benefit to the neighborhood, and the concept of creating a “third place” is important. Providing additional housing and working sustainability into the entire development are both good objectives, as well. She suggested a better approach would be for the developer and community to meet together to review the proposed language and iron out their differences.

Commissioner McClelland agreed that a 10-foot setback adjacent to single-family residential properties would be insufficient, and requiring the appearance of a townhouse façade would not be the same as having the sides of the building that face single-family actually work like real townhouses. Commissioner Wagner expressed confusion about how the townhouse façade requirement would be applied to the first floor commercial space.

Commissioner Wagner referred to Section 20.91.090.C.2, which would require that outdoor lighting be shielded to confine emitted light to within the site. She asked if sidewalks and public space would be considered a part of the site. If so, they should be mentioned in this section, as well.

Commissioner Wagner expressed appreciation for the numerous public comments the Commission received regarding the proposal. She particularly noted the concern that the proposal would likely encourage apartment development, which would result in a less steady population and a more transitory make up of residents in the area, as well as have a negative impact on schools. She said she participated on the Comprehensive Housing Strategy Committee, where good discussions have taken place regarding the need and desire for apartments. Apartments, in and of themselves, are not a bad thing, and increasing density has value to the community. She also noted there has been no suggestion that the site be developed as apartments. The residential units could also be developed as condominium townhouses.

Commissioner Wagner referred to a letter from Patty Hall, which mentions the opportunity of developing a bookstore on the ground floor that could provide public space. She expressed her belief that even if a bookstore were to be constructed on the subject property, the City would not have the ability to require a developer to provide the public space that has been envisioned. They must also consider what is feasible for a developer.

Commissioner Wagner agreed with Commissioner Harris that it is important the project be required to provide public space within the setback area that is walkable and has appropriate weather protection.

Commissioner Pyle pointed out that while the scoping work done by the University of Washington students was helpful in setting a base line to begin the discussion, it is important to understand that students tend to be idealists when identifying opportunities. It is also wise to add practicality to the mix, and it is the Commission's responsibility to make sure the proposal is feasible for the developer and provides a benefit to the community. It is important to understand that many of the concepts brought up in the University of Washington Study, such as requiring green streets, could not be accomplished through the rezone process; it is more a function of the City's Development Guidelines. While these concepts are important to consider, it is important to understand that rezoning a site would not achieve a complete redevelopment of a neighborhood, which is what the students envisioned in their study.

Commissioner Pyle said that while the subject property is located within the Ridgecrest Neighborhood, the proposal would have an impact on other surrounding neighborhoods. He asked if any comments were received from property owners outside of the Ridgecrest Neighborhood about how the proposal would impact them, particularly related to traffic. Mr. Cohn said a few members of the audience live outside of the Ridgecrest Neighborhood and the proposal was published in *CURRENTS*, but staff has not received any comments.

Commissioner Hall said that, in general, he strongly supports the mixed-use concept. There is tremendous value to being able to walk from residential homes to nearby retail businesses. He said he strongly supports the efficient use of land as the City grows, and this means taller buildings. It sounds like most people are comfortable with more than three stories, but six might be too much. Based on comments received and the drawings from staff, he suggested the setback requirements need improvement, but he expressed his belief that the proposal does a good job of trying to ameliorate the impact of the bulk by trying to shape it differently to create some relief.

Commissioner Hall pointed out that parking is already a problem in the neighborhood. However, the region cannot afford the transportation and infrastructure and parking space to continue the community's love affair with going everywhere in single-occupancy vehicles. Eventually, they have to move more towards transit, car-share opportunities, bicycling, walking, etc. The problem is that transit won't go where they don't have enough density to fill their buses, but developers are resistant to building projects that depend on transit without the service being available. He said he is willing to accept the proposed parking requirements.

Commissioner Hall expressed concern that the community has poured an extraordinary amount of energy into regulating a very small part of the City, and perhaps they should think more broadly as they

move forward. They need to create a citywide vision for accommodating growth, addressing parking demands, etc. A parking management plan that covers just three square blocks is not broad enough to accomplish this goal.

Vice Chair Kuboi said he supports with the intent of the proposed language. However, he expressed concern that the proposal tries to do too much. He said he doesn't want redevelopment to move forward in this area only to be looked at after the fact as something they wish hadn't been built. He would prefer to scale down the proposal so it can be successful. He recalled that part of the intent of the proposed language was to introduce the concept of form-based code, planned areas and other citywide initiatives to the community. If the impacts end up being too great, the end result could cast a negative shadow over future discussions to implement these new concepts citywide. He summarized that he likes all of the concepts contained in the proposed language, but when adding the practical factor, he would be more comfortable scaling back to make sure the end result is something the neighborhood would support after it is constructed.

Chair Piro explained that since the growth management concept was first introduced by the State more than a decade ago, Shoreline has met their growth requirements by providing opportunities for infill development in single-family residential zones. However, increased density has now become the best way for communities in the region to meet their targets and become sustainable rather than expanding out into the rural areas. He shared his belief that the City would likely see more of these types of projects in the future, and he agreed with Commissioner Hall that perhaps this project should not implement so many new concepts all at the same time.

Chair Piro also expressed concern that the proposal does not adequately address the transitional element. He felt the end result should be a concept that could be applied in other areas of the City, and not become an example of poor planning. He said that while he is comfortable allowing greater height, he questioned whether it would be appropriate to allow the greater height throughout the entire project, as currently proposed. He suggested a 65-foot height limit would make sense at the corner of Northeast 165<sup>th</sup> Street and 5<sup>th</sup> Avenue, but perhaps the Commission should discuss opportunities for additional setbacks. He suggested the Commission provide more direction to staff about how to deal with the parking and access needs associated with the residential and commercial components. He expressed his disappointment that the language does not address the potential of overflow parking into adjacent single-family neighborhoods, even though the issue has been raised on numerous occasions.

Commissioner Broili agreed that the proposed setback and setback requirements are still an issue of concern and that additional setbacks could be required to provide a better transition to the residential neighborhood. If done correctly, he said he could support a six-story structure at the northeast corner of the subject property. He also agreed that a 10-foot setback would be insufficient where commercial development abuts single-family residential properties. He supported Commissioner McClelland's suggestion that the neighborhood be involved in the design review process, as well.

Commissioner Broili expressed concern that because this is the City's first attempt at form-based zoning, it is important it be done right. Otherwise, it could be difficult to sell the concept to citizens when future proposals come forward. He agreed with Commissioner Hall that perhaps it would be

better to scale back on the number of elements included in the proposal at this time and add more as the process is tried and improved. He pointed out that whatever happens in Planned Area 2a would set the standard for the other three corners, as well as other development in the neighborhood. Therefore, it is important to get the proposal as accurate as possible even though it may place additional requirements on the developer.

Commissioner McClelland questioned if the City has the ability to require off-site improvements, such as extending the sidewalks off site or restriping the Crest Theater parking lot. Mr. Cohn said there must be a nexus to support City requirements. On the other hand, it would be appropriate for the Commission to identify improvements that are important to the City and the neighborhood.

Vice Chair Kuboi said the neighborhood comments have made it very clear they would not support any type of development above four stories in height.

The Commission took a short recess at 8:54 p.m. to allow staff to prepare a response to each of the issues raised by the Commission and for the Commission to review the information submitted thus far. The hearing was reconvened at 9:12 p.m. Chair Piro said that while he was hoping the Commission would be able to forward a recommendation on the proposal to the City Council now, the Commission has agreed that it is important to spend sufficient time to get the proposal right.

Mr. Cohn emphasized that the University of Washington students never presented a six-story option. Their options were for three or four-story buildings, and then they moved all the way up to 20 stories. Several members of the public who don't live close by the subject property have indicated they don't think a six-story building would be appropriate. However, people who actually live directly behind the subject property indicated they would not have a concern with a six-story building. Their comments focused more on the setback and stepback requirements. To address the current concerns, Mr. Cohn said one option would be to allow six stories on the 5<sup>th</sup> Avenue side and more limited height, perhaps four stories on the west side. He advised that staff would not know exactly how the transition would work until a building has been proposed, but the intent is to have higher buildings in the front and lower buildings in the back.

Mr. Szafran reminded the Commission that the current zoning would allow mixed-use buildings of up to 50 feet in height. The first 42 feet would have to be stepped back 20 feet, and the next story would have to be stepped back 8 feet. However, he agreed that considering additional setback requirements for the west side would be appropriate.

Mr. Cohn referred to the Commission's earlier request to know exactly how much the parking could be reduced based on the proposed language. He explained that based on a 200-unit development (100, one bedroom and 100, two bedroom), 330 parking spaces would be required based on the current code, and the proposed new code would only require 250. However, he reminded the Commission that, at a minimum, there would be one parking space per unit. The real question is "how many second cars would be accommodated". Staff believes it is important to provide transportation alternatives, and bus service is currently available to the subject property. In addition, the proposed car-share program has

merit. He emphasized that the City could make the car-share program a requirement of building occupancy, and the City's code enforcement staff could ensure the requirement is met.

Mr. Cohn said staff understands that sustainability is important to both the neighborhood and the City. Staff wants the proposed concept to be successful and feel this could best be accomplished by taking small steps. He cautioned against loading too many requirements onto a developer. He noted that LEED Certification is very expensive, and he asked the Commissioners to think about whether asking too much on the sustainability side could become a deal breaker. If this were to happen, the worst case scenario would be that the property is not redeveloped. At best, the property would likely be developed into townhouses based on the current zoning, which is not what the community wants.

Commissioner McClelland referred to Section 20.91.060.C.5.b and asked if the list of sustainable elements could be placed in order of preference so the City could achieve the elements that make the most sense. Commissioner Broili explained that the LEED Standards identify a number of steps under each of the categories on the list. A developer would receive points for every one of the issues addressed under each of the categories. He noted the term "sustainable sites" should be removed from the list because the site has already been chosen. Water efficiency and water-related elements should be high on the list because the City would benefit by requiring the developer to manage stormwater runoff on site. He noted that a number of builders are finding a huge market for homes that are built to LEED Standards. Whether the City requires LEED certification or not, building projects that meet the LEED Standards increase their value and salability. On the other hand, if the City only requires one feature from one of the areas on the list, the requirement would be almost meaningless.

Chair Piro pointed out that Section 20.91.060.C.5.a provides a strong statement to ensure that new construction incorporates innovative building techniques, but Section 20.91.060.C.5.b lays it out only as an option. He suggested that, at the very least, the City should require a developer to pursue as much as is reasonable and feasible. Commissioner Broili agreed and added that one of the City Council's ten goals is to move towards a more sustainable City, and this requires the participation of developers, as well.

Commissioner Hall noted that in the past, the City Council has indicated they were comfortable with the Commission moving legislative issues forward, flagging the issues that still must be dealt with. He suggested that no matter what the Commission recommends, the City Council would still have to hold a public hearing on the issue. He suggested the Commission recognize the difficult problems and forward the matter to the elected officials.

**COMMISSIONER PYLE MOVED THAT THE COMMISSION FORWARD A MODIFIED RECOMMENDATION OF APPROVAL OF STAFF FINDINGS THAT WOULD ALLOW FOR THE REZONING OF THE SITES INCLUDED IN PLANNED AREA 2, BY MODIFYING STAFF'S PROPOSAL TO ONLY OBTAIN 65 FEET OF BUILDING HEIGHT (6 STORIES) WITH LEED CERTIFICATION STANDARDS AND/OR BUILTGREEN FEATURES AND CONTINGENT UPON APPROVAL OF A PARKING MANAGEMENT PLAN ACCEPTABLE TO THE COMMUNITY. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Pyle clarified that his motion did not include a recommendation that the setback requirements be increased, since the people most impacted by the adjacency issue indicated they don't have a problem with the proposal. However, some of the Commissioners agreed the ground floor setback should be greater than 10 feet.

Commissioner Broili suggested that setbacks, setbacks and height are all related. With some design modifications and a thoughtful approach, the proposed setback and setback requirements could be acceptable. He reminded the Commission that the proposed language calls for administrative design review. He said he would support the proposed language if:

- The language makes it clear that height, setbacks and setbacks must work together to reduce the impact to single-family residential properties.
- The developer is required to meet at least the requirements of the LEED Silver Rating in order to build up to 65 feet in height.
- The developer is required to provide a parking management plan to address concerns raised by the community and Commission.

Vice Chair Kuboi clarified that the motion would drop any requirement for an affordable housing component. Commissioner Pyle noted that in order to develop to five stories, a developer would have to incorporate LEED features. In order to develop to six stories, a developer would be required to provide affordable housing. Mr. Szafran said the requirement is actually that the developer provide moderate income housing. Commissioner Pyle said he is not proposing to modify the provisions, but to clarify the green building components to clear up ambiguities. He suggested that adopting a process that is known by the building community would allow the City to arrive at a better product.

Commissioner Broili voiced his opinion that it would be impossible for the Commission to address every single issue that has been raised. He suggested it is important to reach an agreement that addresses most of the issues and offers the developer an opportunity to do the right thing. He concluded that the motion on the table would accomplish this goal.

Commissioner Wagner recalled that many of the Commissioners expressed a need to review and potentially modify the requirement that the building façade incorporate a townhouse design element.

Chair Piro voiced his concern that the issue of transition has not been resolved to his satisfaction. He suggested the document could be forwarded to the City Council, along with a list of items that need additional work. Commissioner Harris said he would like staff to make one more attempt at modifying the proposal for the Commission's consideration before sending a recommendation to the City Council. Mr. Cohn said this would require the Commission to hold a special meeting on December 13<sup>th</sup>. Commissioner Broili once again stated his belief that the proposed rezone is extremely important both for the neighborhood and because it is the City's first attempt at implementing the form-based zoning concept.

Vice Chair Kuboi said he would support a motion to send the document back to staff for further revision, but he suggested the Commission provide direction to staff about whether or not they would

even support a proposal to allow structures that are more than four stories high. The Commission should also provide direction as to whether the benefits to the public would adequately compensate for the direct impact of having a much larger structure on the property.

Commissioner Hall agreed that the Commission must decide if they want to allow part of the community to suffer the impact of a taller building in order to promote more affordable housing, public space, “third places” and sustainability. Either the Commission recommends approval of the proposal to allow six stories that provide specific features, or they recommend that four-story development is sufficient for the subject property.

Commissioner Wagner emphasized that some adjacent property owners provided previous testimony and pictures indicating they would prefer to have development that is different than just a blank wall, even if it is twice as tall. Commissioner Broili summarized that if the proposal is denied, the property could redevelop based on the current zoning, and the City would lose whatever control they have to achieve the stated goals. If the City wants developers to provide public amenities as discussed in the proposal, they must offer something in return.

If the document is sent back to staff for additional work, Commissioner Pyle asked that the fire department hang a flag on the telephone pole that is next to the subject property at 50 feet and 65 feet. This would provide a valuable point of reference for future discussions about height and scale. The remainder of the Commission agreed this would be helpful.

**COMMISSIONER HARRIS MOVED THAT THE MAIN MOTION BE SUBSTITUTED WITH A MOTION THAT STAFF BE DIRECTED TO GO BACK AND REWORK ISSUES SURROUNDING HEIGHT, PARKING, SUSTAINABILITY, TRANSITION AND TRADEOFFS AND COME BACK TO THE COMMISSION WITH A NEW PROPOSAL. VICE CHAIR KUBOI SECONDED THE MOTION TO SUBSTITUTE THE MAIN MOTION.**

**THE MOTION TO SUBSTITUTE THE MAIN MOTION WAS APPROVED 6 TO 1, WITH COMMISSIONER HALL VOTING IN OPPOSITION AND COMMISSIONER PYLE ABSTAINING.**

**THE NEW MOTION TO DIRECT STAFF TO GO BACK AND REWORK ISSUES SURROUNDING HEIGHT, PARKING, SUSTAINABILITY, TRANSITION AND TRADEOFFS AND COME BACK TO THE COMMISSION WITH A NEW PROPOSAL WAS APPROVED 5 TO 1 WITH COMMISSIONER HALL VOTING IN OPPOSITION AND COMMISSIONERS PYLE AND WAGNER ABSTAINING.**

### **REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner Harris reported that at the last Council of Neighborhoods Meeting, the Planning Commission was invited to attend a training session on December 5<sup>th</sup> where Ed Medeiros, the director of the Phinney Ridge Neighborhood Association for the past 25 years, would be the speaker.

**UNFINISHED BUSINESS**

**Planning Commission Transit Resolution Transmittal Discussion**

Because of the lateness of the hour, the Commission requested that staff provide an update via email regarding the status of their transit resolution transmittal.

**South Echo Lake**

Chair Piro explained that the Commission has been offered time on the next City Council meeting agenda to discuss their perspective on the South Echo Lake Project. He asked the Commissioners to share their thoughts on the matter with him prior to the meeting via email to staff.

**NEW BUSINESS**

There was no new business scheduled on the agenda.

**ANNOUNCEMENTS**

There were no announcements 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**

The meeting was adjourned at 9:55 P.M.

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Rocky Piro  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission