

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

October 24, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Commissioner Hall (arrived at 7:35 p.m.)
Commissioner Harris
Commissioner McClelland
Commissioner Phisuthikul (arrived at 7:15 p.m.)
Commissioner Pyle

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

COMMISSIONERS ABSENT

Chair Piro
Vice Chair Kuboi
Commissioner Broili
Commissioner Wagner

START OF MEETING

Commissioner Harris started the meeting and announced that because there was not at least five Commissioners present, there was not a quorum. Therefore, the meeting would not be an "official" Planning Commission Meeting and the members present would not take any action.

GENERAL PUBLIC COMMENT

There was no one in the audience who expressed a desire to address the Commission during this portion of the meeting.

WORKSHOP DISCUSSION ON RIDGECREST COMMERCIAL AREA ZONING

Mr. Tovar explained that the purpose of the meeting would be for staff to introduce the latest changes to the proposed amendments to the zoning code that deal with the Ridgecrest Commercial Area (Chapter 20.98). He suggested that members of the audience be given an opportunity at some point in the meeting to ask questions, voice their concerns and make suggestions. He emphasized that a public

hearing on the proposed amendment is scheduled for November 1, 2007 before the Planning Commission. He added that interested individuals could also submit written comments to Steve Szafran, project manager, (sszafran@ci.shoreline.wa.us) prior to the next meeting, and they would be considered by the Commission as part of the public hearing.

Michele Cable, Shoreline, said she owns property on Ballinger Way East. At the last Planning Commission meeting she was under the impression that they would be discussing the CB zoning. She asked if this issue has been tabled. Commissioner McClelland advised that this item has not yet been scheduled on the Commission's agenda.

Mr. Szafran recalled that the Commission previously conducted a workshop discussion related to the proposed new language for the Ridgecrest Commercial Area (Planned Area 2a) on September 19th. However, since that time, some changes have been made, and staff believes they are significant enough to warrant an additional review by the Commission prior to the public hearing. He reviewed each of the changes as follows:

- **Section 20.98.030.A:** A building height minimum of two stories was added to the table to guard against the one-story commercial type of development that currently exists in the area. He noted that no building setbacks are proposed on the north, east and south sides, with a 15-foot setback requirement on the west side where the property abuts residential development. The proposed language also requires a 10-foot step back on all sides of the building above the first three stories. The building height minimum would be two stories, with a potential height maximum of six stories if public bonus features are provided.

Dennis Lee suggested that adding a diagram illustrating the setback and step back requirements near the table found in Section 20.98.030.A would be helpful, particularly as it relates to the west property line. Mr. Tovar agreed that a diagram would further explain the information found in the table.

- **Section 20.98.040.B:** A new section was added to explain the neighborhood meeting requirement, which must take place before the applicant submits an application. This would allow the public an review a proposal and provide comments before the application is submitted to staff for review.
- **Section 20.98.050.D.3:** The landscaping standards required for the west and south property lines were further increased to soften the visual impact of multi-use buildings to single-family homes.
- **Sections 20.98.050.F.3 and 20.98.050.F.4:** The standards related to façade articulation and vertical differentiation were increased to require more detailed building design.
- **Section 20.98.060:** The proposed new language would allow buildings up to six stories high if public bonus features are provided. Section 20.98.060 outlines the height incentive requirements. As proposed, the developer would be allowed to construct a four-story structure if 80% of the building base fronting on 5th Avenue Northeast is developed with nonresidential uses and/or live/work units. A five-story building would be allowed if all of the requirements found in Section 20.98.060.C (active recreation area, public art, fountain or other water element, public plaza, and built green features) are

provided for. Each of the five incentive requirements are clearly defined in the new draft ordinance. A six-story building would be allowed if 20% of the total number of units are affordable.

Patty Hale questioned if the incentive requirements identified for a five-story building would also be required for a six-story building. Mr. Tovar suggested the text be changed to make it clear that the incentives are intended to be additive. A six-story building would have to meet all of the requirements of a four and five-story building, in addition to having at least 20% of the units affordable. Staff agreed to make the language more clear before the public hearing.

Commissioner Phisuthikul arrived at the meeting at 7:15 p.m.

Dick Nicholson, Shoreline, said it appears the proposed language would require built green features for any project that is constructed on the subject property. He asked if staff has consulted with the developer regarding their thoughts on this requirement. Mr. Cohn explained that the enumerated items under Section 20.98.060.C.5 are intended to be examples. The intent is to require that the new construction incorporate innovative techniques such as those listed. Mr. Nicholson expressed his belief that a developer of this site could become concerned if some of the requirements are not economically viable for the site. Commissioner Pyle suggested that an additional item be added to this section related to the LEED certification requirements. Mr. Tovar referred to Section 20.98.055.A, which outlines what an applicant must do to modify any of the standards in Section 20.98.040. He explained that this section builds in flexibility for a developer to propose something different, but it must address the intent of the section the applicant is asking for deviation from and it must be an equal or better solution than the one spelled out in the code.

Patty Hale, Shoreline, asked if the intent of the proposed language in Section 20.98.060.C.4 is for the active recreation area to be public, or accessed only by the residents of the proposed building. Mr. Szafran said the intent is that the recreation area would be private for the residents of the new building and not available to the general public.

Ms. Hale requested clarification about the boundary of the properties associated with the proposed amendment. Mr. Tovar explained that the proposed amendments only apply to Planned Area 2a, which is the southwest corner of the intersection (the former Bingo site). A lot of attention and detail has been given to this site because it is likely to be redeveloped in the near future. The other three corners of the intersection are already zoned NB, but they have much different circumstances. For example, they are much smaller parcels that are shallow in depth, and the existing improvements have not reached the end of their life. At this time, the staff has not proposed any increases in building height or other unusual requirements as they have done for Planned Area 2a. He advised that at the public hearing on November 1st, additional text would be provided related to the other three corners, but it would look very much like what is required in the NB zone right now. The proposed amendments would not result in a significant change to the other three corners.

Commissioner Phisuthikul referred to Section 20.98.060 and suggested it would be appropriate for this language to clarify which height incentives must be accessible and provide a benefit to the general public. Mr. Tovar explained that not all of the height incentives would require public access, but he

agreed the language could do a better job of explaining this. Commissioner McClelland suggested the language could distinguish between common space for the enjoyment of the residents and pleasure space for the general public.

Commissioner Hall arrived at the meeting at 7:35 p.m.

CALL TO ORDER

Upon the arrival of Commissioners Phisuthikul and Hall, a quorum of Commissioners were present, and the meeting was called to order at 7:41 p.m.

WORKSHOP DISCUSSION ON RIDGECREST COMMERCIAL AREA ZONING

Tom Poitras, Shoreline, said the majority of the parking concerns raised by the public have only been vaguely answered by the proposed language. He pointed out that the Theater has used the parking space on the subject property for years. He questioned where the theater patrons would park once the property is redeveloped. He asked if parking would be required on site to accommodate the new businesses and visitors to the residential units. He expressed his belief that there would be a massive demand for parking once the new development is completed, and this could have a significant impact to people living west of the theater.

Dennis Lee, Shoreline, thanked the staff for working hard to come up with meaningful design standards for the subject property. He expressed his belief that “public benefit” is a complex issue, which would be difficult for staff to clearly define. An incentive either qualifies as a public benefit or it does not, and a public benefit would not necessarily require public access. He suggested that in order to avoid confusion at the public hearing, it would be better to use the word “hold” to describe what would happen to the properties on the other three corners of the intersection. There is no hurry to address these other corners because they are currently being used as viable businesses. However, because the subject property is vacant, it is important to get the new zoning ordinance in place to guide its redevelopment. He said he is glad the City is moving the planned area proposal forward.

Liz Poitras, Shoreline, said she lives nearby the subject property and has gradually seen the traffic increase over the last 30 years, particularly when the freeway is jammed. She said she attended some of the public meetings regarding the proposal and got the impression from those in attendance that people wanted nothing higher than three stories. They were interested in maintaining the residential feel and this would not include four, five and six-story buildings.

Liz Poitras referred to Section 20.98.070.F, which states that parking must be located on site or within 1,000 feet of the site on private property. She asked if developers would be allowed to locate some of their required parking on neighboring residential and commercial properties. If so, this could create a shortage of parking. She summarized that she is also concerned about traffic and the additional height that would be allowed in an area that is currently developed as predominantly one-story structures. Mr. Szafran said the intent behind the 1,000 foot requirement was to utilize commercial and church parking lots that are not currently being used to their full potential. He emphasized that parking would be

addressed as part of a parking management plan once a development application has been submitted to the City. Mr. Szafran also pointed out that the property's current NB zoning would allow development up to four stories.

Vicki Johnson, Shoreline, said her front room window and one bedroom faces the south side of the subject property. She recalled that at a previous meeting she expressed her dismay that if the traffic pattern changed, it would disrupt the lifestyle of the neighboring property owners. She explained that the current traffic pattern runs into the parking lot off of 5th Avenue and 165th Street, and they would like this traffic pattern to remain the same. She said that while she doesn't recall any previous discussions that development on the property be limited to no more than three stories, that is definitely something the City should strongly consider. She pointed out that the residential area is developed with modest one and two-story homes, so a five or six-story structure would be out of place. Lastly, Ms. Johnson expressed her concern about the potential of parking from the new development spilling out onto the side streets.

Pam Mieth, Shoreline, said she appreciates the changes made by staff to strengthen the height incentives by requiring public amenities and affordable housing elements. She also appreciates the requirement of decorative features and plantings on Northeast 163rd. However, she is concerned about no step back being required on all sides until the fourth story, since this is a reduction from the last draft, particularly for the west side. She asked if there is any estimate on what the maximum density would be under the proposed language.

Ms. Mieth expressed her concern that the proposed language would allow staff to reduce the amount of parking required for the residential units. She also pointed out that there has been no discussion regarding the traffic impacts that would likely occur at the significantly greater density that has been proposed. She emphasized that Northeast 163rd is a dead end street, and there is no other way for the residential property owners to access their homes. She concluded by stating that the size of development allowed under the proposed language would be out of scale with the surrounding properties.

Patty Hale, Shoreline, said she is also concerned that no step back would be required on the west side of the building until the fourth, fifth and sixth floors. She noted that even though the west side of the building would be the back side of the property, it would overlook the abutting residential backyards. People living down below already have to look at the wall that towers above them as a result of existing topography. She suggested the City provide an incentive to encourage step back sooner on the west side to avoid a large vertical wall. Regarding parking, she pointed out that the Adventist Church at 175th and 5th is the only church that has available parking, but it would not meet the 1,000-foot requirement. The other churches fully utilize their existing parking and often spill out onto the streets. She said she considers it highly unlikely that families moving into the new residential units would only have 1 or 1½ cars. She also noted that the proposed language does not address the parking requirements for the potential businesses.

Chris Eggen, Shoreline, said the proposed form-based zoning code language would allow the City to control the size, shape and footprint of the building, but not the uses allowed. The City would control

the number of units allowed by placing requirements on the number of parking spaces needed per unit. The language also includes a provision that would allow the City to waive some of the parking requirements, which is similar to what happened in North City where the number of parking spaces required was less than the units built. When the property owners decided to rent out the parking spaces to their residents, many of the residents decided they couldn't afford the additional cost. Instead, they park out on the street in areas that were designed for business customer use and in front of single-family residential homes. He urged the City to seriously consider the drawbacks associated with reducing parking requirements.

Mr. Eggen said the developer has not identified the size of the units that would be constructed on the subject property. However, another development he is knows of includes units that are about 625 square feet, which is fine for a number of residents. However, he pointed out that limiting the number of people who can live in a unit to less than eight is considered discriminatory. Therefore, there is the potential that numerous people could live in the small units. He suggested the City carefully consider the anticipated density and how it could be controlled.

Commissioner McClelland expressed her belief that the possibility of having more than eight people live in a unit that is 625 square feet would be highly unlikely. She requested that Mr. Eggen provide the Commission with information that would substantiate his claim that numerous people living in the new residential building in North City are parking on the neighborhood streets. Mr. Eggen said this is information the City should obtain for themselves. He said he has walked the neighborhood in the course of the current political season, and the people on the side streets and neighborhoods do believe it's happening, but he has not substantiated it. Mr. Szafran said staff understands that parking is a significant concern, and they are very aware of the parking situation.

Commissioner McClelland recognized that the theater does not provide any on-site parking, but she was under the impression that parking on the "bingo" property was never an option when visiting the theater. She asked if additional parking would be required if a new theater were constructed in the area. Mr. Tovar advised that staff would provide information about the available parking stalls in the area, who they belong to, and how much they are being used by different businesses in the area. He agreed it is important to recognize that regardless of how the site is redeveloped, any parking that occurred there previously would be displaced.

Ron Ricker, Lake Forest Park, advised that he has been a Commissioner of the Shoreline Water District for the past 37 years. He noted that the proposed language does not address the impact on existing infrastructure, and it is more difficult to address these issues after the fact. He urged the Commission to insist that more effort be put into the infrastructure such as water, sewer and streets.

Commissioner Pyle referred to the table in Section 20.98.030.A, which outlines the potential height scenarios that would be allowed up to a maximum of six stories. He questioned if the proposed new language would also require an amendment to the definition section of the development code to include a definition for the term "story." Mr. Tovar said that while he is not sure they are ready to talk about how this definition would apply in other parts of the City, staff could create a definition for "story" within the new Chapter 20.98.

Commissioner Pyle said he recently read a book called, "*THE HIGH COST OF FREE PARKING*," which suggests that at some point, if cities want to promote sustainability and walkable communities, they must make it harder to park and provide more public transit opportunities. He noted one of the City Council's current objectives is to promote sustainability, so the Board must consider this concept when evaluating code amendments and development potential for the future of the City.

Commissioner Phisuthikul referred to Section 20.98.030.C.3, which would allow certain roof elements to be excluded from the building height calculations. This appears to conflict with Section 20.98.030.A, where building height is based only on the number of stories. Mr. Tovar said this would be another reason to support Commissioner Pyle's recommendation do define the term "story" so that a height limitation could be placed on each floor.

Next, Commissioner Phisuthikul referred to Section 20.98.060.5 and suggested the term "built green features" should be more narrowly defined. At the very least, this section should identify a common standard for what is meant. He noted there are many built green standards such as the King County Builder's Association Standard, the State of Washington Standards for Housing Trust Fund Projects, and the International LEED Standards. Instead of just pointing out three features from the hundreds available, it would be better to target a particular standard.

Mr. Cohn distributed a four-page list of questions that were submitted to staff prior to the meeting by Vice Chair Kuboi. He noted that staff provided a written response to each one. Instead of reading through each one of the questions, the Commission agreed it would be more appropriate to publish the questions and the staff's response to each one on the City's website. This would enable all citizens an opportunity to review the questions before the public hearing. Staff indicated they would publish the questions on the City's website on October 25th. Staff also provided hard copies of the questions for members of the public.

Commissioner Pyle referred to Section 20.98.030.C.1, which would allow mechanical penthouses, stair/elevator overruns and antennae to be excluded from building height calculations, provided they are no more than 20 feet above the roof deck. He asked if this would allow mechanical equipment, etc. to extend an additional 20 feet above a six-story building. If so, he noted this could essentially result in a height of seven or eight stories. Mr. Szafran noted that the 20-foot exemption would be changed to 15 feet prior to the public hearing, since that is what the current code allows. Commissioner Pyle asked if it would be possible to establish a parapet requirement, where the mechanical equipment would not be allowed to extend more than five feet above the rim of the parapet. This would limit the visual impact from the perceived increase in height. Mr. Tovar summarized that Commissioner Pyle is not only concerned that the equipment be screened, but location is also important. Group the equipment closer to the center of a building would have less of an impact from the street level. He agreed the language could be changed to address this concern. Commissioner Pyle noted that, as written, this exclusion would require a discretionary permit, and staff would have the authority to work with a developer to modify the design based on the design standards to come up with a sensible conclusion that would reduce or limit the impact to the community.

Commissioner McClelland emphasized that protecting the single-family neighborhoods should be the City's main priority, and any new development on the subject property should be compatible with the surrounding properties. The City's goal should also be to protect the Crest Theater, a regional treasure, to the extent possible. She noted that the public has raised concerns about whether the proposed height incentives would result in benefits to the general public or only to those living in the new development. The public has also raised concern that parking from the new development could intrude into the existing neighborhood. While she is not suggesting they rewrite the language, the spirit of what they are trying to accomplish must be made very clear. When reviewing the draft language, the Board must consider ways to minimize the impact the proposed changes would have on surrounding properties. She said she is not convinced the public benefits required in order for a developer to construct a six-story building would sufficiently mitigate the impacts associated with a development of much greater density. Mr. Tovar agreed this is a difficult question, and the Commission and City Council must weigh all the individual public opinions and make a judgment about whether there would be enough public benefit or reasons to do what is outlined in the draft language when scored up against the impacts that would be created.

Commissioner Phisuthikul said he attended most of the design charettes that were conducted for the Ridgecrest Neighborhood, including the presentation made by the University of Washington Students. He observed that the majority of those in attendance at the meetings seemed to agree that all the other corners at the intersection could be altered in a variety of ways and uses, but the Crest Theater should not be changed. Most felt the theater really defined the Ridgecrest community. However, now he is hearing about the problems the Crest Theater is causing in the community by allowing overflow parking to encroach into the neighborhood. Commissioner Harris agreed and pointed out that neighboring property owners do not have a responsibility to provide parking for the Crest Theater.

Dick Nicholson, Shoreline, asked if a developer would be allowed to fall back to the original zoning of the property if the project is not an economically viable under the new form-based zoning code. Mr. Tovar answered that if the proposed zoning is not approved, the property would remain as NB zoning, which would allow a development of up to three stories, with about 62 townhouse units. The parking would likely be at grade level rather than structured parking. If the new zoning is adopted and a developer decides he cannot feasibly develop the property based on the new zoning criteria, he would be allowed to construct a building that is less than six stories, but at least two stories. However, the developer would not be required to provide any of the amenities or other buildable or sustainable features.

Les Nelson, Shoreline, pointed out that developers tend to take advantage of the maximum density allowed on a site. He expressed his concern about a neighborhood that is being proposed in an RB zone adjacent to his property that would provide 240 units on a 1.16 acre site. This proposed development is larger than any other in Shoreline, and is adjacent to a single-family residential neighborhood. He suggested the City establish a moratorium on this type of development until the issues can all be worked out. Mr. Tovar said staff recognizes the need to revisit the R-48 and RB zones along Aurora Avenue North as part of their planning work program, and the City Council has already made the decision to do so with the Town Center portion of Aurora Avenue. He emphasized that the RB and R-48 zoning on Aurora Avenue North has been in place for many years.

UNFINISHED BUSINESS

Commissioner Hall pointed out that the transit resolution that was passed by the Commission has not yet been presented to the City Council. Mr. Tovar explained that the City Council saw the resolution at the joint City Council/Planning Commission meeting in September, but there was not time on the agenda to review the document. The earliest open date to place the resolution on the City Council's agenda is December 10th, because they are working on their budget.

DIRECTOR'S REPORT

Mr. Tovar reported that updating the Southeast Shoreline Subarea Plan, which is the portion of southeast Shoreline that is shown on the Comprehensive Plan Map as a special study area, has been identified as a line item in the budget that is currently before the City Council. Staff has recommended the City Council fund additional consultant resources to work with the City staff, the neighborhood and other interested parties to complete this effort. However, funding has not been approved to date.

Mr. Tovar announced that the City Council recently approved the Planning Commission's recommended Phase 1 of the Town Center Subarea Plan. The framework policies were adopted without any change. However, they agreed to approve a citizen request to move the northern boundary all the way to North 195th Street. This change increased the size of the project. He explained that the ordinance that adopted the Town Center Subarea Plan appealed Appendix 5 (old right-of-way map for Aurora that was inconsistent with the preferred flexible alternative for Aurora Avenue) and Appendix 1 (Central Shoreline Subarea Study Report). He advised that while the Central Shoreline Subarea Study is no longer an appendix, it could still be used as a resource when discussing the Town Center Subarea Plan.

Mr. Tovar said the City Council requested that a member of the Planning Commission attend the Park Board Meeting on October 25th to present the Planning Commission's recollection of the negotiations over the South Echo Lake wetland buffer that led to the creation of the contract rezone agreement for the South Echo Lake site. Commissioner McClelland suggested that staff provide copies of the minutes from the Planning Commission and Hearing Examiner Hearings. Commissioner Hall also suggested that staff provide a copy of the document that was presented on behalf of the proponent as a proposed negotiated settlement of the SEPA Appeal.

Commissioner Hall indicated he has a prior commitment and would not be able to attend the October 25th meeting. The Commission requested that staff contact Chair Piro to find out if he would be available to attend the meeting on their behalf.

Mr. Tovar expressed staff's desire to present a draft resolution to the City Council in December to spell out the planning work program in detail. He suggested that if there is time at the end of Commission's next meeting, it would be helpful for them to discuss whether or not it would be appropriate to address zoning along the entire Aurora Avenue Corridor over the course of the next several years.

Commissioner Hall said it is clear from community comments that the current land use and zoning does not match the community's vision of the future of Shoreline. He reminded the Commission that they spent two years doing a 10-year update of the Comprehensive Plan just a few years ago, but a decision was made not to change the land use designations. He said he is not terribly surprised to learn that the Comprehensive Plan Map needs to be reviewed, but he cautioned that the scale of this work would be significant. He suggested another alternative would be to do a 10-year update of the Comprehensive Plan 5 years early, using the new buildable lands report and the current land use capacity numbers.

Mr. Tovar suggested the Board focus on whether the Comprehensive Plan Map corresponds with what the Comprehensive Plan language says and whether the zoning map is consistent with and implements the Comprehensive Plan. He expressed his belief that the zoning map is not consistent with the Comprehensive Plan, even though the Growth Management Act requires consistency.

Commissioner Pyle said he understands the budget and staff limitations that control the Comprehensive Plan review work. He asked if a set of design review standards could be created to apply to all the properties along Aurora Avenue so that the City could at least control the quality of the development. Mr. Tovar said a quicker way to accomplish this goal would be to amend the development standards in the RB and CB zones to potentially include building step backs and other design standards similar to what is being considered for the Ridgecrest neighborhood. However, he noted that this process would not require the same kind of notice and discussion as what would take place if the changes were made via an area wide rezone process.

REPORTS OF COMMITTEE AND COMMISSIONERS

Commissioner Harris reported that he attended the last Council of Neighborhoods Meeting where emergency preparedness was the topic. During the roundtable discussion, he heard a fair amount of concern from the Ridgecrest Neighborhood regarding the future of Point Wells and the "bingo" site. They expressed their desire for an open process early on. The Hillwood Neighborhood Association is concerned about the Highland's Utility Yard, which is under full construction at this time. The Westminster Triangle Neighborhood is concerned about the form-based code concept that is being applied to the South Aurora Avenue Wedge Property.

Commissioner Pyle reported on his attendance at the Fircrest Project meeting. He said he liked the presentation that was provided, but he was concerned that the plan did not adequately address community benefits. The plan was focused more on the site, itself, and not so much on the surrounding neighborhood. He recommended the Commissioners review the information that is available on line via the City's website and submit their comments. Mr. Tovar added that another open house is scheduled for November 8th. Mr. Cohn emphasized that this plan is being presented by the State, and not the City.

Commissioner McClelland reported on her attendance at the Comprehensive Housing Strategy Open House. Staff did a great job preparing and presenting the event. The meeting was very energetic, and the members of the Citizen's Advisory Committee did a great job leading the workshop stations. She said she hopes the City has more success in their next attempt to implement housing strategies.

AGENDA FOR NEXT MEETING

Mr. Tovar emphasized that the public hearing for the Ridgecrest Commercial Area Zoning is scheduled for November 1st before the Planning Commission.

ADJOURNMENT

The meeting was adjourned at 9:18 P.M.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission