

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 21, 2006  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### **COMMISSIONERS PRESENT**

Vice Chair Kuboi  
Commissioner Broili  
Commissioner Hall  
Commissioner Harris  
Commissioner Pyle (arrived at 8:00 p.m.)  
Commissioner Phisuthikul  
Commissioner Wagner

### **STAFF PRESENT**

Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

### **COMMISSIONERS ABSENT**

Chair Piro  
Commissioner McClelland

### **CALL TO ORDER**

Vice Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:04 p.m.

### **ROLL CALL**

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

### **APPROVAL OF AGENDA**

The Director's Report was placed at the end of the agenda.

### **APPROVAL OF MINUTES**

The minutes of July 20, 2006 and August 3, 2006 were approved as corrected.

### **GENERAL PUBLIC COMMENT**

No one in the audience expressed a desire to address the Commission during this portion of the meeting.

**PUBLIC HEARING ON LANCASTER SITE SPECIFIC REZONE REQUEST: 17503 – 10<sup>TH</sup> AVENUE NORTHEAST (FILE NUMBER #201552)**

Vice Chair Kuboi reviewed the rules and procedures for the public hearing. He reminded the Commission of the Rules of the Appearance of Fairness Laws and invited them to disclose any communications they may have received concerning the subject of the hearing outside of the hearing. None of the Commissioners disclosed a conflict of interest or an ex-parte communication. No one in the audience expressed a concern, either.

**Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran described the location of the subject property. He advised that the parcel is currently designated in the Comprehensive Plan as mixed-use. The current zoning of the subject property is R-8, and is currently developed as a single-family home at the northwest corner of North 175<sup>th</sup> Street and 10<sup>th</sup> Avenue Northeast. To the east is a single-family home, which resembles the subject property in its potential for redevelopment. A single-family home is located directly to the north. He pointed out that 10<sup>th</sup> Avenue Northeast appears to be a heavily traveled street. In addition, a Park-and-Ride is located on the south side of North 175<sup>th</sup> Street so the site lends itself well to public transportation.

Mr. Szafran reviewed each of the rezone criteria as follows:

- **Consistent with the Comprehensive Plan** – Office zoning is consistent with the mixed-use land use designation.
- **Rezone will not adversely affect public health, safety or welfare** – The current home integrates into the neighborhood. If the office zoning is adopted, future redevelopment of the site would have to meet all of the zoning standards in the Shoreline Development Code.
- **The immediate area is planned for mixed-use development** – The area is planned for change, and this is the first parcel to do so.
- **Has merit and value for the community** – The office zoning would allow a business that the neighborhood may need, and the office zoning would allow a natural transition between North 175<sup>th</sup> Street and the lower density houses to the north.

Mr. Szafran advised that staff recommends approval of the rezone application as proposed.

**Applicant's Testimony**

**Brad Lancaster, applicant**, advised that he has been practicing law in the City of Edmonds for the past nine years at Firdale Village, which is going to be torn down in the near future. They live at 18331 – 10<sup>th</sup> Northeast, which is about 10 blocks from the subject property. He and his wife are excited about the North City Development that is taking place and are hoping to be part of that in this new location. He advised that the current zoning of the subject property is single-family, and they are asking that it be changed to Office. This would permit them to use the existing structure as their law office. No structural changes would be necessary.

Mr. Lancaster reported that he and his wife have met with the neighbors both prior to and after purchasing the property to discuss their plans. A few neighbors provided some written comments, as well, and these were included as part of the Staff Report. In addition, he has provided copies of a response they wrote to Marie Lowther, who gave thoughtful written criticism of the proposal.

Mr. Lancaster advised that the immediate neighbors to the west and to the north have both voiced their strong support of the rezone application. He reviewed some of the criticisms that have come forward as he and his wife have met with the neighbors. There is a concern about traffic in the area because it has been especially bad on 10<sup>th</sup> Avenue Northeast during the North City Project as people have diverted from 15<sup>th</sup> Avenue to 10<sup>th</sup> Avenue Northeast. They are hopeful this traffic will die down again. He suggested that the proposed office use would likely result in less traffic than a single-family residential use. The site would only be used during business hours.

Mr. Lancaster pointed out that traffic problems already exist for the site. It is very difficult to turn north from the subject property onto 10<sup>th</sup> Avenue Northeast. Because the subject property is located on a corner, the access point is very close to the intersection. They plan to encourage only right turns out of the parking area. Because their home is located close by, they would only use one parking space. The other three on-site parking spaces would be utilized by clients. During a normal week, only three or four clients visit his office. Most of his work is done via the telephone and internet.

Mr. Lancaster said some neighbors have expressed concern that they don't want the neighborhood to change. While he sympathizes with their concern, this issue has already been decided by adoption of the Comprehensive Plan land use designation of mixed-use. The City recognized a need to make room for small businesses in mixed-use zones. He pointed out that their proposal has some special merits in terms of these concerns. He plans to practice law in this location for another 20 years or more, so the use would be stable. In addition, the office use would provide a good transition from the busy North 175<sup>th</sup> Street and the single-family residential neighborhoods.

Mr. Lancaster said he believes it is important for Shoreline to welcome new businesses as they develop more of their own identity. They should encourage small business owners to move into Shoreline. This would be beneficial to the City in many ways. He concluded that staff has recommended support of the proposal, as have the direct neighbors. He asked that the Commission recommend approval, as well.

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

Commissioner Phisuthikul noted that the site plan shows parking space for four cars, and three of the spaces would be tandem. Normal access would require backing onto 10<sup>th</sup> Avenue Northeast, which would be difficult given the close proximity to the intersection. He asked if the Traffic Engineer has approved of this access and parking situation for a business use. Mr. Szafran pointed out that because only the use is changing and no structural changes have been proposed, the Traffic Engineer did not review the proposal. Changing the access would require substantial modifications to the site.

Commissioner Hall agreed with Commissioner Phisuthikul's concern. However, the same concern would be equally true for all the existing residential uses on 10<sup>th</sup> Avenue Northeast. None of the

residential properties have been developed with loop driveways or turn arounds on site. Everyone has to back out of their driveways, so the proposal would not exacerbate the problem.

### **Public Testimony or Comment**

**Colleen Carmody, Shoreline**, said her property shares a back fence with the subject property. While she has lived in her house for 14 years, she has seen the subject property change hands a number of times. She said she is delighted with the changes that Mr. and Mrs. Lancaster have brought to the home. It is already being maintained better, and they don't see that the change would have anything but a positive impact for them. They understand that this part of the neighborhood is changing; and hopefully, future changes will be done in this same manner.

**John Carmody, Shoreline**, agreed that they have seen nothing but a positive impact in their immediate vicinity as a result of the work done by the Lancasters. For years, there have been renters occupying the subject property, and these people really did not care about the property. They have had issues with past tenants with pets and clean up, etc. The change has been very positive, and the Lancasters are very nice neighbors who have communicated with them from the onset.

**Sally Granger, Shoreline**, said she lives in the North City area. She said it is her understanding that the Comprehensive Plan has designated North 175<sup>th</sup> Street to 8<sup>th</sup> Avenue Northeast as mixed-use and commercial. Therefore, she can see no problem with rezoning the subject property to office. In addition, the house looks 100% better since the Lancasters purchased it.

### **Presentation of Final Staff Recommendation**

Mr. Szafran said staff's final recommendation is that the Commission recommends approval of the proposed office zone.

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

Commissioner Broili asked Mr. Lancaster if he and his wife plan to live in the home. Mr. Lancaster answered that they do not intend to live in the home. They live at 18331 – 10<sup>th</sup> Northeast. Commissioner Broili asked if the existing home would remain in its current state for use as an office space. Mr. Lancaster agreed that the structure on the subject property would be used as an office, with no structural changes.

### **Closure of the Public Hearing**

**COMMISSIONER HALL MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **Vote by Commission to Recommend Approval, Denial or Modification**

**COMMISSIONER HARRIS MOVED TO RECOMMEND REZONING THE LANCASTER PARCEL AT 17503 – 10<sup>TH</sup> AVENUE NORTHEAST FROM R-8 TO OFFICE AS RECOMMENDED BY STAFF. COMMISSIONER PHISITHIKUL SECONDED THE MOTION.**

Commissioner Harris said he supports the rezone application. He noted there were no real objections raised in any of the neighborhood meetings. He has noticed that the property has been cleaned up significantly, too. While this rezone would actually result in a net loss of residential density in the City, the change would be positive for the neighbors.

Commissioner Hall noted that in exchange for losing one residential unit, the City would pick up an additional two jobs so the change would be positive from an economic development standpoint. Bringing small businesses into the City is a valuable thing. The traffic concern raised by Commissioner Phisuthikul is legitimate, and the Commissioners should take issues like this into consideration during rezone deliberations. They must consider whether the transportation network, both motorized and non-motorized, can handle the future growth and development of the City. The applicant has built a strong relationship with his neighbors, which is something the City should encourage.

Commissioner Phisuthikul said his concerns regarding ingress and egress have been addressed. The office use would not create any worse situation than the current residential use. However, if the property is ever redeveloped, the City should take the opportunity to address this safety situation.

Commissioner Wagner pointed out that there were some dissenting opinions submitted regarding the proposal. The biggest concern was that people were opposed to change in the area. She concurred that change is going to happen in the area and that the character and nature of the proposed action is consistent with the neighborhood. The concerns raised by the opponents would not be allayed by stopping this one particular rezone.

Commissioner Broili added that the impacts associated with the office use would likely be less than the impacts associated with the current single-family residential use. The proposed business use would have no evening activity from the property.

**THE MOTION CARRIED UNANIMOUSLY.**

**DIRECTOR'S REPORT**

Mr. Cohn reported that Mr. Tovar and Chair Piro are both currently attending the Planning Director's Conference in Chelan, Washington.

**Agenda Planner**

Mr. Cohn referred the Commission to the agenda planner, which has been modified since the last time it was presented. He noted that the October 5, 2006 meeting has been cancelled because four of the Commissioners would be in Yakima attending an American Planning Association Conference. This means some agenda items have been shifted. At the October 19<sup>th</sup> meeting, staff would review the City Council's goals and how they will impact the staff and Commission's 2007 work program. Also on

October 19<sup>th</sup>, staff will provide follow up information regarding the Cascade Agenda, and the Commission would be invited to provide their reaction.

### **Joint City Council/Planning Commission Meeting**

The Commission viewed reviewed a DVD recording of the City Council's September 18<sup>th</sup> meeting at which citizens raised concerns and the City Council had a discussion related to the City's current process for considering rezones, making land use decisions, and holding public hearings.

Mr. Cohn advised that the Commission and City Council would have an opportunity to discuss the issues raised on September 18<sup>th</sup> at their joint meeting on October 30<sup>th</sup>. He advised that staff would provide a response to the concerns raised by the citizens, outlining the pros and cons of the suggestions that were made. He asked the Commissioners to submit their thoughts to staff on what the remainder of the joint meeting agenda should look like. Staff would review the topics and present them to the City Manager and City Council Liaison for consideration.

Commissioner Hall said the Commission has an important responsibility to the community. They make recommendations to the City Council that impact peoples' property rights. It is critical that they listen to the community whenever they sit in a quasi-judicial capacity to make land use and rezone decisions. He expressed his belief that the Commission does this very well. He recalled at least one situation in which the Planning Commission overruled the staff recommendation and voted against a rezone at 160<sup>th</sup> Avenue and Fremont. At other times there were lively debates and split votes. He said he is proud of the ethics the Commission has displayed in listening to the community, and he looks forward to discussing this issue further with the City Council on October 30<sup>th</sup>.

Commissioner Hall suggested the testimony Mr. Kenney offered before the Council regarding the conduct of the Commission is not accurate. He said he looks forward to discussing this issue with the City Council on October 30<sup>th</sup>.

Some of the Commissioners expressed their disappointment that no one corrects citizens who make incorrect statements or comments before either the Commission or the City Council.

Commissioner Broili pointed out that the Commissioners do not receive any compensation. It is also important to remember that they are citizens of Shoreline, too. The Commission is made up of a diverse group of people.

Commissioner Pyle said it is interesting that so much weight is being placed solely on the public comments. While public comments are a very important and integral part of a rezone process, the Commission and City Council must also review the rezone application based on specific criteria outlined in the City's Development Code. Another approach would be to amend the criteria to better reflect the public's sentiment. While citizens often feel they have not been heard, it is important to remember that there were many public processes leading up to the development of the criteria, the Comprehensive Plan and other regulations that impact properties. People must be more involved in the creation of policies and regulations.

Commissioner Wagner agreed with Commissioner Pyle. She said that in all of the cases she has been involved with as part of the Commission, there has been adequate public notice and ample opportunity for the public to be heard. But it must be remembered that the people who come in at the last minute to speak loudly about something are just one component of the Commission's consideration. However, the Commission does take the citizen comments very seriously when making recommendations.

Commissioner Phisuthikul said he believes the Commission does a good job of reviewing issues in an effective, rational, objective and professional manner, using their knowledge and background experiences. It is also important that they have a clear understanding of the Development Code, Comprehensive Plan, and other factors that are involved. Just because a citizen might not agree with a Commission decision, does not mean they did not listen to the public.

Commissioner Harris asked staff if there has been any recent controversial rezones that have drawn a lot of negative citizen comments. Mr. Cohn said it appears that many of the negative public comments are associated with the Becker rezone on Stone Avenue that was just approved by the City Council. A citizen was concerned that he did not receive notice for the Council meeting, but staff clarified that no notices were sent out for the City Council meeting because no public testimony was accepted.

Commissioner Hall said the purpose of having one consolidated hearing for rezone applications is to preserve and protect the rights of property owners and proponents rather than holding multiple hearings and stringing applicants along without a decision. This results in a good public value, as well. He encouraged the City staff to search out other stakeholder groups in the community to get their input on the importance of having a predictable, non-political, open Planning Commission process for rezone applications.

### **Piped Streams Development Code Amendment**

Mr. Cohn advised that a Development Code amendment related to "piped streams" has been scheduled for the Commission's November 2<sup>nd</sup> meeting as a study session. A public hearing on this code amendment has been scheduled for December 7<sup>th</sup>.

### **Area Wide Rezones**

Mr. Cohn advised that on December 7<sup>th</sup>, the Commission would have a general discussion about how the rezone process is working. He said Mr. Tovar has suggested the Commission consider the concept of doing area-wide rezones legislatively. One area where this concept could be applied is at 32<sup>nd</sup> and 145<sup>th</sup>. About two months ago, the Commission reviewed a rezone request for property in this area, and two other rezones are being considered, as well. Rather than doing all of these rezones singly, it might be more appropriate to do an area-wide rezone.

### **Rezones**

Mr. Cohn announced that another rezone hearing is scheduled for November 16<sup>th</sup>. He noted that the City Council approved the Burt Rezone, which included certain conditions. Mr. Burt indicated he

would come in and sign the conditions in the near future. The Sundquist rezone was also approved by the City Council.

### **Housing Strategies Citizens Advisory Committee**

Mr. Cohn reported that staff received approval from the City Council to start advertising for people to apply for the citizens advisory committee. The intent is to form a committee of 12 to 14 people, with two or three members being Planning Commissioners. He asked the Commission to recommend at least two members to represent them on the committee. The process should last about six months and the committee would likely hold two night meetings per month. Vice Chair Kuboi, Commissioner Phisuthikul and Commissioner Wagner volunteered to represent the Commission on the Housing Strategies Citizens Advisory Committee. They asked Staff to email the two absent Commissioners to obtain their feedback, too.

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

There were no reports from Committees or Commissioners.

### **UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

### **NEW BUSINESS**

#### **Housing Conference Discussion**

Mr. Cohn advised that on September 11<sup>th</sup> and 12<sup>th</sup>, he attended the Housing Washington Conference held in Bellevue, along with Commissioner Broili, Commissioner Hall, Commissioner Phisuthikul, and Ms. Simulcik Smith. They attended a number of different sessions and heard several interesting presentations.

Mr. Cohn said he attended a discussion regarding the changes in population. He provided a handout of population pyramids for the State of Washington, which demonstrate how demographics in the State have changed.

Mr. Cohn provided information to describe the make up of households both now and in the future. He noted that, currently, one-third of the families have children under 18, and one-fourth of the families are householders that live alone. This is very different than it was 20 or 30 years ago. He noted that between 1990 and 2000 there were 119,000 new households with children and 118,000 new households that live alone. As these changes continue, they will have a very different population in Shoreline than they have today.

Commissioner Hall said he attended the session related to population changes, as well. He noted that the speaker indicated the traditional pyramid would always get smaller as people get older. He interpreted this to mean that the replacement ratio would be less than one. The speaker emphasized that



the Hispanic population would continue to grow, and the Asian and White population would actually shrink. This would result in an even greater demographic change.

Commissioner Hall said he was very impressed with some of the sessions that showed fairly innovative ways to try and increase density in ways that preserve neighborhood character. For example, instead of building one traditional large home or duplex, they could build what looks like one big, three-story house that is actually a duplex, tri-plex or quad-plex. It all depends on how the structure is designed. He said that several speakers also talked about innovative design principles that allow developers to lay out roads, driveways, etc. more efficiently. He learned many things about how the City could offer incentives to house the population in ways that are more compatible with the single-family neighborhoods. Commissioner Broili said he was impressed that this presenter provided four or five different lot layouts of how to bring houses together to get maximum use, allow for maximum privacy, and obtain the maximum street appeal. Many creative ideas were provided.

Commissioner Broili said he attended two sessions related to aging: one was on small-scale elderly housing in row communities, and the other was on preparing to house an aging nation. Many interesting ideas were discussed. One presenter from Seattle spoke to intentional community approaches to elderly housing that are several cuts above the standard housing options you now see for the elderly. A presenter from Portland explained how they are pushing the envelope on technology by providing a computerized system that allows the children of the people living in the homes to see where their parents are at any given moment, what their medication is, what activities they have been involved in, etc.

Commissioner Phisuthikul reported that he attended a session regarding affordable housing development and financing. He learned that public housing is no longer a government sponsored program. It is now a private/public development program. The whole program has become very complicated and a special consultant is required to see a developer through the difficult application and development process.

Commissioner Phisuthikul said he also attended a session regarding Washington's Green Building Requirement. He reminded the Commission of the present law that State-funded buildings must be LEED certified. By July 2008, all public housing developments that obtain funding from the State Housing Trust Fund would also be required to meet "green" standards. However, it was noted that there are many different standards for "green" development. The State agency is still trying to come up with a proper way to evaluate and apply the requirements. Commissioner Phisuthikul announced that the Green Living Expo is currently taking place in West Seattle through next weekend. The expo showcases the Highpoint Project in West Seattle, which is a true green development.

Ms. Simulcik Smith said she also attended the session discussed earlier by Commissioner Broili regarding housing for the elderly. One presenter pointed out the things that are being done wrong with housing the aging population and provided several ideas on how to do it better. For example, two-story homes are not good, and having a washer and dryer in the basement is not good, either. In addition, the homes are too large and too expensive to heat. The presenter suggested that 800 square foot homes that are clustered together into a community are more appropriate. This allows people to look out for each other. She said she found that most presentations she attended had at least something to do with the State's aging population.

Ms. Simulcik Smith said she also attended a session regarding community land trusts, and she now has a resource sheet that she can share with interested Commissioners. She explained that with this concept, a community land trust would own the property and homeowners would purchase homes that are subsidized in some way by grants, etc. The land trust would offer 99-year leases on the properties. When a subsidized home is purchased, the owner must sign an agreement that they would only resell the property based on an adjusted rate, thus allowing the property to remain affordable in perpetuity.

### **ANNOUNCEMENTS**

Commissioner Pyle reported that he would not be present at the October 19<sup>th</sup> meeting.

### **AGENDA FOR NEXT MEETING**

The October 5, 2006 meeting was cancelled.

### **ADJOURNMENT**

The meeting was adjourned at 8:55 p.m.

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Rocky Piro  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission