

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

October 20, 2005  
7:00 P.M.

Shoreline Conference Center  
Rainier Room

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### **PRESENT**

Chair Harris  
Vice Chair Piro (arrived at 7:20 p.m.)  
Commissioner Phisuthikul  
Commissioner Broili  
Commissioner McClelland  
Commissioner Hall (left at 8:30 p.m.)  
Commissioner Kuboi  
Commissioner Sands

### **STAFF PRESENT**

Rachael Markle, Assistant Director, Planning & Development Services  
Paul Cohen, Senior Planner, Planning & Development Services  
Kim Lehmborg, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

### **ABSENT**

Commissioner MacCully

### **CALL TO ORDER**

The regular meeting was called to order at 7:03 p.m. by Chair Harris, who presided.

### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Kuboi, Hall, McClelland, Phisuthikul, Sands and Broili. Vice Chair Piro arrived at 7:20 p.m. and Commissioner MacCully was excused.

### **APPROVAL OF AGENDA**

Item 10a (vote to reconsider eliminating Cottage Housing Code) was placed before Item 8a (workshop on proposed Development Code amendments and confirmation of the official docket). The remainder of the agenda was approved as submitted.

## **DIRECTOR'S REPORT**

Ms. Markle reported that Joe Tovar has been hired as the City's new Planning and Development Services Director, and he will start on October 24<sup>th</sup>. Mr. Tovar comes most recently from the City of Covington, and prior to that he spent more than 15 years as the City of Kirkland's Planning Director.

## **APPROVAL OF MINUTES**

The minutes of October 6, 2005 were approved as amended.

## **GENERAL PUBLIC COMMENT**

**Lanita Wacker, 19839 - 8<sup>th</sup> Avenue Northwest**, urged the Commission to once again vote against the motion to eliminate the Cottage Housing Code. She said she has lived in the area for the past 41 years, and for the past 25 years she has been a real estate broker. She expressed her opinion that the Cottage Housing Code serves the citizens of Shoreline well by providing for the needs of singles, widows, and small households. She suggested that the existing ordinance works adequately but could be modified to require enclosed garages and an additional parking space on pervious soil for each cottage. In addition, the City could require one guest parking space for every two cottages that are constructed to eliminate public concern about there being inadequate parking. Ms. Wacker also suggested that the word "compatible" be eliminated from the ordinance because it is too subjective and cannot be measured. She concluded that people who choose to live in cottage housing units do so because they have a small household, and the City must serve these people. They also need to be visionary and recognize that demographics throughout the country are showing the need for small household accommodations.

**Nina Gettler, 15603 - 2<sup>nd</sup> Avenue Northwest**, said her comments were related to the maintenance building and utility yard that have been proposed by The Highlands across from 2<sup>nd</sup> Avenue Northwest. She said she is concerned about the size and placement of the projected facility, and she would submit detailed written comments about this concern. She said that although The Highlands have assured them they will provide adequate landscaping, she has doubts. Unless extremely mature evergreens were planted, it would be 10-20 years before they would make an appreciable difference in quality of life.

Ms. Gettler said when she mentioned her concerns at the meeting that was held with representatives from The Highlands on September 27<sup>th</sup>, the Project Manager, Mr. Dodd's, reaction was a shrug and a comment to that effect that the neighbors would just have to live with the situation. She said she finds this cavalier indifference to their quality of life alarming. The Highlands say they want to be good neighbors and so do the neighboring property owners. They have every right to use their property, but not in such a way that would devastate the neighboring property values, which is what the project, as planned, would do. If the maintenance building and utility yard were built as planned, the adjacent neighbors would be living across from a commercial facility, in fact if not in name. (Her written comments were identified as Exhibit 1.)

**Bob Barta, 15703 - 1<sup>st</sup> Avenue Northwest**, said that when he and his wife moved into their home, they did not realize that the street was used as parking space for visitors to Shoreline Community College. He said he worked with the City for more than 2 years to designate a residential parking zone, and this had made a huge difference in the neighborhood's quality of life. In 2003 they faced a possible platting of a road across the Highland Terrace Elementary School playground. Through the efforts of the neighborhood association, they got Shoreline Community College to rescind the project. Now the Highlands is seeking a variance to construct a utility yard across from 2<sup>nd</sup> Avenue Northwest for construction staging. He questioned how this could be considered a neighborly thing to do. He asked that the City respect the sacredness of the R-4 and R-6 zoning regulations. (His written comments were identified as Exhibit 2.)

**Bronston Kenney, 1007 Northwest 190<sup>th</sup> Street**, said it is time for the Commission to put an end to the cottage housing issue. He said that after 18 months and a substantial expenditure of City resources, cottage housing is still overwhelmingly opposed by the residents of Shoreline whose interests the Commission is charged to protect. He suggested that the tenacity of the City to hold onto the concept in the face of such opposition leads many to conclude that they are subordinating the wishes of the citizens to developers and planners and the reasonable and serious concerns of the homeowners have simply been dismissed. The cottage housing tour was a sales pitch and the subsequent meeting was carefully stage managed to channel and limit citizen participation in the process. The City has not addressed their concerns about property values and quality of neighborhoods, merely declaring them to be invalid. No one supports the arguments advanced by City staff except the developers.

Mr. Kenney said that while Commissioner Sands previously offered the notion that zoning is not a right, it is an ordinance. As such, it should be supported by the City government and not undercut. The largest investment most individuals have is their homes, and they should not be put at risk for a trivial purpose. He concluded by stating that enough is enough. (His written comments were identified as Exhibit 3.)

VICE CHAIR PIRO ARRIVED TO THE MEETING AT 7:20 P.M.

**Andrea Massoni, 19101 Richmond Beach Drive Northwest**, recalled that she came before the Commission in June of 2004 with a newly formed neighborhood group, Sensible Growth for Richmond Beach. The group asked the Commission to make the Planning Department accountable to certain codes and to apply the Comprehensive Plan when making decisions for building permits. The Commission told them they could do nothing and the group should obtain the services of an attorney. Ms. Massoni referred to the "Permit" section of the City of Shoreline's Owner's Manual, which states that the purpose is to balance the need of the permit applicant and their neighbors. The outcome should be development that furthers the City's goals that are set forth in the Comprehensive Plan.

Ms. Massoni expressed her belief that the Planning Department staff manipulates the codes to favor the developer. They tell the citizens the codes are too vague to follow and they don't have to apply the Comprehensive Plan. She said citizen groups have had to hire attorneys to look out for their best interests, and their only recourse was to sue the City and the neighbors. She said that if she thought, for one moment, that City staff would be responsible enough to encourage decent cottage housing, she

would offer support to amend the code. Instead, she recommended the City's zoning ordinance be changed to eliminate the option of cottage housing. To meet the City's need for consistency with the Growth Management targets, they should allow high-rise buildings near the commercial centers. They missed a wonderful opportunity to do this at 185<sup>th</sup> and Aurora Avenue where condominiums or apartments could have been incorporated within the shopping center development.

Commissioner Kuboi recalled that the Planning Commission, as a body, did not tell Ms. Massoni's group that their only recourse was to get an attorney. Instead, one member of the Commission shared a personal opinion that the group should obtain the services of an attorney. It was pointed out that the Commission did not have the authority to resolve the issue.

Chair Harris advised that the Commission has not received any information regarding the proposed utility yard on 2<sup>nd</sup> Avenue Northwest.

**Randy Hughes, 19802 - 8<sup>th</sup> Avenue Northwest**, referred to previous comments about local minorities "running the show." He recalled that a meeting regarding cottage housing was held in May at the Shoreline Fire Training Facility on Aurora Avenue, and there were more than 100 people in attendance. He referred the Commission to the petition that was submitted in opposition to the Ashworth Cottage Housing Project. (The petition was identified as Exhibit 4.) He noted that 112 registered voters living within 3½ blocks of the project signed the petition. Because the Commission and City staff have proven they don't listen to the citizens, many of the petitioners do not attend the hearings. They feel betrayed and that any more involvement would be a waste of time. He summarized that extending the moratorium on cottage housing is not appropriate.

Mr. Hughes pointed out that the Planning Commission, City Council and staff are all tired of dealing with the issue, and the end reality of having no cottage housing at all would make no difference in meeting the Growth Management Act requirements. Amending the code without much more thought would result in the same situation as the Ashworth Cottages are currently facing. They have had to install sump pumps and fill the basements with gravel. There are water problems on adjoining properties and the structures simply degrade the neighborhood. Projects of this type have the potential of harming the builders, thus putting them out of business. He said he is sure this is not the intent of the Planning Commission, so the best option would be to eliminate the ordinance and visit the concept in a few years.

**Greg Logan, 15709 - 2<sup>nd</sup> Avenue Northwest**, reported that along the west side of their property is a large greenbelt area that is owned by the Highlands. Currently, it is approximately 44 acres of forested land. The Highlands have a small utility to the south along 155<sup>th</sup>, but their plan is to grade about two-thirds of the forested area to significantly expand the utility yard and use it as a storage area during construction. This would be a major change for the neighborhood and would have a significant impact. He pointed out that the R-4 zoning regulations allow for utility yards, but he suggested the vision did not include a utility yard embedded in this type of residential situation. The subject property is adjacent to the backyards of their homes. Heavy equipment would be accessing the site and the amount of noise

would be significant. He said he would like to go on record as being opposed to the utility yard in this location.

**Leslie Addis, 19802 - 8<sup>th</sup> Avenue Northwest**, recalled that at a previous Commission meeting, it was stated that cottage housing should not become an election issue, but it has. In a voter's pamphlet that was sent out this week, two City Council candidates mentioned cottage housing directly. Two other candidates mentioned controlling development in Shoreline. At the candidate's forum, the moderator asked only four questions of the candidates, and the last one was directly about their views on cottage housing. The moderator would not have asked that question unless she felt the Shoreline citizens had major concerns. She noted that all six candidates were either in favor of extending the moratorium on cottage housing or restricting cottage housing to high-density zones only. She urged the Commission to support a motion that would eliminate the Cottage Housing Code. She said neither the Planning Commission nor the public has time to continue to pursue the matter. It is clear that if all the City Council candidates want to extend the moratorium or kill the existing concept, they are obviously hoping the Planning Commission will give them a clear recommendation they can act upon. She asked that the Commission's recommendation be to eliminate the Cottage Housing Code.

**James Atcheson, 19009 - 10<sup>th</sup> Avenue Northwest**, agreed that the City is running out of space for building houses, but cottage housing is not the answer. Rather he suggested that opportunities for multi-family residential development along main thoroughfares would be a better way to address the need. He suggested that the Gateway Project will result in a waste of space because it should have included high-rise residential units. He said he has driven by cottage housing developments that have been constructed previously and noted they are deteriorating, and this does not enhance the City. He asked that the Commission recommend the Cottage Housing Code be eliminated.

**Guy Olivera, 15224 Dayton Avenue North**, pointed out that the Cottage Housing Code has been on the books for over five years, and a moratorium has been in place for the past year. For a great deal of that time the citizens have been asking the City to assess the impact on value, stability and how quickly surrounding houses could be sold. They have also asked the City to present the issue to the public and solicit their input. He said he contacted City residents who live on the east side of Interstate 5, and none of them knew what a cottage housing project was. Meanwhile, people who are familiar with cottage housing are universally opposed to not just cottage housing, but to any high-density housing in R-4, R-6 and R-8 neighborhoods. He summarized that the Commission, staff and City Council have spent a tremendous number of hours dealing with this issue, yet they have not made progress in making it a profitable option. He asked the Commission to accept that they were unable to make it palatable to the vast majority of the citizens of Shoreline.

**Bill Nieman, 15250 Dayton Avenue North**, said he likes the concept of cottage housing and has viewed the cottage housing project that was constructed across from the Department of Transportation property. However, he questioned how well cottage housing appeals to the public since three of the units have taken a long time to sell in a hot market. In addition, he said he takes exception to cottage housing being allowed in areas that are zoned single-family residential. He expressed his opinion that the City's building codes do not encourage quality building. In light of this, he concluded that the

concept of cottage housing is a problem in single-family residential areas. He suggested that they eliminate the ordinance now and reconsider it again in the future.

## **REPORTS OF COMMITTEES AND COMMISSIONERS**

There were no reports provide by Commissioners.

## **UNFINISHED BUSINESS**

### **Vote to Reconsider Eliminating the Cottage Housing Code**

Chair Harris recalled that at their last meeting, the Commission voted to reconsider their decision on the motion of June 2, 2005 to eliminate the Cottage Housing Code. Commissioner Sands pointed out that, according to Roberts Rules of Order, the Commission can only reconsider a previous vote after gaining a 2/3 vote on the motion to reconsider and after the entire Commission has been notified that a new vote will take place. Chair Harris explained that the Commission voted to reconsider the motion and notified the Commission that the issue would be discussed again at this meeting. Commissioner Sands said he was confused because the minutes indicated the need for a vote of 2/3 of the Commission in order to reconsider a motion. Does this mean 2/3 of the entire Commission or just 2/3 of those that were present to vote. Ms. Markle said the motion to reconsider would require approval from 2/3 of the members who were present and voting.

Vice Chair Piro said he was considering the option of proposing a substitute motion. He asked if any new information was made available regarding the City Council's proposed cottage housing forum. Chair Harris pointed out that once the reconsideration was approved, it took precedence and no substitute motion would be allowed. Commissioner McClelland said that she and Commissioner Kuboi would attend a meeting on October 27<sup>th</sup> to discuss the format for the cottage housing forum. Commissioner Kuboi pointed out that the action the Commission takes now could have a significant impact on the format for the forum.

Vice Chair Piro said that before the Commission takes action on reconsidering the June 2<sup>nd</sup> motion, he would like them to forward the amendments they have worked on to date to the City Council so they can be considered as part of the public forum. He recalled that while most of the Commissioners were in support of the cottage housing concept, they were not all in support of the concept standing alone in the absence of a larger strategy for housing in the City. He said he would hope the public forum would help resolve many of the outstanding issues. He suggested that the Commission postpone a decision on the reconsideration until after the forum has been conducted.

Commissioner McClelland pointed out that even if the Commission votes to eliminate the Cottage Housing Ordinance, the City Council might still want to conduct the public forum and consider the Commission's recommendation.

Commissioner Broili said he would be opposed to the Commission tabling their decision to rescind the Cottage Housing Ordinance. He would like them to make a decision now and then move on. There are other important issues the Commission must work on, and the City Council has asked them to provide a recommendation one way or the other.

**COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION RECOMMEND THAT THE COTTAGE HOUSING ORDINANCE BE REPEALED. COMMISSIONER KUBOI SECONDED THE MOTION.**

Chair Harris asked if it would be prudent to amend the motion to also eliminate the recommendation they approved at the September 15<sup>th</sup> meeting. Commissioner Kuboi suggested that if the Commission votes to repeal the Cottage Housing Ordinance, it would be easy for them to eliminate the action they took on September 15<sup>th</sup> on the proposed amendments. Commissioner Hall said he would rather the City Council adopt the amended version than keep the current one. He said he would not support a motion that would eliminate all of the work the Commission did throughout the summer to create a better ordinance. Commissioner Kuboi agreed that he would like the Commission's work on the amendments to be communicated to the City Council.

Commissioner McClelland restated that she does not believe there is overwhelming opposition or support for cottage housing from the citizens at large. She agreed with Mr. Atcheson that the development on Greenwood Avenue is exactly the type of development that should have occurred at the Gateway Project site. However, the elected officials chose not to adopt the Central Shoreline Sub Area Plan, which would have required this type of residential development. She pointed out the problems that some of the cottage housing projects have experienced, and suggested that there is something intrinsically wrong with not just the ordinance, but also the administration of the ordinance. She did not feel the problems were adequately addressed by the proposed amendments. She said she would support a motion to put aside the Cottage Housing Ordinance and get back to it at a later date.

Chair Harris said he believes that most homeowners in the community would be opposed to cottage housing being constructed next door to their neighborhoods. He said he does not believe the use is appropriate in single-family residential zones in the City.

Commissioner Phisuthikul said he would vote against the motion to repeal the Cottage Housing Ordinance. Cottage housing is a great concept that provides opportunities for the City in the future. The Commission worked hard to improve the ordinance, and he does not want all of their effort to be in vain.

Commissioner Kuboi recalled that if the Cottage Housing Ordinance were rescinded, the City could revisit the concept in a few years when more information is available from other municipalities. He pointed out that all the Commission and staff's work on the ordinance would still be available for consideration in the future. On top of that, they would have information and insight from other municipalities that have implemented a Cottage Housing Ordinance. He said he does not philosophically disagree with the cottage housing concept, but he wants to see it approached from a more integrated perspective in terms of infill and higher density development that would be reasonably compatible with residential neighborhoods. He said it is not clear to him why cottage housing has been

singled out for particular support in terms of density bonuses. While the concept could likely be made to work at some point, he concluded that the proposed amendments do not address all of the significant concerns.

Vice Chair Piro questioned what new information staff received that would influence the Commission's vote to rescind the ordinance. He said he does not have any new information that would cause him to consider a different position than the one he voted with in September. He asked if new information would be provided at the public forum that could have an impact on the Commission's final action on cottage housing. Commissioner McClelland said that if the Commission votes to rescind the ordinance, she would recommend to the City Council that the public forum be cancelled.

Commissioner Kuboi said that up until a few weeks ago, he did not know the Commission had the ability to reconsider the motion to repeal the ordinance. Some of the Commissioners did not believe the option to repeal the ordinance should have been taken off the table so early in the process. Secondly, Commissioner Kuboi said that when the Commission voted on the motion to repeal the ordinance on June 2<sup>nd</sup>, they had not heard all of the testimony regarding the issue.

Commissioner Sands said he made the motion on June 2<sup>nd</sup> to rescind the Cottage Housing Ordinance because he didn't want the Commission to spend a lot of time reviewing the proposed amendments if they were ultimately going to vote to rescind the ordinance. He suggested that perhaps the cottage housing concept for Shoreline is a bit ahead of its time. He said he believes the concept is good and in 20 years when the demographics have significantly changed, the idea might be more attractive. However, he felt the Commission would be naive in thinking they will be able to revisit the concept any time soon.

Commissioner McClelland said it is important that the citizens who attend their meetings understand that their role is to recommend public policy that would benefit the community as a whole. Just because the Commission does not vote the way they want them to, does not mean they don't hear what they are saying. She said she believes cottage housing is excellent public policy in terms of providing the type of housing for today's world given the scarcity of land, housing prices and household size. However, it appears the Commission is having a hard time feeling comfortable with placing cottage housing within the community. She said she would be happy to consider the cottage housing concept again in a year or two.

Commissioner Broili clarified that if the motion were approved, the Commission would be recommending the City Council repeal the Cottage Housing Ordinance. Mr. Cohen explained that the current motion on the floor sets up an opportunity for the Commission to reconsider the exact motion of June 2<sup>nd</sup>. If approved, the Commission would not have to reconsider the vote taken on September 15<sup>th</sup> regarding the amendments to the Cottage Housing Ordinance. However, this would change the Commission's recommendation. He suggested the Commission make their intent clear as they vote on the motion. If they intend to recommend to the City Council that the existing and proposed Cottage Housing Ordinance be repealed, they would not need to take any action beyond the motion that is currently on the floor. Commissioner Sands suggested that even if the Commission votes to recommend



the ordinance be repealed, it would still be appropriate to give the City Council the option of considering the proposed amendments to the ordinance if they decide to keep it in the code.

Commissioner Hall agreed that staff worked hard to develop amendments in response to the various issues associated with cottage housing. However, he suggested that more important issues have been raised related to the City's Comprehensive Plan policies. For example, the Commission has discussed whether or not a density bonus should be allowed for small houses in residential zones. The Commission worked hard to recommend adoption of the Comprehensive Plan, and the City Council also worked extensively to review each of the policies before adopting the updated document. He referred to Policy LU-27, which states that the City should allow cottage housing in residential areas. He suggested that if the Commission recommends the Cottage Housing Ordinance be rescinded, they should also recommend that Policy LU-27 be eliminated from the Comprehensive Plan. Commissioner McClelland pointed out that Policy LU-27 gives the Commission all the impetus they need to bring the issue up again and start from scratch.

Vice Chair Piro suggested that because of Policy LU-27, the City Council might not be in a position that would allow them to strike the ordinance. He expressed his frustration that the Commission seems to agree that cottage housing is a good concept and that there have been both good and bad projects over the past few years. However, there are many issues they would like to fix or address within a larger context. He would like to convey these concerns to the City Council rather than recommend a wholesale elimination of the ordinance.

Commissioner Hall asked when the next Comprehensive Plan Update must be adopted. Ms. Markle answered that all amendments must be submitted by December 31<sup>st</sup> each year, and the amendments are processed by the end of the following year. Commissioner Hall suggested that the Commission make a note to reconsider Policy LU-27 as part of the next Comprehensive Plan update.

**THE MOTION FAILED 4-4, WITH CHAIR HARRIS, COMMISSIONER HALL, COMMISSIONER KUBOI AND COMMISSIONER MCCLELLAND VOTING IN FAVOR AND VICE CHAIR PIRO, COMMISSIONER BROILI, COMMISSIONER PHISUTHIKUL AND COMMISSIONER SANDS VOTING IN OPPOSITION.**

Commissioner Hall advised that he had to leave the meeting and would like to provide his comments regarding proposed **Development Code Amendment D-1**, which would allow for the construction of a structure up to 200 square feet in the required side and rear yard setbacks as an exempt structure. He noted that this change was only made in the first paragraph and not in the second.

**COMMISSIONER HALL LEFT THE MEETING AT 8:30 P.M.**

Vice Chair Piro suggested that a few Commissioners be assigned the responsibility of composing a communication piece to the City Council outlining the Commission's position on the Cottage Housing Ordinance. This document could be shared with the rest of the Commission at their next meeting before it is forwarded to the City Council. Commissioner Broili suggested it would be appropriate to appoint a Commissioner from each side of the vote. The Commission agreed that they would like to hold off

sending the Commission's recommendation to the City Council until they have had an opportunity to create and review a transmittal letter explaining the issues the Commission considered.

## **STAFF REPORTS**

### **Workshop: Introduction of Proposed Development Code Amendments and Confirmation of the Official Docket**

Ms. Markle explained that anyone could apply for a development code amendment at any time at no charge. However, only amendments that are supported by the Director of Planning and Development Services, the Planning Commission or the City Council would be considered for adoption. She advised that the Director has agreed to sponsor 21 of the proposed amendments, and the Commission now has the opportunity to review the nine proposed amendments that have not yet been docketed. If sponsored by the Planning Commission, the amendments would be placed on the official docket, which would be used for the SEPA review and to advertise for public comment.

Ms. Markle advised that the Commission also has the ability to recommend additional amendments for the document. However, it would probably not be appropriate to propose and craft complicated amendments to the Development Code at a workshop. She emphasized that, at this point, staff is only asking the Commission to vote on whether they want to add any of the nine amendment not docketed by the director to the list. The docket list would then be advertised for public hearing. She advised that, if time permits, she and Ms. Lehmborg are also prepared to introduce to the Commission the 21 amendments that have been docketed by the director.

Ms. Markle referred the Commission to proposed **Amendment NC-1** regarding density bonuses for cottages, duplexes, triplexes and other types of higher density housing as long as the exteriors and scales of such housing mimic the appearances of existing single-family housing. She noted that Commissioner Kuboi initiated this concept. She explained that staff does support the intent of the proposal, but they need more direction to develop an amendment that could be added to the docket. She concluded that staff also believes it would take time and more public input to develop the concept. Therefore, they are not recommending the Commission pursue the proposed amendment at this time.

Commissioner Kuboi said he made the comment regarding **Amendment NC-1** in the context of the holistic or overall housing strategy. He questioned why the City singles out a particular type of housing (cottage housing) for treatment that isn't offered to other forms of housing that might accomplish effectively the same thing. He suggested that if a density bonus were not offered for cottage housing, there would likely be very few developments of this type in the City. He suggested that this concept be identified as a Commission work item in 2006.

**VICE CHAIR PIRO MOVED THAT THE COMMISSION PLACE THE CONCEPT PRESENTED IN AMENDMENT NC-1 (DENSITY BONUSES) ON THE COMMISSION'S 2006 WORK PLAN AND NOT ON THE 2004 DOCKET OF DEVELOPMENT CODE**

**AMENDMENTS. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Ms. Markle reviewed that a citizen initiated **Amendment NC-2**. The proposal would reduce building heights in R-4 and R-6 zones to no more than two stories and a maximum of 25 feet. Ms. Markle advised that staff believes a reduction to the allowed building height in low-density residential zones would be too restrictive for residential development. A roof height of 25 feet would barely allow for the construction of a two-story home and would likely promote the construction of flat rooftops that are not effective with Washington's weather. Staff is recommending no change.

**VICE CHAIR PIRO MOVED THAT THE COMMISSION NOT PLACE AMENDMENT NC-2 ON THE DOCKET OF DEVELOPMENT CODE AMENDMENTS. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT**

The Commission agreed that before they took any further action on the development code amendments they should allow the public an opportunity to provide their comments.

**William Vincent, 800 Northwest 195<sup>th</sup> Street**, said he has been involved in the cottage housing issue for quite a long time. He said he spent a great number of years in the construction industry, oriented almost entirely around residential. He built hundreds of homes every year back in the time when homes were 1,400 and 1,500 square feet in size, which is similar to cottage housing. He said it is important for the Commission to understand that when builders come into City offices for permits to construct cottage housing in R-4 and R-6 zones, they are asking for a deviation from the norm. When a deviation is allowed, a builder should expect a certain level of scrutiny. The City should monitor the project early in the process. They have an excellent and knowledgeable staff in the Planning Department, and they have a responsibility to make sure the City's regulations are followed. The Commission should give them the necessary tools they need to enforce the rules and regulations. He suggested that rather than the Commission acting as the review board for cottage housing project, a review board of the developer's peers should be formed. He said cottage housing should not be that difficult to implement if they recognize that developers who ask for something outside the norm should have to live by a different set of rules.

**CONTINUED STAFF REPORT**

**Continuation of Workshop: Introduction of Proposed Development Code Amendments and Confirmation of the Official Docket**

Ms. Markle advised that a citizen also initiated **Amendment NC-3**. The proposed language would reduce the number of trees that could be removed as an exemption from six to two. She said staff believes this change would be too restrictive for residential development and for the homeowner in general. She explained that some homeowners have large numbers of trees and would like to add more

light to their property. The change would also be difficult to enforce due to lack of standard procedure and staff for tracking non-permitted tree removal. Staff recommends no change.

Commissioner Broili said that on small lots, the removal of six trees would have a significant impact. He said he would support an amendment that would reduce the number of trees that could be cut from a residential property.

**COMMISSIONER BROILI MOVED THAT AMENDMENT NC-3 BE PLACED ON THE DOCKET OF DEVELOPMENT CODE AMENDMENTS. VICE CHAIR PIRO SECONDED THE MOTION.**

Vice Chair Piro said he would like to see the number somehow relate to the lot size. Commissioner Broili pointed out that nearly all the lots in Shoreline are smaller in size. He said he would like to see a percentage requirement rather than a specific number. Commissioner Sands pointed out that the code requires the retention of 20 percent of the trees on a lot. Chair Harris clarified that a property owner would be allowed to remove up to six trees in any three-year period. Commissioner Sands expressed his belief that the tree ordinance is already fairly complex, and changing this one rule seems unnecessary.

Chair Harris expressed his belief that the City should not limit the number of trees a property owner can cut down. Commissioner Broili pointed out that the City already has ordinances that prohibit property owners from doing certain things that impact surrounding property owners. He argued that, at the very least, the City should have some method of recourse for property owners who are impacted by tree removal on an adjacent property.

Commissioner Sands pointed out that **Amendment NC-3, Amendment NC-4, Amendment NC-5 and Amendment NC-6** were all proposed by the same citizen and related to the tree ordinance. He suggested that they all be considered together.

**COMMISSIONER BROILI AMENDED HIS MOTION TO PLACE AMENDMENTS NC-3, NC-4, NC-5 AND NC-6 ON THE COMMISSION'S 2006 WORK PROGRAM AS THEY REVIEW THE WHOLE TREE ORDINANCE AND NOT ON THE DEVELOPMENT CODE AMENDMENT DOCKET. COMMISSIONER MCCLELLAND SECONDED THE AMENDMENT TO THE MOTION.**

Commissioner Broili suggested that there are many reasons for the Commission to revisit the tree ordinance in a more comprehensive fashion. Aside from aesthetic issues, he pointed out that there are stormwater management issues that evolve around trees and vegetation retention. In fact, vegetation and trees is one of the most important mitigation measures for managing and reducing stormwater runoff.

**THE AMENDED MOTION CARRIED 6-1, WITH CHAIR HARRIS VOTING IN OPPOSITION.**

Ms. Markle referred to **Amendment NC-7**, which was initiated by a citizen. The proposed amendment would add a public notice process for all new single-family projects, and this would essentially make the

application a Type B Action. She pointed out that the noticing requirements of the proposed amendment would be very costly in terms of actual noticing and staff time. The proposed requirement would also allow for an appeal of a new single-family home or remodel. Staff recommends no change.

**COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION NOT PLACE AMENDMENT NC-7 ON THE OFFICIAL DOCKET OF DEVELOPMENT CODE AMENDMENTS. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Ms. Markle advised that **Amendment NC-8** was a citizen initiated proposal requesting a design review process for single-family residential building permits.

**COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION ACCEPT THE STAFF'S RECOMMENDATION TO NOT PLACE AMENDMENT NC-8 ON THE OFFICIAL DEVELOPMENT CODE AMENDMENT DOCKET. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Ms. Markle advised that a citizen also proposed **Amendment NC-9**. The proposal would increase the noticing requirements for commercial projects. She reported that staff considered lowering the threshold for SEPA review. However, this would be a change in State law. Any additional requirements for tenant improvements, commercial additions, or commercial new construction would impact commercial and economic redevelopment in Shoreline. She pointed out that if the Commission were to pursue the proposal, it would require an amendment to the Development Code to make these types of applications Type B Actions.

Commissioner McClelland recalled that some citizens raised concerns that they were prevented from providing comment regarding a recent expansion of the Safeway site. Ms. Markle explained that with a Type A permit, even if the public were offered an opportunity to comment on an application, there would be no appeal process and the public would have no recourse. She summarized that making applications for commercial projects less than 4,000 square feet a Type B Action would make them appealable. Right now, small commercial projects are reviewed administratively, without noticing or appeal procedures.

Commissioner Sands pointed out that the Economic Task Force has made a recommendation to the City Council that they ease up on the commercial restrictions to make it easier for new businesses to locate in Shoreline, and the proposed amendment would be contrary to the Task Force's recommendation.

**COMMISSIONER PHISUTHIKUL MOVED THAT THE COMMISSION NOT PLACE PROPOSED AMENDMENT NC-9 ON THE OFFICIAL DOCKET OF DEVELOPMENT CODE AMENDMENTS. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Kuboi noted that the Commission has yet to review any proposed development code amendments or an overlay that would implement the Central Shoreline Sub Area Plan. Ms. Markle

replied that there is no implementation strategy for the sub area plan at this time. Commissioner Broili asked staff to provide an update regarding the status of the plan and explain why it has not been implemented yet. Commissioner Sands answered that the Economic Development Task Force has been attempting to address the sub area plan issue for the past three or four weeks. One of the things they will hopefully recommend to the City Council is that they do all the things that are necessary to implement the sub area plan. One of the biggest issues will be funding. He summarized that most of the members of the Economic Development Task Force believe that if the City were to make improvements to Midvale Avenue, change the height restrictions on the Aurora Avenue side, etc., the type of development that was depicted on the renderings presented at the design charette might actually come to fruition. There are other areas within the City where this same sub area plan concept could be applied, but the larger issue is whether or not the City Council would be visionary enough to take the necessary steps to make changes happen. He invited the Commissioners to attend the Economic Task Force Meetings.

Commissioner Kuboi asked what the Commission could do in 2006 to help and encourage the City Council to make code amendments to implement the Central Shoreline Sub Area Plan. Commissioner Sands answered that it might be helpful if the Commission were to take some action saying they want to consider code amendments in 2006 that would implement the sub area plan. Commissioner McClelland said it would be important to send a message to the City Council regarding the City's lost opportunity to provide high-density housing as part of the Gateway Project. She said it is important to note that the Commission supported the concept of high-rise residential development along Aurora Avenue at this location, and the sub area plan would have required residential units as part of a development proposal.

Commissioner Phisuthikul suggested that at the next Commission retreat, the Commission should prepare a report to the City Council. The issues of "sidewalks to nowhere" and implementation of the Central Shoreline Sub Area Plan could be two topics discussed in the report, which could provide a vehicle for the Commission to present their concerns to the City Council early in 2006.

Ms. Markle suggested that, at this point, it would be difficult to consider the necessary code amendments to implement the Central Shoreline Sub Area Plan as part of the 2004 Development Code amendment docket. She suggested that the Commission solicit more public input regarding the sub area plan. She further agreed that a report from the Commission to the City Council would provide a good vehicle for them to obtain additional direction from the City Council on issues they want to consider in the future. The remainder of the Commission concurred.

Commissioner McClelland referred to **Amendment D-8** and requested clarification regarding the meaning of the word "tolled." Ms. Markle said the City Attorney recommended this word. Commissioner Sands explained that if, within the two-year term, there is an administrative or judicial appeal, they would stop counting towards the end of the term until the appeal is over. Then the two-year period would continue. The Commission agreed that staff should work to create different language to make the intent of the section more clear.

Commissioner McClelland referred to **Amendment D-10** and pointed out that the word "construction" was misspelled. In addition, she suggested that **Amendment D-12** should be changed to make the

language regarding the location of trees more clear. She suggested that perhaps a diagram would be helpful. She also asked if “tree pits” and “tree grates” were the same thing. Ms. Markle explained that “tree grates” are placed on top of “tree pits” for safety purposes.

Commissioner McClelland referenced **Amendment D-21** and recommended the language be changed to make it clear that neighborhood meetings are held before an application has been submitted. The purpose of the meeting is to solicit public reaction to what it being proposed. She suggested that the word “applicant” be replaced with “proponent” and the word “application” be replaced with “proposal.” In addition, she suggested that the term “property owners of the City” seems redundant and confusing. Further, she said that because no land use decisions are being considered at the time of the neighborhood meeting, the language should be changed to make this more clear. Lastly, she recommended that in the section that lists the items that must be covered in the agenda of a meeting, the word “agenda” should be added after the word “meeting” rather than placed in quotes. She further suggested that Item F in the list should be “sign up sheet” since the proponent must submit a list of attendees to the City.

Commissioner McClelland referred again to **Amendment D-21**. Instead of asking the proponent to provide a narrative description of what took place at a neighborhood meeting, she suggested the proponent be required to fill out a checklist provided by the City. This would be more objective than just one person’s view of what went on at the meeting. The remainder of the Commission agreed with this concept. Commissioner Broili said he would prefer a City Employee to attend the neighborhood meetings. He recalled that the Commission has received numerous complaints from citizens about the proponent having the responsibility of creating an accurate summary of the meeting. Neighborhood meetings are not just an opportunity for a proponent to find out what the public’s objections and concerns might be, but they also provide an opportunity for the City staff to get a handle on the community’s concerns. In the meeting summary, an applicant may choose not to include some of the public’s objections. He suggested that it would be appropriate for the applicant to pay the costs associated with a City employee’s attendance. This would allow the City staff to review the proponent’s written summary for accuracy.

Chair Harris recalled that the concern raised by Commissioner Broili was addressed by the requirement that the summary report be mailed to each of the attendees, who would be allowed to react. Commissioner Sands recalled that when this issue was previously discussed, staff expressed their opposition to sending an employee to the neighborhood meetings for fear of the City becoming liable in the very early stage of the process. Commissioner McClelland said staff also expressed a concern that if they were to attend a neighborhood meeting, they could become the focal point. The citizens would likely turn to the staff to confirm what the proponent says, and this could change the character of the meeting. She said she understands the staff’s concerns, and perhaps staff attendance should be optional.

Commissioner Broili suggested that, at the very least, neighborhood meetings should be recorded so that there is some record beyond just the proponent’s report. Ms. Markle pointed out that most of the applications that require a neighborhood meeting, also offer an opportunity for public comment as part of the review process. The neighborhood meetings offer an opportunity for proponents to hear first hand from the community. There have been cases where developers and neighbors have made deals to make proposals more acceptable, and it would not be appropriate for the City to get involved in these

negotiations. She pointed out that neighborhood meetings are often held at times other than normal working hours, and it would be difficult to find sufficient staff to attend the 50 to 60 neighborhood meetings that would be held each year. In addition, providing adequate recording equipment would be difficult.

Commissioner McClelland emphasized the importance of allowing the pre-application meeting to be informal and informative. Having staff present at the meeting could blur the intended result. Chair Harris emphasized that an applicant would not be required to address all of the issues raised by the citizens at a neighborhood meeting as long as the project met the code requirements. However, a reasonable proponent would be able to eliminate many of the problems right up front by listening to the citizens who attend the pre-application meeting.

**COMMISSIONER MCCLELLAND MOVED THAT THE CHANGES SHE PROPOSED TO AMENDMENTS D-8, D-10, D-12 AND D-21 BE MADE BY STAFF. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Sands referred to **Amendment D-21** and noted that the numbering makes it difficult to understand. He asked that staff review the entire code and fix all of the situations of this type. Ms. Markle advised that staff could renumber **Amendment D-21**, but they would not be able to review the whole code at this time. Commissioner Sands said it would also be helpful to provide small headings at the top of each paragraph.

Commissioner McClelland referred to **Amendment D-15**, and asked that staff review the proposed language to clarify whether the numbers refer to “square feet” or “cubic feet.” Ms. Markle agreed to review the language.

### **NEW BUSINESS**

There was no new business scheduled on the agenda.

### **AGENDA FOR NEXT MEETING**

Ms. Markle said staff is set to advertise the development code amendments for a public hearing on November 17<sup>th</sup>. In addition to a continued review of the proposed development code amendments on November 3<sup>rd</sup>, staff has arranged for the City Engineer to provide a presentation on the pedestrian facility comprehensive study. This report shows the different options that could be considered for sidewalks. Also, the staff had tentatively scheduled an update on the Richmond Beach Saltwater Park Master Plan. However, she noted that the staff member working on the master plan is out of the Country and the presentation might have to be postponed. The Commission agreed that it would be appropriate to schedule a discussion on the development code amendments, as well as a presentation by the City Engineer regarding sidewalk options on November 3<sup>rd</sup>. They agreed to postpone the update on the Richmond Beach Saltwater Park Master Plan to a future meeting.

The Commission agreed to have a holiday party on December 15<sup>th</sup> in place of the regular meeting.



**ADJOURNMENT**

The meeting was adjourned at 9:55 p.m.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission