

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 15, 2005  
7:00 P.M.

Shoreline Conference Center  
Board Room

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### **PRESENT**

Chair Harris  
Vice Chair Piro  
Commissioner Kuboi  
Commissioner Phisuthikul  
Commissioner Sands  
Commissioner Broili  
Commissioner McClelland  
Commissioner Hall

### **STAFF PRESENT**

Ray Allshouse, Building Official  
Paul Cohen, Senior Planner, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

### **ABSENT**

Commissioner MacCully

### **1. CALL TO ORDER**

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

### **2. ROLL CALL**

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

### **3. APPROVAL OF AGENDA**

The agenda was approved as submitted.

### **4. DIRECTOR'S REPORT**

Ray Allshouse, Building Official, reminded the Commission of the American Planning Association Conference in Bellevue on October 31<sup>st</sup> through November 2<sup>nd</sup>. He advised that the City Council has allocated funds for the Commissioners to attend the event. He urged interested Commissioners to notify the Commission Clerk as soon as possible so that appropriate arrangements could be made.

Mr. Allshouse reported that the City is currently advertising the position that was vacated by Ms. Spencer. However, David Pyle has also announced that he would be leaving the City at the end of September. In the interim, the Planning and Development Services Department would receive support through contract services as required to at least keep things moving forward.

## **5. APPROVAL OF MINUTES**

The minutes of September 1, 2005 were approved as drafted.

## **6. GENERAL PUBLIC COMMENT**

**James Acheson, 10<sup>th</sup> Avenue Northwest**, expressed his belief that Cottage Housing would never work in the City of Shoreline. He reported that as he was driving through South Everett, he stumbled upon a Cottage Housing development that was about 15 years old. The garage doors on most of the units were dilapidated and the paint was peeling off the siding. The front yards had multiple cars with lots of kids running around. It appeared the residents did not have the funds to keep up their units, and he suggested this is what the City could expect in the future if Cottage Housing were allowed. He recommended that the City's zoning be changed to eliminate Cottage Housing. He suggested that, instead, they should allow high-rise buildings near commercial areas to provide enough housing units to satisfy the Growth Management Act.

**Guy Olivera, Dayton Avenue North**, pointed out that the overwhelming majority of people who own homes near Cottage Housing projects object to them and feel betrayed by the City for allowing their neighborhoods to accommodate projects that belong in areas zoned for condominiums. Any assertion that many citizens of Shoreline seem indifferent to this issue is clearly due to the absence of Cottage Housing projects in their neighborhoods. Cottage Housing does not have a place in areas that are zoned for single-family residential. He pointed out that the hopes and claims of the developers seem to run contrary to the market reality. Over the past year, every single-family house that was listed for sale along his stretch of Dayton Avenue was snapped up in days or weeks. Meanwhile, two Cottage Housing units at Dayton and 157<sup>th</sup> stayed on the market for close to a year and a third unit is up for sale now.

Mr. Olivera suggested that economics would prove overtime that Shoreline must respect the zoning of the single-family neighborhoods. According to the Bureau of Economic Analysis, savings as a percentage of disposable income has dropped to the lowest level ever. People are banking everything on their homes, and property values are important to the next generation's retirement. However, the City has repeatedly ignored the citizens' comments regarding reduced property values as a result of adjacent Cottage Housing development. He advised that his neighborhood group would be forwarding certified letters to each of the City Council Members to inform them that they have consulted a zoning and development attorney. They would also send a letter to the Washington Cities Insurance Authority informing them that the City of Shoreline is considering the resumption of permitting Cottage Housing projects without completing an impact assessment as requested by the citizens. If the City chooses to move forward with the Cottage Housing Ordinance, the legal costs could be extraordinary. Mr. Olivera thanked Mr. Cohen for being willing to work with the citizens to resolve the difficult situations related to Cottage Housing. On the other hand, he advised that when he and his wife have contacted City Council Members, their concerns were dismissed.

**Janice Jaworski, Dayton Avenue North,** said she lives in a Cottage Housing development and feels that they have a good neighborhood. She said she does not believe the information Mr. Olivera provided regarding the sales aspect of Cottage Housing units was accurate. She urged the City to consider that many of the occupants of Cottage Housing take care of their homes. In her neighborhood, they socialize and work together to take care of the properties. She expressed her belief that Cottage Housing developments provide a benefit to some residents of Shoreline, and the people who live in them are good community members.

**Alan Jaworski, Dayton Avenue North,** said he also lives in the Madronna Cottage Housing Development and does not feel there is anything wrong with the concept of Cottage Housing. The people who live in the units are all fine people, and the County collects over \$2,000 a year in taxes from each of them. The units are built well, and the residents share a sense of community that is not available in most traditional subdivision developments. He emphasized that no listing for sale of a Cottage Housing unit has ever gone on for a year. The longest it has taken to sell a unit is about five or six months, when there were three available all at once. Mr. Jaworski expressed his belief that Cottage Housing developments are at least as good as most of the current housing stock that exists in the area. There are numerous examples of small, cinderblock homes throughout Shoreline. He summarized that Shoreline has always been a place of good housing values, good people, and conscientious planning to provide affordable housing. He questioned where the future generation would live if a 1,000 square foot new house costs \$300,000. He urged the City to continue to look for ways to increase the density in good, wholesome ways so that everyone can continue to enjoy the legacy that Shoreline represents.

**Barbara Buxton, Ashworth Avenue,** said she lives just south of the Ashworth Cottages. She said she has been through the homes and found them to be very poorly constructed. The living space is ill conceived and small. In addition, they experience problems with flooding. She said that she doesn't think the concept of Cottage Housing is necessarily bad, and that there are appropriate places for these developments to occur. Most cities tuck them away in little nooks and crannies and are separated from single-family homes, and this tends to work well. She expressed her concern about the impact the Ashworth Project would have on her property.

**Jim Soules, Cottage Company, Seattle,** said his company developed the Greenwood Avenue Cottage Project. He said there have already been two resale situations in this development, and both units were quickly snapped up at a much higher price than the first owner paid. In fact, he noted that some of the Greenwood Avenue Cottages sold for a greater price than a few of the adjacent single-family homes. He pointed out that there has been a huge change in demographics, and now 66 percent of United States households are 1 and 2 persons. Cottage Housing was originally intended to provide a new housing choice for smaller households. The other objective was to provide an alternative to the infill that was coming from the larger houses being built on small lots.

Mr. Soules again suggested the City's Cottage Housing Ordinance require a developer to submit and show how the property would be developed with conventional zoning, and then make sure the neighborhood understands what could happen to them. For example, at the Reserve Cottage Housing Development, it is important to note that while there are units that are 25 feet high next to single-family residential homes, the property could have been developed up to 35 feet high and only five feet away. He summarized his belief that a lot of the concern is based on anxiety about something that is different.

He said his company has shown that Cottage Housing can be done well in existing residential areas. People from other cities are visiting the various projects they have developed because they are excited about the concept of smaller, detached homes that fit within the single-family residential areas.

Mr. Soules pointed out that the ordinance states that a unit cannot be any larger than 1,000 square feet. On the other hand, the single-family zoning regulations for a 7,200 square foot lot would allow a home up to 4,000 or 5,000 square feet in size. The only thing that would limit the floor area would be the envelope of the setbacks and the height. The Cottage Housing Ordinance would permanently control the size of the units forever.

**William Vincent, Northwest 195<sup>th</sup>**, said he lives across the street from the Hopper Cottage Housing Development and is waiting to hold judgment until the project has been completed. They may end up with nice people that he will enjoy welcoming into the neighborhood. However, he suggested the biggest underlying problem with Cottage Housing has been the public's misconception that they were protected in their zoning rights. Anytime the City wants to subject the people to change, they must sell the concept effectively to the community. He suggested that a design review might also make it easier to sell the concept to the community. He concluded by stating that he has a strong suspicion that this issue could have an impact on the election and might affect all of the citizens in an adverse fashion.

## **7. REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner Sands reminded the Commission that the City Council directed staff to form an Economic Development Task Force, and he was selected as the chair. They have held three or four meetings, and they are currently going through a process with staff to determine where monies are generated. They have spoken with regional people regarding King County's economic development efforts, as well as bond related people about the possibility of floating some bonds. In addition, they have worked with marketing people about the possibility of generating a marketing program for the City. The task force has been charged with modifying the current economic development plan and making a recommendation for the City Council to consider. However, right now they are just in the information mode. Within the next few weeks, the task force would start to formulate a useful plan for the community.

Commissioner Sands said there is a lot of work to do, starting with the creation of a vision of what Shoreline is supposed to be. He reported that the task force is a diverse group, with numerous opinions and all of their meetings have been and will continue to be open to the public. He advised that the meetings are free flowing and are not being recorded. Tom Boydell, the City's meeting facilitator, prepares summary minutes of each of the meetings. He said he would share these summary minutes with the Commissioners.

Commissioner Kuboi pointed that, oftentimes, what actually happens in the City is largely determined by economics. He suggested that the Commission should have a better understanding of economic development to help them figure out how they could align their efforts, as an advisory body, with the dynamics of the market. Commissioner Sands agreed, and said the task force is trying to address whether or not the City should step in and take an active role in trying to control the economics of the Shoreline. The task force has agreed that there is a need to compile information on the businesses currently located in Shoreline. He said it would not surprise him if the task force ends up making a

recommendation that the City institute a business licensing procedure so they can keep track of information. However, before the task force can come up with a plan, they must know what the City already has, and it will take time to compile the needed information.

Commissioner Kuboi asked if Commissioner Sands was participating on the task force as a citizen of Shoreline or as a representative of the Planning Commission. If he is representing the Planning Commission, he questioned how the Commission would be able to provide their input to him. Chair Harris said the City Council requested the Commission provide a representative for the task force, and they selected Commissioner Sands. Commissioner Hall pointed out that the Commission's by-laws state that only the Chair can represent the Commission as a body. Therefore, Commissioner Sands would not be able to speak on behalf of the Commission. Commissioner Sands said he has never held himself out as being a representative of the Planning Commission. However, he has been introduced as a member of the Commission.

## **8. STAFF REPORTS**

There were no staff reports scheduled on the agenda.

## **9. PUBLIC COMMENT**

Because there were no new staff reports, all public comment was provided as part of Item 6.

## **10. UNFINISHED BUSINESS**

### **a. Continued Cottage Housing Deliberations and Recommendation**

Paul Cohen, Senior Planner, reminded the Commission of the City Council's recent decision to conduct a public forum on the Cottage Housing Ordinance. He reported that the City Manager's Office is working to set up a meeting with the various individuals who have been asked to participate in a work group to discuss the process and content for the public forum. The intent is to hold the public forum sometime near the end of October. The starting point for the forum would be the Planning Commission's recommendation for the Cottage Housing Ordinance. He suggested that the Commission try to put together a draft recommendation at their October 6<sup>th</sup> meeting.

Mr. Cohen reminded the Commission that at their September 1<sup>st</sup> meeting, they directed him to come up with a proposal that would include using a Type B review process for Cottage Housing, but it would give the Planning Director the ability to refer controversial projects to the Planning Commission for review. No changes were made to the amendments proposed by staff.

Mr. Cohen recalled that at the last meeting a Commissioner inquired if the City currently has a housing strategy. He explained that the City has housing policies in the Comprehensive Plan. Also, administering the Development Code would provide some bonus for Cottage Housing, affordable housing, and accessory dwelling units. It would also provide for unlimited density in regional business zones and in the North City Business District.

Mr. Cohen recalled that Commissioner Broili previously asked how the City could distribute Cottage Housing or other types of housing throughout the City. He referred to the first code amendment that was proposed, which would limit no more than eight Cottage Housing units within a 1,000 foot radius of any point in the City. This would be one way to distribute housing of a certain type so no one neighborhood would be concentrated with too much. To determine the impact of this proposed amendment, Mr. Cohen said he used a City zoning map and arbitrarily put in 1,000 foot radius circles around the City. He noted that he excluded neighborhoods with covenants, as well as the number of cottage houses that have already been built. He emphasized that while the map is very theoretical, it identifies the potential for 569 Cottage Housing units. However, development is unlikely to happen in that fashion so the Growth Management Act target of 350 Cottage Housing units for the City would probably not be far off if this concept were adopted.

Mr. Cohen pointed out that, as per the proposed amendments, the Planning Director could forward controversial projects to the Planning Commission for review. The Planning Commission would then have the choice of reviewing the project proposal at a regular meeting as an entire body, or they could assign a Design Review Board to meet at a separate time. He estimated that this step would add at least another month and perhaps up to three months to the process if a project had to be reviewed by the entire Planning Commission. On the other hand, if a Design Review Board were set up to review the project at a separate time, the time period would be shortened. Mr. Cohen said it is important to remember that when reviewing a Cottage Housing proposal as a Planning Commission or a Design Review Board assigned by the Planning Commission, it might take more than one session since after holding one hearing, the Commission may find that revisions are necessary. He noted that the estimated staff time and cost would be about \$1,000 per meeting.

Mr. Cohen referred to Page 19 of the Staff Report, which lists additional criteria that should be required above the current submittal requirements to assist the Commission in making a decision. He recalled that the Commission previously discussed the need for the applicant to illustrate what the property could be designed like as a typical single-family development. Some Commissioners expressed concern that this illustration could be swayed or made to look less appealing than the project the applicant really wants to develop. Instead, he recommended that an illustrated site plan and elevations be required from all sides of the proposal as well as all sides of the adjacent property. This would allow the Commission to have a clear understanding of the elevation of adjacent buildings, houses and yards. He noted that the City of Kirkland's program would require an applicant to show how a site could be subdivided into a typical single-family development, without necessarily having to propose specific designs. The density bonus could then be calculated based on the number of single-family lots that would be allowed. At this time, the City calculates the density bonus based on the raw square footage. If a property is over 14,400 square feet, as most sites are, the City allows a developer to round up to three units. He summarized that Kirkland's requirement would play down the density bonus.

Mr. Cohen said staff is recommending that the Design Review Board receive a copy of all public comments from neighborhood meetings that happen before an application is submitted and those that are received during the application's comment period. This would allow the Design Review Board to have a full range of public opinion on the proposal.

Mr. Cohen said staff is also recommending that the surrounding properties be surveyed for square footage of buildings, building height, roof forms, setbacks from property lines, parking space and

location, access, screening and lot coverage. This would provide the Design Review Board with something to measure the project from.

Mr. Cohen referred the Commission to the code amendments that have been on the table for a few months and noted that the pros and cons of each would likely be highlighted as the process moves forward.

Mr. Cohen reported that he recently reviewed the City of Kirkland's Innovative Housing Program and collected information about the criteria their Planning Commission would use when entertaining proposals for Cottage Housing, compact housing and tri-plex/duplexes that look like single-family homes. He referred to the list on Page 19 of the Staff Report and advised that he adapted Kirkland's criteria to fit the needs of the City of Shoreline. He specifically noted the last item on the list, which allow applicants to propose modifications to the requirements of the Shoreline Muncipal Code, other than those specifically identified in Section 20.40.300 (the Cottage Housing requirements), that are important to the success of the proposal as Cottage Housing. He explained that this criteria means that if a proposal meets the Cottage Housing code requirements, but not other requirements of the Development Code, the requirements could be modified if the Design Review Board felt it necessary to get a top project.

Mr. Cohen said that in order to pursue the proposed criteria, new language would have to be adopted to give the Planning Director the ability to pass the more controversial Cottage Housing proposals to the Planning Commission or a Design Review Board. Also, the additional criteria would have to be added to the ordinance. Mr. Cohen said he spoke with a representative from the Kirkland Planning Department regarding the success of their Innovative Housing Program. She informed him that they are currently watching to see how things go in the City of Shoreline before they decide how they will present the program to the community for implementation in the future.

Vice Chair Piro reminded the Commission of the public forum that would be held sometime in October and suggested he would prefer the Commission have the benefit of reviewing the comments provided at the forum before making a final recommendation to the City Council. However, it is the City Council's intent that the forum start work with the Planning Commission's recommendation. He suggested the Commission work on the proposed amendments and take action on a preliminary draft ordinance that could be made available at the forum. This would allow the Commission an opportunity to work with the feedback that comes from the forum, make some changes to the draft and then forward a recommendation to the City Council.

Commissioner Kuboi agreed that the Commission should draft a proposal that could be used as a reasonable starting point to address some of the concerns raised by the public. He expressed his opinion that while the staff's recommendations would improve the ordinance, they sidestep some of the fundamental issues. Rather than just work on the staff's proposed amendments, he would like the Commission to expand the scope of what they are trying to do. He suggested that they start by identifying the types of ideas they would like to entertain. For example, the Commission has never discussed whether 1,000 square feet is a sensible number for size, given the needs of both the residents of Shoreline and the development community.

Vice Chair Piro recalled that at the end of the Commission's last meeting, Commissioner Broili was willing to put a motion on the table that the Commission begin to act on the ten proposed amendments from staff. He suggested that they identify the ones they can all agree on now, and then determine a timeline for dealing with the remaining issues.

Chair Harris said he attended the City Council meeting at which the public forum concept was discussed. He summarized that the Commission was charged with coming up with a recommendation prior to the public forum. Vice Chair Piro again suggested that the Commission present a proposed draft recommendation for consideration at the public forum. Chair Harris pointed out that any recommendation the Commission comes up with would likely be sent back to them after the forum for more work. Vice Chair Piro suggested the Commission forward a draft recommendation first in order to avoid procedural problems if the Commission were to go in a different direction after the forum.

Commissioner McClelland agreed that tweaking the ordinance may have made progress, and they are closer to having a good ordinance that weeds out unscrupulous developers. However, they have not dealt with all of the issues. She suggested that the intent of the public forum is to create an environment where people are able to interact with the Planning Commission, staff and City Council. She asked for clarification about whether the Commission's recommendation would come back to them after the public forum or go directly to the City Council for revisions and approval. She said she has still not been contacted regarding a meeting date to discuss these types of issues in preparation for the public forum that is to be held around the end of October.

Chair Harris pointed out that the City would be short on Planning Department staff for the next month or two. Commissioner Hall expressed his concern that the Planning Commission, City Council and community have been stuck on this issue for too long given the fact that there are other important City issues that must be dealt with. He suggested that the best recommendation the Commission could offer to the City Council and the participants of the forum now would be better than a perfect solution they could offer in six months. He reminded the Commission that the City Council would make the final decision. They have an idea for a workshop that is designed to get more meaningful public interaction, and the Commission should not stand in their way. He urged the Commission to do their best and then let the process move forward. He summarized that the Commission must balance their desire to act quickly with their desire to act with wisdom. If they act quickly, they could give up a little bit of quality, but if they want the perfect solution, they could spend their entire time working on one problem. He agreed with Chair Harris that the City Council has an expectation that the Commission do the best they can to move a recommendation forward prior to the public forum.

**VICE CHAIR PIRO MOVED THAT THE COMMISSION MOVE FORWARD WITH STAFF'S RECOMMENDED AMENDMENTS IN ATTACHMENT B OF THE SEPTEMBER 15, 2005 STAFF REPORT. COMMISSIONER SANDS SECONDED THE MOTION.**

**VICE CHAIR PIRO MOVED THAT THE MOTION BE AMENDED TO REMOVE PROPOSED AMENDMENTS 1 AND 4 IN ATTACHMENT B OF THE SEPTEMBER 15, 2005 STAFF REPORT FOR FURTHER DELIBERATION. COMMISSIONER HALL SECONDED THE MOTION TO AMEND.**



Vice Chair Piro referred to staff's recommended Amendment 1, which states that no more than eight Cottage Housing units could be located within a 1,000 foot radius from any single point in the City. He then referred to staff's recommended Amendment 4, which is an existing provision that has been edited. It states that Cottage Housing shall have a minimum of four units and a maximum of eight units, not including community buildings.

Vice Chair Piro said that while he likes the concept, he would like to perhaps discuss a different dimension. He said he is also uncomfortable with the concept of limiting the number of units in any Cottage Housing unit to between four and eight (Amendment 4). He recalled that part of his apprehension with the Ashworth Cottage Development is that only four units seems a little awkward on the site and might not create a sense of community as the Cottage Housing concept is intended to do. He suggested that four might be too small and eight might be too harsh as a top limit.

Commissioner Sands suggested that the Commission vote down the motion to amend the main motion. Instead, they should simply begin discussion of all of the amendments, leaving Proposed Amendments 1 and 4 until the end. The remainder of the Commission concurred.

#### **VICE CHAIR PIRO WITHDREW HIS MOTION TO AMEND THE MAIN MOTION.**

##### Proposed Amendment 2

The Commission agreed that Proposed Amendment 2 should be accepted as per the staff's recommendation.

##### Proposed Amendment 3

None of the Commissioners raised a concern about Proposed Amendment 3.

##### Proposed Amendment 5

Vice Chair Piro asked that the word "structures" be eliminated from the first sentence of the proposed language. He suggested that this was a typographical error. The remainder of the Commission agreed upon this change. No other changes were made to Proposed Amendment 5.

##### Proposed Amendment 6

Commissioner McClelland suggested that something is missing from the first sentence. It was discussed that the intent is to require all of the units to be oriented around a common open space. The Commission agreed that the sentence was a little awkward, and they asked staff to replace the language to make its intent more clear. No other changes were made to Proposed Amendment 6.

##### Proposed Amendment 7

Commissioner Sands suggested that the second sentence of Proposed Amendment 7 be changed to read, "Private open space with a dimension of less than 10 feet on one side shall not be included in the area calculation." Mr. Cohen explained that private open space is the yard space in front of the entry, which is adjoining the common open space. This could be all sorts of shapes, but it is important that it is substantial and have a dimension of at least 10 feet in any direction.

Commissioner Sands inquired if it would be better to use a square footage number as opposed to a dimensional number. Commissioner Hall explained that there is a difference between setting a

minimum dimension and setting a square footage requirement. A square footage requirement could be a narrow band around the house. Since the intent is to create open space, having a dimensional requirement would be more appropriate.

Commissioner McClelland suggested that the second sentence be changed to read, "Private open space that is less than 10 feet wide shall not be included in the 250 square foot area calculation." In the next sentence, she suggested that the word "it" be replaced with "private open space." The remainder of the Commission agreed, and they did not make any other changes to Proposed Amendment 7.

#### Proposed Amendment 8

Vice Chair Piro said he does not particularly like this proposed amendment because it could create a situation where they end up with excessive parking, which translates into excessive asphalt. However, he is sensitive to the comments that have been provided by the community regarding parking issues around Cottage Housing developments. He recalled that the Commission has heard a lot about the changing demographics and the City is in a situation where one of every two units is occupied by a single person. Part of the market for Cottage Housing is geared towards the smaller households. He said he would be comfortable with a requirement of just two parking stalls for each unit, and not requiring additional stalls for guest parking. Commissioner Phisuthikul agreed.

Chair Harris pointed out that the purpose of the proposed amendments is to respond to the community's concerns, and parking was always mentioned as an issue. As the Commission reviews the proposed amendments, they should consider whether or not they respond to the concerns raised by the community. He said he would support Proposed Amendment 8 as recommended by staff. Commissioner Broili agreed. Leaving the parking more restrictive would limit where Cottage Housing could happen. If there is not enough space to accommodate the parking requirement, then Cottage Housing in that location would be prohibited.

Commissioner Kuboi referred to the last bulleted item in Proposed Amendment 8 and recalled that a few months ago the Commission discussed whether or not the parking space must be covered or enclosed. He said the term "covered" means a carport and not a garage. He noted that most of the Cottage Housing units that have been developed in the City have one of the parking spaces as a garage. However, the Meridian Cottages all have carports. He pointed out that the way the proposed amendment is written, a carport would be acceptable. He would like to see the word "covered" be replaced with "enclosed."

Mr. Cohen reviewed that, other than the Meridian Cottages, all of the new Cottage Housing developments have a combination of enclosed parking and open parking. All have at least one enclosed parking stall per unit, allowing the extra parking to be open.

**COMMISSIONER KUBOI MOVED THAT THE COMMISSION CHANGE THE LAST BULLETED ITEM IN PROPOSED AMENDMENT 8 BY REPLACING THE WORD "COVERED" WITH "ENCLOSED." VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED 8-0.**

Chair Harris referred to the third bulleted item in Proposed Amendment 8 and asked if an architectural screen would mean anything but a fence. Mr. Cohen said the intent was to upgrade fences from being

just board fences into making them more of an architectural screen. The term “architectural screen” allows more leeway in terms of design standards versus just a fence, and there tends to be more design and substance.

Commissioner Phisuthikul expressed his concern that the term “architectural screen” is unclear. He asked if the code includes a definition for this term. Mr. Cohen answered that it is not defined in the code, but an architectural screen is meant to be something built to be an effective screen along parking areas and common areas. He suggested that perhaps they could use the term “walls” versus “fencing” and provide some examples. The Commission agreed this would be appropriate.

Mr. Cohen said the Reserve Cottage Housing Project was the first in which the City required screens versus a solid wood fencing all the way around the property. Instead, strategically placed screens were used to break up the views between the properties without building a wall. The use of architectural screens allows the City to look at the design and determine if it is effective and fits with the architecture of the proposed project. They are not meant to be barricades.

Commissioner Hall said the Commission has discussed the need to allow staff discretion when reviewing projects. When a project is proposed, the applicant could work with staff to come up with an effective screen that has some architectural value. Commissioner Broili said it would be somewhat advantageous to have some ambiguity to allow flexibility for the Design Review Board to interpret the code however they feel is appropriate to help shape a project so it better fits into a neighborhood. A bit of ambiguity in this case would not be a bad thing. The remainder of the Commission concurred that no changes should be made to the second bulleted item.

#### Proposed Amendment 9

**COMMISSIONER BROILI MOVED THAT PROPOSED AMENDMENT 9 BE AMENDED TO READ AS FOLLOWS: “SETBACKS FOR ALL STRUCTURES SHALL BE 10 FEET FROM THE PROPERTY LINES AND 15 FEET FROM PUBLIC RIGHT-OF-WAY OR PUBLIC SIDEWALK, WHICHEVER IS GREATER. COMMISSIONER MCCLELLAND SECONDED THE MOTION.**

Commissioner Broili said he wants to ensure there would be a minimum 10-foot perimeter all around the property. Again, he made the point that if there were not adequate land to provide a 10-foot perimeter, then Cottage Housing would not be appropriate for the site. He said this type of requirement would help weed out the less desirable projects.

Commissioner Sands asked what the typical setbacks are in an R-4 zone. Mr. Cohen said the setbacks requirements are a minimum of 5 feet, with a 15-foot setback requirement for two side yards combined. Commissioner Sands recalled that the Commission previously had a long conversation about this issue. He said he does not believe the setback requirements for Cottage Housing should be more restrictive than what could normally be built in the zone. Chair Harris pointed out that because the Cottage Housing units would be oriented towards a common open space, the rear yards of each unit would abut against the adjacent property owners. In a single-family zone, the rear yard setback requirement would be 15 feet.

Commissioner Sands again urged that the setback restrictions should not be more restrictive than the underlying zoning. Vice Chair Piro agreed. He recalled that the last time the Commission discussed the Cottage Housing Ordinance, they came up with a compromise that the average of ten feet would make sense, with five feet being what is common for a traditional single-family home. He said he would support the proposed amendment as presented by the staff, since it does provide a little more of a buffer but would not unduly burden this type of development.

Commissioner McClelland suggested that the language in Proposed Amendment 9 be changed to make it clear that the setback requirements are from the exterior property line of the compound. She noted that any unit that sits on a public street would have a 15-foot setback requirement, and this is consistent with other residential zoning in the City. Mr. Cohen clarified that the R-6 and R-4 zones require a minimum front setback of 20 feet. The proposed setback requirement for Cottage Housing would be reduced to 15 feet as per the proposed amendment.

Commissioner Hall asked if sidewalks are sometimes built on private property outside of a public right-of-way. Mr. Cohen clarified that people generally assume that property lines go along the inside of a sidewalk, but that is not always the case. The purpose of Proposed Amendment 9 is to clarify where the setback would be measured. The current code merely mentions the setback from the public street and does not take into account the edge of a property line, the pavement or the future planned sidewalk. If there is a future sidewalk planned, the intent of the proposed amendment is to make sure the setback is measured 15 feet from the sidewalk area, no matter where the property line is.

**THE MOTION FAILED 1-7, WITH COMMISSIONER BROILI VOTING IN FAVOR.**

The Commission did not make any changes to Proposed Amendment 9.

Proposed Amendment 10

The Commission did not make any changes to Proposed Amendment 10.

Proposed Amendment 4

Vice Chair Piro expressed his concern that four units does not seem to be a critical enough mass for a Cottage Housing project. The intent of the concept is to create a sense of community, with community facilities, etc. He is not sure that four units would achieve this goal. He said he would like this number to be raised to six. He also expressed his concern about limiting the number of units to only eight. He said he would be comfortable with limiting Cottage Housing development to a maximum of 12 units, but if the Commission wants to reduce the limit, he suggested they use 10 instead.

**VICE CHAIR PIRO MOVED THAT PROPOSED AMENDMENT 4 BE AMENDED TO IDENTIFY SIX AS THE MINIMUM NUMBER OF UNITS AND 10 AS THE MAXIMUM NUMBER OF UNITS. COMMISSIONER KUBOI SECONDED THE MOTION.**

Commissioner Phisuthikul said he would rather the minimum number of units allowed remain at four as proposed by staff.

**VICE CHAIR PIRO WITHDREW HIS MOTION.**

**VICE CHAIR PIRO MOVED THAT PROPOSED AMENDMENT 4 BE CHANGED TO IDENTIFY SIX AS THE MINIMUM NUMBER OF UNITS ALLOWED IN A COTTAGE HOUSING DEVELOPMENT. COMMISSIONER KUBOI SECONDED THE MOTION.**

Chair Harris said he would be in favor of keeping the minimum requirement at four since four units could fit better into an existing neighborhood. Vice Chair Piro said he has been very sensitive to the testimony received from Mrs. King that someone is seeking to purchase her property, as well as the neighboring property. This could result in a situation of just four Cottage Housing units being constructed in the middle of a single-family neighborhood. Raising the minimum number to six would require a larger collection of properties.

Commissioner Kuboi said that when you take into consideration that the amenities must be spread over the number of units in a development, four units would make it more difficult for a developer to have the wherewithal to create the initial amenities. He said he would like the minimum number raised from four to six.

Chair Harris asked if the City has a policy that encourage community buildings in conjunction with Cottage Housing developments. Vice Chair Piro said the ordinance requires community open space as part of a Cottage Housing development. He referred to the concept that Mr. Cohen referenced earlier from Kirkland's program that encourages developments such as duplexes and tri-plexes that look like single-family units. These types of uses might be more appropriate on some of the tighter lots than trying to construct four Cottage Housing units.

Commissioner Hall pointed out that the City's subdivision code already allows someone to purchase two properties that are side by side and redevelop them in a manner that is different than if they had only purchased one. As they think about redevelopment in the future, it would be best to see consolidation of properties to encourage more master planned types of development. He expressed his concern that a property owner would be prevented from consolidating two lots and constructing four Cottage Housing units, yet he would be allowed to consolidate and build three very large homes on the same two lots.

Commissioner Hall noted that the citizens who raised concerns about Cottage Housing never indicated that they would rather have six units next to them than four. Therefore, raising the minimum limit would not address the core concerns raised by the public. He does not feel this change would be important when addressing the public's concerns.

Chair Harris pointed out that, with the proposed new standards for density and parking, four units would not fit on two lots. It would take a three-lot buyout in order to construct at least four, and the density would remain the same as a large project in order to meet the open space and density requirements.

**THE MOTION FAILED 2-6, WITH VICE CHAIR PIRO AND COMMISSIONER KUBOI VOTING IN FAVOR.**

**VICE CHAIR PIRO MOVED THAT PROPOSED AMENDMENT 4 BE CHANGED TO IDENTIFY TEN AS THE MAXIMUM NUMBER OF UNITS ALLOWED IN A COTTAGE HOUSING DEVELOPMENT. THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Sands pointed out that a 1.75 density in an R-6 zone would allow 10 units. Therefore, the Commission must either change the 1.75 density or change the maximum number of units allowed from 8 to 10. Mr. Cohen said this would be assuming that a lot is an acre, and the lots are typically closer to 20,000 square feet in size. Commissioner Sands pointed out that if a lot were larger than one acre, the maximum limit of eight units would override the 1.75 density allowance. This would preclude a developer from compiling more than enough land to develop eight cottages.

The majority of the Commission agreed to accept the staff's recommendation for Proposed Amendment 4.

#### Proposed Amendment 1

Vice Chair Piro said he was uncomfortable with the 1,000-foot radius concept that was proposed in Amendment 1. Commissioner Sands agreed and said he believes the 1,000 linear foot radius is an arbitrary number that may or may not work, depending on the location and situation. For example, it won't make any difference how close together Cottage Housing projects are located along Aurora Avenue, but in a homogenized residential community, 1,000 feet might be too close. He expressed his belief that it would be difficult to come up with a number that would work in every situation. They just have to do the best they can.

Commissioner Broili agreed with Commissioner Sands. He recalled that the map provided by Mr. Cohen shows that the City could accommodate 500 Cottage Housing units using the 1,000 linear foot radius requirement. However, he indicated it would probably not be possible to reach this number and the actual number of units that could be accommodated in the City would be closer to the target goal of 350. He said he would be comfortable using the staff's recommended language for Proposed Amendment 1.

Commissioner McClelland said the Greenwood and Madronna Projects are near the college, near bus lines, etc., which appear to be appropriate urban locations. The City didn't get a lot of negative feedback about the Cottage Housing concept until they started to be constructed in the Richmond Beach area. She suggested that the intent of Proposed Amendment 1 is that no one area in the City feels that they are accepting an over-concentration. The Commission has no way of knowing if the 1,000 linear foot requirement would accomplish this goal. She reminded the Commission that, regardless of the type of housing, the City should avoid allowing an over concentration of a use in any one place.

Vice Chair Piro suggested that the Commission try the 1,000 linear foot radius for now. He recalled that although the Commission previously made changes to the ordinance to address community concerns, they still do not address all of the issues. If the 1,000 linear foot radius does not work, the Commission could consider a change in the future.

Commissioner Kuboi said he would support an increase in the radius from 1,000 to 2,000 linear feet. At some point in the future, the Commission could reconsider the number if they find that development is occurring in a more uniform manner across the City. Perhaps in the future there would be a higher level of community acceptance of the concept. Increasing the size of the radius would be one way for the Commission to respond to the community's perspective of over concentration.

**COMMISSIONER KUBOI MOVED THAT PROPOSED AMENDMENT 1 BE CHANGED BY REPLACING “1,000” WITH “2,000.” THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Sands Proposed New Amendment

Commissioner Sands pointed out that because a Cottage Housing project would require a conditional use permit, the staff has the ability to turn a project down if they do not feel the developer has done enough to blend the project in with the surroundings even if the project would comply with all of the technical code requirements. He suggested that this fact should be stated somewhere in the ordinance. In addition, Commissioner Sands said he would like the ordinance to include a statement that the City of Shoreline has taken the position that they discourage this type of development unless it meets the absolute highest standards. He felt this would ease the concerns of the citizens regarding Cottage Housing. It would also put the burden on the developer to propose a development that exceeds the minimum requirements of the code.

Commissioner Sands said that, at the very least, the Commission should send a recommendation to the City Council to recognize that while they are not willing to completely eliminate the option for Cottage Housing development in the City, they have heard the community’s concerns. Commissioner Hall suggested that a statement to this effect could be included in the findings that would accompany the Commission’s recommendation. Vice Chair Piro pointed out that the ordinance already includes an intent section to identify the benefits of Cottage Housing. He suggested that it would also be appropriate for this list to identify the things the Commission wants the City to be cautious of. Commissioner Hall said he would not support including the additional language proposed by Commissioner Sands in the body of the development regulation.

**COMMISSIONER SANDS MOVED THAT THE COMMISSION DIRECT STAFF TO PREPARE LANGUAGE TO INCLUDE IN THE COTTAGE HOUSING FINDINGS THAT RECOMMENDS STAFF BE ABLE TO DISCOURAGE COTTAGE HOUSING DEVELOPMENT UNLESS HIGHEST STANDARDS ARE MET. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**THE MAIN MOTION TO MOVE FORWARD WITH STAFF’S RECOMMENDED AMENDMENTS IN ATTACHMENT B OF THE SEPTEMBER 15, 2005 STAFF REPORT AS AMENDED WAS APPROVED 7-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.**

Commissioner Hall said that while the amendments significantly improve the code, he would vote to eliminate the Cottage Housing Ordinance altogether based on feedback the Commission received from the community. He said he does not believe there is any way the ordinance could be fixed to address all of the problems.

Chair Harris said that he would be in favor of shelving the Cottage Housing Ordinance, but he voted in favor of the motion because the Commission previously made the decision that they would not eliminate the ordinance. Commissioner McClelland said that is the only reason she voted for the motion, as well.

**11. NEW BUSINESS**

a. **Annual Report to City Council**

Chair Harris recalled that the Commission previously formed a committee to prepare an annual report for the City Council's review. He requested a progress report. Vice Chair Piro indicated that he would work with Commissioner Sands and Commissioner Hall to complete the report soon.

**12. AGENDA FOR NEXT MEETING**

Chair Harris advised that the October 6<sup>th</sup> agenda was scheduled to include a continued discussion of the Cottage Housing Ordinance, as well as a review of the "sidewalk in lieu of program." He pointed out that Mr. Pyle has completed all of the research regarding the sidewalk program, but he would be leaving the City at the end of September. Mr. Cohen said the staff would present the work that Mr. Pyle completed.

Commissioner Hall said that while it would be helpful to receive a staff report regarding the "Sidewalk In-Lieu of Program," he is looking forward to a discussion amongst the Commissioners to try and craft a solution. He said he would be opposed to postponing their discussion.

Vice Chair Piro suggested that the Commission offer some direction to staff regarding the procedures for a design review process. He said he is ready for the staff to move forward with draft language in support of this review, along with the criteria that was outlined in the Staff Report. Chair Harris said he would be opposed to any design review, whatsoever.

**VICE CHAIR PIRO MOVED THAT THE COMMISSION DIRECT STAFF TO PROCEED WITH DEVELOPING A DESIGN REVIEW BOARD PROCESS. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Hall said he appreciates the work staff did to try and highlight the cost and time associated with a design review process. He said he would prefer the approach recommended by Commissioner Sands that the staff exercise their discretion consistent with the Commission's direction that they carefully review all Cottage Housing development proposals. He said this would be a more efficient way for the City to do business, and it would allow the development community to move forward with greater certainty. Chair Harris noted that the criteria associated with a conditional use permit would already require an added level of design review. He questioned what an additional Planning Commission review would be able to add to the process.

Commissioner Phisuthikul suggested that the design review required by the conditional use permit could run parallel to the design review that Commissioner Sands has suggested. The end result could be a review process that would assure the highest quality of development proposal. He said he would support the concept of establishing a Design Review Board.

Vice Chair Piro said a design review process is one mechanism that would ensure that community character is respected in the process, and this has been one of the major issues raised by the community.



**THE MOTION FAILED 4-4, WITH COMMISSIONERS BROILI, HALL, KUBOI AND CHAIR HARRIS VOTING AGAINST AND COMMISSIONERS MCCLELLAND, PHISUTHIKUL, SAND AND VICE CHAIR PIRO VOTING IN FAVOR OF THE MOTION.**

**13. ADJOURNMENT**

The meeting was adjourned at 9:50 p.m.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission