

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 1, 2005
7:00 P.M.

Shoreline Conference Center
Rainier Room

PRESENT

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

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

ABSENT

Commissioner MacCully
Commissioner Hall
Commissioner Sands

1. CALL TO ORDER

The regular meeting was called to order at 7:05 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, McClelland, Phisuthikul and Broili. Commissioners Hall, Sands and MacCully were excused.

3. APPROVAL OF AGENDA

No changes were made to the proposed agenda.

4. DIRECTOR'S REPORT

Mr. Stewart reminded the Commission of the Washington American Planning Association Conference that is scheduled for October 31st through November 2nd in Bellevue. As in past years, the City Council has appropriated sufficient funds to support the Planning Commission's continued education and training by attending the conference. He asked that interested Commissioners work with Ms. Simulcik Smith to make the necessary registration arrangements.

Mr. Stewart advised that at the City Council's last meeting they decided not to change the review process for the Cottage Housing ordinance. Instead, they felt it would be appropriate to conduct a joint Planning Commission/City Council workshop with citizens after the Planning Commission forwards its recommendation. He summarized that as per the City Council's recommendation, the Planning Commission would discuss the Cottage Housing ordinance, formulate a recommendation, and then attend a joint meeting with the City Council and citizens to discuss the recommendation before the City Council moves to its deliberative and decision-making process. Mr. Stewart advised that two Council Members (Grace and Fimia) have accepted the assignment of working with the City Manager's Office to set up the joint meeting. They have asked that the Commission also appoint two Commissioners who can work with them and staff to set the agenda, timing, and logistical details of the meeting. He asked that the Commission identify their two representatives as soon as possible.

Mr. Stewart advised that staff has prepared updates for the Commissioners' Development Code book. Ms. Simulcik Smith asked that they insert the new pages into their books and remove the old pages.

Mr. Stewart referred to Commissioner Sands' memorandum regarding the Cottage Housing ordinance. Because he was unable to attend the meeting, he wanted to make sure his comments were considered as part of the Commission's deliberation.

Next, Mr. Stewart referred to a copy of the Supreme Court's decision on the Viking Properties versus Holm lawsuit. He explained that this was a very interesting case dealing with private restrictive covenants in Shoreline. He said the argument was made that covenants, which prohibit densities allowed by the lots current zoning, violate the City's code that requires a minimum density of four dwelling units per acre. However, the court decided that the restrictive covenants in place since Innis Arden was developed are valid and that the City's ordinance cannot be used to force further subdivision of the property. The court did determine that the restrictive covenant in the Innis Arden code that limited ownership to Caucasians only were invalid. He encouraged the Commissioners to review this case since it is being looked at very carefully by planners throughout Washington State, and there will likely be some debate as to how this decision will impact other Growth Management Act issues.

Most importantly, Mr. Stewart reported that the court found the Growth Management Act creates a general framework to serve as a guide for local jurisdictions, but not as a bright line rule or a state mandated planning policy. He summarized that the Growth Management Act provides a framework within which local jurisdictions must balance the established competing interests identified in the document. In this sense, the decision was a victory for local governments.

Commissioner Kuboi referred to Mr. Stewart's earlier comment regarding the need for local jurisdictions to balance all of the Growth Management Act criteria. Mr. Stewart explained that the Growth Management Act establishes 13 or 14 objectives that local jurisdictions must consider. Part of recent debate is whether one objective would trump another. The Supreme Court has clearly stated that the objectives provide guidance, but it is up to the local jurisdictions to make sure their Development Codes provide for a good balance. The Supreme Court has indicated that local jurisdictions have more discretion to make decisions regarding the appropriate balance.

Mr. Stewart explained that the City does not enforce private restrictive covenants, and they were not party to the lawsuit. The City would grant approval of a subdivision application for the subject property based on whether or not it meets the Development Code requirements. The covenant restrictions are private matters between the property owners. As a result of the Court's decision, the property owner would only be allowed to develop up to the density allowed by the private restrictive covenants that exist.

Mr. Stewart announced that Andrea Spencer has accepted the position as Planning Manager for the City of Bremerton, which is a big promotion for her. Not only is this his last meeting, but it is also Andrea's last meeting. He said he would meet with Ms. Markle in the next day or two to make sure there are no gaps in the staffing level as a result of the changes.

5. APPROVAL OF MINUTES

The August 4, 2005 minutes were approved as submitted.

6. GENERAL PUBLIC COMMENT

LaNita Wacker, said she has provided oral, written and graphic testimony regarding the Cottage Housing Ordinance. She said that the opponents of Cottage Housing have stated that the overwhelming majority of citizens in Shoreline are opposed to Cottage Housing. However, she said most of the citizens in Shoreline do not even know about this issue let alone care one way or another. She suggested that the opponents are using exaggeration, without facts to support their statements. She pointed to the demographic fact that the population is now at a 50 percent divorce rate. She shared an example of marriage/divorce to illustrate the need for smaller type housing in Shoreline to accommodate single people.

John Behrens, said his property is located between two Cottage Housing developments. He said he strongly believes that the vast majority of Shoreline residents are opposed to Cottage Housing. They bring in significant traffic impacts to very overwhelmed streets. He referred to the four Cottage Housing units that were recently constructed at 183rd and Ashworth, which have decreased \$50,000 in price since they were built but none have been sold. The units on the corner of 185th and Stone Avenue have mostly become rental properties with a high incidence of turnover. He summarized that Cottage Housing is not a solution for the City to meet their growth targets and there are alternative ways of designing high density. For example, he questioned why the Gateway Center which is currently under construction is a one-story development. He concluded that high-density development should occur on

corridors where there is public transportation, where large amounts of traffic can be accommodated, and where the necessary services can be provided without inconveniencing people who have purchased homes in a neighborhood. Homeowners should not have to live in neighborhoods surrounded by condominiums that are being called cottage houses. He suggested the Planning Commission listen to the people in Shoreline. Every time the issue has been raised there has been an overwhelming negative response. The City must step up and make an honest decision without regard to who is putting money into the election campaigns of the City Council.

Dave Heggert, Randy Pierce, and Jean King agreed with the comments that were provided by Mr. Behrens.

Jim Soules, Owner and President of the Cottage Company, said his company constructed the Greenwood Avenue Cottages. He pointed out that, in a way, the entire United States is keeping track of what happens in Shoreline in regards to Cottage Housing. The Cottage Housing concept has been embraced nationally. The Urban Land Institute is almost ready to publish a book about it, and Sunset Magazine is going to feature a Cottage Housing project in Renton. He said he believes Cottage Housing has tremendous opportunity, and the issues that have been raised seem to focus on the process and design review. He said the City of Redmond has done an amazing job of creating a much stronger, qualitative, and quality review process. He agrees that some of the cottage houses in Shoreline should not have been constructed, but the City must come up with a way to codify good design to make Cottage Housing work. Allowing the Planning Commission to conduct the design review could be an appropriate option for the City to consider. He suggested that it would be a good idea to prohibit Cottage Housing development on corner lots. He concluded by stating that he is not an advocate of many of the Cottage Housing projects that have been developed in Shoreline, but he is an advocate of keeping the Cottage Housing concept alive.

Jean King, said that one developer has purchased the properties next to and behind her property. In addition, he also wants to purchase her property, as well as another one behind her. She asked what the City is going to do with all of the Cottage Housing units that shouldn't have been built in the first place. What will happen if the property adjacent to hers is developed as Cottage Housing and the City does not like them? She expressed her belief that Cottage Housing is a terrible idea. She doesn't want all of the additional noise or traffic next to her. Meridian Avenue is already a very busy street. No one living in a single-family home wants a Cottage Housing development next to them because it will end up decreasing their property values. She asked if the law would require her to declare to any future property owner that Cottage Housing has been proposed next to her if she sells her home. She agreed that Cottage Housing should not be allowed within single-family neighborhoods. The additional density should be accommodated on the busier streets such as Aurora Avenue North.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports of committees or Commissioners.

8. STAFF REPORTS

No staff reports were scheduled on the agenda.

9. UNFINISHED BUSINESS

a. Continued Deliberation on Cottage Housing Ordinance

Mr. Stewart referred the Commission to the proposed amendments and suggested they start their deliberations by working through them. Commissioner Broili asked if the amendments identified by individual Commissioners were included in the document before them now. Mr. Cohen said he received suggestions from various Planning Commissioners, and these were classified into four topics and presented to the Commission at their August 4th meeting. The staff report before the Commission expands upon the four topics.

Commissioner Kuboi said he does not recall the staff's particular response to a question he previously submitted regarding the review and approval of the Ashworth and Hopper Projects. He said there has been some sentiment expressed that these two projects are not representative of the quality of project the City is seeking. He asked if these two Cottage Housing projects ended up being what staff envisioned when they approved them. Mr. Cohen responded that while the Ashworth Cottage Housing Project appears to be complete, it is not. They stopped work on the units because they had problems with the basements. There are still a number of things that must be changed and improved before staff will grant final approval. At this time, the development does not meet the expectations he had at the time the project was approved. He briefly reviewed the punch list of items that must be corrected by the developer. Mr. Cohen advised that the Hopper Cottage Housing Development has had a number of issues, as well. Numerous changes must be made before the staff can sign off on the project. Since the project is being constructed by the same developer and architect as the Ashworth Cottages, they understand the City's requirements. Hopefully, this project will not need as many changes.

Commissioner Kuboi recalled that one of the units in the Hopper Cottage development seems to be oddly oriented compared to the other four. Mr. Cohen said the units are not laid out in a grid or line. Three units face the corner, with two units located in the back that are skewed to provide for open space, circulation, etc.

Commissioner McClelland said she walked through the Hopper Cottage Development and noted that the physical constraints on the property caused the developer to construct the units to a greater height. She suggested that perhaps the greater issue is related to compatibility in that the units are surrounded on three sides by one-story, single-family homes. She asked if staff could deny a Cottage Housing application if they do not feel the proposal would be compatible with the character of the neighborhood even if it can meet all of the code requirements.

Mr. Cohen explained that the code requirements for Cottage Housing do not directly address the issue of compatibility, and there are different views about what Cottage Housing actually means. Staff must represent the community character, which often has a variety of styles within one single-neighborhood.

He said compatibility is difficult to define. He suggested the Commission could figure out the best way to administer compatibility requirements to be the most effective. He agreed that the Madrona and Greenwood Cottages could be held up as good examples of Cottage Housing developments. He reminded the Commission that the intent of the Cottage Housing ordinance is to allow for the development of single-family homes that are available to middle-income people. Commissioner McClelland agreed that it would be appropriate for the Commission to discuss ways to exert more control over Cottage Housing through design review, etc.

Commissioner Kuboi recalled that questions were raised at previous meetings about how the Cottage Housing ordinance managed to get into the Development Code and comprehensive plan in the first place. He noted that the first paragraph of the ordinance states the goals of Cottage Housing. His recollection was that there was really only one goal of the eight that related to an issue that only Cottage Housing could address. All of the other goals were related to a variety of housing, density, etc., which could be satisfied by other styles of housing. He said he believes Cottage Housing is generally a good idea, but there should be a plan for incorporating additional types of housing and mechanisms by offering development bonuses or incentives to encourage developers to widen the pallet of housing choices. He noted that the density bonus offered for Cottage Housing development is one of the major reasons there have been so many of them built in the City. Rather than just focusing on Cottage Housing, he asked if the staff plans to go to the next level to see whether other types of housing could be encouraged in this same way.

Mr. Cohen asked if Commissioner Kuboi was speaking about other types of housing in single-family zones or throughout the entire City. Commissioner Kuboi said he is most interested in how they can integrate other types of housing stock into single-family neighborhoods. Mr. Stewart pointed out that the current Development Code allows attached single-family homes, duplexes, and Cottage Housing in low-density residential zone districts when specific criteria can be met. All residential districts permit affordable housing if it meets the criteria and standards outlined in the code. Accessory dwelling units are also allowed in all single-family zone districts if they can meet the criteria. Commissioner Kuboi pointed out, however, that with the exception of Cottage Housing and affordable housing, no density bonus or incentive is offered to encourage the development community to pursue the other types of options. He said that since the City offers density bonuses for Cottage Housing to encourage their development, perhaps they should consider offering density bonuses or incentives to encourage other types of innovative housing and architecture. Mr. Stewart explained that Cottage Housing is intended to be small in size, so the density increase and its impacts would be generally on par with what would happen if a four or five bedroom home were built. The occupancy of a Cottage Housing unit would be much less than the standard occupancy of the typical single-family home.

Vice Chair Piro said he believes that changes could be made to the existing Cottage Housing ordinance to make it right. He suggested that the Commission first identify the problems and concerns and then make sure the changes really do address the issues. He said the City already has a good housing element in its comprehensive plan, and it fully meets the Growth Management Act requirements in terms of doing a needs assessment of housing, advocating a variety of housing types and affordable housing, and making sure there is adequate land in the City to provide adequate housing to meet the target growth. However, Commissioner Piro pointed out that the City does not have an adopted housing strategy.

While Cottage Housing could be part of the City's solution regarding housing, there are other issues and options that should also be considered.

Vice Chair Piro said it would be helpful if staff could provide information regarding the types of housing that is being constructed in the City. For example, how much of it is traditional single-family housing, infill housing, accessory dwelling units, multi-family housing, etc. Staff could also provide information about how well Cottage Housing development is fitting into the mix. Mr. Stewart explained that the Growth Management Act targets an additional 2,600 units in the City of Shoreline over the next 22-year planning period. He recalled that when the City completed their Buildable Lands Analysis, it was assumed there would be about 350 cottage units in the City, but this assumption was made before many of these units had been constructed. If Cottage Housing were eliminated from the pallet of housing options, the number of units would be cut in half because the land that would no longer be used for cottages would likely be used for single-family development. Instead of 350, 1,000 square foot Cottage Housing units, they would get about 165, 5,000 square foot single-family units. He said this change would not make or break the Growth Management Act goals, which depends more upon high-density redevelopments in areas such as North City. If the City can provide the necessary infrastructure, there is a market for this type of high-density development and the Growth Management Act goal could be easily met.

Mr. Stewart explained that the Cottage Housing issue is one of choice, and is related more to changes in demographics and market. There are some people who do not want any change, and the issue of how the Cottage Housing units fit within neighborhoods is a big one. Therefore, it is critically important that the Commission carefully consider the issue of design. He referred the Commission to the four options for design review that were outlined by staff in the Staff Report. He advised that any one of the options would be resource intensive, and additional staff and funding would be required.

Commissioner McClelland referred to Mr. Behrens' comment regarding the need for the City to provide more opportunities for high-intensity housing along major arterial streets. She recalled that when the Commission reviewed the Central Shoreline Sub Area Plan, they had great intentions that the Gateway Project would be a mixed-use development, with a lot of housing units. However, because the sub area plan was never adopted, the City did not have the development regulations in place to require mixed-use development. The Commission felt this would have been a perfect situation for high-intensity housing near transit facilities and commercial developments.

Commissioner McClelland agreed with Ms. Wacker's concern about the opposition's use of the term "overwhelming." She said it is not possible for her to know what the overwhelming opinion is on any issue in the City of Shoreline. While she recognizes there are very strong opinions both for and against Cottage Housing, using the word "overwhelming" does not contribute to the debate. Commissioner McClelland said she is deeply concerned that the Cottage Housing ordinance is needlessly being made into a campaign issue. She said that, in her opinion, the issue does not deserve that much attention. They are only talking about 150 additional housing units. She agreed with Commissioner Kuboi and Vice Chair Piro that, in the context of Citywide housing needs, if they relinquish Cottage Housing and get 165, 5,000 square foot houses where they could have had 350, 1,000 square foot houses, the

additional housing units could be provided elsewhere in the City. At this time, the City does not have a detailed analysis of their housing supply to identify the sizes and types that currently exist.

Commissioner McClelland agreed that the units in the Hopper Development look out of character with the surrounding neighborhood because they are taller. However, she also noted that a school is located in close proximity. When she thought of the possibility of a single mother being able to live in one of the units and her children walk to school, the development appeared more desirable to her. Commissioner McClelland expressed her belief that Cottage Housing is not that important, and she could support a decision to either change or eliminate the ordinance. If the Commission decides to go forward with the Cottage Housing ordinance as amended, she urged the Commission to act as a design review board and widen the basis of decision making so that one staff member is not given the entire responsibility for interpreting the rules.

Commissioner Phisuthikul proposed that Cottage Housing be limited to properties that are located along arterial streets within the City. He provided a map that identified all of the arterial streets where Cottage Housing could be allowed. He pointed out that arterial streets weave throughout the City's street network to connect with transit opportunities, and it would be more appropriate to encourage Cottage Housing development in these areas. He said Cottage Housing tends to be perceived as higher density residential.

COMMISSIONER PHISUTHIKUL MOVED THAT THE COTTAGE HOUSING ORDINANCE BE AMENDED TO ALLOW COTTAGE HOUSING DEVELOPMENT ONLY ON ARTERIAL STREETS AS SHOWN ON HIS PROPOSED MAP. COMMISSIONER BROILI SECONDED THE MOTION.

Vice Chair Piro said he likes the concept of identifying appropriate parts of the City for Cottage Housing. However, he suggested that they first review the locations where Cottage Housing development could occur in the City right now and package this review with some of the other issues that have been brought forward. He said his one hesitation in limiting Cottage Housing to the areas identified on Commissioner Phisuthikul's map is that the City could lose some great opportunities if the arterials are not developed at even a higher density in the future than what Cottage Housing would provide. Many of the cities in the Puget Sound Region are looking at their principal and minor arterials as opportunities for clustering multi-family developments, and Cottage Housing would not be consistent with that direction.

Commissioner Broili agreed with Commissioner Piro with regard to restricting Cottage Housing development only to arterials. However, he does think it would be a good idea to somehow ensure they are more evenly distributed throughout the City rather than clustering them near or west of Aurora Avenue. He would support a plan that encourages Cottage Housing in other locations in the City, as well.

Chair Harris said he supports traditional zoning. He recalled that when the concept of Cottage Housing was first presented to the Commission, the idea was that the cottages would be so residential in design that they would be compatible with the surrounding neighborhood developments. He suggested that

relegating Cottage Housing development to arterial streets would defeat one of the purposes of the ordinance. Chair Harris agreed with Commissioner Broili that Cottage Housing should be distributed better throughout the City. However, they must keep the cost of the Cottage Housing units in mind as they enact regulations. Commissioner Broili said that if the City were to adopt some strategy by which Cottage Housing had to be more evenly distributed throughout the City, it might not happen for several years. Just because Cottage Housing is not presently a viable option for some areas of the City in terms of cost, the situation could change in the future when the market becomes more viable.

Commissioner Kuboi said another option would be to allow a higher density bonus for Cottage Housing development in other places of the City. He recalled that he previously expressed his concern that the Cottage Housing developments appear to be clustering on the west side of the town. He also recalled that citizens have testified previously that property owners are constructing Cottage Housing developments on the west side of the City to take advantage of the higher property values.

Commissioner McClelland said it seems that most of the Cottage Housing developments have been constructed on properties that were previously developed as single-family homes on large lots. The lots in the southeast are generally much smaller. She suggested that real estate costs should not really be the Commission's concern, since the market will continue to drive the location for new Cottage Housing developments. If the Commission allows Cottage Housing to have a greater density in an attempt to encourage it in other locations of the City, it would no longer be considered single-family housing and could be viewed by the citizens as a type of defacto rezone. Even though, in theory, two Cottage Housing units is not supposed to result in any greater density or impact than one larger single-family home, the physical appearance of a cottage house is often much different. She said she is not comfortable with the concept of tying Cottage Housing to arterials or particular locations in the City.

THE MOTION FAILED 1-5, WITH COMMISSIONER PHISUTHIKUL VOTING IN FAVOR.

Commissioner Broili said he would like the Commission to direct the staff to come back with some ideas of a strategy that would help them insure a better distribution of Cottage Housing throughout the City. He said he would not be in favor of offering an increased density bonus to encourage Cottage Housing in other areas of the City, but he would be in favor of some other vehicle that would accomplish better distribution.

Vice Chair Piro questioned if some type of overlay process could be used to help the Commission more definitively identify potential Cottage Housing opportunities in the City. Current zoning could allow for Cottage Housing, but it could be coupled with an overlay program that would address some of the concerns that have been raised such as traffic impacts, etc. He reminded the Commission that their basic charge, under the Growth Management Act, is to make sure land is available for development. While the City can provide incentives to encourage a certain type of development, it is up to the market and private industry to decide what actually gets built.

Mr. Stewart said that some time ago, staff put together options for the Commission to consider regarding the issue of dispersal and not allowing cottages to be developed within a certain distance of each other. This is one tool that could be used to insure that Cottage Housing developments are not clustered in just

a few areas of the City. He recalled that the original concept proposed by staff was that no more than eight Cottage Housing units would be allowed within 1,000 feet from any single point in the City.

Commissioner Broili asked what the separation distance should be to ensure an even distribution of the 350 new Cottage Housing units identified by the City over the next 20 years. Mr. Stewart said that if the City were to limit Cottage Housing to no more than eight units within a 1,000-foot radius, they would not be able to accommodate 350 units. Mr. Cohen said he previously did a rough calculation of how many cottages housing units could be accommodated if the City were to limit the number as previously discussed. He said he could redo his work and provide a rough estimate of the number of units that could be accommodated. The Commission agreed that this type of information would be helpful.

Commissioner McClelland inquired if the Cottage Housing Ordinance was originally intended to address situations where large vacant lots exist in single-family neighborhoods. If so, the change would be occasional rather than rapid. However, it must be extremely profitable for developers to purchase single-family homes and then replace them with two smaller cottages. She asked if it would be appropriate for the Commission to propose changes to the ordinance that would make Cottage Housing development more difficult to accomplish. Mr. Stewart advised that about 95 percent of new construction will be redevelopment of existing parcels, and the 2,600 housing unit growth target would have to be accommodated through redevelopment. Chair Harris pointed that many of the smaller homes that are located on large lots within the City are older. By the nature of their very age, many of these homes are reaching their maximum life expectancy and redevelopment is likely in the near future. Real estate is ever changing, and development design that is not compatible now could be more compatible in the future as redevelopment of an area takes place. Commissioner Broili agreed and said the Commission's objective should be to make sure redevelopment is done in a manner that has the fewest impacts and is best for the City overall.

Mr. Stewart said in his experience with design review, there have been a number of design professionals on a panel, all going in different directions to determine good design. It is very hard for an applicant to get satisfactory direction. Often, a lot of aesthetic value gets incorporated into what is good design. But design review would allow for a more detailed review and more discretionary decision making in terms of a development proposal. It would also raise the bar a little bit in terms of the submittal and the expense of getting a permit review done.

Commissioner Kuboi summarized that it appears the Commission would like to pursue the concept of requiring design review for Cottage Housing developments. Also, the Commission appears to be in support of considering some mechanism that would distribute the Cottage Housing projects throughout the City.

Mr. Cohen reviewed that the Shoreline Municipal Code already allows the Commission to perform design review. However, the code would have to be amended to identify criteria and an appropriate process. He questioned if the Commission is interested in a design review process, which would be more administrative, or a design review board. Commissioner Kuboi said he would like more details on exactly how a design review Board could be implemented. Vice Chair Piro suggested that staff be allowed to develop a design review scheme for the Commission's consideration. However, he pointed

out that just a few months ago, the Commission voted again establishing a design review committee. He questioned the legal ramifications of the Commission revisiting this particular option again. He suggested that whatever design review process is identified, it should work at the discretion of the Planning and Development Services Director. Perhaps those projects that meet the intent of the ordinance and do not seem to have a lot of controversy could be exempt from the design review requirement. He said he would feel comfortable with a requirement that the Commission review the more contentious and difficult proposals, but the design review criteria would have to be narrow and clearly identify the types of issues the Commission could consider.

Mr. Stewart referred to Page 18 of the Staff Report, which outlines four options for design review. He advised that the fourth option would authorize the Planning and Development Services Director to refer a proposed project to the Planning Commission for design review when appropriate. This mechanism was modeled after one used by the City of Palo Alto, California to address the issue of “monster houses” being built to replace existing smaller homes. It allows the director to refer a project to the planning commission if appropriate. For example, if a developer presented a proposal that all of the surrounding property owners agreed with, a development permit could be issued quickly by staff. If the neighbors were opposed to the proposed plan, a design review would be required. This mechanism provides an incentive for developers to obtain the support of the neighbors. While it results in much more work for everyone in terms of getting the permits through, it does encourage good design and consensus building and allows for a more detailed public review.

Commissioner Broili suggested that the Commission move forward with a three-step process. First, they should revise the existing ordinance. Then the Commission could recommend a vehicle for better distribution of the units and further consider Option 4 (Page 18 of the Staff Report) as a design review recommendation.

COMMISSIONER BROILI MOVED TO DIRECT THE STAFF TO RESEARCH AND PROVIDE ADDITIONAL INFORMATION FOR OPTIONS TO:

- **DISTRIBUTE COTTAGE HOUSING THROUGHOUT THE CITY.**
- **EXPLORE OPTION 4 ON PAGE 18 OF THE STAFF REPORT FOR DESIGN REVIEW AND PROVIDE MORE DETAIL OF HOW PROBLEM WOULD WORK, THE NUMBER OF HOURS ANTICIPATED FOR REVIEW, ADMINISTRATION OF PROGRAM, ETC.**

VICE CHAIR PIRO SECONDED THE MOTION.

Vice Chair Piro suggested that rather than creating a design review board, which would be another bureaucracy and process, any design review should be done by the Planning Commission. Commissioner Broili said this would be consistent with staff’s recommended Option 4 for design review.

Commissioner McClelland said her understanding of design review is that the Commission would not have the ability to create aesthetic review criteria that does not currently exist. However, the Commission would have the opportunity to discuss such things as compatibility and other issues as

allowed by the development regulations. She said it is important to make it clear that the Commission would not have the responsibility of telling a developer what color to paint the units or what types of flowers to plant. The design review should be much more broad to provide feedback to the applicant and staff based on what is allowed right now.

Mr. Stewart reminded the Commission that any Cottage Housing development would require a conditional use permit, and there are eight specific criteria that must be met, including a finding that the conditional use is compatible with the Comprehensive Plan and “designed in a manner which is compatible in character and appearance with the existing or proposed development in the vicinity of the subject property.” He said staff struggles with this criterion, but a broader based review by the Commission would make this easier.

Mr. Cohen said that, based on his experience, the City would only receive a few Cottage Housing development applications per year. Only those that are controversial would require Commission review. However, he pointed out that all Cottage Housing developments to date have been controversial to some degree. Commissioner Kuboi requested that staff offer an estimate on the number of hours and effort that would be required by the staff and the Commission to make the proposed design review process work. He said it is important to realize that the Commission would also be required to discuss a number of other important issues in the future. He emphasized that Cottage Housing is a relatively small item in the grand universe of topics that will come before the Commission, and they must be careful not to direct a disproportionate amount of resources to it.

COMMISSIONER BROILI AMENDED HIS MOTION TO INCLUDE AN ESTIMATE FROM THE STAFF REGARDING THE NUMBER OF HOURS AND EFFORT THAT WOULD BE REQUIRED BY THE STAFF AND COMMISSION TO MAKE THE PROPOSED DESIGN REVIEW PROCESS WORK. VICE CHAIR PIRO SECONDED THE AMENDMENT.

Commissioner Phisuthikul expressed his opinion that the design review should not become an architectural design review where the Commission considers the details and architectural style of the neighborhood structures unless the intent is to make the project more compatible with the neighborhood. The design review should be of the total development to determine how well the houses relate to each other within the project, the open space, etc. Again, he emphasized that the motion is a request for additional information from the staff regarding the design review process, not the individual elements that would be considered as part of the design review.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER BROILI MOVED THAT THE COMMISSION AMEND SECTION 20.40.300 OF THE COTTAGE HOUSING ORDINANCE TO ADD A NEW ITEM 2.A TO READ “APPLICANT SHALL SUBMIT A PRO-FORMA MAP SHOWING HOW THE PROPERTY MIGHT BE DEVELOPED UNDER CONVENTIONAL SDC SINGLE-FAMILY CODES.”

Commissioner Broili said that, right now, the citizens who attend the neighborhood meetings see what is being proposed, but they don’t have anything to compare it to. Changing the ordinance would offer the

citizens an opportunity to compare the proposed development with what conventional development would look like.

VICE CHAIR PIRO SECONDED THE MOTION.

Commissioner McClelland said that although she supports the concept presented in Commissioner Broili's motion, she does not believe the proposed language is clear. Commissioner Phisuthikul said he does not believe this level of detail would be necessary. A better comparison would be between a poorly and nicely designed project. Making a comparison between a Cottage Housing development and a traditional single-family development would be misleading. Vice Chair Piro agreed with Commissioner Phisuthikul, but he also supports the idea of requiring as much detail as possible. Mapping out a design for traditional single-family development might give the public the impression that this would be a real choice. Perhaps it would be more honest and constructive to just provide comparison information on the number of units that could be constructed in a traditional single-family development compared to the proposed Cottage Housing project.

Commissioner Kuboi recalled that one person who testified regarding Cottage Housing said the site plan presented at the neighborhood meeting was substantially different from the real placement of the cottages. Perhaps it is more important to make sure that that the proposal shown at the neighborhood meeting accurately depicts the actual placement of the units, etc. Over the course of the final review process, the proposal should not change so substantially that the neighbors feel they have been deceived. He agreed with Vice Chair Piro that requiring a site plan for traditional single-family development would make it appear as though there was a choice in the matter when there really isn't.

Mr. Cohen explained that at the Hopper Cottage Development Neighborhood meeting, the developer presented a site plan to illustrate what they wanted to do. However, when they made an application to the City, changes were required. This resulted in a discrepancy between what was presented at the neighborhood meeting and what was actually built. If a design review were required by the Commission after an application is submitted, a more detailed and accurate site design would be available for the public's review. The purpose of the neighborhood meeting is to show the developer's intent and not necessarily the way the project would finally be approved by the City.

Vice Chair Piro suggested that staff come back to the Commission with a proposal for how the City could insure that the neighbors are made aware of changes made to the site plan after it is presented to them at the neighborhood meeting. As a substitute to Commissioner Broili's proposed motion, perhaps they could require an applicant to mail out any revisions to all those who attended the neighborhood meeting.

THE MOTION FAILED 1-5, WITH COMMISSIONER BROILI VOTING IN FAVOR.

COMMISSIONER BROILI MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE EXISTING PROPOSED AMENDMENTS STARTING ON PAGE 29 OF THE STAFF REPORT. THE MOTION FAILED FOR LACK OF A SECOND.

Vice Chair Piro suggested that because of the lateness of time, it would be better to postpone the action proposed by Commissioner Broili until the next meeting so that the motion would be fresh on their minds. The remainder of the Commission agreed to continue their discussion regarding the Cottage Housing Ordinance to the next meeting.

10. NEW BUSINESS

The Commission discussed the City Council's request that they provide two representatives to participate in a workshop regarding the Cottage Housing Ordinance. Mr. Stewart pointed out that the two volunteers would merely work on setting the agenda and outlining the administrative details for a joint City Council/Planning Commission/Citizen meeting that all Commissioners would attend in the future.

Commissioners Kuboi and McClelland volunteered to represent the Planning Commission for the meeting planning efforts.

11. AGENDA FOR NEXT MEETING

Chair Harris advised that the Commission would continue their deliberations on the amendments to the Cottage Housing Ordinance at their next meeting.

12. ANNOUNCEMENTS

Ms. Spencer announced that she would miss all of the Commissioners. The Commissioners offered thanks to both Mr. Stewart and Ms. Spencer for all their work on behalf of the Commission.

13. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission