

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 21, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro
Commissioner McClelland
Commissioner Kuboi (arrived at 7:05 p.m.)
Commissioner Phisuthikul
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachel Markle, Assistant Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Kim Lehmborg, Planner II, Planning & Development Services
David Pyle, Planner I, Planning & Development Services
Jessica Simulcik, Planning Commission Clerk

ABSENT

Commissioner Sands
Commissioner MacCully

1. CALL TO ORDER

The regular meeting was called to order at 7:02 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 Hall, McClelland, Phisuthikul and Broili. Commissioner Kuboi arrived at 7:05 p.m. and Commissioners Sands and MacCully were excused.

3. APPROVAL OF AGENDA

The agenda was approved as presented.

4. DIRECTOR'S REPORT

Mr. Stewart reminded the Commissioners of the volunteer breakfast that is scheduled for April 22nd at 7:30 a.m.

Mr. Stewart referred the Commission to the purple document that was provided in their packet. He explained that this document contains the findings and determinations that staff prepared for the Commission's recommendation for denial of the Comprehensive Plan amendment for the property

located at the northwest corner of North 160th Street and Fremont Place North (File No. 201371). He further explained that while typically the Chair of the meeting would sign the findings and recommendation; in this case, staff would like to allow the voting Commissioners an opportunity to comment on the document before it is sent to the City Council. He asked that Commissioners forward their comments to the staff as soon as possible.

5. APPROVAL OF MINUTES

The minutes of March 17, 2005 were approved as amended, and the minutes of April 7, 2005 were approved as submitted.

6. GENERAL PUBLIC COMMENT

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

7. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Broili reported that he recently attended a King County Council Meeting at which they discussed the water issues related to the drought declaration that was issued by Governor Gregoire. He said he found the discussion very interesting and suggested that the City also review the impacts the declaration could have on the City of Shoreline.

8. STAFF REPORTS

2004–2005 Comprehensive Plan Amendment Docket – Echo Lake

Mr. Stewart referred the Commission to the addendum that was prepared for the staff report in response to some of the questions that were raised at the last meeting. A number of additional policy issues were included to supplement the report. He said staff continues to recommend the proposed change to Mixed Use and Private Open Space. However, after further reflection, they feel the change to Mixed Use with the retention of the Public Open Space would also be acceptable.

Chair Harris advised that since he did not participate in the public hearing that was held on April 14th, he would not be voting on the recommendation.

Commissioner Kuboi inquired if a Public Open Space designation would retain the same boundaries as those that currently exist. Mr. Stewart said one alternative would be to retain the Public Open Space as designated in the current plan and then change the balance of the site to Mixed Use. Again, he emphasized that staff would support both alternatives (Public Open Space or Private Open Space).

COMMISSIONER BROILI MOVED THAT THE COMMISSION SEND A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO CHANGE THE COMPREHENSIVE PLAN LAND USE DESIGNATION (FILE NUMBER 201372) OF THE SUBJECT PROPERTY THAT IS DESIGNATED HIGH DENSITY RESIDENTIAL TO MIXED USE BASED ON SPECIFIC FINDINGS MADE BY THE PLANNING COMMISSION (REFER

**TO YELLOW DOCUMENT HANDED OUT AT THE APRIL 14, 2005 PUBLIC HEARING).
VICE CHAIR PIRO SECONDED THE MOTION.**

Since concern was raised at a previous meeting about ex-parte communications, Commissioner Hall disclosed an incidental contact he had with someone he didn't know was associated with the project. He advised that while having dinner at Spiro's, he chatted with the host regarding the Fred Meyer Project, the Aurora Avenue Project, and the Gateway Project. It was then the host indicated he is also a partner with Harley O'Neil on the Echo Lake Project. Commissioner Hall emphasized that he stopped the conversation at that time, so he does not feel he had any substantive discussion regarding the subject proposal.

Commissioner Broili explained that the intent of his motion was to change only that portion of the property that is listed as High Density Residential to Mixed Use. The property that is currently designated as Public Open Space would remain the same as per page 6 of the Staff Report Addendum, #3.

Commissioner Kuboi recalled that the vast majority of public comments received regarding this proposal were directed at the actual proposed project. However, the proposed project was changed substantially by the withdrawal of the City Hall project. He said he would vote in favor of the motion on the table because he does not believe that the land use designation change would directly cause any of the concerns raised by the public during the public hearing. He felt the project would provide an overall benefit to the community by allowing more flexibility as to what can be built on the site.

Commissioner Hall recalled the concerns that have been routinely raised by the public regarding protection of the City's natural areas and the need to make Shoreline a pedestrian and bicycle friendly place. He noted that some of the Comprehensive Plan policies recently debated by the Commission have had to do with bicycle and pedestrian linkages. He particularly noted Public Comment 33, a letter from the group known as Forward Shoreline, that indicates support of the proposed rezone and amendment because of its potential to enhance public access to Echo Lake. This comment further supports the motion on the table that would leave the open space as public. He also noted that comments provided by the Sno-King Environmental Council, the Thornton Creek Legal Defense Fund, the Public Interest Associates and others who also support the concept of keeping public open space close to Echo Lake. He concluded by stating that he strongly supports the proposed motion that would allow the Public Open Space to remain as it currently exists in the Comprehensive Plan.

Commissioner McClelland said she carefully reviewed the Comprehensive Plan and noted every reference to the City's interest and support of the protection of natural systems. A number of places in the Comprehensive Plan identify Echo Lake as an important component of the City's natural system. She expressed her concern that the City not lose their opportunity to acquire land at Echo Lake in the future. She said her understanding is that the proposed motion would identify a 50-foot wide strip of land as Public Open Space, but the open space would actually be privately owned. That means that it would be the responsibility of the property owner to tend more than half of the buffer area. She pointed out that one of the benefits of constructing City Hall on the subject property would be that the land along the water's edge would be publicly owned and managed. Commissioner McClelland pointed out that, to her knowledge, there are no City plans to acquire this property for public use. She suggested that this would be a perfect opportunity for the City to demonstrate its commitment to the

Comprehensive Plan policies and the Development Code requirements by acquiring land associated with a natural system.

Commissioner Kuboi clarified that the motion would only change the land use designation for the portion of the subject property that is currently designated High Density Residential. No change is being proposed for the portion of the subject property that is identified as Public Open Space. He said it appears that Commissioner McClelland is concerned that leaving the open space designation as it currently exists would stall any immediate development of the property and possibly keep its value at a lower level that would allow the City to possibly acquire a part of it in the future. He pointed out that if the proposal to change the High Density Residential portion of the property to Mixed Use were approved, it would make it more economically feasible for the property owner to develop the site. This could incrementally make it harder in the future for the City to acquire the open space property.

Commissioner McClelland emphasized that her concerns are not related to the monetary value of the property. Her concerns are related to the City's obligation to carry through with their goals and policies. While she is not saying that the owner cannot address the goals and policies, the opportunity for public ownership does not come around often and it is precarious. If the City has to pay market value for the property, so be it. She summarized her belief that the subject property is fragile. A benefit of being able to consider changes of this type is the City's ability to have some influence on the outcome of a project. She is not sure the City would have this opportunity if the open space remains in private ownership.

Commissioner Broili agreed with Commissioner McClelland that the subject property is sensitive and fragile. However, the question before the Commission is whether or not they are doing what they can to protect the 50-foot open space area and capitalize on opportunities to connect the Interurban Trail with Aurora Avenue and gain public access to the lake. The type of development that occurs upland will have an impact on this, but that is not the decision before the Commission at this time. He summarized that the Commission has two choices. They could recommend that the property to be changed to Mixed Use or that it remain as High Density Residential. In either case, the potential impacts would probably be the same. The City would merely be opening the door for a developer to do something more diverse than strictly high density residential development. He expressed his belief that this would be a good thing, and it would not impact the public open space one way or the other. He said he would support the motion in that it would send a message to the public that the City wants to retain some opportunity for keeping the space more public.

Commissioner McClelland suggested that there is nothing "public" about the open space on the subject property. Therefore, it would be inappropriate to label it as Public Open Space. There would be no public access and the property would be privately owned.

Commissioner Hall reminded the Commission that the applicant's request was to change the designation on the entire site to Mixed Use, including the portion that is currently designated as Public Open Space. The motion would attempt to balance the Comprehensive Plan goals. He pointed out that the Comprehensive Plan calls for accommodating a growing population. The Comprehensive Plan and the City's priorities call for economic development, and there was a lot of support expressed in many of the public comment letters and during the public hearing about redeveloping the site. A Mixed Use land use designation would allow for the kind of mixed use development that the City is looking for. However, the land would continue to be privately owned, and the fact that it would be designated as Public Open

Space would not prevent it from being used according to the underlying zoning. Right now, there are people living within the open space area. He agreed that the proposed action would not make the open space any more public, but it would allow a compromise that would promote mixed use development and recognize the open space area for potential park use in the future. Until such time as the City purchases the land, the developer has the right to use it for residential uses. He summarized that the action would not create public space. It would merely retain the land use designation for the open space portion of the property.

Commissioner McClelland agreed that it is appropriate for the property to be redeveloped, and she understands that the mixed use concept is probably right for the site. But her heart and her mind are at odds. She feels very tender about the open space area right now.

THE MOTION CARRIED 6-0, WITH CHAIR HARRIS ABSTAINING FROM THE VOTE.

Commissioner Hall suggested it would be important to include in the Commission findings that there was strong community support for the idea and concept of having a park at the south end of the lake and having connectivity between the lake, the Interurban Trail and the businesses in the area. Mr. Stewart indicated that staff would make note of this in the Commission findings that would be forwarded to the City Council for deliberation and a final decision.

9. UNFINISHED BUSINESS

Planning Commission Retreat Follow-Up

Ms. Markle reminded the Commission of their desire to discuss the Planning Commission's expectations of the Commission. She referred to the list of topics that was compiled at the retreat and suggested that the Commission begin their discussion by reviewing each one. She indicated that she received an email from Commissioner Kuboi asking that they also discuss what the desired behaviors and actions are meant to accomplish. He also suggested that they discuss both the quantity and quality of their work.

Commissioner Kuboi said it is important for the Commission to discuss whether they are accomplishing enough work and how they compare with other planning commissions. He pointed out that it would not be appropriate for the Commission to do more work if it means the quality of their current efforts would be impacted. He suggested that each of the items on the list created by the Commission at the retreat play into either the issue of quality or the issue of quantity. Commissioner Hall agreed with Commissioner Kuboi that quantity is definitely a concern that the Commission must address. The Commission has expressed a desire to do more work than they have been able to accomplish in the past. He questioned if there are ways the Commission could be more efficient with their time so they could address the important issues such as cottage housing, sidewalks to nowhere, etc. Commissioner Kuboi suggested that the Commissioners agree upon a method for prioritizing and deciding what their additional tasks should be.

Commissioner Broili said that as he reviewed the list of topics, he found that the only one the Commission still needs to work on is "framing the issue and keeping to issues that are related to the discussion." The Commission has been very good at meeting all of the other items on the list. He

agreed with Commissioner Kuboi that the Commission's discussion should focus on quality and quantity and how they can achieve both expeditiously without compromising the quality of the decisions they make.

Commissioner McClelland suggested that another item be added to the list that would give the Commission Chair permission to get them back on task. Chair Harris pointed out that since the retreat discussions, the Commission has improved their ability to stay on task and get their meetings finished in a timely manner.

Commissioner Hall recalled the issues regarding the Appearance of Fairness that were raised by members of the public at the last hearing. He asked that staff invite the City Attorney to clarify whether or not it would be appropriate for the Commissioners to contact the staff and ask questions on matters that are scheduled to come before them as public hearings. Mr. Stewart suggested that it would be appropriate to schedule a small training session with the City Attorney to discuss the rules for quasi-judicial hearings. Another option would be to invite someone from the City's insurance carrier to speak with the Commission regarding this issue. The Commission agreed that this would be helpful. Commissioner Kuboi suggested that, in addition, they should discuss the Commission's current procedures for quasi-judicial reviews and whether or not other alternatives could or should be implemented.

Commissioner Phisuthikul recalled that in 2004 he wrote a letter to the City Council that was deemed as "prejudging an issue before it was heard." This was considered inappropriate. Mr. Stewart said he feels responsible for that matter because he had originally advised the Planning Commission that they were dealing with a legislative issue. After he rendered that point, the City Attorney advised that it was more in the nature of a quasi-judicial matter. He explained that with quasi-judicial issues, the Appearance of Fairness Rules would apply. These rules require the Commissioners to keep an open mind until all of the information has been received. Then they must evaluate and issue a decision based upon the information they received.

Mr. Stewart referred the Commission to the items listed on the Planning Commission Agenda Planner under "On the Horizon." He noted that the Commission indicated that they would like to have a discussion about the advantages and disadvantages of having a public hearing before the SEPA appeal deadline. He suggested that the bigger question is the entire procedural process. There are some things that are appealable in certain cases and others that are not. In addition, there are different notice provisions. This all gets very confusing, and he suggested that taking a look at this issue in a comprehensive fashion in an effort to smooth and streamline the process might result in a very valuable product.

The Commission briefly reviewed the list and identified the four they felt were most important. After compiling the results of the Commission's choices, Ms. Markle identified the top four behaviors the Commission would like to focus on as follows:

- Does the Commission need to ask questions on everything? Are these questions critical to our decisions? Are we stalling our decision?
- Ask concise questions.
- Minimize thinking out loud and be mindful of the number of follow up questions asked.
- Frame the question and keep to issues that are related to the discussion.

Commissioner Hall said his understanding of the exercise was that the Commission was to identify the behaviors they felt would be most valuable for them to discuss. However, if he were to rank the behaviors to identify those that were most important, he would start with being honest and forthcoming, listening to each other, telling the truth, etc. However, he feels extremely comfortable that the Commissioners are already meeting these expectations. Ms. Markle said the goal of the exercise was for the Commissioners to identify the behaviors they would like to work on in the future.

Commissioner Broili referred to the email that Commissioner Kuboi sent to each Commissioner, which raised the question of whether or not the Commissioners feel they are getting all sides of an issue aired during their meetings. Commissioner Broili said he does not always feel this is happening. He expressed his concern that the public only has three minutes to make their points about very complex issues. He suggested that for complex matters, the Commission must find a way that allows them to get deeper into the issue. Otherwise, their decisions would always be made on just a cursory review. He suggested that the public should have an opportunity to go into more depth on issues that are complex. Commissioner Kuboi agreed with Commissioner Broili, but he reminded the Commission that this is a different issue that is unrelated to Commissioner expectations of each other. Vice Chair Piro disagreed. He said he has been fascinated with the detailed questioning the Commission often gets into with some issues. Not all of their extended questioning is necessarily bad. Commissioner Broili said his concern is related to the Commission's ability to take the time beyond three minutes to question the people who have come to testify. There is always pressure for the Commission to keep moving forward.

Ms. Markle summarized that Commissioner Broili appears to be concerned about the Commission's policy of minimizing the length and amount of follow up questions that are allowed. Commissioner Kuboi said that, in general, they allow Commissioners to follow up with questions "to their hearts delight." He questioned if the dialogue amongst Commissioners is sometimes meant to sway another Commissioner's opinion. Typically, Commissioners review the staff reports and talk with staff in preparation for their meetings. This enables each Commissioner to develop a position on the issue. While there are times when one Commissioner brings to light an angle that completely changes another's perspective on an issue, the majority of the time that is not the case. If the Commission's intent for discussing issues as a group is to crystallize the issue in each of their minds, there are probably ways to do this as they prepare for the meeting, as well as by asking concise and efficient questions at the meeting to help the Commission reach a decision as quickly as possible. Commissioner Kuboi said that while each Commissioner likely has a different way of reaching an acceptable comfort level for making a decision, his goal is to reach an 80 percent confidence factor. He doesn't have to have every possible circumstance clarified crystal clear before he can be ready to vote on an issue. However, there are other Commissioners who require a higher level of confidence before making a decision. He suggested that the Commission pays a price when they overanalyze an issue if they don't get to the other important issues that are on their Agenda Planner.

Mr. Stewart recalled that one of the Commission's expectations of staff over the next year was that they attempt to write point and counterpoint views in the staff report. He said it is important for the Commission to ask questions and help to build a public record since this helps the City Council understand how the Commissioners reached their recommendation. He said that while the Commission does not need to question everything, it is very beneficial for them to declare their reasons for making recommendations. He said tonight was a good example of just the right amount of questioning. The

record is very clear and concise. But if the Commission had just voted without having a discussion, there would not have been sufficient record to justify their action. He summarized his belief that the Commission is doing a great job.

Commissioner McClelland suggested that one of the benefits of having a question and answer period as part of their deliberation is that it allows an opportunity for the Commission to seek additional information from the staff that the public had not thought to ask. They can also learn more from each other. While she understands the need to be more efficient and more concise in their questions and responses, their job is to reflect the community's expectations.

Commissioner Kuboi said he is not suggesting that the Commission not ask questions and deliberate before making a decision. However, it is important for the Commissioners to have a clear understanding of what they are trying to accomplish with the questions they are asking. For example, when Commissioner McClelland raised her concerns about Echo Lake, some Commissioners made comments that appeared to be trying to get her to see a different perspective. He suggested that it is important for Commissioners to express their opinions even if they are completely different. But once the opposing opinions are placed on the record, perhaps the Commission does not need to belabor them further.

Commissioner McClelland said that when she came to tonight's meeting, she was prepared to vote against the Comprehensive Plan amendment proposal for Echo Lake. But after listening to Commissioners Hall and Broili, she was able to get back on task and she felt that voting in favor of the proposal was the right thing to do. This should not take away from her point of view about the use of the open space land, itself. She said she did not feel that anyone was trying to sway her to think differently, but they helped her to frame and clarify the issue.

Commissioner Hall agreed with Commissioner Kuboi that sometimes the Commission does ask too many questions. But he felt that trying to persuade each other is a legitimate part of their deliberations. There have been times when he has changed his opinion based on issues raised by other Commissioners and the public. However, he said he finds himself and others asking questions out of curiosity or personal interest. He suggested that the Commissioners try to eliminate this type of questioning. He summarized that it is important for the Commission to ask appropriate questions in order to build a record. It is also appropriate for the Commissioners to try to sway each other. But they should not go beyond what the group needs to make a recommendation.

Commissioner Phisuthikul said it is important that Commissioners not continue to talk about issues just so their voice can be heard. They should be precise about the nature of their questions. Oftentimes, other Commissioners have already said many of the things he wants to say. Therefore, he chooses not to repeat the comment.

Vice Chair Piro suggested that perhaps the problem is not that the Commissioners express too many questions. On issues that he is most interested in, he does his homework and comes prepared with questions. However, on some of the less interesting issues he tends to ask questions that are less focused. He recalled that Commissioner Hall helped to expedite the Commission's deliberation on the Fremont Avenue case by immediately putting three points out on the table to support his position.

Commissioner Broili reminded the Commission that part of their responsibility is to be deliberative and look at all sides of an issue. He said his expectation of the chair is to monitor the deliberations by considering the situation before them and the time allotted for the review. When it appears that an issue has been thoroughly discussed and the Commissioners are starting to repeat themselves, the Chair could ask them to focus on making a recommendation. He said he is less concerned about the time the Commission takes to deliberate an issue than he is about the quality of the deliberative process.

Commissioner Kuboi suggested that a mechanism be put in place that would allow the Chair to request dissenting or minority opinions if they get to the point that a discussion is no longer moving forward. He said it helps him if the pros and cons regarding an issue are laid out early in the debate.

Chair Harris said that since the retreat, he has given a lot of thought to the concept of using a “straw vote” to determine where the group is at in their discussion. He suggested that once the Commission has reached a consensus on an issue, there is really no need to discuss it further. Commissioner Hall agreed, but he also reminded the Commission of the need to establish a record that explains why they made a particular recommendation. Chair Harris complimented the Commission for their efforts to remodel their habits since he was elected Chair of the Commission.

Commissioner Phisuthikul suggested that the Commission come up with a plan to get to issues identified as “items of interest for discussion” and “parking lot issues” (from the Planning Commission retreat) on the Agenda Planner. Commissioner Hall suggested that the Commission start by prioritizing the items. The item that is listed as the highest priority could be scheduled at every Commission meeting under “Old Business (if time permits)”. This item could remain on the agenda until it has been dealt with. Another option would be to introduce the topic highest on the priority list as “New Business.” However, it is important that the staff is prepared to address the issue.

Commissioner Kuboi recalled that over the past year, three or four meetings were cancelled because some of the established work plan items fell through. He suggested that meetings should not be cancelled when there is a strong list of outstanding issues the Commission wants to consider. The remainder of the Commission and the staff agreed.

Commissioner Broili said his understanding is that the “parking lot” issues had a higher priority than those that are identified as “items of interest for future discussion.” Vice Chair Piro summarized that the parking lot issues resulted from the Commission retreat, and the other issues have been on the table for quite some time. Commissioner Broili suggested that the two lists be combined, and the remainder of the Commission agreed.

Commissioner Kuboi summarized that from tonight’s discussion, the Commissioners have become much more aware of the issues of concern. Hopefully, this will cause each of them to self-police their behaviors. In addition, Chair Harris has agreed to accept the responsibility of making sure the progression of meetings is reasonable, expeditious and efficient. The Commission has also asked that available space on future meeting agendas be filled with the items that have been identified for future discussion.

Ms. Markle reminded the Commission that they are scheduled to attend a dinner meeting with the City Council on May 9th. She suggested that the Commissioners identify the agenda items they would like to

discuss at the meeting. It appears the Commission is interested in discussing the role of the Commission, forms of communication with the City Council, City Council expectations of the Commission, etc.

Commissioner Kuboi asked staff to describe the anticipated format for the dinner meeting. Ms. Markle said her impression is that the Commission has specific questions they want to ask of the City Council. The Commission would like to use the dinner meeting as an opportunity to improve the product they send to the City Council and find out if the Commission is effectively fulfilling their expectations.

Commissioner Broili reminded the Commission that they initiated the request for a dinner meeting with the City Council. Therefore, he suggested that the Commission should bring questions for the City Council to respond to. Mr. Stewart said he has attended dinner meetings with the City Council in which there was casual conversation that allowed the two groups to get to know each other. At other dinner meetings, there has been a structured agenda that identifies points of discussion. In this case, the Planning Commission has an opportunity to set the agenda for the dinner meeting. He suggested that the Commission identify the one or two items they would like to discuss.

Vice Chair Piro said that most of the City Council members he has spoken with have been very positive about the efforts of the Planning Commission. They almost always talk about how they pay attention to reading the Commission meeting minutes. However, he has also heard some criticism from individual City Council members about the system of public process and that the Commission does not reach out enough to get different public perspectives. He has also heard criticism about the Commission overstepping their bounds. He recalled the recent Commission correspondence to the City Council in which they tried to clarify some issues that had come into play around their consideration of the Comprehensive Plan. He recalled that the previous Commission Chair attended City Council Meetings to be available to talk about recommendations the Commission had made. When minority positions were stated, he also asked that a representative with a minority point of view to attend the City Council meeting. However, in the few City Council meetings he has attended, there has not been an opportunity for the Chair to even be recognized when an issue the Commission has acted upon is brought forward. He suggested that this could also be an item of discussion at the dinner meeting.

Mr. Stewart suggested that an agenda item titled, "Clarification of Planning Commission Expectations" would be an appropriate catchall discussion. This could include a discussion of both the City Council's expectations of the Planning Commission and the Planning Commission's expectations of the City Council. The Commission could ask the City Council if they expect individual Commissioners to attend their meetings to present their points of view.

Commissioner McClelland reminded the Commission that they are the keepers of the Comprehensive Plan and the future vision of Shoreline. Their recommendations on policies are intended to uphold and further the Comprehensive Plan goals. The City Council's job is much different, and the Comprehensive Plan is only one aspect of all the things they have to do. She suggested that the Commission ask the City Council to identify specific things the Commission could do to be more clear and concise in their recommendations to them. She said it is important that the Commission is careful and cautious about politicizing any of their actions as a group. Therefore, the evening's agenda should be quite structured.

Commissioner Broili agreed. He said he would be interested in learning more about what the Commission could do to make their recommendations to the City Council more useful. He said he would like staff to forward the Planning Commission's questions to each City Council Member prior to the dinner meeting. The remainder of the Commissioners agreed that this would be appropriate. Commissioner Hall recalled that this issue was discussed extensively at the Commission retreat. He asked that this portion of the retreat notes be forwarded to each of the Commissioners via email to refresh their memories.

Commissioner Hall agreed with Mr. Stewart that an appropriate agenda topic for the dinner meeting would be Planning Commission expectations of the City Council and City Council expectations of the Planning Commission. He said he views himself as sitting in the service of the City Council. Therefore, it would be most useful for him to hear about the City Council's expectations of the Planning Commission.

Commissioner Hall suggested that one option for the meeting format would be to start with smaller group tables to discuss the agenda items. Then they could combine into one large group, with the Deputy Mayor acting as facilitator.

Ms. Markle advised that staff would compile the Commission's ideas and send out the sections of notes from the retreat regarding this issue. They expect to receive comments back from the Commissioner quickly in order to present them to the City Council prior to the dinner meeting.

Mr. Stewart observed that the City of Shoreline is still relatively new. Therefore, the institutional relationship between the Planning Commission and the City Council has not yet been formed. The Commission does have an opportunity to help build this relationship.

Commissioner McClelland recalled that several meetings ago, members of the audience suggested that the Commission could not trust the advice and information that was provided by the staff. She emphasized that she believes the staff provides excellent information to the Commission. She said she couldn't think of a single instance where she has not been able to trust the information that has been provided by staff.

Commissioner McClelland inquired if it would be possible for the Parks Board to review applications such as the Echo Lake proposal that have to do with the possible acquisition of open space. She also asked if other departments within the City review the staff reports before they are forwarded to the Commission. Mr. Stewart answered affirmatively, but said that oftentimes, this does not happen as much as the staff would like. In the case of Echo Lake, the Parks Department was on the owner/perspective purchaser side. The purchase and sale agreement included the acquisition of the park, and the Parks Department was very active in this effort. The Planning Department was on the regulatory side, so they did not talk to them regarding this element.

Commissioner McClelland suggested it would be appropriate for the Commission to have a joint meeting with the Parks Board on an annual basis. She recalled that the previous joint meeting was very effective. The Commission agreed to add this to their list of items to discuss in the future.

10. NEW BUSINESS

The Commission discussed the items listed on the Planning Commission Agenda Planner as both “parking lot” and “items of interest for discussion.” They agreed that these two lists should be combined. Then the Commission could prioritize the list at a future meeting. The Commission agreed to add a joint meeting with the Parks Board and quasi-judicial training to the list of items for future discussion.

Mr. Stewart recalled that a challenge was issued last week about the appropriateness of the staff communicating with the Planning Commissioners outside of the public hearing on quasi-judicial matters. Earlier in the meeting Commissioner Hall referred to the document titled, *You Be the Judge*, which is the “bible” for quasi-judicial activities. As noted by Commissioner Hall, this document states that the challenge is when there is a communication between a Commissioner and the applicant or opponent. It does not extend to communications between the staff and the Commission. The staff is the Commission’s resource in helping them make the right decisions. He said that while he does not believe the citizen’s charge was founded, the Commission could benefit from a refresher on the quasi-judicial process. The Commissioners agreed and added that the public would also benefit from having a clearer understanding of the process.

The Commission discussed the process they should use to add issues to the list of future discussion items. Commissioner Broili proposed that rather than prioritizing the list, the Commission should identify the most important issue. Once that issue has been taken care of, they could decide which item would be next. Issues could be added as they come up without having to rearrange the priorities. For instance, in addition to scheduling regular meetings with the Parks Board, he would like the Commission to have regular dinner meetings with the City Council. The remainder of the Commission concurred. They also concurred with the process proposed by Commissioner Broili.

The Commission agreed that the next issue for Commission discussion should be “sidewalks to nowhere.” Mr. Stewart explained that the current code requires every developer to do frontage improvements as part of their development if they have certain levels of investment. In residential areas, if the developer and the City agree, instead of building a sidewalk the money could be placed into a central pool to build common sidewalks. Chair Harris asked how much money is in the pool and what common sidewalk projects have been completed to date. Mr. Stewart said the Public Works Department administers this program, and they should be able to provide a report to the Commission.

Vice Chair Piro recalled that the Commission previously discussed the need to do a street assessment for the entire City to determine if there should be different walkability treatments. He suggested that some of the Commissioners feel the current standard for sidewalks is overkill in some places. Mr. Stewart said there are also issues about whether or not sidewalks are appropriate in all neighborhoods within the City. Commissioner Broili pointed out that there are also different ways to do sidewalks, depending on the location.

Commissioner Phisuthikul inquired if construction of a home or remodeling a home would require frontage improvements. Mr. Stewart answered that there is a trigger involved as to level of investment. If a development or redevelopment meets this trigger, frontage improvements would be required.

The Commission agreed that the issue of “sidewalks to nowhere” should be the next topic scheduled on the agenda as time permits.

At the request of Commissioner McClelland, Mr. Stewart explained that a building permit has been issued for the Fred Meyer Redevelopment Project. This is a \$4 million project that will be done in phases. Only minor exterior improvements would be made to the building, and the footprint would not be expanded. Commissioner Hall pointed out that the other buildings near the Fred Meyer facility would not be impacted by the project. Commissioner Kuboi inquired if the timing of the Fred Meyer Project has been impacted by the Aurora or Gateway Projects. Mr. Stewart said that it has not.

11. AGENDA FOR NEXT MEETING

Mr. Stewart reminded the Commission that a joint public hearing with the Planning Commission and the Hearing Examiner on the Echo Lake Site-Specific SEPA Appeal is scheduled for May 4th and 5th. He briefly reviewed the ground rules for the public hearing. He explained that after the hearing has been closed, the Hearing Examiner would have ten days to issue a decision. Once the Hearing Examiner has issued a decision, the Commission would be asked to deliberate and formulate a recommendation to the City Council. The City Council would then hold a closed record hearing, and no new testimony would be received.

Commissioner Kuboi said he is still unclear how much the developer could vary from the requirements detailed in the contract rezone before the changes would be considered significant enough to require additional Commission review. Mr. Stewart said the details or conditions associated with the rezone establish the parameters of how flexible the contract would be. As the Commission deliberates the conditions, they should be mindful that the wording is very important. There may be competing conditions offered for consideration, and the Commission also has the option of recommending denial of the contract rezone. But once a contract rezone is approved, the applicant must meet all of the conditions in order to build. There is a default in the contract that would require the developer to stick with the underlying zoning requirements if they cannot meet all of the conditions of the contract.

Commissioner Phisuthikul inquired if a site specific design would be presented at the hearing. Mr. Stewart said a specific design has been submitted as part of the contract rezone application. The portion of the design that was considered as a potential site for Shoreline City Hall is identified on the site plan as “City Hall/Office/Potential Police Station” and a maximum amount of square footage has been identified.

Commissioner McClelland asked that staff provide written ground rules for the public hearing process prior to the start of the public hearing on May 4th.

12. ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik
Clerk, Planning Commission