

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

August 6, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Hall
Vice Chair Wagner
Commissioner Behrens
Commissioner Broili
Commissioner Kaje
Commissioner Kuboi
Commissioner Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Hall called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Hall, Vice Chair Wagner and Commissioners Behrens, Broili, Kaje, Kuboi, Perkowski, Piro and Pyle.

APPROVAL OF AGENDA

The agenda was approved as presented.

DIRECTOR'S COMMENTS

Mr. Tovar reported on the following:

- The first phase of moving into the new City Hall building would take place the weekend of August 15th. The remainder of the departments, including Planning and Development Services, would move the following weekend and would be open for business in the new building on Monday, August 24th.

A grand opening for the public is scheduled for Saturday, October 10th. While the parking garage is nearly completed, it will not be accessible until the Annex has been removed. The Planning Commission will not hold meetings in the new City Hall until December or January, when the parking garage is ready.

- A design charrette has been scheduled at the Fire Department Headquarters for Saturday, August 22nd to give the public an opportunity to talk about their vision for Point Wells. It is being sponsored jointly by the Richmond Beach Community Association and the City of Shoreline. More information would be posted on the City's website soon. While City staff will attend, it will be facilitated by volunteers who will provide a report to the Richmond Beach Community Association on September 8th. Also on September 8th, City staff will present a traffic analysis that looks at various alternatives for Point Wells. This effort would lead to a zoning proposal that would accompany the subarea plan that will be released in September. It should come before the Commission sometime in November or December.
- On October 14th, the City will host a Planning Short Course, which is sponsored by the Department of Commerce and the American Planning Association of Washington. More information regarding location and start time will be provided at a later date.
- The Planning Commission is scheduled to meet jointly with the City Council on September 14th. Mr. Tovar suggested the Planning Commission schedule a short discussion at one of their next two meetings to prepare for the meeting.

APPROVAL OF MINUTES

The minutes of July 9, 2009 were approved as amended.

GENERAL PUBLIC COMMENT

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

STAFF REPORTS

Study Session: Change to Transportation Level of Service (LOS) Standards

Mr. Szafran recalled that when the City Council adopted the 2005 Comprehensive Plan Update, which included the Transportation Master Plan Update, they did not update Development Code Section 20.60.140. The proposed Development Code amendment would correct the oversight and make the Development Code consistent with the more recently adopted Comprehensive Plan as required by the Growth Management Act (GMA). He advised that the proposed language was taken directly out of the Comprehensive Plan.

Commissioner Kaje questioned why the amendment must be considered now when the City is already in the process of updating their Transportation Master Plan. Mr. Tovar answered that while a lot of work

is currently taking place, the Transportation Master Plan would not come before the Commission until at least the 2nd quarter of 2010. In the meantime, it is important to address this inconsistency.

Commissioner Piro observed that the proposed amendment appears to be a housekeeping item that he would support. He noted that new issues have come up since the Commission last worked on the Transportation Master Plan and the LOS issues, including new directives in the GMA to take a multi-modal approach, and regional policies calling for local jurisdictions to develop LOS standards that focus on the movement of people rather than the movement of vehicles. While it is appropriate to consider the proposed amendment now to make the Development Code consistent with the Comprehensive Plan, it is also important to keep in mind that they must evolve their treatment of LOS Standards to address the new directives. He observed that the City already has good transportation goals and policies that focus on reducing the number of single-occupancy vehicles, and it would make sense if the concurrency program and LOS Standards provided reinforcement.

Commissioner Kaje referred to Transportation Policy T-13, which talks about Aurora Avenue and Ballinger Way being excluded from the concurrency requirements because they are State Highways. He questioned if arterials that cross these two highways would also be excluded, as well. Mr. Tovar explained that a State statute exempts State highways from the requirements of concurrency, but the City still has the ability to discuss LOS Standards and concurrency as it relates to intersecting arterial streets.

Chair Hall observed that the City would benefit by moving their policies along towards moving people instead of vehicles more efficiently. However, it makes perfect sense to amend the Development Code now to make it consistent with the Comprehensive Plan. The Commission agreed to move the proposed amendment, as drafted, forward to a public hearing.

Study Session: Permanent Regulations for Regional Business (RB) Zone

Mr. Cohn advised that a public hearing on the permanent regulations for the Regional Business (RB) Zone is tentatively scheduled for September 17th. He referred to the Comprehensive Plan Map and identified those areas that could conceivably be zoned RB. He reminded the Commission that the RB zone allows most retail and commercial uses, as well as residential uses. He recalled that in May of 2008, the City Council adopted an ordinance that created interim rules that limited the maximum housing density in RB zones to no more than 110 dwelling units per acre. Before the interim ordinance there was no defined maximum; the maximum was effectively controlled by the parking, height and bulk regulations.

Mr. Cohn recalled that when the Commission discussed the issue in June they agreed that the proposal should include the following:

- An incentive system that trades off density for public amenities.
- More stringent rules for transition between commercial and residential uses.
- A stipulation that would eliminate or reduce the amount of commercial traffic entering or exiting a site from non-arterial streets.

- Adoption of a new name for the Regional Business Zone to eliminate confusion with the Comprehensive Plan designation and to be more descriptive of the “vision” for future development in the zoning district.

Mr. Cohn referred the Commission to the draft language that was prepared by staff for the Commission’s discussion and reviewed each of the proposed standards as follows:

Standard 1: *Developments larger than a defined threshold (perhaps those subject to SEPA review) would be subject to administrative design review.* Mr. Cohn advised that staff is in favor of requiring administrative design review based on a defined threshold, but they have not recommended a specific number at this point.

Standard 2: *Limit the maximum building height within 100 feet of the property line between RB and R-4 and R-12 zoned properties to 45 feet and limit the maximum building height between 100 and 200 feet of the property line to 55 feet.* Mr. Cohn noted that these transition requirements would be similar to those identified for the Midvale Demonstration Area.

Standard 3: *All buildings and required parking shall be located on the RB-zoned property and not off site.* Mr. Cohn noted that this standard was included to address issues raised previously by the Commission.

Standard 4 (Density Level 1): *The base permitted housing density would be 70 dwelling units per acre, and building height would be limited to four stories. The maximum floor area ratio (FAR) would be 2.0.* He advised that while staff is not tied to the FAR’s proposed in the draft language, they believe they are good numbers based on available information. Chair Hall clarified that the floor area ratio is the square footage of the floor area of the building compared to the square footage of the site. Therefore, applying an FAR of 2.0 on a four-story building would mean that half of the site would not be covered by the building.

Mr. Cohn said staff would like to tie the maximum dwelling units per acre to the FAR in some manner. The current proposal would permit a base density of 70 dwelling units per acre, and he noted that the highest density in most of the City is 48 dwelling units per acre. However, discussions with developers and the City’s experience suggest that densities of 48 dwelling units per acre are likely to result in townhouse development. A limit of 48 dwelling units per acre would not provide enough incentive to encourage mixed-use development, which is a form of housing the City wants to encourage in specific areas. In the recent economic boom, mixed-use development penciled out at approximately 60 to 70 units per acre.

Standard 5 (Density Level 2): *Housing density could be increased to 110 dwelling units per acre, a maximum height of 5 stories, and maximum FAR of 3.2 if the following conditions are met:*

- Mixed use building with at least 3,000 square feet of retail or personal service space*
- Some underbuilding/underground parking or shared parking facility*
- Windows that passerby can see inside 50% of 1st floor*

d. Overhang/awning

Mr. Cohn pointed out that the language in proposed Standard 5 was based on the Ridgecrest Proposal (110 dwelling units per acre and a 3.2 FAR). Staff believes these numbers are reasonable if the City wants to encourage mixed-use development.

Standard 6 (Density Level 3): *Housing density can be increased to 150 dwelling units per acre and maximum height of 6 stories and FAR to 3.6 if the following conditions are met:*

- a. All of the criteria listed above, plus*
- b. Infrastructure for electric vehicle recharging*
- c. 15% is public space*
- d. 15% of the units are affordable to households in the 75% median income category for a specified number of years*
- e. At a minimum, meet 3-star construction standards plus independent verification under King County Built Green Standards as amended or equivalent standard approved by the director*
- f. Make a provision for the developer holding a neighborhood meeting with City staff in attendance to identify traffic impacts coming from building occupants and discuss appropriate mitigation measures. Meetings would be advertised by mailings to property owners and occupants within 500 feet of the property.*

Mr. Cohn summarized staff's belief that the proposed language responds to all of the issues raised by the Commission. He cautioned that while it is very provisional, staff believes it would be economically viable. However, they also believe it would be appropriate to have an alternative proposal on the table at the time of the public hearing, which identifies a density limitation of 48 dwelling units per acre. He recalled that Les Nelson proposed a Comprehensive Plan amendment earlier in the year that would clarify whether residential densities greater than 48 dwelling units per acre would be appropriate in RB zones. When the Commission and Council discussed the potential amendment, staff noted his proposal would be part of the discussion of the permanent RB regulations.

Mr. Cohn reminded the Commission that, once adopted, the permanent regulations would likely be changed by the future adoption of the Town Center Plan. He also announced that staff would likely hire a consultant to help them develop design standards. This work would be presented to the Commission for review at some point in the future and could impact the transition standards.

Chair Hall reminded the Commissioners that this is not a hearing. Therefore, they do not need to deliberate on the merits of the proposed language. The goal for the discussion is to make sure the Commissioners understand the proposal and identify other issues that should be addressed at the hearing. They would have an opportunity to debate the merits of the proposal and amend the language after the public hearing. He commended staff for doing a great job of incorporating the Commission's input into the draft proposal. He said he liked the approach that was used (an idea comes forward, the Commission has a discussion with staff, the public provides comments, and then staff crafts a proposal for a public hearing).

Commissioner Broili suggested that some of the conditions identified in Density Level 3 should be included in Density Level 2, as well. He summarized his belief that the conditions for density above the

baseline should get stringent fairly quickly. Pushing the envelop further would be to the general benefit of the City.

Commissioner Kaje recalled the Commission's June discussion where it appeared they were moving away from the concept of arbitrary unit densities. Instead, they talked about moving towards a form-based code. He invited staff to share their thoughts about why specific density caps were part of the proposed language.

Commissioner Kaje commended staff for the work they did to create draft language. However, he suggested more specificity is necessary or it could trigger a lot of unnecessary concern at the public hearing. For example, Condition b of Density Level 2 could suggest a specific quantitative standard for underground parking. He summarized there are other conditions that would benefit from more specific numbers and/or thresholds.

Commissioner Kaje referred to Condition f of Density Level 3, and suggested the proposed notification radius of 500 feet is too small. While the City might only be required to provide notification within a 500-foot radius, he would like the City to be more proactive about informing the neighbors and public about fairly substantial development projects. He asked staff to come up with a better alternative to address his concern. Mr. Cohn questioned if it would be reasonable to require a residential development to notify more people than a commercial development. He agreed to analyze the issue and provide more feedback. Mr. Tovar emphasized that 500 feet is not the minimum notification requirement; the City actually goes beyond the minimum. In addition to the mailed notification, he suggested staff consider the notion of posting 4' by 8' plywood signs prominently on properties above a certain threshold. Based on his experience, expanding the mailing radius would not necessarily decrease the complaints. People would still insist they did not get a notice. He also cautioned that expanding the notification radius would have a budget implication that should be discussed with the City Council at the joint meeting.

Commissioner Kuboi said it would be helpful to have more information from staff as to how they came up with the specific numbers and terms used in the draft language. He agreed with Commissioner Kaje that more specificity would be appropriate to avoid unnecessary concern at the public hearing.

Commissioner Kuboi asked staff to speak more about what parameters they would hope to address as part of the design review. Mr. Tovar reminded the Commission of the design standards that were developed as part of the Ridgecrest Proposal, which are now part of the Midvale Demonstration Area. In addition, staff would contract with a consultant to create more detailed design guidelines, and staff would seek feedback from the Commission about the kinds of things they want the consultant to consider. Any new design guidelines that are adopted as part of the consultant's work would be applicable to RB zones, as well. Mr. Cohn agreed to forward each of the Commissioners a copy of the Ridgecrest Design Guidelines.

Commissioner Perkowski agreed that the draft language incorporates all of the feedback provided earlier by the Commission. However, he suggested it might be useful to provide an explanation and/or rationale for each of the conditions identified in Density Levels 2 and 3. Perhaps the explanations could connect the proposed language to the City's recently adopted Vision Statement and Framework Goals.

Commissioner Perkowski asked staff to identify the pros and cons of using the term “stories” rather than a specific building height. He noted that some mixed-use zones actually specify height rather than stories, particularly because floor to ceiling heights might be different in commercial spaces. Mr. Cohn said that when the actual code language is prepared, it is likely that maximum height would be identified in feet rather than the number of stories. The purpose of using “stories” was to provide some visual context of how the proposed language would be applied. Chair Hall clarified that the current RB zoning allows a maximum height of 65 feet. Mr. Cohn said the proposed language would be close to that number. The first story, if retail, would be about 14 to 15 feet in height, and the additional stories would be approximately 10 feet in height.

Commissioner Pyle said he supports the concepts laid out in the proposed language, which would not change the City’s current notification requirements. A SEPA review would be required for more than four units. The code already requires that SEPA reviews be processed as Type B applications, which require notification within a 500-foot radius and allow for an appeal period. He summarized that the proposed language places design review into an administrative component, which is in addition to the SEPA review. In his experience, increasing the notification radius would not result in more people commenting on the project. They must consider the fact that most of the properties adjacent to RB zones would be condominiums, so there may be 600 tenants in one adjacent property.

Commissioner Behrens agreed with Commissioner Kaje that incorporating a specific number of units into the draft language would add some perception that the density would be capped in some way. However, they should keep in mind there are different levels of intensity with development (i.e. 150 four-bedroom dwelling units versus 150 one-bedroom dwelling units). They should really consider the amount of space within a box as opposed to the number of units within a box.

Mr. Cohn explained that staff was reticent to go further with the form-based code concept. However, they would support the Commission’s desire to move in that direction and address density based on FAR requirements rather than the number of units. Chair Hall recalled that at their June meeting, the Commission indicated they were not in favor of an arbitrary unit cap, but staff pointed out that they have been encouraged to incorporate a unit cap. He suggested staff prepare the ordinance either with or without the unit cap, but prepare a notice to the public that identifies both options. This would allow the Commission an opportunity to engage the public in the discussion. Mr. Tovar agreed they could write a notice that includes both options, inviting the public to comment on their preference. He explained that staff was hesitant to use a form-based code approach because the permanent ordinance must be adopted by November 12th. He agreed that the form-based code approach has been discussed by the Commission on numerous occasions, and many communities are moving in that direction. However, he is not sure the community, as a whole, is ready to embrace the concept. He suggested the intense public process involved with the Town Center Subarea Plan would provide an opportunity to broaden the community’s understanding of the concept.

Chair Hall summarized that while the Commission agrees the community might not be ready to embrace the concept of form-based zoning, they felt it would be appropriate to notify the public that the Commission is looking at regulating density in the RB zone through height limits, floor area ratio, parking, design standards, open space, etc. rather than a unit count. This would allow the public to

participate in the discussion. Mr. Tovar agreed and suggested staff should do a better job of engaging the public by utilizing *CURRENTS*, the website, etc. to get information out.

Chair Hall recalled that the owners of the James Alan Salon asked for RB zoning because they wanted to construct 25 residential units, but they were happy with the bulk standards associated with the Commercial Business (CB) zone. The Commission attempted to do a special rezone that allowed the additional units, but retained the same bulk standards. The Commission felt it would be acceptable to have 25 apartments instead of 15 condominiums in a building that looked exactly the same from the outside. He summarized that the Commission has been discussing the concept of form-based zoning for years, and it is now time to engage the community in the discussion.

Commissioner Wagner requested staff provide some examples of how the proposed FAR's could be applied on various properties. It would be helpful to consider different lot sizes and the realistic unit count the City would anticipate. Mr. Cohn agreed to provide some examples of how the FAR's would play out based on parking requirements, etc.

Commissioner Kaje pointed out that the public is especially interested in the maximum development that would be allowed in RB zones. He suggested one alternative would be to maintain Density Level 3 as written to allow a maximum of 150 dwelling units per acre. However, Density Levels 1 and 2 could be governed by height. Because fewer floors would be allowed, the number of dwelling units would be less than 150. This option would provide some comfort to the community that density would be limited, but it would also leave more room for creative development under Density Levels 1 and 2.

Commissioner Broili suggested that the level of intensity of the development should be directly related to the mitigation of the impacts. As the intensity is increased, the level of the mitigation has to increase proportionately. If a developer is going to go above the base density allowed in the RB zone, low-impact development techniques, etc. should be required to mitigate. All of the impacts, including environmental impacts, should be completely mitigated by the design requirements. Mr. Cohn asked if this concept should apply equally to both residential and commercial developments. Commissioner Broili answered affirmatively. Mr. Cohn summarized that Commissioner Broili's concern has more to do with FAR than height. For example, a building that takes up the whole site could have more impact than a building that takes up only half of the site but is four times taller. Commissioner Piro suggested staff survey other jurisdictions to identify those that use unit count to limit the number of residential units in mixed-use or commercial zones. Mr. Cohn agreed to contact other jurisdictions.

Commissioner Kuboi said he supports the notion of considering the form-based code concept as part of the public hearing. However, he is concerned about rolling out a new concept in a hurried fashion. Form-based zoning is a complicated topic, and there is a lot of fear and misinformation about what it implies. He does not want the hearing to be derailed based on misinformation and concern over the new concept. He questioned whether they would be able to gain public support for the concept with such short notice. He suggested a Commissioner be assigned to work with staff to make sure the hearing information that is published in *CURRENTS* is understandable to a lay person. He said he is also interested in learning more about the different impacts associated with having one 1,500 square foot

unit, two 750 square foot units or three 500 square foot units. Do impacts increase as the unit count goes up? If so, then the issue is not purely related to the size of the box.

Commissioner Behrens referred to Item 3 in the list of items the proposal must include, and noted that the Commission's concern was not just related to commercial traffic. Large residential complexes can have as much or more traffic impact to adjacent neighborhoods. Therefore, the City should require traffic plans for the residential units that are included as part of mixed-use projects.

Commissioner Behrens referred to the map provided by staff, which identifies some very small pieces of property throughout the City that could be rezoned to RB. These properties would be very difficult to develop at any of the levels proposed in the draft language. He suggested that because most of them are adjacent to single-family neighborhoods, R-48 zoning might be more appropriate. He referred to the five small parcels on the right hand side of 15th Avenue between 168th and 171st Streets, all of which are adjacent to single-family neighborhoods. Perhaps R-48 zoning would be a way to establish a barrier or buffer. Most of the other RB sites throughout the City are larger in size and would be better able to handle density identified in the proposal. Commissioner Piro noted that Commissioner Behrens was referring to properties that are identified as Community Business (CB). Commissioner Behrens agreed but noted that RB zoning, as currently proposed, could be applied to these properties, as well. Chair Hall noted this would require a rezone process, which would include a public hearing.

Commissioner Behrens suggested it would be appropriate to limit development within the first 100 feet of large RB zoned properties to a density of 48 dwelling units per acre with some open space. This would provide an appropriate buffer of function and space between the adjacent single-family residential neighborhoods and the larger buildings that are five to six stories tall. He pointed out that this concept was utilized effectively on the lake side of the Echo Lake Project. Mr. Cohn pointed out that Standard 2 would limit the maximum building height within 100 feet of the property line between RB and single-family residential zones. Commissioner Behrens suggested it would be appropriate to limit buildings within 100 feet of the property line to three stories or 48 dwelling units per acre. Mr. Cohn suggested that the term "45 feet" could be replaced with "three stories." Commissioner Behrens summarized that rather than using step backs away from residential neighborhoods, this same space could be used to create a transition type of building between the neighborhood and the larger buildings.

Commissioner Behrens referred to Density Level 1 and noted that the proposed base permitted housing density would allow approximately half of the lot to be covered with building. He asked staff if it would be possible to develop 70 dwelling units on a one-acre site and still meet the open space and parking requirements. Chair Hall pointed out that if it is not possible, the number of units would have to be reduced. Commissioner Behrens suggested they must consider the effect of the proposed standards. Do they want to create numerous small units that have more impact than a building with larger units?

Commissioner Behrens said it seems that the larger the number of people that would be housed in the units, the more open space should be required. He suggested that Density Levels 2 and 3 should both include an open space provision that is driven by the amount of floor space or the number of units.

Commissioner Behrens expressed his belief that the notification radius is not as important as the neighborhood meeting. He reminded the Commission of his proposal that is currently on their parking lot agenda regarding how to restructure public meetings. He suggested that the City's current system for public meeting is inadequate and ineffective. The City doesn't have any control over the outcome, and the developer runs the process. He suggested the City could also do a better job of encouraging the community to work with developers to exchange ideas.

Commissioner Broili reminded the Commission that building technology and design parameters are changing rapidly, yet it appears the Commission is designing and talking about regulations that are based on historical ways of developing and building. He advised that a number of concepts are being rapidly embraced by cities and communities for ways to build with a zero footprint, and this is changing the way the way people think about the built environment. Form-based codes offer a more earth-friendly approach for development, and he would like the City to be a leader. He admonished the staff and Commission to think in a more global direction. They should have a goal of zero impact (hydrological, energy, etc.) The technology has already been proven, and form-based codes offer the best tool for municipalities to address the issue.

Chair Hall referred to the small parcels and noted that even if they were zoned RB, it would not be possible to build to the maximum height proposed in the draft language. He pointed out that the Echo Lake Project was not required to step back the upper floors. The buildings go up 65 feet from the sidewalk, and this has caused some people consternation. The City learned from that, and the Ridgecrest zoning requires a 20-foot step back for every 10 feet of additional height. He noted that the current moratorium would allow commercial development of 65 feet right next to residential development, so the proposed language would be a huge step forward in protecting the existing single-family residential neighborhoods.

Chair Hall said he would support Commissioner Broili's earlier suggestion that the environmental incentive be applicable to both Density Level 2 and Density Level 3. He noted there are different levels in each of the environmental programs, and it might be worthwhile to require an applicant to meet at least some level of environmental program in order to build to a 110 units per acre. The environmental requirement could be even greater in order to achieve 150 units per acre.

Commissioner Piro said he was pleased with the issues that have been raised by the Commissioners regarding the proposed language. He said that while he appreciates the fact that there is a clear interest to implement form-based zoning, he values staff's caution, as well. He said he is intrigued by Commissioner Kaje's earlier suggestion that the Commission should attempt to articulate the standards for Density Levels 1 and 2 around the form-based concept as much as possible, but maintain the maximum of 150 dwelling units per acre for Density Level 3. He said he would not be averse to presenting more than one option at the public hearing, but he cautioned that it could add to the confusion.

Mr. Cohn reminded the Commission that the interim ordinance expires on November 12th. If the Commission were to conduct a public hearing on September 17th, it might be possible to continue their deliberations to the next meeting before making a recommendation to the City Council. Chair Hall said

he agrees with the concern raised by Commissioners Piro and Kuboi about putting forward the form-based code concept given the Commission's short timeframe for making a recommendation to the City Council. He asked if the Commission would agree to move the proposed language forward with the proposed unit count caps, recognizing that they go hand-in-hand with the FAR and height limits.

Vice Chair Wagner reminded the Commission that the interim regulation was put in place because unit count was of primary concern to the citizens and the City Council. Therefore, the most prudent action would be to respond to their needs by addressing that issue. Commissioner Broili said that while he doesn't disagree, at some point the City must begin the educational process by introducing the concept to the public.

Chair Hall suggested the Commission move forward with the public hearing on September 17th. Once a recommendation has been forwarded to the City Council, the staff and Commission could discuss options for moving the discussion related to form-based zoning forward.

Commissioner Kuboi said he previously reviewed the proposed language solely from a housing perspective, and now he is questioning how the proposed language would impact developments in the RB zone that are not housing. Chair Hall answered that, with the exception of unit count, all other standards would apply. Mr. Cohn added that the proposed language would limit heights and FAR for all types of development in RB zones. It would not have a significant impact on retail developments which are typically not more than two stories in height. However, office development would be impacted by the proposed language. All development that is greater than 45 feet in height would be required to meet the conditions listed in the proposed language.

Mr. Tovar referred to Commissioner Behren's earlier concern that regardless of whether the development is residential or commercial, at least some part of the site should be open space that could be used for passive recreation, gathering places, etc. He noted that, currently, the code requires recreational open space for residential developments, but the requirement is fairly modest. He suggested staff work on language that articulates that the open space must be designed and furnished so it is useful. Chair Hall noted that in order to develop to the highest level in the RB zone, a developer would have to set aside at least 15% of the area as open space. He agreed that further detail could be added to this language to address Commissioner Behrens' concerns. Commissioner Behrens suggested that rather than a straight percentage for all projects, the open space requirement should be based on the unit count. If the City is going to allow large developments, there must be some benefit for the citizens who live in the units. Mr. Tovar indicated that staff would flesh out the 15% requirement into something more descriptive to address Commissioner Behren's concern.

Chair Hall reminded the Commissioners that when they talk about benefits to the community, it is important to remember the benefits just from having someone develop in the community. All new development is required to meet the new NPDES Permit requirements, the new stormwater standards, the new energy code, etc. Anything new that is built on Aurora Avenue will have superior environmental performance to anything that currently exists. He further reminded the Commission that the first eight Framework Goals require reinvestment in the community in order to be successful. Promoting redevelopment in areas that have always been designated for high-intensity development

would bring additional tax revenue to the City and would result in development of valuable vacant land along Aurora Avenue. He summarized that development is not the enemy of environmental protection because the current environmental standards are much better.

Mr. Tovar reminded the Commission that they first discussed the concept of form-based zoning as part of the speaker series that was conducted a few years ago. He suggested that as the Commission prepares for their meeting with the City Council, they should talk about how to move some of the new and innovative concepts forward.

The Commission agreed to move the proposed language forward to a public hearing, with staff fleshing out the details as discussed by the Commission.

Commissioner Kuboi recalled staff's earlier suggestions that approximately 70-units per acre has been identified in the past as the density necessary to encourage future development of flats (apartments or condominiums) as opposed to townhomes. He questioned if this would still be the case for future development. He suggested the Commission give further thought to this number. Mr. Cohn agreed to research the issue, but he cautioned it is difficult to find developers who are doing solely residential development in the urban area. If staff's research indicates it is necessary to raise the base number of 70 units per acre, Commissioner Kuboi questioned if staff would also recommend that the other two thresholds be bumped up, as well. Mr. Cohn said he does not anticipate staff would recommend bumping the high-end number to a density greater than 150 or 160 units. The mid-range number could be anywhere between the low and high numbers.

Commissioner Pyle cautioned that parking would be a significant issue at the public hearing. He suggested the Commission recommend a requirement that building parking be assigned to a unit rather than allowing developers to rent the spaces separately. It is clear in North City that the problem is not insufficient parking in the building; it is that they are charging extra money for the parking. People who don't want to pay for the parking are using the street, and throwing more parking at the problem will not solve the issue. Commissioner Behrens suggested that parking could be used as an incentive for developers who want to construct more units than the base number. He also suggested they consider a requirement that large developments provide a certain percentage of underground parking.

PUBLIC COMMENT

Les Nelson, Shoreline, questioned how many of the Commissioners arrived at the meeting via some other means of transportation than a car. He also asked how many Commissioners did not have cars. He noted that even if people take advantage of opportunities to walk or use public transit, if they own a car, they also need a place to put their car. Getting people to eliminate their cars and rely only on transit is a whole different issue. He expressed his belief that transit service must be available before the City can reduce the parking requirements for residential projects.

Mr. Nelson clarified that his proposed Comprehensive Plan amendment was not to push a density of 48 dwelling units per acre. Rather, the City Council decided that 48 dwelling units per acre was the only density vetted by the public when the RB language was studied earlier. The City Council asked that 48

be used as the basis. He noted that his Comprehensive Plan amendment asked the City to clarify the definitions in LU-17 and LU-18. He questioned if the current proposal would, in fact, make the definitions more clear.

Mr. Nelson said that starting with a base density and then allowing more density for mixed-use development has always been the desire for development along Aurora Avenue. Therefore, he doesn't see allowing greater density as an incentive. Nor does he view underground parking as an incentive. The only way a developer can construct the maximum number of residential units and have another floor of retail is to provide underground parking. He also questioned the incentive related to affordable housing.

Mr. Nelson referred to Condition d of Density Level 3 and expressed concern that the 75% income level could result in a situation where the low-income housing could cost more to rent than the market rates, particularly if it is applied to small units.

Boni Biery, Shoreline, said she was disappointed that none of the comments posted on the Tree Regulations webpage made reference to the packet of resources she provided the Commission at their last meeting. Chair Hall explained that because the public hearing has not been opened, there is currently no public record. He said that once the public hearing has been opened, he would ask staff to incorporate the documents into the record.

Ms. Biery commented that Shoreline has a very low ratio of park acreage per 1,000 people compared to other communities in the area and in the country. Their park acreage is right in line with Detroit and Las Vegas, which is sad. As Shoreline adds more people, there will be an increasing need for parks. She encouraged that when the Commission talks about adding functional open space, it should be based on the worst case scenario in terms of density. No matter what purpose the building is built for, enough open space should be required to serve the needs of future uses. She encouraged them to require the highest percentage possible for each unit. She reminded the Commission that one purpose of the Growth Management Act is to mitigate for all of the impacts, including the social impact of not having open space.

Commissioner Behrens referred to Mr. Nelson's comment regarding the condition related to affordable housing (Condition d of Density Level 3). He agreed that if they allow the 75% income level to be applied to studio apartments, the rates for studio apartments would probably be less than the 75% figure. He suggested they consider assigning the 75% median to two and three bedroom apartments only. Mr. Nelson agreed that unless you assign the 75% income level to a certain size of unit, developers would apply the concept to the very small units, making the low-income housing cost more than the going rate.

DIRECTOR'S REPORT

Mr. Cohn noted that the August 20th meeting agenda includes an open house on the Shoreline Master Program at 6:00 p.m. followed by a study session at 7:00 p.m. The September 3rd meeting agenda includes a discussion regarding the tree regulations, as well as a public hearing on the proposed amendments related to transportation level of service. He suggested the Commission spend some time

on August 20th to prepare for the joint City Council/Planning Commission meeting on September 14th. The Commission concurred.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Review Planning Commission Bylaws for Public Comment Rules

As a result of the concern that has been expressed regarding this subject, Mr. Tovar suggested it would be wise for the Commission not to move forward with a Bylaw amendment at this time. Instead, the Commission could have a more general discussion about the process for study sessions. He pointed out that when the Commission meets in the new City Hall, it would be possible to conduct more informal study sessions where they can all meet around a table. Although the meeting would still be open to the public, he anticipates the dynamics of the discussion would change significantly.

Mr. Tovar suggested the Commission have a discussion about how much public comment should be allowed when the Commission is in a study session mode. He noted the current bylaws allow two opportunities for public comment. Another option would be to allow public comment after each study item. Perhaps it would be appropriate to discuss this issue with the City Council at the joint meeting.

Mr. Tovar said he believes some members of the public are confused about what is public comment and what is public testimony. Public testimony becomes part of the open record and creates standing for appeal. People are notified of public hearings and invited to give testimony. On the other hand, while the public is invited to comment during study sessions, the meetings are not advertised as public hearings and public comments are not solicited. No public comment record is established until a formal public hearing has been conducted. Commissioner Piro agreed that it is important to clarify the difference between public comments during study sessions and public testimony during hearings. He said he welcomes this clarification to make the study sessions work to maximum efficiency and to continue to improve opportunities for public input and comment throughout the Planning Commission process.

Commissioner Piro noted that improving public participation opportunities is often a topic of discussion at Planning Commission retreats. They are always looking for ways to improve citizen involvement. He recalled that when he first joined the Commission, public comment was only allowed at one specific point on the agenda, and a strict time limit was enforced. There was no opportunity for the Commission to ask questions of the public, either. Now the Commission offers several opportunities for public comment throughout their meetings, and they often engage in dialogue with the citizens. He said the Commission would continue to seek ways to improve citizen involvement; but at the same time, they need to look at ways to make their study sessions as meaningful as possible.

Commissioner Behrens recalled three occasions since he has been on the Commission where the items published on the agenda did not occur. He summarized that when and how people speak is not as important as it is to follow the published agenda and allow the public an opportunity to speak as per the agenda. Chair Hall clarified that tonight's agenda was not changed. He pointed out that when the Commissioners received the emails from citizens, staff contacted him right away. Based on the emails, staff suggested the proposal they released with the agenda did not adequately address the problems and there was the perception that the staff and Commission were not seeking public input. He said he was very supportive of staff's recommendation to postpone taking action on the amendment. Having flexibility to address concerns raised by the public is a good thing. Commissioner Behrens agreed the amendment should have been pulled. However, he expressed concern that once an agenda has been announced, citizens attend the meeting expect the Commission to hear those items. He suggested the Commission establish a formal process for changing the agenda.

Mr. Tovar emphasized that he does not have the power to change the Planning Commission's agenda, but he can make recommendations. He recommended the Commission postpone taking action to amend their Bylaws and instead have a discussion. He invited the three people who commented to attend the meeting. Once again, Chair Hall pointed out that the agenda did not change. While the staff has recommended the Commission postpone any action to amend the Bylaws, nothing would prevent the Commission from taking action now.

Commissioner Pyle suggested that rather than accepting citizen comments before the Commission has had a chance to hear the staff report, he would appreciate public comments after the Commission has had an opportunity to hear the staff report and discuss the issue amongst themselves.

Vice Chair Wagner said she really appreciates that Mr. Tovar made the distinction between a study session and a public hearing. The Commission has discussed several topics that have garnered a lot of comment and the public probably has the perception that all their comments on a particular topic are part of the official record for the Commission's consideration. She believes the Commission really listens to what people are saying outside of a hearing, but doesn't treat it as testimony. She further explained that when comments are not testimony they are not entered into a record and it may be inappropriate for the Commission to discuss their merits. If the public hearing occurs several months after a comment was made, it also might not be remembered. She suggested more time should be spent talking about how to get the message out that there is a difference between comments given during a study session and testimony given at a public hearing, so that both the Commission and the public understand the distinction and can set expectations accordingly.

Chair Hall summarized that there appears to be enough interest in the issue to discuss it with the City Council at the joint meeting on September 14th. Mr. Tovar welcomed any discussion the individual Commissioners or citizens would like to have with him regarding the issue. The Commissioners agreed to postpone their action to amend the Bylaws.

Boni Biery pointed out that she arrived at the meeting late because the website announced the meeting started at 7:30 p.m. Chair Hall pointed out that the Commission did allow her to provide public

comment. Ms. Biery clarified that she previously commented about the issue at hand, but she also wanted to comment about the proposed Bylaw amendment.

Ms. Biery said the whole issue of limiting public comment is very wrong headed. She said she understands that study sessions have a specific goal in mind, but public comment needs to come before all the work of the Planning Commission and staff. The public comment period is meant to inform the whole process. It would be inappropriate for the Commission to limit or eliminate public comment until after the staff has done all of their work and presented a proposal to the Commission for a public hearing. She suggested that the reason items come back before the Commission for additional review is because the public was not included in the first place. If they want to eliminate the rework, they should put the public comment period at the front end of the process.

Commissioner Broili noted that some members of the public have indicated they would prefer to provide their comments after the staff report and Planning Commission discussion. Ms. Biery said she envisions a process where staff would conduct some type of public meeting, focus group or questionnaire to gather information before an issue is presented to the Commission for review. The public should also be invited to provide comments after a staff report has been presented to the Commission. This would allow the public an opportunity to further inform the process. In the end, everyone is present in support of the citizenry, and there are real problems when the citizenry is left out of the process.

Chair Hall said the concern was raised in the context of the Commission's work on the tree regulations. The issue was not that there was too much public comment, but the fact that there had been no broad public notice or open house. They wanted to make sure they gave even more people an opportunity to comment. They discussed ideas such as a focus group, workshops, etc. By the time an issue comes before the Commission for a public hearing, it is important to know that the community has already had an opportunity to shape the proposal.

Commissioner Behrens said it seems the big problem is how to order the meeting agenda to allow public comments at the right time. He suggested it would make sense to allow public comment after the staff has presented their report. The Commission's discussion period could follow. The public comment periods should be clearly presented in the published agendas since some members of the public attend the meeting to speak regarding a specific agenda item.

Chair Hall summarized that the Commission was in favor of discussing the issue with the City Council at the joint meeting. From there, the Commission could consider possible changes to the Bylaws.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Kaje announced that the City gave his neighborhood (Ballinger) a mini grant to host an outdoor movie night, which was held last Saturday at the Aldercrest Annex site. It was a great event with a nice turn out. It was a good first step in getting the neighborhood more organized and excited about its potential.

Chair Hall announced that the City sponsored a “Neighborhood Night Out Against Crime,” on August 5th. The event was successful and included 25 neighborhood events throughout the City. He offered kudos to the Neighborhood Association and City Staff for streamlining the event.

AGENDA FOR NEXT MEETING

Chair Hall announced that the August 20th meeting would start at 6:00 with an open house event. The regular meeting would start at 7:00 with an update and discussion on the Shoreline Master Program. Staff would also provide an update on the Town Center Subarea Plan, and the Commission would spend some time preparing for the joint City Council/Planning Commission Meeting.

ADJOURNMENT

The meeting was adjourned at 9:20 P.M.

Will Hall
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission