

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

September 5, 2019
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Montero
Vice Chair Mork
Commissioner Craft
Commissioner Davis
Commissioner Lin
Commissioner Malek

Staff Present

Nora Gierloff, Planning Manager
Julie Ainsworth-Taylor, Assistant City Attorney
Steve Szafran, Senior Planner
Catie Lee, Associate Planner
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Commissioner Maul

CALL TO ORDER

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

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Montero, Vice Chair Mork, and Commissioners Craft, Davis, Lin and Malek. Commissioner Maul was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of August 1, 2019 and August 15, 2019 were approved as submitted.

GENERAL PUBLIC COMMENT

Robin McClelland, Shoreline, informed the Commissioners of the launch of the “Yes on Proposition 1 Campaign.” She invited them to learn more about the campaign to construct a new aquatics/community center, improve four neglected parks, and some other improvements around the perimeters of the parks and on the grounds of the new facility. She advised that several citizens have fought for the reinstatement

of space for senior programming and a commercial kitchen, and they believe that a new commercial kitchen in the new facility is imperative for building community and bringing community groups together. She encouraged them to visit www.parksinvestnow.com and help them out if they so choose.

STUDY ITEM: TOWNHOUSE DESIGN STANDARDS CODE UPDATE – PART II

Ms. Lee advised that City staff conducted research of 22 jurisdictions around the Pacific Northwest, looking for which cities have design standards specific to the townhouse building type. From January to June 2019, staff held nine meetings with internal and external stakeholders, and an online visual preference survey was conducted in April 2019 with 534 responses. A public workshop was held on August 1st prior to the Planning Commission meeting where staff received some great input from the 10 community members in attendance, and the Commission held its first work session on the topic on August 1st. She reviewed the feedback received at the community workshop, as well as the concerns raised by the Commissioners on August 1st.

- **Concern 1** was related to proposed language in the August 1st draft that said at least 40% of the units within a site had to be located between the property line and a 25-foot distance. The purpose of this provision is to create a street wall to enhance the pedestrian experience. The Commission voiced concern that the City may not be achieving the increased density that is desired in the MUR-35' and MUR-45' zoning districts, particularly on smaller-size lots. Staff also heard at the public workshop that the 40% requirement might be too low, but some also recognized that a higher percentage might be impractical given the nature of subdivisions in the City. There was also some concern that the requirement would be too restrictive on narrow lots but, in general, the requirement was good for making developments part of neighborhoods instead of inward-oriented enclaves. Some folks at the workshop were concerned that having the front of the townhouses oriented towards the street could result in 3-story back portions with balconies looking out over their single-family backyards. They also had some questions about how the requirement would apply on corner lots.

A chart showing the average and medium lot sizes and lot widths for the MUR-35' and MUR-45' zones was displayed, and Ms. Lee explained that lot-size data is readily available through the City's GIS mapping system, but lot-width data is not as easy to obtain. Staff collected a sample of three blocks within each one of the zoning districts for a total of 68 parcels in the MUR-35' zone and 81 parcels in the MUR-45' zone. The medium lot width in the MUR-35' zone is 70 feet, and 60 feet in the MUR-45' zone. Based on that information, it appears as if 60 feet is a good width to look at when considering making some changes to the proposed language.

To address this concern, **Option 1** would keep the original 40% language, but add an exception that on lots 60 feet wide or less, only 30% of the units have to be located within the front property line in a 25-foot distance. **Option 2** would be to rewrite the provision entirely to move away from a percentage requirement and simply state that for buildings where there is not an access drive for vehicles, the rest of the lot frontage has to be filled with buildings. This would create more of a street wall to enhance the pedestrian experience. **Option 3** would keep the original 40% requirement.

On a single, mid-lot block, **Option 1** would likely result in a layout where there is one townhouse unit in the front and two in the rear. **Option 2** would likely result in an access drive on one side, with the

4a. Draft Minutes from Thursday, September 5, 2019

buildings lined up perpendicular to the lot frontage on the other side. This would result in a better-looking townhouse building than what they are currently getting. **Option 3** could potentially result in fewer units or the units would have to be built skinnier than what is currently being constructed. Most developers are building units about 20 feet wide, but some are as skinny as 13 feet. They have heard feedback from the development community that they don't see the skinnier units as marketable in Shoreline. If developers don't want to build fewer or skinnier units, they would have to assemble lots in order to meet the 40% requirement.

- **Concern 2** was brought up by the Planning Commission and dealt with site access and circulation. The first draft said that each unit had to have pedestrian connectivity. The goal is to get pedestrians safely to each building and then navigate safely in between the units. Staff is proposing that for buildings that do not front on public rights-of-way, the requirement shall be met if pedestrian access is provided from a public sidewalk to the building(s).
- **Concern 3** is related to outdoor space. In the August 1st draft, staff proposed two ways that a development could meet this requirement: private outdoor space or common outdoor space. The Commission voiced concern that there was no minimum lineal dimension for private outdoor space and larger, denser developments wouldn't be required to provide both private and common outdoor space. Feedback from the public workshop was that perhaps there could be different ratios for different zoning districts. There was concern that large, retained trees could take away from usable outdoor space. However, they generally supported the option to provide either private or common outdoor space. Of the 22 cities staff looked at, five have specific minimum lineal dimensions for outdoor space, but most talk specifically about ground-related open space and not balconies, decks, etc. The average for the cities is 8 feet and median is 6 feet. Other helpful background information to understand is that building materials come in 2-foot intervals.

There are two options for adding in a requirement for minimum lineal dimension for private outdoor space. **Option 1** would set it at 4 feet, and **Option 2** would set it at 6 feet. Staff heard from one developer that 4 feet is a typical dimension for a deck. Six feet would provide more usable space, but it may take away from interior living space, making the units less desirable for families.

Option 1 for addressing the private vs. common outdoor space would be to retain the original language that allows a developer to do either. **Option 2** would be to require both on larger developments. Staff is recommending that larger developments be considered 10 or more units. The current code identifies short subdivisions as 9 or fewer lots and formal subdivisions as 10 or more lots. Most of the townhouse developments are unit-lot subdivisions, so there is already a break in the code that recognizes a difference.

- **Concern 4** has to do with covered entries. In the August 1st draft, staff proposed no dimension less than 5 feet. However, those who attended the public workshop indicated they would like to see room for two people to be able to stand under the cover. They felt that 5 feet was adequate to meet that, but because of Commission feedback to provide a minimum lineal dimension for private outdoor space, staff felt it made sense to have the requirements match more closely. Since building materials come in 2-foot intervals, the number should be even. Staff is proposing the requirement be changed from a

minimum dimension of 5 feet to a minimum width of 6 feet and a minimum depth of 4 feet. This would be adequate space for two people to stand next to each other and be covered from the weather.

- **Concern 5** related to building modulation, massing and articulation. Staff heard feedback at the public workshop that another option, material and color changes, should be added to the list of potential techniques a developer is required to do on the front façade facing the street to make it look more visually interesting. They also felt that 3 seemed a little too low and wanted to increase the requirement to 4. None of the jurisdictions staff researched require a certain number of materials or colors to be used, but several require windows to be accented with trim. This wouldn't result in a material change, but it would result in a color change. Balance is required when writing codes to ensure that a higher level of design is required from the development community. However, if you increase a requirement from 3 techniques to 4, there is potential that some of the features end up looking tacked on instead of integrated into a unified architectural design. One option would be to leave it at 3, but add a new option for providing trim. Another option would be to increase it from 3 to 4 techniques that would have to be used.
- **Concern 6** has to do with landscaping. In the August 1st draft, staff proposed a requirement that a developer had to provide landscaping between the building and the street that was equal to 50% of the required front yard setback. A concern came up that landscaping would not be required when the setback was zero, and requiring some landscaping would soften a building's appearance. The solution would be to require some landscaping in a portion of an area next to an entry. Staff is recommending an additional requirement that, if a property has zero front setback, then landscaping has to be provided at a depth of at least 4 feet and a width at least 30% of the unit width.

Ms. Lee explained that, since the August 1st draft, staff has had ongoing internal discussions where the following changes were identified:

- **Change 1** adds a definition for "Street Wall." The term is used in the 40% requirement, so adding a definition will provide clarification.
- **Change 2** clarifies the verbiage by changing "Public Works Director" to "Engineering Development Manual, or if no standard is provided, the standard detail required by the Public Works Director." This relates to the requirement that, if you have an access drive longer than 150 feet, a turnaround space for emergency and delivery vehicles must be provided. Currently, there is not a standard detail in the City's Engineering Development Manual, but there will be one in the March 2020 update. If everything stays on schedule, the townhouse amendments will be adopted mid-December. Staff feels it is necessary to keep the language about the Public Works Director for the time being. That way they won't have to come back for a code amendment in March or April.
- **Change 3** In the August 1st draft, staff proposed that townhouse units on corners had to have an entry oriented to each street that it fronts on. In the most recent draft, the requirement was reduced to having it oriented to one right-of-way. This is more typical of a rowhouse or townhouse building type.
- **Change 4** This change would alter the access type and width. The proposal is that larger townhouse developments would have to provide private or public streets. That means the access width minimum

4a. Draft Minutes from Thursday, September 5, 2019

has to be at least 20 feet wide, and they have to provide a 5-foot wide sidewalk. If the street dead ends after a certain length, the developer would have to provide a larger turnaround, as well.

Ms. Lee advised that staff is looking for feedback on the draft illustrations that are meant to better explain the proposed code standards. The illustrations will be part of the proposed development code and show things like building modulation and articulation, pedestrian access, outdoor space, landscaping, etc. The illustrations help people reading through the Development Code text better understand what the requirements are.

Ms. Lee said the proposed amendments are scheduled for a public hearing on October 3rd, and then they will be move on to the City Council in November and December.

Commissioner Davis asked if the City has a minimum townhouse width standard currently. Ms. Lee answered that there is no Development Code minimum. It would just be whatever minimum is required by the Building Code.

Commissioner Davis asked if the Public Works Director would seek input from the Fire Marshall regarding the turnaround for emergency and deliver vehicle access. Ms. Lee said staff sought feedback from both the Fire Department and Recology on the size of their trucks, and the technical information was provided by the City's Engineering and Public Works staff.

Vice Chair Mork suggested that a standard be added to the code to incentivize the installation of fire sprinklers in townhouse development. Ms. Lee said she cannot think of a townhouse project in the City where sprinklers were not required. The requirement is related to the square footage of the building, and most are coming in over that threshold of 4,800 square feet. Sometimes developments under the threshold are required to provide sprinklers depending of hydrant location, water pressure, etc. Vice Chair Mork said her understanding is that most of the townhouse development in Shoreline falls just below the threshold. From her perspective, an incentive to provide sprinklers would be appropriate.

No one in the audience indicated a desire to speak regarding this agenda item.

Chair Montero invited the Commissioners to provide feedback regarding the proposed illustrations via email to staff. This allowed them to focus the discussion on the concerns, options, solutions and changes:

- **Concern 1 (Building Orientation)** – Vice Chair Mork said she prefers Option 2 (rewriting the provision entirely to move away from a percentage requirement) because it gives more flexibility. Commissioner Davis said she wants to support higher density areas and development, but she is a designer at heart, and good design has value for a number of reasons. One of them is to build good communities and good neighbors. When looking at the options, it is hard for her to get on board with Option 2 when thinking about helping design and building better, more livable communities. She said she supports Option 1, with the reduction to 30%, and felt it would be a good compromise for lots that are 60 feet wide or less.

Commissioner Malek recalled that a study is proposed for 2020 for the “missing middle” that would offer different types of housing, other than townhouses, that could fill the need. These other options

could maintain the higher density but create a different look at the street level. He asked when the study is scheduled to move forward. Ms. Lee said the project is funded for 2020, and the Department of Planning and Community Development is planning to engage a consultant, assign a project manager to shepherd the project, and conduct significant public outreach. The project could extend into 2021, depending on the level of community engagement and how complex the study ends up being.

Commissioner Malek agreed with Commissioner Davis that both aesthetics and the need for density need to be considered. Currently, they are looking at one housing choice to satisfy both needs. He suggested they retain the originally proposed 40% requirement (Option 3) and struggle along until they can come up with a better plan after the study has been completed. This will allow them to look at the unique, newer types of housing as opposed to just settling for something that may or may not work.

Commissioner Lin said she has a hard time choosing the best option for the community. She lives by a development that is oriented completely off the street (full frontage layout) without the front building facing the street. The project is quite different than the surrounding development. She said she prefers Option 1, which would require the homes to face towards the street.

Commissioner Craft commented that it is a matter of the quality of the data they are looking at in terms of what they want to achieve in the neighborhoods, and Commissioner Malek's point is well taken that this type of binary decision is not entirely ready to be made. He doesn't disagree with holding where they are while trying to get more details about the different types of living environments they could have within the area. They need to consider how these developments will look as an overall community rather than a lot-by-lot discussion. Commissioner Malek observed that, he would rather slow down redevelopment for a time by retaining the 40% requirement (Option 3) than do the wrong thing with a limited set of options. Commissioner Davis said she supports the idea of thinking about other housing choices as part of a larger discussion. If she has to choose one of the three options, she would rather go with Option 3.

Vice Chair Mork agreed with Commissioners Craft and Malek to stick with Option 3 until they can think about it more holistically as opposed to just townhouses. She agreed that there may be other options added that are more amenable.

Ms. Lee summarized that the Commissioners are in favor of Option 3, which would retain the 40% requirement.

- **Concern 2 (Site Access and Circulation)** – The Commissioners voiced support for staff's proposal relative to site access and circulation.
- **Concern 3 (Outdoor Space)** – Commissioner Malek requested clarification of private vs. common outdoor space. Ms. Lee explained that private outdoor space would be reserved specifically for the people living in a particular unit (patios, decks, etc.) and common outdoor space would be available to all of the residents of the development (courtyards, shared gardens, etc.) The original proposal would allow a developer to do either to meet the outdoor space requirement, and the Commission

4a. Draft Minutes from Thursday, September 5, 2019

suggested that perhaps larger developments should be required to do both. Staff is also proposing a minimum lineal dimension of 6 feet for the private outdoor spaces.

Commissioner Lin said she supports a minimum lineal dimension requirement of 6 feet (Option 2) to ensure that the private outdoor space is somewhat useable. She is also leaning towards requiring the larger developments to provide both private and common outdoor spaces (Option 2). The remainder of the Commission concurred. Commissioner Mork said she also agrees with Commissioner Lin that larger developments should require both public and private outdoor space. The remaining Commissioners voiced agreement with that requirement, as well.

- **Concern 4 (Covered Entries)** – Vice Chair Mork asked if requiring covered entries would take space away from other desirable design elements. For example, can the landscaping requirement and the covered entry requirement both be accommodated without problems. Commissioner Davis said it will depend on how far a townhouse is setback from the street. One option is to recess the covered entry into the building, which could end up taking away from the entry space inside the townhouse. The other option would be to set the building back so the overhang could be attached to the exterior. Vice Chair Mork voiced concern about how the requirement would be implemented on a zero-lot-line project. Would the overhang be allowed to protrude over the sidewalk to provide the required coverage? Ms. Lee answered that the overhang would not be allowed to project into the public right-of-way. The building would have to be designed in such a manner that the weather protection is provided for on the private property. Commissioner Craft observed that they are not talking about a large amount of space, and he is not convinced that requiring a 6-foot wide, 4-foot deep covered entry would significantly impact other elements of a project's design.

Commissioner Davis commented that 4-foot depth is really common for an entry overhang porch step up to a townhouse. She likes the idea that a 6-foot width would accommodate two people. She doesn't see the requirement as a design constraint that would have negative impacts. The Commissioners voiced support for a covered entry requirement of 4 feet deep by 6 feet wide.

- **Concern 5 (Building Modulation, Massing and Articulation)** – Commissioner Davis said she supports Option 1, which would require 3 techniques rather than 4. She explained that sometimes adding too many things to the design of a building can result in a mish-mashed appearance. As she read through the list of options again, she felt that it would be easy to incorporate 3 techniques into a design and make it look nice and cohesive, but requiring 4 could result in an undesirable mix. She said she supports trim being added as one of the technique options. The Commissioners indicated support for Option 1.
- **Concern 6 (Landscaping)** – The Commissioners voiced support for staff's recommendation of an additional landscaping requirement of at least a 4-foot depth and a width at least 30% of the unit width.

The Commissioners indicated support for the four changes outlined earlier by Ms. Lee.

STUDY ITEM: 2019 COMPREHENSIVE PLAN AMENDMENTS – PART II

DRAFT

4a. Draft Minutes from Thursday, September 5, 2019

Mr. Szafran reviewed that this is the Commission's second study session for the three proposed 2019 Comprehensive Plan amendments. He briefly reviewed the amendments as follows:

- **Amendment 1** is a privately-initiated amendment that seeks to change the land use designation and zoning of two parcels at 1510 and 1517 NE 170th Street from Medium Density Residential (MDR) to Mixed Use (MU-2) and concurrently rezone the properties from Residential (R-8) to Community Business (CB). At the August 1st meeting, staff presented the amendment to the Commission and also presented alternative land use and zoning changes. Staff's proposal was to analyze a Comprehensive Plan amendment to High-Density Residential (HDR) and possibly a concurrent rezone to Residential (R-18), with staff explaining that a rezone to R-18 may more closely meet the goals and policies of the Comprehensive Plan and be a logical transition from CB to single family uses to the east. The Commissioners commented that the rezone to R-18 would not accommodate the applicant's business without significant changes and was not something they wanted to recommend to the City Council. Based on that direction, staff will not present that option at the public hearing on October 3rd.
- **Amendment 2** is also a privately-initiated amendment to change Natural Environment Goal V to set local goals to reduce carbon greenhouse gas (GHG) emissions in support of the Paris Climate Accord threshold to limit global warming to less than 1.5°C above pre-industrial levels. The Commission requested additional information. Specifically, they wanted to know the implications of the workload that would result from the proposed change of adopting a 1.5°C limit as opposed to a 2°C limit. It will take an enormous effort to meet either of the reduction goals. Per a report from the University of Washington Climate Impacts Group, limiting global warming to 1.5°C can only be achieved if action is taken to reduce global CO2 emissions by about 45% of 2010 levels by 2030 and to net zero by 2050. In short, the City cannot go at it alone. It will take the efforts of local, state, regional, national and global goals and policies.

The proposed language will require a substantial change in the energy we use, the transportation we choose, and the construction methods and materials allowed. If the Commission recommends approval of the proposed change, the GHG emission inventory will determine how the City is doing on meeting current targets. The City is not currently on track to meet the 2020 target, but by 2030, with some of the incentives and initiatives of recent years, the needle should start to move in a significant way.

The City will be updating its Climate Action Plan, which will include an analysis of how conditions have changed since 2013 and incorporating the latest science and relevant federal and state initiatives. Recommendations will focus on how to best evolve and meet the targets. The updated 2021 Climate Action Plan will be the primary mechanism through which the Comprehensive Plan Policies will be analyzed and recommendations for implementation will be developed, prioritized and adopted. The Comprehensive Plan updates are scheduled to be adopted by June 2023. While the Climate Action Plan offers recommendations, the City worked with Climate Solutions in 2015 to develop a Carbon Wedge Analysis, which provides a more in-depth understanding of exactly how to meet the reduction targets.

- **Amendment 3** is related to Amendment 1 and would amend Land Use Policy 2 to allow professional offices in the MDR land use designation. The Commission commented that the amendment would

DRAFT

4a. Draft Minutes from Thursday, September 5, 2019

not solve the needs of the applicant of Amendment 1 and would cause greater disruption throughout the City's neighborhoods. The Commission noted that the City currently allows home-based businesses and that home occupations allow residents the flexibility to operate home offices with less impact to the surrounding neighborhood than a traditional office. The Commission also expressed concern that land intended for residential use would be converted to office uses since it is often less expensive to buy residential land.

Mr. Szafran advised that staff is not currently making a recommendation on any of the proposed amendments, but they will bring back a formal recommendation to the Commission at the October 3rd public hearing. The proposed amendments are scheduled for City Council discussion at the end of October, with a potential adoption date of November 18th.

Commissioner Malek recognized that reducing GHG emissions is part of the City's overarching goals, and he asked if there is a metric for measuring the City's progress on a yearly basis. Mr. Szafran answered that the City has a website devoted to environmental sustainability, including information about the plans that have already been implemented and the progress the City making.

Lee Keim, Shoreline, expressed her belief that capping the GHG emissions in the City of Shoreline is as important as anything else that can be considered in the world right now. She specifically noted the fire in the Amazon and the hurricane in the Bahamas. She said she recently learned that southwestern Washington is under extreme draught, and the Department of Ecology has declared 27 watersheds, which cover half of the state, in extreme draught. She emphasized that we must all face the issues that are in front of us in terms of what we've done to the atmosphere of the world. GHG emissions and the burning of fossil fuels has destroyed the climate, and we have to take responsibility for it. Otherwise, our children and our children's children will suffer the consequences. She said she was encouraged to see that the Washington State Legislature passed the Clean Energy Transformation Act during its last session, aiming for net zero GHG emissions in the State by 2045. The act includes policies to help the local jurisdictions get to the lower GHG emissions. Her hope is that Commission will forward Amendment 2 to the City Council with a recommendation of approval.

Yoshiko Saheki, Shoreline, said she was present to speak to Amendment 1, which relates to two parcels on NE 170th Street. She said she is not entirely unsympathetic to the applicant (the Irons). At the March 18th City Council Meeting, it seemed to her the City sent mixed signals to the by issuing them a business license when there was an existing zoning violation. She can only conjecture that the City unit that issues business licenses doesn't consult with the Planning Department, and she is not sure if the burden in the situation lies with the City. However, ignorance of the law is not a defense. She said she hopes the Commissioners will stick with their unanimous consensus that Amendments 1 and 3 should not be adopted.

Justin Sakounthong, Shoreline, said he lives off of NE 170th Street, about five houses up from the properties that are the subject of Amendments 1 and 3. He voiced opposition to the proposed amendments because he doesn't want these two residential properties to be changed to commercial mixed use zoning. They already have a short supply of homes, and he questioned why the City would want to turn two perfectly good residential properties into commercial mixed use.

Kristy Rettman, Shoreline, said she lives next door to the two parcels on NE 170th Street that are the subject of Amendment 1 and 3. She is also a member of the Save Shoreline Neighborhoods community group, which strongly opposes the amendments. It is fantastic that the Iron Brothers do so much for the community and have enjoyed success, and she hopes they can continue to enjoy more. However, she takes issue with how they have operated at 1510 NE 170th Street since 2008 completely out of compliance. She takes issue that they outgrew their current location years ago; and rather than move to a lot that was already appropriately zoned for business, continued their code violation history at 1517 NE 170th Street. She takes issue that a company doing work that requires them to obtain permits and know what type of zone they are working in did not know they were operating illegally on a residential lot. She takes issue to using taxpayer money to review the amendments over the course of a year in order to obtain a very biased solution to a problem that they created. Approval of Amendments 1 and 3 would hold the needs of a single business over the needs of the entire neighborhood and set a precedent that a business can do what it wants and after the fact request the plan be changed to meet the needs of that single business. They need an unbiased and impartial message sent to the other code-abiding business owners and residents of Shoreline. She asked that the Commission recommend to keep her neighborhood residential and oppose Amendments 1 and 3.

Mark Rettman, Shoreline, said he was present to speak on behalf of Save Shoreline Neighborhoods, opposing the rezone on NE 170th Street (Amendments 1 and 3). He provided a map showing the distribution of the group's more than 200 Shoreline neighbors and voters. The numbers resulted from just a few hours of community outreach in the area, and almost 100% of those contacted opposed the rezone. After complaints in 2014, the City issued a code violation for 1510 NE 170th Street. The City issued another code violation in 2018 for 1510 NE 170th Street, and based on public records, City staff determined that *"As it currently stands, this property is in violation of City development code."* And *"The bottom line is that the property is currently in complete violation of home occupation standards."* In 2017, Iron Brothers bought a second residential lot at 1517 NE 170th Street and began operating a construction yard there, too. This was after they were already told by the City in 2014 that the use was illegal. The proposed change of use is a willful and blatant disregard for Shoreline code, laws and authority. The City has received a tremendous amount of opposing comments since Amendments 1 and 3 were made public in January 2019. He encouraged the Commissioners to review all of the written and oral comments that have been provided.

Mr. Rettman summarized that the issue is not whether Iron Brothers is a good company. It is strictly about whether it is appropriate to rezone two residential lots to commercial zoning to fix code violations that the violators caused themselves. On behalf of Save Shoreline Neighborhoods, he urged the Commission to recommend denial of Amendments 1 and 3 for the following reasons:

- It sets a bad precedent to reward violators by allowing them to change the rules instead of enforcing the rules. The violators, not the City and not the neighbors, willfully caused the problems by not following the code. It sets a bad precedent to allow businesses to expand into residential neighborhoods.
- It will permanently change the use of the two properties to any use in the future that is allowed under CB, and not just the current construction office yard that is proposed for the short-term. The amendment would be a long-term, permanent change that affects the neighborhood permanently.

4a. Draft Minutes from Thursday, September 5, 2019

- It would permanently bring business impacts into the neighborhood, including traffic, parking, noise, alarms, privacy and cameras, light and glare, dust, more impactful development standards and other environmental and social impacts.
- It is not fair to businesses that operate legally in Shoreline and have all the costs associated with operating legally on commercially-zoned properties.

Mr. Rettman summarized that Amendments 1 and 3 will cause more business impacts in residential neighborhoods citywide, and he is glad to hear that staff is not recommending Amendment 3. It is not fair to the residential neighborhoods and all the kids, families, minorities and residents that live in the area that will be permanently exposed to the permanent impacts that the proposed permanent change would cause. On behalf of over 200 neighbors opposing the rezone, he urged the Commission to reject Amendments 1 and 3 and not recommend their approval to the City Council.

Dean Williams, Shoreline, said he is a land-use attorney on behalf of the applicant for Amendments 1 and 3. He dispelled the notion that the applicant is pursuing the amendments solely at City cost. The applicant has put forward nearly \$27,000 to fund the City's time and consultants in preparing the documentation. They are aware that the issue needs to be addressed and that they are in part responsible for it. There has been an established use on the subject parcels for at least 10 to 15 years, and likely longer. The situation is a combination of community and City inattentiveness to what has been going on on the properties in relation to existing zoning. He said he has submitted extensive comments to the Commission on all of these issues, and he encouraged them to review them thoroughly.

Mr. Williams recalled concerns that were raised at the last meeting, including traffic concerns on NE 170th Street. In reviewing the public comments submitted for this session, he found one line of particular interest, *"My husband and I have been living on this street for the past four years and in those four years have seen the increase in traffic solely due to the growth of residents in Shoreline."* Mr. Williams highlighted that the increase of traffic in the area hasn't be the result of his client's business, or at least not substantially. Rezoning the properties under Amendment 1 or 3 would not cause a significant jump in traffic. All CB businesses are required to complete a traffic impact analysis, and if necessary, implement traffic calming measures, including possibly adding sidewalks. He said he has seen notes from the public that they are concerned there are no sidewalks on NE 170th Street, and he finds it very unlikely that the City would approve a new commercial business and not require them to put in sidewalks.

Mr. Williams said the subject parcels would remain a transition zone. When CB zoning is located next to R-8 zoning, the transition zone requires setbacks. Given the small size of the two subject parcels, the setbacks alone would require about 40% of the lot to remain undeveloped.

Joseph Irons, Shoreline, said he and his wife are the owners/operators of Irons Brothers Construction. He is a long-time Shoreline resident, and his company was started in Shoreline and has remained in the City for the past 20 years. He referred to the property background information he submitted prior to the meeting, which he felt would cover some of the comments that were discussed earlier. He said that he and his wife, Melissa, respectfully request that the City recognize the long-standing use of these two parcels and approve Comprehensive Plan Amendment 1. He advised that, until 2018, Irons Brothers had no notice or knowledge that the occupation and use of their property was impermissible despite having regularly acquired business licenses from the City based on operations of these two properties and

4a. Draft Minutes from Thursday, September 5, 2019

operating in a very public and socially active manner for years. If they had known the zoning concern earlier, Irons Brothers would have pursued an amendment a few years ago during the City's broader Comprehensive Plan review. He expressed his belief that the argument that approving the amendment would reward Irons Brothers for bad behavior was misguided. The opponents of the amendments are inviting conflict where none has existed for nearly 15 years, invoking the fear and demise of the community amidst a regional development boom. The fact is that Irons Brothers has operated for well over a decade without concern and as a positive, societal contributor.

Mr. Irons commented that there is no systematic adverse effect on the neighborhood that warrants redress. Instead, the current situation is a direct result of the City and the community's long-standing acknowledgement and acquiescence of the operation of this business on these parcels. He said he and his wife purchased the property at 1510 NE 170th Street in 2005 and have openly operated the entire business from that location since 2008. The existing 4-unit apartment building was an existing non-conforming use with no history of code enforcement. They applied for and received numerous permits for tenant improvements during their ownership of the property, and the purpose of the office space was never a secret. There was no mistaking this use for a home occupation. Without objection or comment from the City, Irons Brothers committed significant resources in creating, maintaining and improving their property. Improvements to their property include landscaping and installation of a flag pole, applied for under the company name and permitted by the City on the expressed condition that it not fly a company flag. In other words, clear recognition of the on-site business operations. Every step of the way, the City and the community have allowed continued use of the property for the Irons Brothers business. In comparison with other CB properties to the west, which lack landscaping, Irons Brothers maintains several large trees at 1510 that actually provide a visible buffer between CB and the neighborhood. The property is even a Certified Wildlife Habitat.

Melissa Irons, Shoreline, said she is a resident of the Parkwood Neighborhood and a member of the North City Neighborhood. She said she was present to talk about Amendments 1 and 3. She noted that she submitted written comment, but wanted to reiterate that the existing neighborhood has included the subject properties and Irons Brothers Construction for over a decade. There have been businesses on both parcels for at least that amount of time, and Irons Brothers Construction has only operated on 1510 since 2008. They have steadily maintained about 10 to 12 employees, no more and no less.

Ms. Irons commented that reviewing the Comprehensive Plan to reflect the history promotes quality development and considers the existing neighborhood. She asked that the Commissioners consider this when reviewing Amendments 1 and 3. Both amendments would benefit the community as a whole, and would not adversely affect the community, facilities, or public health, safety or general welfare. Putting the matter to rest by acknowledging the historical use of these properties and the benefit Irons Brothers provides to the community will benefit the community and the neighborhood as a whole. The greatest benefit could be to the subject properties, but it will also benefit Irons Brothers employees and clients, and also restore the trust that has been lost by the circumstances that have created this situation. She said there would be no adverse effect to community services or the neighborhood. The MU-2 and CB properties immediately to the west demonstrate there would be no threat to public health, safety or general welfare.

Chair Montero said he has known the Irons for a long time, and he appreciates everything they do for the community. However, he finds it hard to believe that a contractor would not review the zoning for a

4a. Draft Minutes from Thursday, September 5, 2019

building he has been occupying, and further, purchase another building in 2017 that was also zoned for single-family. He reviewed a few permit applications they have applied for, which clearly show the zoning as single-family and multifamily. The Commission cannot ignore the 200 neighbors who say they don't support the proposed amendments. Looking at some of the historical data, he called a few of the prior owners who denied the properties were used for businesses. In his opinion, the property has been zoned as single-family and multifamily and was used as such for a long time. He finds it hard to believe that the property owners did not know that. He doesn't see why the City should make an exception at this point.

Commissioner Malek said his similar research completely corroborates and validates Chair Montero's observations. The properties have been zoned residential for a long time, and at most, they could each be subdivided into two residential lots. The properties were not previously used for business purposes. Chair Montero noted that a violation notice was issued by the City in 2014, and the matter was brought up in the Irons Brothers' application for permits in 2018 and should have been resolved at that point. He said he is inclined to recommend denial of Amendments 1 and 3.

Commissioner Craft agreed with Commissioners Malek and Montero. He explained that the Commission is tasked with providing a level of consistency, openness and honesty that creates predictability for all residents in the City when it comes to land use and other elements the City relies upon to establish itself as a community that all people can live in and enjoy. The amendment brings up the idea of trying to change something that is, in his opinion, unfair to the neighbors in proximity to this specific location and creates a precedent and inconsistency in what the Planning Commission is trying to achieve. He said he would also vote to reject Amendments 1 and 3.

Commissioner Lin said she supports the comments made by Commissioners Malek, Montero and Craft. Commissioner Davis concurred. However, she also wanted to put some support behind proposed Amendment 2. They need to be looking to their experts and scientists to guide the City's policies. It is time to reevaluate the policies to be in alignment with expert data. Vice Chair Mork and Commissioner Montero concurred.

Mr. Szafran advised that staff would bring back a recommendation for each of the three amendments for a public hearing on October 3rd. He pointed out that the information in the Staff Report relative to the decision criteria provides background information on the two properties. Going forward, the request is to change the zoning to CB, and that is what the Commission will see in the decision criteria in the next Staff Report. The question is, should it be rezoned, not because of what is currently there, but is it warranted for that location to change the zoning.

Chair Montero asked that staff provide a copy of the code enforcement notice Number CRM18-000729 for the public hearing.

Commissioner Mork commented that none of the information provided in the Staff Report talks about the Irons Brothers business. It only talks about zoning issues. She agreed that Irons Brothers Construction has been a great community member, but the Commissioners' charge is to talk strictly about the question at hand.

UNFINISHED BUSINESS

DRAFT

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

Commissioner Malek announced that a news report regarding Point Wells was published earlier in the day and is available on the City's website as a press release. It announces that a draft Interlocal Agreement for Point Wells has come out. In his opinion, it is nice to see that the Town of Woodway and the City of Shoreline are working together to provide a united front in negotiating with the developer for the Point Wells site. He said the highlights of the agreement are outlined on the City's website, and additional background can be found in a number of excellent review articles and history in the archives for *SHORELINE AREA NEWS* and *THE EVERETT HERALD*. They have both done great reporting and provided good chronological outlines.

Commissioner Malek reported that Blue Square Real Estate (BSRE) has until December 18th to review their appeal that was submitted in 2011 during the change from Urban Industrial to Urban Center and whether or not the submittals were reviewed properly. Happening concurrently, is two municipalities (Town of Woodway and City of Shoreline) coming together with a draft agreement. The highlights of the draft Interlocal Agreement include a joint planning group to be formed within 60 days of the agreement and to conclude their work within 180 days of formation; building heights of 75 feet; mandatory public recreation facilities; dark skies policy; and a traffic restriction to 4,000 average daily trips, which translates to 90% volume over capacity. The traffic restriction, if it is held, would limit the number of multi-family units to somewhere between 400 and 800 versus the originally proposed 3,080 units. Woodway will have preference to do an annexation. Should they fail to annex within three years, Shoreline would have an opportunity to come forward with an annexation.

Assistant City Attorney Ainsworth-Taylor emphasized that the Interlocal Agreement is still in draft form because the legislative bodies of each city have to ultimately approve the end product. She explained that the agreement is voiced in that the Town of Woodway has the first opportunity to annex once it becomes legally possible. Under the current annexation law, they cannot annex without property owner consent in this situation. The law would have to be changed to allow that, or the property owner would have to agree. If the timeline for Woodway to legally annex expires and they don't exercise that option, the City of Shoreline could exercise that option. Also, BSRE has appealed the Superior Court's decision that granted it a 6-month reactivation period and asked for a stay of that 6-month period pending the resolution of the appeal.

AGENDA FOR NEXT MEETING

The September 19th meeting was cancelled. The next meeting will be a public hearing on October 2, 2019 on the proposed 2019 Comprehensive Plan amendments and a public hearing on the Townhouse Design Standards Code Update.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

William Montero
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission