

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

November 5, 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 Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present

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

Commissioners Absent

Commissioner Kuboi

DINNER MEETING

A dinner meeting starting at 6:00 p.m. to have an update on the Town Center Open House and to discuss Planning Commission Protocol. No action was taken, and the meeting was adjourned to the regular meeting at 7:04 p.m.

CALL TO ORDER

Chair Hall called the regular meeting of the Shoreline Planning Commission to order at 7:12 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, Perkowski, Piro and Pyle. Commissioner Kuboi was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

Mr. Tovar reported that the Aurora Middle Mile Project has gone out to bid, and the returning bids were favorable. The City Council will consider the bids on November 16th, and construction is expected to start in early 2010. He provided an illustration of the corner design that would be provided at the southeast corner of the intersection of 175th Avenue and Aurora Avenue North. He explained that the City Council assigned the Park Board the task of looking at public art to include and incorporate into the design of the intersections within the project. He summarized that this piece of the project is intended to create visual interest, human scale, and some reference to history. The City can build upon these elements in other parts of the Town Center.

Mr. Tovar announced that the City Council adopted Ordinance 560 (MUZ Zone), and the zoning maps will be corrected soon. He noted that the ordinance adopts the recommendation from the Planning Commission. While some of the Councilmembers wanted to consider last minute amendments, none were adopted. Instead, they were placed on the Commission's "parking lot" agenda for 2010.

Mr. Tovar alerted the Commission that the City Council authorized the City Manager to file an appeal of Snohomish County's action to adopt an Urban Center designation for Point Wells. The paperwork will likely be filed on November 9th.

Commissioner Broili asked for more specific information about where the artwork would be located on Aurora Avenue North. Mr. Tovar answered that there would be artwork at all four corners of two intersections (175th and 185th). The treatments at each corner will be different.

Commissioner Pyle announced that the Aurora Corridor project will use a new technology called silva cells on part of the construction. He encouraged the Commissioners to contact Mr. McKinley for more information about the technology. He summarized that the City is becoming known amongst other jurisdictions in Puget Sound for being proactive in getting the new technology moving forward.

APPROVAL OF MINUTES

The minutes of October 1, 2009 were approved as amended.

GENERAL PUBLIC COMMENT

Laethan Wene, Shoreline, suggested the City offer community meetings for people with disabilities to hear their ideas and input.

Wendy DiPeso, Shoreline, referred to the Commission's dinner meeting discussion about Planning Commission protocol. She suggested that if a Commissioner receives new information after the Planning Commission recommendation and prior to City Council adoption, the Commissioner should notify the other Commissioners to let them know the information could make a material difference in their recommendation and provide them an opportunity to weigh in prior to bringing it to the attention of the City Council. If it is discussed by the Planning Commission, it could become part of the public

record when the item is presented to the City Council. If the material information would not make a difference to the outcome, it would not be a non-issue.

STAFF REPORTS

Study Session: Point Wells Subarea Planning and Zoning

Chair Hall advised that because he is an employee of Snohomish County, he would not participate in the study session regarding Point Wells. While there would be no actual conflict of interest, he would step down to avoid distractions. Chair Hall left the meeting at 7:22 p.m. and Vice Chair Wagner chaired the remainder of the meeting.

Mr. Tovar reviewed the contents of the Staff Report as follows:

- Attachment A is a resolution adopted by the City Council in April 2005, which directed staff to prepare a subarea plan to amend the Shoreline Comprehensive Plan to express the City's interests, priorities, concerns and policies if the property were part of the City of Shoreline. It also directed staff to prepare pre-annexation zoning, which would only be operative in the event the property was annexed into the City of Shoreline.
- Attachment B, which is the proposed Point Wells Subarea Plan.
- Attachment C, which is the proposed zoning text.
- Attachment D is a summary of the August Point Wells Design Charrette that was sponsored by the Richmond Beach Community Association and the City of Shoreline.
- Attachment E is the environmental document that was prepared to disclose the likely environmental consequences of the two actions. He explained that the document proposes to adopt the Supplemental Environmental Impact Statement (SEIS) that was prepared by Snohomish County, which disclosed a number of the impacts associated with their proposed designation that would allow up to 3,500 units and 80,000 square feet of commercial floor area. The City also supplemented Snohomish County's SEIS with the City's traffic analysis and view shed analysis. He noted the City's environmental document is currently a draft, and the public would be invited to comment over the next 30 days. Staff anticipates having the final SEIS document before the Commission prior to taking action on the item.

Mr. Tovar advised that the City's Comprehensive Plan has shown Point Wells as a potential annexation area for a number of years. He provided an excerpt of the City's existing Comprehensive Plan Map, which identifies the property as Mixed Use and includes the entire unincorporated island that is surrounded by either Woodway or Shoreline. He pointed out that the term "Potential Annexation Area" is used by King County to describe urban growth areas that are adjacent to and potentially to be annexed by an adjacent City. The proposal is to repeal the designation of "Potential Annexation Area", and identify only the lowland portion of Point Wells as being within the City's "Future Service and Annexation Area."

Mr. Tovar referred to Figure 1 of the proposed Point Wells Subarea Plan, which is an aerial photograph showing what is on the ground in the area right now. He particularly noted the City boundary, the

Brightwater facility, and Richmond Beach Drive, which provides access to the property currently owned by Paramount Northwest, Inc. He noted there are a few single-family homes in Woodway that are accessed via Richmond Beach Road. However, there is a change of topography from west to east, and most of the homes on the bluff take access from the east. He emphasized there is no through public right-of-way to connect the upper part of Woodway with the lowland area. He referred to a Snohomish County right-of-way that is identified on the map as Heberlein Road. While there is still an old road surface on part of this location, the right-of-way was vacated by Snohomish County in 1962 because there were some slope failures and the road was not safe. There is no access to the west, which is a major factor in the City's decision to not include the upland properties as part of the proposed "future service and annexation area."

Mr. Tovar referred to Figure 2 of the proposed Point Wells Subarea Plan, which differentiates the lowland area from the upland area. He explained that the lowland area cannot be accessed from Woodway and the upland area cannot be accessed from the City of Shoreline. He noted that the illustration also acknowledges a dramatic public view looking towards Admiralty Inlet and the west side of Whidbey Island. This view corridor is currently truncated by the leading edge of one of the large tanks.

Mr. Tovar said the City's significant concerns regarding future development of the site include where and how much development should be allowed and how bulky and tall it should be. To answer these questions, staff felt it would be useful to identify the existing public views that are significant to the character of the area. If there to be new development on the property, staff felt it would make the most sense for it not to completely block the view. That is not to say there couldn't be any development within the view corridor, but it is important to limit the height allowed so the view is not impacted.

Next, Mr. Tovar referred to Figure 3 of the Point Wells Subarea Plan, which shows more clearly the proposed Future Service and Annexation Area. It divides the area into the following:

- **Northwest Sector.** The Northwest Sector is located totally west of the tracks and is mostly buffered by a steep, heavily vegetated slope to the east. The area does not immediately abut any single-family homes.
- **Southwest Sector.** The Southwest Sector immediately abuts single-family areas and includes the Brightwater Facility. He recalled the consultant work that was done for the SMP update, which talks about this very property and identifies the different kinds of natural characteristics along the entire shoreline up to the north end of Point Wells. This area was identified as the most environmentally sensitive area that had the most opportunity for some type of restoration closer to natural habitat.
- **Southeast Sector.** Some of the Southeast Sector is adjacent to single-family homes that are part of Woodway. It is abutted by some vegetation, but there are some views across the property that make it more prominent from the views from the bluff area.

Mr. Tovar said that the Point Wells Subarea Plan explains the historical and geographical context, as well as the jurisdictional history relative to the area. It lays the City's concerns and issues out in a coordinated fashion to explain the rationale for what is recommended in terms of uses, access, building

massing, etc. He explained that staff articulated the direction and vision set forth in the subarea plan into specific zoning maps and text.

Mr. Tovar referred to Figure 1 of the proposed Pre-Annexation Zoning for Point Wells, which illustrates how different building height regimes would be created. It picks up on the notion that there are some views on the site that are most prominent from the South and Southeast. Staff has attempted to use the zoning map and height limitations to articulate the concept that taller buildings should be located closer to the bluff. The exhibit illustrates a step back in height for every 100 feet from the ordinary high tide line of the Sound. Under the proposed zoning, the tallest buildings would be located at least 400 feet from the Sound. He noted that Figure 1 also provides contour lines and the view analysis provides some illustrations using hypothetical buildings. While he cannot say the computer analysis definitively demonstrates there would be no impact to views or visual character, the information provided was intended to illustrate a common benchmark for people to make these judgments.

Mr. Tovar explained that the proposed code language identifies the subject property as Planned Area 1. Rather than focusing on specific types of uses and unit sizes that would be allowed, the proposed form-based code would focus on form, scale, bulk, location, configuration of improvements, etc. as being very important. The form-based concept would also allow the City to focus on traffic. He explained that after reviewing the environmental documents, conducting a traffic study, and listening to public concerns, staff has concluded that one of the City's biggest concerns is the impact on the road network. The only way to access the property is from the south via Richmond Beach Drive, Richmond Beach Road, 185th, etc.

Mr. Tovar announced that the Commission would continue their discussion regarding Point Wells on November 19th, and representatives from the Public Works Department and their traffic consultant would be present to address the Commission. He suggested the Commission postpone their specific questions related to traffic until the November 19th meeting.

Mr. Tovar explained that the City cannot presume they will eventually annex the property. However, if they were to annex the property, state law requires a Pre-Annexation Zoning ordinance that tells the property owners how the properties would be zoned if annexed into the City. The purpose of this exercise is to show what the zoning and impacts would be if the property was annexed and developed as part of the City of Shoreline. The proposed zoning language includes a requirement that says in no event will the average daily traffic from the subarea exceed 8,500 vehicle trips per day. This number was identified in the traffic analysis as a significant break point. Beyond that number of vehicle trips per day, a number of the City's intersections would start to experience congestion and approach level of service failure.

Mr. Tovar summarized that the proposed zoning represents staff's attempt to articulate what they think would make sense for maximum building envelopes and heights, as well as an absolute cap on how much traffic would be tolerable. They tried to keep it simple and succinct, using the form-based code concept to focus on the things that matter most to the City. He reminded the Commission that the Mixed-Use Zone (MUZ) they previously recommended to the City Council uses an administrative

design review process, as does the Planned Area 2 (Ridgecrest) zoning. Staff tried to use this familiar process to identify a process that is as timely, fair and predictable as possible.

Mr. Tovar advised that the proposed language talks quite a bit about public access to and along the waters edge and the need to be consistent with the SMP concerning development within 200 feet of the high-water line of the Sound. While the SMP amendment is not ready for the Commission's review, staff does have some knowledge from the studies that have been done and the questions the Commission asked of the Department of Ecology (DOE) and the City's consultant. In addition to the zoning requirements, a Shoreline Permit would also be required for development of the site.

Commissioner Piro asked if the City's proposal to distinguish between the upland and lowland portions of Point Wells has been coordinated with the Town of Woodway. Mr. Tovar answered that staff has been talking to representatives from Woodway. They have coordinated their comments regarding the Snohomish County process, and this will continue. At this point, the proposed language acknowledges what the City understands to be some of the Town of Woodway's biggest concerns such as:

- View Blockage. Two of the three sites on the view analysis were based on shots taken from private properties within the Town of Woodway. The intent was to give the Town of Woodway Council and staff an idea of the impacts of different building bulks and heights.
- Lighting. Woodway is a very dark place at night, and residents like it that way. They are concerned about the amount of ambient light that would be generated on the property. The draft language addresses the issue of dark skies.
- Access. Woodway would like some kind of access from the bluff down to the lowland area. In the future Shoreline and Woodway should work together with property owners to create some type of non-vehicular access from the upland to the lowland.

Commissioner Piro asked what would happen to the upland portion of the property if the City were to only annex the lowland portion. Mr. Tovar clarified that Snohomish County has designated only the lowland area as Urban Center. All of the property is within the Town of Woodway's Municipal Urban Growth area, which is King County's version of Potential Annexation Areas. Woodway has said they would potentially like to annex the property in the future. The court of appeals has indicated that both jurisdictions could claim the property in their plans for potential annexation. The two sides understand the different interests and that both communities are interested in annexing portions or all of the property. As currently proposed, the City of Shoreline would declare that they are only interested in annexing the lowland portion of the site. It is up to the Town of Woodway to determine how much of the property they want to annex.

Commissioner Broili asked regarding the basis for Woodway's appeal to Snohomish County's Comprehensive Plan designation for the site. Mr. Tovar said they have not filed an appeal yet, but they are concerned about the process. Under the Growth Management Act, the County needs to ensure that conflicts are resolved and coordinate with other jurisdictions with whom they share either a border or related regional issues. They may have other things to cover in their appeal.

Commissioner Broili asked if there has been an amicable discussion between Woodway and Shoreline about mutual agreement of how the upland and lowland areas are dealt with. Mr. Tovar said the proposed language indicates that Woodway and Shoreline have a shared interest in the site, and the City should pursue interlocal agreements with both the Town of Woodway and Snohomish County to address some of the issues. Over the past year, he has spent a fair amount of time talking to staff and elected officials from Woodway about the City's concerns. He has pointed out areas where they have some agreement, as well as areas where there are differences. Each has taken the position that they want to annex the property, but they have not identified the interests that underlie the notion that each might want to annex or serve the property. He said he anticipates these discussions would continue.

Mr. Tovar explained that up to this point, Snohomish County has been opposed to cross-county annexation, and they have policies that support their opposition. The experience goes back to the early 1990's when Bothell annexed across the county line. Shoreline staff has pointed out that Point Wells is a very different situation with one road rather than many roads and one parcel instead of many parcels. However, they have not received a formal response from the County. He summarized that the City is interested in identifying some middle ground, and the plan amendment and pre-annexation proposals articulate what the middle ground is from the City's point of view.

Commissioner Pyle referred to Attachment E (Mitigation Planning Level Cost Estimates), which is part of the City's addendum to the SEIS that was done by Snohomish County. It is a follow up to identify mitigation measures that would need to be put in place to effectively mitigate the increased number of vehicle trips generated by the potential development on the site. He asked if mitigating measures would need to be put in place for developments of that type of density regardless of whether the property was developed as part of Snohomish County, the City or Woodway. Mr. Tovar pointed out that \$32 million is Snohomish County's estimate for the maximum development allowed by the Urban Center designation. If the development only resulted in 8,500 vehicle trips per day, the cost would be much smaller. Commissioner Pyle asked if any of the items on Attachment E coincide with any of the City's already planned capital improvement projects. Mr. Tovar said this question should be directed towards Mr. McKinley.

Commissioner Pyle said his understanding is that the Shoreline Management Act limits development within the first 200 feet landward of the ordinary high tide to 35 feet in height. Therefore, the first two hundred feet of the property along the shoreline would be limited to 35 feet regardless of what the City proposes. Mr. Tovar agreed. Commissioner Pyle asked if the fact that the King County Brightwater Facility outfall is located on the subject property would have any bearing on the proposal. Mr. Tovar answered that the proposed zoning is a form-based code approach. Instead of identifying all of the various uses that would and would not be allowed in the zone, it identifies six or seven uses that are flat out prohibited. Any other uses would be allowed subject to all of the other conditions. Brightwater would be a permitted use because it would not be specifically prohibited.

Vice Chair Wagner noted that the agenda does not identify a time for public comment specific to the Point Wells proposal, and the agenda clearly indicated that the General Public Comment Period was for items that were not specifically scheduled for later on the agenda. Mr. Tovar said he has clearly indicated in all of his discussions with the public that tonight's meeting is a study session for the

Commission. It is not the time for oral testimony. While members of the public can submit written comments, they will not be entered into the Commission's record until December 3rd. If the Commission wants to allow comments from the audience tonight, they should caution people that they are most interested in questions of clarification and not opinions or conclusions. He also cautioned the Commissioners not to express opinions or conclusions. At this point, no record is being built, and the meeting was not noticed as a public hearing. Commissioner Kaje said that while he is interested in hearing from the public, he wants to make sure the Commission communicates in a consistent fashion. If they have indicated that no public comment would be taken, it would not be fair to the public to change their direction. The Commission should make it very clear when they invite public comment, whether in writing or as part of a hearing. The remainder of the Commission concurred.

Commissioner Behrens recalled that in the Commission's previous Shoreline Master Plan discussion, the portion of property to the lower left of the tracks was designated as being mostly intact, with no artificial bulkheads. It seems that with such a high-density area there will be a need for additional park space, and this area would likely be the most appropriate place. He questioned how this would be addressed via the zoning process. Mr. Tovar said the notion of a park is discussed in the subarea plan as something that is appropriate, and one of the zoning standards of the Planned Area 1 zone requires future projects of more than 500 units to provide a dedicated public park or a developed private recreational area to meet the needs of the on-site residents. It is staff's belief that some of this need should be met on site rather than at nearby parks.

Commissioner Behrens asked if it would be possible as part of the subarea plan language to designate a specific area as a park and require the property owner to develop it as such. Mr. Tovar answered he does not believe the City can mandate that it shall be a park, but the language would require that it be dedicated to the public as a park or be developed as a privately-owned public use area, which would be left to the discretion of the property owner. Mr. Tovar explained that if the property was currently part of the City, the conversation would have much more immediacy. Because it is not currently in the City, the language merely tries to articulate what the most appropriate regulations would be. He noted that Snohomish County hasn't decided what the final zoning for the site should be, and it is the City's intent to advise them on what ought to be included in their zoning language in the event that it is developed as part of the County. At this point, there is no way to know which jurisdiction the property will be developed under. The intent is to be as clear as possible about what the City thinks is most appropriate, with the understanding that they cannot control the future outcome.

Commissioner Kaje pointed out that Mitigation Paragraph 2 on Page 12 of the Draft SEIS (Page 84 of the Staff Report) talks about how improvements in the westernmost 200 feet along the Shoreline should be limited to walkways and public use or park areas. However, the draft Pre-Annexation Zoning Code (Page 45 of the Staff Report) talks about how building heights up to 25 feet could occur between 100 and 200 feet. This strikes him as either a contradiction or there is something missing that he doesn't understand about the nuance between the two documents. Mr. Tovar said staff does not intend for there to be inconsistencies. He explained that when they talk about building height, most people assume they are referring to habitable buildings such as residential, commercial and office uses. However, there may be useful non-habitable structures located within 200 feet of the high tide line such as (park structures, viewing towers, shelters, etc.). Commissioner Kaje suggested this be clarified.

Commissioner Kaje referred to Section 20.92.050.B (Page 44 of the Staff Report), which provides a list of things a developer would need to submit for administrative design review and the shoreline development permit. While he likes some of the things that have been identified, he is confused about Item 6 (removal of fill from wetlands, intertidal habitats and floodplains). He can understand the issues related to contaminated fill, but he questioned what would be left of Point Wells if all of the fill were removed. Mr. Tovar said the intent is that all the contaminated fill would be removed, and he suggested staff look at the language more closely. He pointed out the language came verbatim from the ESA report that staff reviewed with the Planning Commission.

Commissioner Kaje referred to Section 20.92.060.C (Page 44 of the Staff Report). While he is not suggesting that they don't require the best possible methods of low-impact development, he is confused at the role of permeable pavement when building on top of a beach at an elevation of 10 to 15 feet. Commissioner Pyle explained that it is related to the ground water exchange in the intertidal area. The water infiltrates out and an upwelling can occur. It supports the temperature differences and some fish species are reliant on the upwelling of ground water in the intertidal area. Commissioner Broili agreed with Commissioner Pyle's explanation and expressed his belief that Section 20.92.060.C is not inclusive enough and does not get close to what they would really like to see happen at the site. He pointed out that the Olympic Village project in Vancouver, B.C. is located in an area that is very similar to the Point Wells site. It was a commercial industrial area that was completely redeveloped using the most aggressive, cutting edge approaches to not only restore brown fields but end up with a zero impact footprint. He encouraged staff to research this project for additional guidance on the draft zoning language. Staff agreed to follow up on this request.

Commissioner Perkowski suggested it would be useful if the attachments could also include sections from the SMP update that relate to Point Wells. Mr. Tovar clarified that this could be provided as an attachment to the report for informational purposes. Commissioner Perkowski commented that he is not clear how the Commission's current work on the Point Wells Subarea Plan would coordinate with the City's work on the SMP update. Mr. Tovar said staff has discussed the idea of inviting someone from the DOE to a Commission meeting to provide feedback from their perspective. He summarized that staff attempted to acknowledge the existence of the Shoreline Management Act (SMA) with the understanding that the City does not yet have a SMP amendment to consider yet. He said he is hopeful that by the time the Commission gets to the point of a formal public hearing, there will be some formal comment from the DOE regarding how the language would fit together with the City's duty under the SMA and ecology guidelines for master programs.

Commissioner Perkowski asked if the Commission's recommendations regarding the Point Wells zoning would influence how the consultants and the City looks at the SMP. He cautioned that there could be some unintended consequences. Mr. Tovar said staff tried to write the language to be consistent with the DOE's requirements, and they have already provided favorable comments on the City's draft SMP update. Inviting them to comment specifically on the zoning language would also be a wise approach. He cautioned that once the SMP update has been adopted, whatever it has to say about what can occur within 200 feet of the water line will rule. Commissioner Perkowski said he is more concerned about how the zoning regulations will influence what the SMP will say about the property that is within 200 feet of the high tide line. Mr. Tovar said the intent of the language is to articulate a

vision for the whole site, and not just for the SMA part of it. The best way to reduce the likelihood of conflicts is to use the information they already have that has been approved by the DOE and have them look specifically at the zoning language and provide additional guidance.

Commissioner Perkowski said while the list of items contained in Section 20.92.050.B (Page 44 of the Staff Report) sound good, he does not have a clear understanding of what they actually mean in terms of development. He suggested the list is unrealistic and masks the reality of what the actual results of development would be. Mr. Tovar suggested staff restructure the paragraph to make it less prescriptive and presumptive. He suggested the items on the list could be thought of as objectives that are important if possible, with the understanding the applicant would have to put together a plan for the DOE's approval.

Commissioner Perkowski expressed his belief that development within the shoreline environment would be addressed as part of the SMP update. Therefore, aquatic lands should also be addressed in the proposed language.

Commissioner Piro asked what conversations and interactions the City staff has had with Burlington Northern Santa Fe (BNSF) and Sound Transit (ST) regarding the railroad alignment. He asked if they foresee any maintenance, operation or access issues with this segment in the near future. Mr. Tovar advised that Mr. McKinley would discuss present and future plans for all modes of transportation when he comes before the Commission on November 19th. However, in the near term, both Community Transit (CT) and ST have made the point there is no transit stop at Point Wells in their currently adopted plans.

Vice Chair Wagner referred to Policy Statement PW-5 (Page 38 of the Staff Report), which would require that new structures in the northwest subarea be developed in a series of slender towers separated by view corridors. She suggested there may be alternative options for constructing small structures that are low to the ground. Rather than a specific directive, it would be better to clarify what they are concerned about. Mr. Tovar recalled that when the Commission considered the mixed-use zoning language, some citizens expressed concern about bulky buildings that take up a lot of land. The question was raised about whether it would be better to have taller buildings with less ground coverage. He pointed out that Policy Statement PW-5 was intended to address this same concept. The current property owners do not intend to build similar to Point Edwards in Edmonds, which is low-rise development that is built into the hillside and is much more horizontal. At some point the City will have to make a policy decision about whether more horizontal and less vertical development is appropriate for Point Wells. He noted that at the Point Wells Charrette, there was some discussion that vertical development would be appropriate in places that are removed from other properties that are developed at lower heights. If it achieves a greater amount of openness on the property, the additional height might be worth the tradeoff.

Mr. Tovar explained that in the zoning language, the concept of "slender" buildings is spelled out by identifying a maximum floor plate of 10,000 square feet for buildings above a certain height. The models prepared by staff to identify the view corridors assumed a 10,000 square foot floor plate. This might be a little thick relative to what a future developer will want to do. He said staff has had a lot of

conversations with the property owner over the past several months, and they have asked them to articulate what kind of building mass they have in mind and what kind of market they are building to. However, as of a few weeks ago, they did not have an architect. He said he hopes they come before the Commission soon to articulate what they think is appropriate for the enabling zoning to permit.

Vice Chair Wagner referenced Policy Statement PW-8 and asked if there is a reason why this policy defaults to the number of vehicle trips rather than a level of service. Mr. Tovar explained that, typically, people are more comfortable with wanting to ask how many units would be constructed on the site. However, the City's primary concern is how much traffic the property would generate, and this should be articulated as a maximum regulation. The applicant could then determine how many square feet of commercial and how many residential units could be constructed. Vice Chair Wagner asked if other potential mitigation efforts could be used to mitigate the impact so that even if there were more trips, the service would not fall to Level of Service F. Mr. Tovar said that a number of mitigation measures might be required for the applicant to reach the maximum daily traffic requirements. For example, an applicant could make improvements at the intersections to keep the level of service within a tolerable level. Programmatic things could also be done on site with transportation demand management (carpools, etc.). He summarized that it is important for the City to establish a benchmark that regulates level of service as something that is very important to the community, and it would be up to the applicant to figure out what they could do within that parameter.

Commissioner Kaje referred to the second paragraph on Page 39 of the Staff Report related to the Transportation Corridor Study that would be funded by an applicant. He questioned if Aurora Avenue North is the right place to stop the "mandatory" traffic study. He observed that, depending on how bad traffic is on Aurora Avenue North, people who are heading down 185th Street towards the freeway can cross Aurora Avenue, and head down 185th Street and Meridian to 175th and then to the to Freeway. Mr. Tovar suggested the Commission ask Mr. McKinley to explain why the requirement was stopped at Aurora Avenue North.

Vice Chair Wagner requested clarification of Items 1 and 2 of Section 20.92.070.B. (Page 46 of the Staff Report), which talk about the maximum floor plate requirement. Mr. Cohn answered that Item 1 should refer to the portion of buildings that are taller than 65 feet in height, and Item 2 references the portion of buildings that are between 35 and 65 feet in height. Item 3 references the portion of buildings that are less than 35 feet in height.

Vice Chair Wagner also requested clarification of Section 20.92.070.C (Page 46 of the Staff Report). Mr. Tovar said this concept was borrowed from the City of Coeur d'Alene, Idaho, in an attempt to create some sense of openness between towers. If they are located too close together, the development starts to look bulky, even if the buildings are not actually touching. To make it clear that portions of the buildings that are lower than 65 feet in height could be connected, Mr. Tovar suggested the language be changed to read: "The portion of any building that is taller than 65 feet may be no closer than . . ."

Commissioner Piro referenced Policies PW-5 and PW-6 (Page 38 of the Staff Report), which reference the term "view." He observed that this term is not used in other City policies. He suggested staff

consider what the proper language should be. In addition, PW-5 and PW-6 should also address the concept of air circulation, solar access, etc.

Commissioner Pyle referenced Section 20.92.050.B (Page 44 of the Staff Report) and noted that the items on the list are all things that are applicable within 200-foot landward of the ordinary high tide. He specifically referenced Item 8, which involves retrofitting of existing impervious surfaces to include stormwater treatment and flow control. He said he does not believe the Stormwater Manual requires flow control for properties that have direct discharge to a water body because there is no synchronization issue with watersheds. Mr. Tovar agreed to research the issue further.

Vice Chair Wagner asked when issues such as stormwater and infrastructure (sewer, water, etc.) would be addressed. Mr. Tovar answered that Snohomish County's EIS indicates that water would be provided by the Olympic View Water District in Snohomish County, and sewer service would be provided by the Ronald Sewer District. These two entities would provide the services regardless of what jurisdiction the property is developed under. Vice Chair Wagner asked if capacity issues would be addressed at the development stage. Mr. Tovar agreed staff would do more research and provide additional information at the hearing.

Commissioner Behrens questioned if the City is comfortable that the existing water and sewer capacity is sufficient to serve the amount of development that is projected to occur. Mr. Tovar said his understanding is that the water and sewer services would be sufficient to serve the expanded use. However, he agreed to research the issue further. He said the proposed language talks about police, fire and emergency services as services and not facilities, and the City has gone on record that they will not provide these services to the site unless it is part of the City.

Commissioner Broili expressed concern that while the existing water and sewer services may be adequate to serve additional growth at Point Wells, it could impact future development elsewhere. At some point, the service will have to be upgraded irrespective of whether or not the capacity is currently sufficient to serve Point Wells. He referenced the Southeast Falls Creek Project, which was required to manage all sewer and stormwater on site. He proposed that this also be a requirement of the Point Wells Property. Commissioner Kaje recalled that this issue was discussed in the Point Wells Charrette. He said he would also like to hear more about this interesting and potentially desirable concept.

Commissioner Kaje noted that the use of the Point Wells site has historically been industrial. He pointed out that, typically, the water capacity required for industrial uses dwarfs any kind of residential uses for the same land area. There may already be water capacity on the site that is far and above what would be used by the residential units. This may be a very simple way to figure out if there is adequate water to serve the proposed density.

Vice Chair Wagner pointed out that the proposed language does not explain why the view corridor is different than the remainder of the property identified as Planned Areas A and B. She asked staff to reiterate why this distinction was made. Mr. Tovar referred to Figure 1 on Page 45 of the Staff Report which illustrates that the view corridor clips off a portion of the northeast corner of Planned Area 1B that is west of the tracks. The intent was to be more rigorous on the properties that are within the view corridor and less rigorous on that which is not. The portion of the property that is identified as part of

the view corridor would be limited to 35 feet in height. Vice Chair Wagner inquired if development in the small triangle of land on the west side of the tracks that is part of Planned Area 1B would also be limited to 35 feet in height. Mr. Tovar agreed to review the map and provide clarification at the next meeting.

Mr. Tovar explained that the remediation cost associated with removing or treating the contaminated soil to an acceptable level will be significant. Depending on how many vehicle trips they put on the City's road network, they may be required to make road improvements in the City to mitigate the impacts. He suggested it is important for the City to identify and regulate the issues that are important to them. For those things that matter significantly less, the City could create some opportunity for the potential future developer of the property to pay for some of the development costs. Commissioner Broili observed that a developer would not necessarily have to transport the contaminated soil via the City's streets. They could use barges, instead. He suggested it might even be appropriate for the City to require the developer to use barges. Mr. Tovar agreed to provide more information regarding this concept at the Commission's next meeting.

Commissioner Behrens referred to Figure 1 on Page 45 of the Staff Report and asked why the railroad tracks were not used as a natural boundary for Planned Area 1B. Mr. Tovar said the tracks that run through Planned Area 1B are at an elevation of about 35 to 40 feet, and the elevation changes significantly as the tracks approach Planned Area 1C. Staff's intent was to rely on the change of topography to shield the development from upland properties and views. There are several houses in the Town of Woodway that are immediately adjacent to the portion of Planned Area 1B that is east of the tracks, and staff recommends that a 35-foot height limit would be more appropriate than the 65-foot height limit proposed for Planned Area 1C. Mr. Tovar reviewed a topographical map to further explain his point. When Commissioner Behrens suggested that the small portion of Planned Area 1B that is located east of the railroad tracks be annexed into the Town of Woodway, Mr. Tovar pointed out that the property is all owned by the same property owner and is all part of Snohomish County's Urban Center designation. Staff believes the entire property should be addressed as part of the proposal.

Commissioner Pyle pointed out there are so few industrial properties on the Puget Sound now, and he questioned if the property would have more value as an industrial facility than a residential development. Mr. Tovar noted that the propose zoning would not prohibit industrial uses, and all of the existing tanks would conform to the proposed height limits. He cautioned that when Snohomish County and the City of Shoreline begin their SMP updates, the DOE will likely have something to say about appropriate uses of the site.

Mr. Tovar summarized that staff would further research to respond to the questions and direction raised by the Commission. Mr. McKinley and the Traffic Consultant would be present at the November 19th meeting to explain the methodology and assumptions that were made and answer the Commission's questions regarding the traffic analysis. A public hearing has been scheduled for December 3rd and staff recommends the Commission also schedule a special meeting on December 10th to continue their deliberations and potentially forward a recommendation to the City Council. If more time is needed, the Commission could provide further direction for staff in preparation of their continued discussion in early

January. He said staff has recommended the City Council take action on the item in January of 2010, if possible.

Vice Chair Wagner suggested that the notice of public hearing clarify that while the Commission would continue their deliberations to December 10th, the public's only opportunity to speak would be on December 3rd. Mr. Tovar said staff is urging citizens to submit their written comments regarding the proposal as soon as possible. It is much easier to build a record and understand what is being said if comments are submitted in writing. The staff agreed to clearly identify when the public would have an opportunity to provide oral comments.

DIRECTOR'S REPORT

Mr. Tovar did not have any additional information to report to the Commission during this portion of the meeting.

UNFINISHED BUSINESS

Commissioner Pyle said he is unclear where the Commission's discussion left off on the issue of forwarding items to the City Council. Commissioner Piro recalled they previously agreed they needed to spend more time on the issue. Vice Chair Wagner said she and Chair Hall discussed that this issue would be extremely appropriate to discuss further at their next retreat. The remainder of the Commission concurred.

NEW BUSINESS

There was no new business scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Piro reported on his attendance at the American Planning Association's Regional and Intergovernmental Planning Division Meeting in San Diego. He explained that he is part of a team that is working on developing a best practices publication for regional planning. The meeting was very productive, and they met with some of the staff that work on the Planning Advisory Service documents. The meeting was held in San Diego because one of the division members was able to get the San Diego Foundation to underwrite the cost of the meeting, provided they would do some in-kind service. He spent a few days with his colleagues reacting to their visioning process that is currently underway. It was fun to participate and to draw from some of the vision work the City and the region has recently done. It was fascinating to see that much of the San Diego Foundation Board's interest was related to evolving the economy into greener industries with a well-articulated tie into education. There is a strong interest in the correlation between Seattle/Vancouver and San Diego/Tijuana regarding border issues. They are working to evolve their future to become a bi-national region with a free exchange of movement and communication between San Diego and Tijuana.

Commissioner Broili reported that he attended the Design for Sustainable Cities Conference where he particularly enjoyed the discussion regarding the concept of eco districts, which are self-contained areas designated by cities. They are self contained in water, energy, waste, and transportation where inputs match outputs and where daily needs are met within the neighborhood. Portland has identified five eco districts, and they have started work on the Lloyd's Center area. He suggested that Point Wells could very easily be identified as an eco district, and he encouraged the staff to consider the concept in a broader way and identify areas in the City that might match the paradigm. He explained that Portland went through a process to identify the easier areas to implement the concept first.

AGENDA FOR NEXT MEETING

Mr. Cohn advised that in addition to the Commission's continued work on the Point Wells Subarea Plan and Pre-Annexation Zoning, the November 19th agenda would also include a presentation of the proposed Southeast Neighborhood Subarea Plan.

ADJOURNMENT

The meeting was adjourned at 9:08 P.M.

Will Hall
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission