

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, July 6, 2006  
7:00 p.m.**

**Shoreline Conference Center  
18560 1<sup>st</sup> Ave. NE | Rainier Room**

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S REPORT</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b> a. June 15, 2006	7:08 p.m.
<b>6. GENERAL PUBLIC COMMENT</b>	7:10 p.m.
<div><i>The Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 6 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and address.</i></div>	
<b>7. PUBLIC HEARING</b> <i>Quasi-Judicial Public Hearing</i>	7:15 p.m.
<b>i. Burt Site-Specific Rezone #201518, 19201 15th Avenue NW</b>	
a. Staff Overview and Presentation of Preliminary Staff Recommendation	
b. Applicant Testimony	
c. Questions by the Commission to Staff and Applicant	
d. Public Testimony or Comment	
e. Presentation of Final Staff Recommendation	
f. Final Questions by the Commission and Commission Deliberation	
g. Closure of the Public Hearing	
h. Vote by Commission to Recommend Approval or Denial or Modification	
<b>8. STUDY SESSION</b>	8:30 p.m.
a. Development Code Amendments Package #1	
<b>9. REPORTS OF COMMITTEES AND COMMISSIONERS</b>	9:00 p.m.
<b>10. UNFINISHED BUSINESS</b>	9:05 p.m.
<b>11. NEW BUSINESS</b>	9:10 p.m.
<b>12. ANNOUNCEMENTS</b>	9:15 p.m.
<b>13. AGENDA FOR July 20, 2006</b> Planning Commission Retreat	9:19 p.m.
<b>14. ADJOURNMENT</b>	9:20 p.m.

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.*

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# CITY COUNCIL WORK PLAN

## 2007-2008

### **Goal No. 1**

**Complete the projects approved in the 2006 Parks Bond**

### **Goal No. 2**

**Implement the Economic Development Strategic Plan**

### **Goal No. 3**

**Implement an affordable civic center/city hall project**

### **Goal No. 4**

**Complete the Aurora improvements from 165th to 205th Streets including, but not limited to, sidewalks, drainage and transit**

### **Goal No. 5**

**Develop a comprehensive housing strategy**



### **Goal No. 6**

**Create an “environmentally sustainable community”**

### **Goal No. 7**

**Provide safe and affordable transportation options to support land use plans including walking, bicycling, transit and vehicular options**

### **Goal No. 8**

**Develop a Fircrest master plan in partnership with the state**

### **Goal No. 9**

**Increase emergency preparedness training and education**

### **Goal No. 10**

**Increase opportunities for all residents, including our youth, to get more involved in neighborhood safety and improvement programs**

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## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

June 15, 2006  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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#### **COMMISSIONERS PRESENT**

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

#### **STAFF PRESENT**

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

#### **COMMISSIONERS ABSENT**

Vice Chair Kuboi  
Commissioner Pyle

#### **CALL TO ORDER**

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

#### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Commissioners Hall, Harris, McClelland, Phisuthikul and Wagner. Commissioner Broili arrived at 7:05 p.m. and Commissioner Pyle and Vice Chair Kuboi were excused.

#### **APPROVAL OF AGENDA**

Agenda Item 7.i was placed after Item 7.ii. In addition, the Director's Report was moved to later on the agenda.

#### **APPROVAL OF MINUTES**

The minutes of June 1, 2006 were approved as submitted.

## **GENERAL PUBLIC COMMENT**

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

## **PUBLIC HEARING ON BECKER SITE-SPECIFIC REZONE #201522**

Chair Piro reviewed the rules and procedures for the quasi-judicial public hearing. He reviewed the Appearance of Fairness Rules and inquired if any Commissioners received comments regarding the subject of the hearing from anyone outside of the hearing. None of the Commissioners disclosed any ex parte communications. No one in the audience expressed a concern about the participation of any Commissioner, either.

## **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran explained that the applicant is proposing to modify the existing zoning category for a 15,200 square foot parcel located at 18016 Stone Avenue North. Currently, the site is developed as a single-family home, which is on the City's Historic Inventory List. The subject parcel is relatively flat and has many significant trees. Four large trees that are located within the right-of-way adjacent to the subject property would be saved by meandering the required sidewalk around them.

Mr. Szafran displayed the proposed site plan and advised that the applicant is proposing to build four, low-impact single family homes. Sixty-five percent of the trees on site would be saved, as would the trees that act as a natural buffer on the north side of the property. Two covered parking structures would be built on the site, as well. He explained that with a parcel size of 15,200 square feet, the gross average density on the site would be 11.5 units per acre. He noted that the City has received four letters of opposition to the proposed development and site-specific rezone. He provided elevation drawings of the proposed structures, as well as some pictures illustrating the architect's work in other areas of Shoreline.

Mr. Szafran advised that the Comprehensive Plan designation for the adjacent parcels to the north, east and south is medium density residential, which allows residential zoning between R-8 and R-12. The parcels to the west across Stone Avenue North have been designated as either mixed use or community business, which allows all residential zoning between R-8 and R-48 and all commercial and industrial zoning categories. He further advised that the zoning in the immediate area is a mixture of R-6, R-8, R-12, R-24, R-48, Office and Regional Business. He provided pictures to illustrate current development in the immediate area. Nearby properties have been developed with a mixture of low-density single-family homes, medium-density single-family homes, duplexes, triplexes, multi-family buildings, and commercial uses.

Mr. Szafran said the subject property is located close to a major arterial, and Aurora Avenue North accesses a number of transit routes. The site is within walking distance to Cromwell Park and Shorewood High School, as well as numerous employment and shopping centers.

Mr. Szafran explained that when reviewing rezone applications, the Commission is required to consider five criteria. He briefly reviewed each of the criteria as follows:

1. **The rezone is consistent with the Comprehensive Plan:** The Comprehensive Plan designation is medium density, which allows up to an R-12 zone, and the proposed development would promote an efficient use of land. The current single-family residence on the site does not meet the goals and policies of the Comprehensive Plan. The proposal would provide varying styles of housing units for the future needs of Shoreline residents, would encourage infill development on an underutilized site, and would be compatible with existing housing types. The proposed development meets the land use, housing, environmental, and community design goals and policies.
2. **The rezone will not adversely affect the public health, safety of general welfare:** Adequate infrastructure exists in the area, and the proposal would utilize low-impact development techniques. The developer aims to keep as much natural vegetation as possible while placing the buildings around significant natural features on the site. Natural screening would remain in place to protect the privacy of adjacent neighbors.
3. **The rezone is warranted in order to achieve consistency with the Comprehensive Plan:** The medium density land use designation allows up to an R-12 zone. The proposed single-family homes would be less dense, have smaller building footprints, have less impervious surfaces and would not be as tall as other single-family homes that have been developed in the immediate area. The site is located in an area where higher density is encouraged and within walking distance to schools, parks, shopping, employment and transit routes. The current single-family home does not meet the goals and policies of the Comprehensive Plan since the site is developed at 2.8 dwelling units per acre.
4. **The rezone will not be detrimental to uses or property in the immediate vicinity of the subject rezone:** On the built portion of the property, density would be less than other projects recently completed in the neighborhood. Adequate sewer and water exists at the site. Stormwater would be contained on site using low-impact development techniques. It is estimated that only 2.2 peak hour trips would be generated, and landscaping would be provided along all property boundaries. Frontage improvements would meander around significant trees located in the right-of-way, and 65% of the significant trees on the site would be retained, where the City's code would only require 20% retention.
5. **The rezone has merit and value for the community:** The proposed project would be more environmentally friendly than if the site were redeveloped under the existing zoning category. The new homes would be placed within the natural features of the site rather than grading and cutting them down. While the new development would increase impervious surface more than what exists now, the impact would be less than what could occur with development under the current zoning designation of R-8.

For the reasons outlined in the rezone criteria, Mr. Szafran advised that staff recommends preliminary approval of the rezone based on the following conditions:

- The scale and architecture of homes must resemble elevations on file.
- Low impact development techniques must be used.
- Building heights shall not exceed 25 feet.
- At least 60% of the significant trees shall be retained

- Trees acting as a natural screen on the north, south, east and west shall not be substantially changed from their current state.

### **Applicant Testimony**

**Scott Becker, Applicant, 19202 – 20<sup>th</sup> Avenue Northwest**, advised that his company built the Reserve Cottages. He explained that their approach for the proposed project was based on a desire to provide an alternative to the standard type of housing development, which is not typically required to preserve any trees. In addition, they are trying to apply an array of low-impact development techniques to avoid adding the full burden of stormwater management that is normally required for development. He noted that at the Reserve Cottages, they hired geotechnical and civil engineers to figure out how to infiltrate and transpire the stormwater rather than sending it all to the overtaxed stormwater system.

Mr. Becker pointed out that the proposal is to develop the site to 25% lot coverage on a lot that allows much more. The footprint of the development is less than what could be built with a three-building development, which is currently allowed on the site. Upzoning would assist in providing a better overall development. He noted that the units have been uniquely designed and angled in such a way to avoid the removal of trees where possible. He summarized that they are trying to do something better to improve the neighborhood and preserve existing trees and wildlife habitat.

### **Questions by the Commission to Staff and Applicant**

Commissioner Harris asked about the proposed building footprints. Mr. Becker answered that they are intending to construct three bedroom houses. The bottom level would be in the neighborhood of 750 square feet. The total square footage of space in each unit would be about 1,200.

Mr. Becker noted that the site plan has been revised since the Commission packets were mailed out. The slide displayed as part of the PowerPoint presentation shows the current site plan. He explained that the initial site plan was not based on a complete survey. Since that time, a survey has been performed to better identify all of the trees on the site. He noted that on the north side of the site there are smaller caliber trees that don't technically qualify as significant, but a number of them would be preserved as well. There are also some significant trees to the northeast that were not shown on the original site plan.

Commissioner Phisuthikul referred to the easement through the northern boundary of the property to serve the property to the east. He asked if this easement would serve other properties, as well. Mr. Becker answered that the easement currently serves only one house. He said he intends to locate the buildings as close as possible, while angling them to create open areas of common green space or patios. Commissioner Phisuthikul asked who would own the open areas. He also asked if a homeowners association would be formed. Mr. Becker replied that the homeowners would own the land their houses sit on, as well as a perimeter dimension of roughly 3 to 5 feet wide. The common open space would be planted with native species that are resilient and require less maintenance.

Commissioner McClelland requested clarification about the orientation of the proposed buildings. Mr. Becker answered that rather than orienting the houses towards Stone Avenue North, the green space along the street would be maintained. The easement would allow them to create a central area where

parking and individual walkways to the units would be provided. The development would focus inward rather than out at the adjacent properties.

### **Public Testimony and Comment**

**Cong-Qiu Chu, 1301 North 182<sup>nd</sup> Place**, said he lives across the street from the subject property. He said he enjoys the area and is not convinced the developer would be able to implement the plan without destroying the existing environment. He questioned the developer's ability to preserve 60% of the trees. He expressed his belief that four houses and two parking garages on the subject property would be too crowded, and he is concerned about the traffic impact created by the additional housing units. He pointed out that privacy is also a concern for the adjacent property owners. He said he strongly opposes the proposed development. He encouraged the Commissioners to visit the site to get a better idea of the neighbor's concerns. Commissioner Hall asked some details about Mr. Chu's home. Mr. Chu answered that on his cul-de-sac there are 10 or 11 houses. His home is 1,900 square feet in size.

Commissioner Broili noted that the developer's intent is to retain many more significant trees than the 20% required by the code. If the developer were to construct three single-family homes utilizing the maximum footprint allowed by the existing zone, the impact to the adjacent property owners would be much greater. Mr. Chu said he is still concerned about the impact that would be created by six structures on the subject property.

**Yedim Liebman, 1309 North 182<sup>nd</sup> Place**, said he would like the property to be developed as two single-family homes rather than the four that have been proposed. He pointed out the location of his home and driveway and expressed his concern about some of the existing trees on the subject property and the hazard they pose. He asked that the dangerous trees be removed before his home is damaged. He pointed out that a fifth house has been proposed for property to the east of the subject property. He concluded his remarks by reiterating his opposition to the proposal.

Commissioner McClelland inquired about the location of a fifth house that would be constructed to the east of the subject property. Mr. Szafran pointed out that the City has not received a building proposal for the east parcel. The property would be accessed via the 15-foot easement that would run through the subject parcel.

**Rebecca Glass, 18033 Stone Avenue North**, said she lives southwest of the subject property. She expressed her concern about the recent construction that occurred right next to her property. The first thing they did was cut away all the vegetation on the property, including most of the trees. The developer did everything possible to get around the City requirements. If Mr. Becker's development is built as proposed, it would be a good development for the neighborhood.

**Brian Lee, 18018 Stone Avenue North**, said he owns property to the east of the subject property. He said he has lived in his home for almost 25 years and has been in the real estate business for the past 30 years. He referred to previous developments that had a negative impact on the neighborhood. Numerous significant trees were removed to accommodate the new development. He said he supports the proposal as the best alternative for the neighborhood. He suggested that unless the City were to purchase the property for a park, the proposed development would be the best option. The Commission asked questions to clarify the location of Mr. Lee's property, how it is accessed, and what his future plans are.

**Martin Kral, 1317 North 183<sup>rd</sup>**, said his property is located just to the north of the subject property. Contrary to the information provided in the staff report, he pointed out that the east side of Stone Avenue North is developed as single-family residential throughout, with the exception of the Meridian Park Cottages. He suggested that the current proposal appears to be another effort to develop cottage housing in the neighborhood. He concluded that if spot zoning were allowed to continue in Shoreline, the neighborhoods would be in danger. He pointed out that the landscape buffer along the north boundary of the subject property is actually part of the Elena Lane Development. This landscape buffer was one of the conditions set forth by the City to mollify the concerns raised by the neighbors. He expressed his belief that the neighborhood would be detrimentally impacted by allowing a cottage housing type development on the subject property. They already have two cottage housing developments in their area.

Commissioner McClelland requested clarification about the landscape buffer mentioned by Mr. Kral. Mr. Kral clarified that this buffer adjoins the easement to the north of the property line. The line of trees is actually owned by the adjoining property owner to the north. It is a landscape barrier that was negotiated and agreed to by a previous developer. Therefore, it should have no impact whatsoever on the proposal. Mr. Szafran pointed out the location of the buffer of trees

**Ellie Brandower, 1314 North 180<sup>th</sup> Street**, said she lives behind the proposed development. She referred to the site plan and asked what a feature on the plan was. She noted that this was not identified on the site plan she received previous to the meeting. She expressed her concern that the proposed development would interfere with her privacy. She said she is also concerned that the bushes separating her property from the subject property would have to be removed.

Commissioner Hall clarified that the two parallel lines drawn from the corners of the central units indicate a 9-foot distance between the two buildings. These lines do not represent a road or any other type of construction. They are architectural lines on the map to show distance. Ms. Brandower asked how far from the property line the houses would be built. She concluded her remarks by stating that she is opposed to the proposed cottage development. The idea of a park or something of that nature would be better.

### **Presentation of Final Staff Recommendation**

Mr. Szafran said staff's final recommendation is that the Planning Commission move to recommend to the City Council that R-12 zoning be adopted for the property located at 18016 Stone Avenue North, with the following conditions:

1. The scale and architecture of homes must exhibit characteristics of those presented at the Planning Commission such as small building footprints, lower building heights, and less intrusive homes to neighboring properties.
2. Low impact development techniques must be used.
3. Building heights shall not exceed 25 feet.
4. At least 60% of the significant trees shall be retained.
5. Trees acting as a natural screen on the north, west, east and south shall not be substantially modified from their current state.



Mr. Tovar clarified that the proposal is not a “cottage housing” development, and the City no longer has cottage housing regulations. The current proposal is to rezone the subject property to R-12, which is a single-family zone. He suggested that one question the Commission might want to discuss is whether or not a unit that is smaller than a certain number of square feet could be considered a single-family house.

### **Final Questions by the Commission and Commission Deliberation**

Commissioner Harris noted that on Page 41 of the Staff Report, staff stated that the Elena Lane Development was built at 12.8 units per acre. But then Page 46 states that it is 12.8 net dwelling units per acre. He noted that the current zoning designation for this property is R-8. He asked if the staff’s calculations excluded the road. Mr. Szafran said that the road and open space/drainage facility were excluded. Commissioner Harris clarified that the Elena Lane Development was built to the R-8 standards, so the language in the Staff Report was misleading.

Commissioner Phisuthikul asked if the property could accommodate five dwelling units if the zoning were changed to R-12. Mr. Szafran said that only a maximum of four units would be allowed.

Commissioner McClelland asked Mr. Becker to clearly identify the trees the applicant has control of, particularly the trees on the north side of the property. Commissioner Hall pointed out that if the Commission were to approve the rezone application, with the condition that at least 60% of the significant trees be retained, staff would have to verify how many significant trees are on the site. Commissioner Broili said it would behoove the Commission to be sure that everyone is clear on what is planned for the subject property.

Mr. Becker explained that the survey excluded non-significant trees that were less than 8 inches in diameter. The non-significant trees and the hedge along the border were excluded from the calculations because the City does not require them to be kept. However, he plans to retain them anyway. He pointed out that border trees along the driveway are actually owned by both properties, and they would be retained. The significant trees along this border were not included in the calculations, either. The 65% of trees that he is proposing to keep would be significant caliber trees in excess of all of the vegetation along the border.

Commissioner Phisuthikul asked if any civil engineering work has been done on the plans. Mr. Becker said a civil engineer is currently reviewing a geotechnical report that includes a soils component and perk test. Their intention is to infiltrate on the site so that stormwater could be contained on site and not enter the City’s stormwater system. He noted that their engineering firm has a great deal of expertise in doing low-impact development.

**COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE STAFF’S RECOMMENDATION FOR THE SCOTT BECKER SITE-SPECIFIC APPLICATION (LOCATED AT 18016 STONE AVENUE NORTH, APPLICATION #201522) WITH ON ADDITIONAL CONDITION THAT REQUIRES THAT PRIOR TO DEVELOPMENT AN ARBORIST BE RETAINED BY THE DEVELOPER TO EVALUATE THE NORTHEAST PORTION OF THE PROPERTY AND REMOVE ANY HAZARDOUS TREES PRESENT. COMMISSIONER WAGNER SECONDED THE MOTION.**

Commissioner Hall suggested that the Commission focus on the difference between what likely could occur in the future if the rezone is or is not approved. The prospect of having an additional City park is wonderful, but he would not support the City requiring a private property owner to give up property for a park. He pointed out that the likelihood of redevelopment on the subject property is high. He agreed that the size of the proposed lots would be smaller than many of the surrounding properties. However, he reminded the Commission that the purpose of the City's Comprehensive Plan is to balance the goals of the community, including the goal to provide a variety of housing types and adequate housing to meet the growth targets for population over the next 25 years. For that purpose, it is common for land use designations to allow for a more intense use of property than the current use. Through redevelopment, the City will see higher intensity uses in order to house the population.

Commissioner Hall said he sees value to the community in redeveloping the property in a way that preserves the trees in a natural environment. He referred to Land Use Policy 108 which states that the removal of healthy trees should be minimized, particularly when they are in environmentally critical areas. He advised that the City has an opportunity to balance the goals of the Comprehensive Plan. They can get increased housing density while preserving trees. Therefore, he plans to support the motion.

Commissioner Harris said that he really likes the architectural style proposed by the applicant. However, he reminded the Commission that his previous project, the Reserve Cottages, was not well-received by the neighborhood. Therefore, it would be inaccurate to say that architecture is the selling point for the proposal. He also expressed his concern that the design is inclusive and does not reach out to the community. He noted that planning publications talk significantly about the need to design developments that integrate into the community. He also expressed his concern that the rest of the street is zoned as R-8, so a rezone to R-12 could be considered a spot zoning.

Commissioner Broili said he is also disturbed about the proposal that would allow R-12 zoning in an area that is otherwise zoned R-8. He expressed his concern that this could set a precedent for future rezones in the area. He said he can also appreciate the neighbors concerns about increased traffic. Four homes would likely result in two additional cars per unit. Eight additional automobiles in a cul-de-sac could definitely have an impact. On the other hand, he applauded the reduced impact design that is being proposed. The proposed development would be far more conducive to the environment than the recent Elena Lane development.

Commissioner McClelland agreed with the concerns raised about traffic impacts. Even though the four houses and two garages may not cover any more ground than two big houses, the proposed design and easement is awkward. Having an easement right along the property line would be intrusive on existing developments.

Commissioner McClelland said the community's impression of single-family development is one house on one lot. When more than one dwelling unit is allowed on a lot, the community may no longer view it as single-family. While the City has provisions to allow more than one unit on a lot, the proposed project might be perceived by the public as a variation of cottage housing.

Commissioner Hall agreed that the issue of "spot zoning" is a legitimate concern. He reminded the Commission that the Cottage Housing Ordinance was viewed by some as a way to get around the zoning code to build a greater density than what is allowed by the City Code, but that is not what the applicant

is doing. Mr. Becker is going through a legal process that existed long before the City ever had a Cottage Housing Ordinance. Any property owner has the option to request that the zoning on their property be changed. This gives the community and neighborhood a fair opportunity to speak for and against the proposal. He suggested that any discussion related to cottage housing is inappropriate for this application. The proposal is a site-specific, property-owner initiated rezone.

In regards to traffic, Commissioner Hall noted that the development immediately to the north has 11 units on a private street. The proposed development would only have four units, plus the possibility of two more in the future, on a private street. With respect to the easement, he pointed out that the screening vegetation is located on the property line, and documents have been included in the record indicating that the property owner would preserve this vegetation. While preserving the neighborhood character is important, he has not seen a proposal come before the Commission that does a better job of balancing the need to increase the population to meet the City's growth target with the need to preserve trees. He urged the Commission to support the proposal.

Commissioner Harris pointed out that one of the reasons Elena Lane is so intrusive is because of the size of the required road and cul-de-sac to meet the City standards. If the road width could have been reduced, larger front yards and more trees could have been part of the plan.

Chair Piro said he is uncomfortable identifying the proposal as a "spot zone." He thinks of spot zoning as a more dramatic change such as rezoning a property within a single-family zone to commercial. Going from R-8 to R-12 zoning is a natural, gradual and compatible change. Under the current zoning designation, the property would accommodate three homes, and the rezone would allow four. He expressed his belief that the proposal represents a creative way to construct single-family housing units.

Commissioner Wagner noted that prior to her joining the Commission there seemed to be a number of conditions placed on a project at Echo Lake that were changed drastically after the proposal left the Planning Commission. She suggested that they not just review the project based on what is being proposed. She agreed that the proposal is attractive and supports the concept of low-impact housing, but the Commission should keep in mind that changes could occur to the site plan after they pass their recommendation on the rezone application to the City Council.

Commissioner Wagner said that while the height restrictions found in proposed Condition 3 start to address the issue of lot coverage, further defining the maximum footprint allowed would help address this concern.

Commissioner Broili recalled that the Cottage Housing Ordinance included a suggested ratio between the 1<sup>st</sup> and 2<sup>nd</sup> floor. Commissioner Hall recalled that in the Commission's final deliberations they talked about requiring that at least 700 of the 1,000 square feet had to be located on the ground floor. Commissioner Broili pointed out that the Reserve Cottages were not well received in large part because they did not adhere to that ratio. They were considered to be out of proportion with the rest of the neighborhood. He suggested that perhaps some type of floor ratio could be incorporated as a condition of the rezone. Commissioner Phisuthikul suggested that a simpler alternative would be to create a condition to limit the lot coverage ratio of the structures and impervious surfaces.

Commissioner McClelland pointed out that the proposed site plan would not be binding if the rezone application were approved. However, Commissioner Phisuthikul emphasized that the conditions placed

on the rezone application would be binding on whatever site plan is approved. That is why it might be appropriate to create a condition to identify the maximum lot coverage allowed. Mr. Szafran pointed out that any time a condition is added to a rezone application, it is considered a contract. Although it would not be called a contract rezone, the applicant would be obligated to meet all of the conditions.

Commissioner Hall reminded the Commission that their role is to recommend policy decisions, and the City Council's role is to make policy decisions. The staff is responsible to implement the policy decisions. He cautioned that the Commission should not make bad policy recommendations out of concern that someone in the governmental process has not performed their role. The Commission should maintain their role to make good policy recommendations and trust that staff would continue to do their very best to implement the policies. He said he is comfortable that proposed Condition 1 would address concerns related to lot coverage and compatibility.

Commissioner Broili referred to proposed Condition 2 and explained that low impact development, by definition, speaks to such things as hydrology at the site. The applicant does not know whether or not the site can be infiltrated in order to apply specific low-impact development techniques. He noted that low-impact development is not defined in the City code, so the Commission does not know exactly what the term means. The applicant might have to make changes in the design.

Commissioner Hall pointed out that even if the only low-impact development technique used by the applicant was to preserve the trees, this would result in a reduction of stormwater runoff. He pointed out that under the existing zoning, a developer could construct three houses on the subject property with no public hearing requirement and no requirement to implement low-impact development. Commissioner Broili agreed but stated his belief that since the code is not clear about the meaning of low-impact development, proposed Condition 2 would be meaningless.

Chair Piro summarized that the Commission seems to be in agreement about the appropriateness of proposed Conditions 3, 4, and 5, as well as a new Condition 6 that would require an evaluation by a certified arborist of the trees on the northeast corner of the site. However, the Commissioners still have concerns about proposed Conditions 1 and 2.

Commissioner McClelland said that if the Commission could be assured that the proposed site plan represents what would take place on the site, it would be much easier to support proposed Conditions 1 and 2. However, certain conditions relating to Conditions 1 and 2 could change after the rezone application has been approved.

Chair Piro said the Commission does not have an opportunity to provide feedback regarding the site plan once they have forwarded their recommendation to the City Council. He invited the Commissioners to provide feedback on changes that could be made to proposed Conditions 1 and 2 to satisfy some of their concerns.

Commissioner Broili said he plans to support the proposed rezone application. However, it is important to voice all of their concerns as part of the record. The Commission has an opportunity to bring forward issues of concern in order to move the City towards the point of where they do have definitions for low-impact development, etc.

Mr. Szafran pointed out that the code restricts single-family development to a 35% building lot coverage, and the proposed site plan identifies 25%. The code allows 50% total impervious surface and the applicant is proposing 45%.

### **Closure of the Public Hearing**

**COMMISSIONER HALL MOVED THAT THE PUBLIC HEARING ON THE SCOTT BECKER SITE-SPECIFIC REZONE REQUEST BE CLOSED. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **Vote by Commission to Recommend Approval, Denial or Modification**

Commissioner Hall concurred with staff's findings and conclusions that the proposal is consistent with the Comprehensive Plan. In addition to the goals and policies staff called out, the proposal also addresses the following Comprehensive Plan goals and policies:

- Community Design Goal 1, which promotes community development and redevelopment that is carefully considered, aesthetically pleasing, and functionally consistent with the City's vision for preservation of trees and environmental sensitive areas.
- Land Use Policy 108, which calls for the need to preserve healthy trees.
- Land use Policy 87, which speaks to providing standards for site development to minimize environmental impacts.

Commissioner Broili expressed his concern that if construction and the removal of trees and vegetation is not done carefully, the root systems of other trees could be impacted and the remaining trees could die anyway. He suggested that new Condition 6 be expanded to require an arborist be on site during excavation and land development to ensure protection of the remaining trees.

**COMMISSIONER BROILI OFFERED A FRIENDLY AMENDMENT TO EXPAND THE NEW CONDITION 6 TO HAVE THE ARBORIST VISIT THE SITE TO REVIEW TREE REMOVAL DURING THE COURSE OF DEVELOPMENT.**

Commissioner Hall said he would be comfortable having an arborist on site during the course of site development, but leave it to the staff to determine when that should be done. Commissioner Harris pointed out that the City's code is very specific that a tree retention plan would have to be prepared by an engineer, so there would be no need to expand Condition 6. Commissioner Broili shared an example of a development near his home where the City code was not being adhered to.

Commissioner Harris said that the proposed friendly amendment is non-specific and does not indicate when the arborist would visit the site. Commissioner Broili said the point has been made that the Commission should lay out basic policy and then expect staff to follow through. The friendly amendment merely indicates that the Commission would like a little attention to this unusual site plan, especially where the trees would be close to the building. A bit more attention by an arborist during the development process is not too much to ask as a condition of the rezone.

**COMMISSIONERS HALL AND WAGNER ACCEPTED THE FRIENDLY AMENDMENT.**

**THE MAIN MOTION TO RECOMMEND APPROVAL OF THE STAFF'S RECOMMENDATION FOR THE SCOTT BECKER SITE-SPECIFIC REZONE APPLICATION, WITH ONE ADDITIONAL CONDITION AS AMENDED, WAS APPROVED UNANIMOUSLY.**

The Commission took a recess. They reconvened the meeting at 9:20 p.m.

**PUBLIC HEARING ON JAY FINNEY SITE-SPECIFIC REZONE #201508**

Chair Piro reviewed the rules and procedures for the quasi-judicial public hearing. He reviewed the Appearance of Fairness Rules and inquired if any Commissioner received comments regarding the subject of the hearing from anyone outside of the hearing. None of the Commissioners disclosed any ex parte communications. No one in the audience expressed a concern about the participation of any Commissioner, either.

**Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran said the subject property is located at 14539 – 32<sup>nd</sup> Avenue Northeast. There is currently a condemned single-family home on the site. The house has been vacant for approximately 10 years and has been used by vagrants and as a dumping ground. It has few if any significant trees. The applicant is proposing a 4-unit town home development, much like the one located three parcels to the south of the subject property. The development would consist of two buildings, with two town homes in each. The density of the site would be 20.6 units per acre, and the approximate height of the buildings would be 34 feet. He noted that the City received 13 letters in support of the proposal and one letter in opposition.

Mr. Szafran reviewed that the Comprehensive Plan for the adjacent parcels is mixed use, which allows all residential zones between R-8 and R-48 and all commercial and industrial zoning categories. The zoning in the immediate area includes R-12, R-18, R-24, R-48 and Neighborhood Business. The area is developed with a mix of older homes, duplexes, triplexes, multi-family buildings and commercial uses. The subject property is located close to major arterials that access a number of transit routes, and is within walking distance to Hamlin Park, Shorecrest High School, Briarcrest Elementary, numerous churches, employment and shopping centers.

Mr. Szafran said the rezone request meets the goals and policies of the Comprehensive Plan by promoting an efficient use of land, encouraging infill development, reviving development in an older area, matching densities existing in the area, encouraging alternative modes of transportation, and improving the safety and aesthetics of the Briarcrest Neighborhood.

**Applicant Testimony**

**Jay Finney, Applicant, 19825 – 52<sup>nd</sup> Place, Lynnwood**, said he agrees with the staff report as presented and was available to answer Commission questions.

**Questions by the Commission to Staff and Applicant**

Commissioner Hall noted that many of the comment letters indicated a desire to save the trees. He asked if the two conifers near the back of the property are on the subject property. Mr. Finney answered

that one is on the adjoining property and the other one is on or close to the property line. Commissioner Hall noted that the site plan does not indicate how many significant trees are on the site.

### **Public Testimony or Comment**

Scott Solberg, 2020 Northeast 177<sup>th</sup> Street, indicated his support of the rezone proposal.

### **Presentation of Final Staff Recommendation**

Mr. Szafran reminded the Commission that the code would allow the applicant to remove six significant trees from the site without any permits.

### **Final Questions by the Commission and Commission Deliberation**

**COMMISSIONER BROILI MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE STAFF'S RECOMMENDATION FOR THE FINNEY SITE-SPECIFIC REZONE APPLICATION LOCATED AT 14539 – 32<sup>ND</sup> AVENUE NORTHEAST. COMMISSIONER HARRIS SECONDED THE MOTION.**

Commissioner McClelland asked if the applicant would conduct some pest abatement prior to redevelopment of the site. When there is development on the site, the pests would likely move to some other property. Mr. Finney explained their efforts to clean up the site. He has put out rat bait and traps to take care of the pest problem before the building is torn down.

Commissioner Hall asked if any significant trees have been removed in the past three years. Mr. Szafran said the City has no information about whether or not trees have been removed from the site in the past 36 months. Mr. Tovar explained that when a site is significantly overgrown, it is difficult for the staff to accurately identify the number of trees that have been removed.

Commissioner Hall pointed out that many of the people who have offered support for the proposal have conditioned their support based on whether or not the Conifer trees would be retained. If these trees are removed, then the recorded testimony both for and against the proposal becomes quite mixed.

Commissioner Harris said he is well aware of the property, and nothing has changed for the past several years except to board up the windows and doors. He has not noticed any tree cutting on the property within the last three years.

Mr. Finney said that while working on the project to the south a few years ago, he had the chance to meet all of the neighbors. The neighbors actually brought the subject property to his attention. The owner of the property across the street has offered great support for the project, even though she is in favor of saving trees. Commissioner Hall inquired if it would be a fatal obstacle to the proposed development if the applicant were to attempt to save all of the significant trees on the site. Mr. Finney answered that it would.

Commissioner Phisuthikul inquired if the property would be allowed up to five units if the rezone application were approved. Mr. Szafran answered affirmatively, but said the applicant is only proposing four units.

### **Closure of the Public Hearing**

**COMMISSIONER BROILI MOVED TO CLOSE THE PUBLIC HEARING ON THE JAY FINNEY SITE-SPECIFIC REZONE REQUEST. COMMISSIONER HARRIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **Vote by Commission to Recommend Approval or Denial or Modification**

Commissioner Hall recalled the previous proposal to build four units on a 15,200 square foot lot and preserve 60% of the trees. The Commission spent over an hour discussing their concerns about tree removal. Now they are entertaining a proposal to put four units on an 8,460 square foot lot and remove all of the significant trees on the site, and he is perplexed that the Commission does not seem to be concerned.

Commissioner Harris said he does not believe the two proposals are similar. The surrounding properties are zoned as R-18 and R-24. The proposed zoning would also be very compatible with the strip along Lake City Way that is zoned Neighborhood Business. Commissioner Hall pointed out that the rezone proposal would double the number of units allowed on the site. He suggested that an R-18 zoning designation would be a better option and would enable the developer to provide a 15-foot setback near the back of the lot to save the Conifers. He said he recognizes that even with the current zoning, the applicant could cut down the Conifer tree that is on his property. However, this rezone request offers the City an opportunity to further the Comprehensive Plan policies to preserve healthy trees whenever possible.

Commissioner Harris reminded Commissioner Hall that he consistently cautions the Commission not to single out one applicant and require them to do something above what the code would allow in order to gain approval for a project. Instead, the Commission should follow the development code requirements when making their recommendations. Commissioner Hall agreed. However, he expressed his belief that the Commission has the authority and responsibility to consider consistency with the Comprehensive Plan, and not just the Development Code, when making rezone decisions.

Chair Piro extended the meeting to 10:00 p.m.

Commissioner Broili said he drove by the subject property prior to the meeting. While he agrees with Commissioner Hall's concerns, the site is very different than the previous proposal and whatever is done would be an improvement over the present situation. He noted that the testimony on the previous proposal was that it was fine as it was currently developed and redevelopment of any type would create a negative impact to surrounding property owners. Any redevelopment of the current subject property would have a positive impact. While he recognizes that the Commission cannot condition the application to require the applicant to use low-impact development techniques, etc. he would certainly encourage him to do so. He also encouraged the applicant to consider street edge alternatives for the landscape strip to mitigate some of the runoff from the parking area along the north side.

**COMMISSIONER PHISUTHIKUL MOVED THAT THE MOTION BE MODIFIED TO LIMIT THE NUMBER OF DWELLING UNITS ALLOWED AT THE FINNEY SITE TO FOUR. COMMISSIONER BROILI SECONDED THE MOTION.**



Commissioner Phisuthikul pointed out that if the rezone is not limited to four units, a developer could construct five units instead.

Commissioner Broili asked if increasing the number of units on the site would change the amount of impervious surface and lot coverage allowed on the site. Commissioner Hall said the application would still have to meet the requirements of the building code, but the separation between the buildings might be different or the buildings could be taller.

The Commission discussed whether it matters if four or five units would be constructed on the site. Commissioner Hall pointed out that if the site plan does not match what the community saw when they offered their support, it is possible that some may not support a different proposal.

Commissioner Broili said he would vote against the proposed condition. Since this site is located on a major transportation corridor, he would not be opposed to the increase in density, as long as the City's code requirements for density and lot coverage could be met. Chair Piro pointed out that both 145<sup>th</sup> Street and Lake City Way are major bus corridors, and there is already R-48 zoning on the same block and the adjacent block. He said he would not be opposed to five units on the site, either.

**THE MOTION TO AMEND THE MAIN MOTION FAILED 2-5, WITH COMMISSIONERS HALL AND PHISUTHIKUL VOTING IN FAVOR AND CHAIR PIRO AND COMMISSIONERS BROILI, HARRIS, MCCLELLAND, AND WAGNER VOTING IN OPPOSITION.**

**THE MAIN MOTION CARRIED 6-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.**

#### **REPORTS OF COMMITTEES AND COMMISSIONERS**

Chair Piro extended the meeting to 10:05 p.m.

None of the Commissioners provided any reports during this portion of the meeting.

#### **UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

#### **NEW BUSINESS**

##### **Retreat Update**

Julie Modrzejewski, Assistant City Manager, thanked the Commission for inviting her and Marci Wright, Human Resources Director, to facilitate the Commission's 2006 retreat. She distributed copies of the 2005 Planning Commission Retreat Agenda. Just as last year, she suggested that phone interviews with each Commissioner be used to establish the 2006 agenda. She asked that Commissioners indicate the best time for her or Ms. Wright to phone them. She noted that they would like to start the phone interviews next week, and then design a draft agenda that could be presented to

the Commission the week of July 3<sup>rd</sup>. The last minute details and logistics could be worked out by the week of July 10<sup>th</sup> so the retreat could be conducted on July 20<sup>th</sup>.

In preparation for the retreat, Ms. Modrzejewski asked the Commissioners to complete an on-line survey. She explained that this tool is easy and quick to use. The Commissioners would be asked to grade staff on how they met the Commission's expectations. They would also be asked to grade their fellow Commissioners. She recalled that the Commission spent a lot of time discussing expectations at their 2005 retreat, so it would be healthy to assess how they are doing. She noted that staff also developed expectations of the Planning Commission, and they would be asked to complete an evaluation, as well.

Ms. Modrzejewski encouraged the Commissioners to attend the joint communications training meeting with the City Council, the Parks Board and other Boards and Commissions. She said it would be helpful to see how well the Commission works as a team and with the staff as part of the team. Commissioners who are unable to attend the joint meeting could arrange for a short one-on-one or small group training session with either her or Ms. Wright before the retreat.

### **DIRECTOR'S REPORT**

Mr. Tovar announced that the appeal that was filed against the City's Critical Areas Ordinance amendment for regulating piped watercourses and setbacks was settled. In exchange for the appellant's agreement to dismiss the petition, the City has agreed to review the issue again. He advised that an amendment would be proposed next fall for the Commission's consideration and a new record would be established. The Critical Areas Ordinance amendments that were previously approved by the City Council would remain intact for the time being.

Mr. Tovar advised that the Commission's recommendation regarding the Hazardous Tree Ordinance has been forwarded to the City Council. A public hearing has been scheduled before the City Council on July 10<sup>th</sup>. Council deliberation and possible action has been scheduled for July 17<sup>th</sup>. He explained that the moratorium expires on July 3<sup>rd</sup>, and a public hearing has been scheduled for June 26<sup>th</sup> for the sole purpose of continuing the moratorium and interim control until September 3<sup>rd</sup>.

Mr. Tovar reported that the City Council would review the Critical Areas Stewardship Plan proposal at a study meeting in August. Staff would explain the history of the issue, as well as the Commission's recommendation of denial. The City Council would then provide additional direction on how they want the staff and/or Commission to proceed.

Mr. Tovar announced that Ms. Simulcik Smith recently graduated from the University of Washington with a degree in Communications.

### **ANNOUNCEMENTS**

Commissioner Broili shared a report on the concept of "green roofs." He noted that his co-worker, Drew Gangnes, a Shoreline resident and highly respected engineer, did some of the work that was completed by the City of Seattle through Seattle Public Facilities. They have been conducting tests on four sites to see how green roofs work. Tests indicate that runoff was reduced by 92 percent, even

during the heaviest storm when the soil was already saturated, runoff was reduced to a point of 79%. He encouraged the Commission to consider this concept as a possible option for development in Shoreline.

Commissioner Hall asked Mr. Tovar to provide a report at a future meeting about whether the updated Puget Sound Regional Council's 2020 + 20 Plan would be consistent with the City's Comprehensive Plan and growth targets.

Commissioner McClelland invited the Commissioners to attend the Art Gala on Friday, June 23.

### **AGENDA FOR NEXT MEETING**

Chair Piro announced that the next meeting would be July 6<sup>th</sup>, and two public hearings and a workshop discussion have been scheduled on the agenda.

### **ADJOURNMENT**

The meeting was adjourned at 10:12 p.m.

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Rocky Piro  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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**PLANNING COMMISSION AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Type C Action: Rezone Application for one parcel generally located at 19201 15 <sup>th</sup> Avenue NW from R-12 (Residential 12 dwelling units/acre) to R-18 (Residential 18 dwelling units/acre).
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<b>DEPARTMENT:</b>	Planning and Development Services
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<b>PRESENTED BY:</b>	Joseph W. Tovar, FAICP, Director Steven Szafran, Planner II
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### **I. PROPOSAL**

The Department of Planning and Development Services, in conjunction with the property owner, Richard and Pamela Burt, proposes to modify the existing zoning category for an 11,020 square foot parcel located at 19201 15<sup>th</sup> Avenue NW. The application before the Planning Commission is a request to change the zoning designation from R-12 (Residential - 12 dwelling units per acre) to R-18 (Residential 18 dwelling units per acre). There will be no change to the existing structure on-site.

The purpose of this zone change is to make the existing fourplex conform to the City's Zoning Code. A site plan showing the site configuration of the proposal is included as **Attachment 1** (applicant's rendition of the proposal). A vicinity map showing existing zoning for the project site and adjacent properties is located in **Attachment 2**. The parcel has a Comprehensive Plan Land Use designation of High Density Residential, and both the existing and proposed zoning are consistent with this designation (**Attachment 3** illustrates the Comprehensive Plan Land Use designations).

Local land use decisions that are not of area wide significance are processed as quasi-judicial actions. Because this is a Site Specific Zone Change it shall be processed per RCW 42.36.010 as a Type C quasi-judicial action.

With the current designation of High Density Residential and a zoning of R-12, the site can support 3 dwelling units subject to the Shoreline Development Code Standards. There is currently a fourplex on-site that will remain unchanged. The proposed rezone would allow the current structure to become conforming to the City of Shoreline's Development Code and at the same time allow the City to review pending building permits. If the proposed rezone to R-18 is approved, the site could potentially support 5 housing units although staff is recommending the number of units be limited to four. In addition, staff recommends that access to the site from NW 192<sup>nd</sup> Street will be limited so as to exclude residential parking from accessing via the western property boundary.

This report summarizes the issues associated with this project and discusses if the proposal meets the criteria for rezone outlined in the Shoreline Municipal Code and the goals of the Comprehensive Plan. Type C Actions are reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to City Council, which is the final decision making authority for Type C Actions.

## **II. HISTORY OF THE BURT PROPERTY**

The structure that is currently on-site was originally constructed as a duplex in 1976. In 1984, the structure was converted to a triplex with permits from King County. In 2000, the City received a complaint for work without a permit. The owner at that time converted the garage to a fourth unit, constructed a parking area and built a rockery. In 2002, Richard and Pamela Burt purchased the property.

In 2003 through 2004, the City received more complaints regarding parking in the rear of the property, illegal home occupation, illegal number of units (5 units were there at the time) and additional work being done without a permit. After these complaints, Code Enforcement Case #1195 was started. Permits were applied for by Mr. Burt but fees were never paid and the permits are technically expired.

In 2005, the PADS Director concluded that the quickest and surest way to obtain building code compliance was through initiation of a rezone process. The City initiated Rezone #201518 to enable resolution of the zoning and any other outstanding issues on the site. Please refer to **Attachment 5** for a more detailed chronological timeline of the Burt property.

## **III. FINDINGS**

### **1. SITE**

The subject site is generally located on the west side of 15<sup>th</sup> Avenue NW, approximately 600 feet south of Richmond Beach Road. The parcel is developed with one fourplex that will remain unchanged after the zone change. The parcel measures 11,020 square feet in area (approximately .25 acres). There are currently 4 parking spaces on-site, 3 less than the Code requires for four dwelling units (1.8 parking spaces per unit).

The site is sloping from east to west and has a severe incline towards the middle of the property. The highest elevation is approximately 230 feet at the southeast corner of the parcel and the lowest elevation is 210 feet at the northwest property line. There are a few significant trees on site that are located toward the west side of the property. None of the trees are proposed to be cut. A "significant tree" is defined in the Shoreline Municipal Code Title 20 as a healthy, windfirm, and nonhazardous tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater at breast height if deciduous.

## 2. NEIGHBORHOOD

The project site is located in the Richmond Beach Neighborhood. The subject parcel has two frontages. Access to the property is currently gained from 15<sup>th</sup> Avenue NW, a street that is classified as a Collector Arterial. The parcel also has access to NW 192<sup>nd</sup> Street, although it is not currently utilized.

The Comprehensive Plan Land Use designation for the parcels to the north and east are High Density Residential. The parcels to the south and southeast are designated Medium Density Residential and parcels to the west are designated Low Density Residential. The Comprehensive Plan Land Use Designations and Zoning for the project sites and immediate vicinity are illustrated in **Attachments 2 and 3**.

As indicated previously the site is zoned R-12 and has a land use designation of High Density Residential which allows up to an R-48 zoning category. The current zoning of the parcel immediately to the north of the subject property is R-18, and is developed with apartments. To the south is a single family home zoned R-8, to the east, across 15<sup>th</sup> Avenue NW, are duplexes and townhomes zoned R-12 and R-18 and to the west are single-family homes zoned R-6.

## 3. TIMING AND AUTHORITY

The application process for this project began on April 17<sup>th</sup>, 2006, when a neighborhood meeting was held by city staff at Richmond Beach Congregational Church. A public notice of application including the SEPA comment period was advertised, posted and mailed on April 26<sup>th</sup>, 2006. A Corrected Notice of Application was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the sites on May 11<sup>th</sup>, 2006 after a flaw in the address was found on the original Notice Of Application. A Notice of Public Hearing with Determination of Nonsignificance was advertised, posted and mailed to all property owners within 500 feet of the subject site on June 1<sup>st</sup>, 2006.

Many comments have been received throughout the rezone process. **Attachment 4** lists the names and summary of the comments received. General comments from the community include concerns about: Increased traffic, traffic from adjacent parcels on 15<sup>th</sup> Avenue NW, limited sight distance on 192<sup>nd</sup> and 17<sup>th</sup> NW, drainage from a new parking lot and driveway on 192<sup>nd</sup>, reduced property values, structure converted without building permits, waiving the rezoning fee, and the rezone sets a poor precedent in the area.

Rezone applications shall be evaluated according to the five criteria outlined in Section 20.30.320 (B) of The Shoreline Municipal Code (SMC). The City Council may approve an application for rezone of property if the five decision criteria are met.

#### 4. CRITERIA

The following criteria discusses if the proposal meets the decision criteria listed in Section 20.30.320(B) of the SMC. The reader will find that the criteria are integrated and similar themes and concepts will run through the discussion of all.

***Criteria 1: The rezone is consistent with the Comprehensive Plan.***

The Comprehensive Plan land use map identifies the subject parcel as *High Density Residential*. The site is currently zoned R-12 and is developed with a fourplex at a density of 15.8 dwelling units per acre. The density, though non-conforming to the zoning, is consistent with the density goals of the Comprehensive Plan which plans for these sites to accommodate from 12 to 48 dwelling units per acre.

The current structure is not consistent with the density goals of the R-12 zoning designation which allows a maximum density of 12 units per acre or three dwelling units on this site. The proposed zone change is consistent with the Comprehensive Plan Land Use designation of High Density Residential and will allow the density of the existing structure to become conforming to the zoning designation of R-18.

The Shoreline Comprehensive Plan has established a growth target of 1,600-2,400 new housing units during the next 20-year planning period. The Comprehensive Plan identified different areas of the City where growth would likely occur and could be accommodated. A Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In some instances this change occurred in areas that had previously developed at a lower intensity (as is the case of the subject parcel) and denser development is anticipated in the future when the underutilized parcels are redeveloped.

The boundary between the High Density and Medium Density Residential comprehensive plan designations is at the southern boundary of this site. The zoning south of the site cannot exceed R-12 unless city policy changes through a comprehensive plan amendment process.

R-18 zoning is an appropriate designation for the site in order to achieve many goals and policies of the Comprehensive Plan, including:

*LU 1: Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline's sense of community.*

The proposed rezone will promote a more efficient use of land by allowing four units on a property and not create additional negative impacts on the nearby neighborhood.



*LU8: Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the future needs of Shoreline citizens.*

As Shoreline's demographics change, there will be increased demand for smaller units that are affordable. A fourplex is an example of one housing type that provides an alternative housing choice.

*H28: Assure that site and building regulations and design guidelines create effective transitions between substantially different land uses and densities*

The staff recommends a condition to eliminate most vehicle access from NW 192<sup>nd</sup> Street. This will significantly reduce the likelihood that those who live on this site will travel through the single family neighborhood to park in the rear of these units. Under the current zoning, absent the recommended condition, the owner could build a parking lot behind the building and encourage tenants to use the area in back (west of the fourplex) for parking rather than the area in front (adjacent to 15<sup>th</sup> Ave NW).

***Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.***

The proposal is to limit the number of units on this site to 4, which is the number of units currently on the site. Though the existing fourth unit is non-conforming, its existence has not had an adverse impact on the neighborhood.

Staff does not believe that this rezone will pre-judge the merits of future requests for R-18 zoning south of this site. The comprehensive plan designation of the properties south of the site is MDR (Medium Density Residential) which permits R-8 and R-12 zoning. A comprehensive plan amendment is required to obtain greater densities than R-12. A Comprehensive Plan Amendment is a policy decision that would go to the Planning Commission for recommendation and final action by the City Council.

In an effort to protect the existing single-family neighborhood to the west and to advance the goals and policies of the low density residential land use designation, staff is proposing a condition to block tenant access to NW 192<sup>nd</sup> Street along the western border of the subject site perpetually. By eliminating such access to NW 192<sup>nd</sup> Street and waiving the requirement for additional parking spaces on-site, there is less potential for impact on the neighborhood to the west than under the current zoning designation which would permit tenant access from the west.

***Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.***

The subject parcel is currently zoned R-12. The application to change the zoning of the parcel to R-18 was initiated by the PADS Director in order to make an existing

nonconforming building consistent with the density of the zone. The site's Comprehensive Plan land use designation is *High Density Residential*. Consistent zoning designations for this land use designation include: R-12, R-18, R-24, and R-48.

The current zoning in the vicinity of the project includes R-6, R-8, R-18, R-24, and R-48 (see **Attachment 1** for zoning map). The uses in the vicinity include single-family residential, multi-family residential, nursing home, retail, restaurants and a bowling alley. Access to the subject property will continue to be from 15<sup>th</sup> Avenue NW, a Collector Arterial street with access to transit routes along Richmond Beach Road. Higher intensity development is encouraged along arterials where vehicular trips can be accommodated. R-18 zoning is an appropriate designation for the subject site, as it reflects a similar level of intensity as those uses near it along 15<sup>th</sup> Avenue NW.

***Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.***

There appears to be no negative impacts to the properties in the immediate vicinity of the subject rezone provided that the added conditions are imposed. The proposed rezone would allow uses on the site that are similar to those uses found on the parcels to the north, east and south. The following is a brief summary demonstrates how the project addresses each of these.

*Water & Sewer*

Conditional statements from the Shoreline Wastewater Management District and Seattle Water Department indicate that adequate capacity exists for development at R-18 zoning levels. With a condition limiting development to the existing number of units, it is unlikely that usage would vary much in the future.

*Stormwater*

All stormwater must be treated and detained per the requirements of the 1998 King County Surface Water Design Manual and the Surface and Stormwater Management sections of the SMC (20.60.060 through 20.60.130).

*Traffic/Circulation*

Traffic trip estimates are based on the existing fourplex. The code requires a traffic study to be done if the P.M. peak hour trips are greater than 20 (SMC 20.60.140(A)). The average P.M. peak hour trip for the existing fourplex is estimated to be 2.16 which does not require further study.

*Tree Removal*

There are a few significant trees located on the subject site. The primary significant trees are located on the western portion of the site. The SMC requires retention of at least 20% of the significant trees (SMC 20.50.350(B) (1)). The owner does not have any plans to cut trees at this time because he is not planning to redevelop the property. Tree protection and replanting will be evaluated if the owner decides to redevelop at some time in the future.

**Criteria 5: The rezone has merit and value for the community.**

The rezone will make a non-conforming use conforming as to the zoning. It will not cause additional impacts to any part of the community because the use already exists and there will be no additional density allowed on the site. Unless conditions are applied to this property through a rezone process, the property owner has the right to construct a driveway and parking spaces on the western portion of the parcel. This course of action might increase the traffic in the neighborhood to the west even though the current structure would be required to eliminate a unit bringing the total unit count to three.

The rezone as conditioned will eliminate access from NW 192<sup>nd</sup> Street.

**IV. CONCLUSIONS**

1. **Consistency-** The proposed reclassification for the subject properties is consistent with the Washington State Growth Management Act, the City of Shoreline Comprehensive Plan, and the City of Shoreline Development Code.
2. **Compatibility-** The proposed zoning is consistent with existing and future land use patterns identified in the Comprehensive Plan.
3. **Housing / Employment Targets-** Since no new units will be constructed; this rezone will minimally impact the attainment of Shoreline's Housing targets by limiting the number of units that could potentially be built on this parcel in the future if the proposed condition is imposed.
4. **Environmental Review-** It has been determined that per WAC 197.11.600 (2) the SEPA obligations for analyzing impacts of the proposed rezone are fulfilled by previous environmental documents on file with the City. The FEIS prepared for the City of Shoreline's Comprehensive Plan, dated November 9, 1998, and is incorporated by reference to satisfy the procedural requirements of SEPA.
5. **Infrastructure Availability-** There appears to be adequate infrastructure improvements available in the project vicinity. This includes adequate storm, water, and sewer capacity for the future development.

**V. PLANNING COMMISSION ROLE AND OPTIONS**

As this is a Type C action, the Planning Commission is required to conduct a Public Hearing on the proposal. The Commission should consider the application and any public testimony and develop a recommendation for rezone approval or denial. The City Council will then consider this recommendation prior to their final adoption of the application.

Planning Commission has the following options for the application:

1. Recommend approval to rezone 19201 15<sup>th</sup> Ave NW from Residential 12 units per acre (R-12) to Residential 18 units per acre (R-18) with the following conditions based on the findings presented in this staff report.

Staff recommended conditions:

1. Limit the number of units to four.
  2. Record a legal document in a form acceptable to the City Attorney that would eliminate the potential vehicular access to NW 192<sup>nd</sup> Street by tenants of any properties accessing from 15<sup>th</sup> Ave NW.
2. Recommend approval to rezone 19201 15<sup>th</sup> Ave NW from Residential 12 units per acre (R-12) to Residential 18 units per acre (R-18) with modified conditions based on the findings presented in this staff report and additional findings made by the Planning Commission.
  3. Recommend denial of the rezone application and the Residential 12 units per acre (R-12) zoning remains based on specific findings made by the Planning Commission.

## **VI. PRELIMINARY STAFF RECOMMENDATION**

Staff recommends that the Planning Commission move to recommend to the City Council that R-18 zoning be adopted for the properties generally located at 19201 15<sup>th</sup> Avenue NW with the following conditions:

1. Limit the number of units to four.
2. Record a legal document in a form acceptable to the City Attorney that would eliminate the potential vehicular access to NW 192<sup>nd</sup> Street by tenants of any properties accessing from 15<sup>th</sup> Ave NW.

And enter into findings based on the information presented in this staff report that this proposal meets the decision criteria for the reclassification of property as outlined in the Shoreline Municipal Code Section 20.30.320.

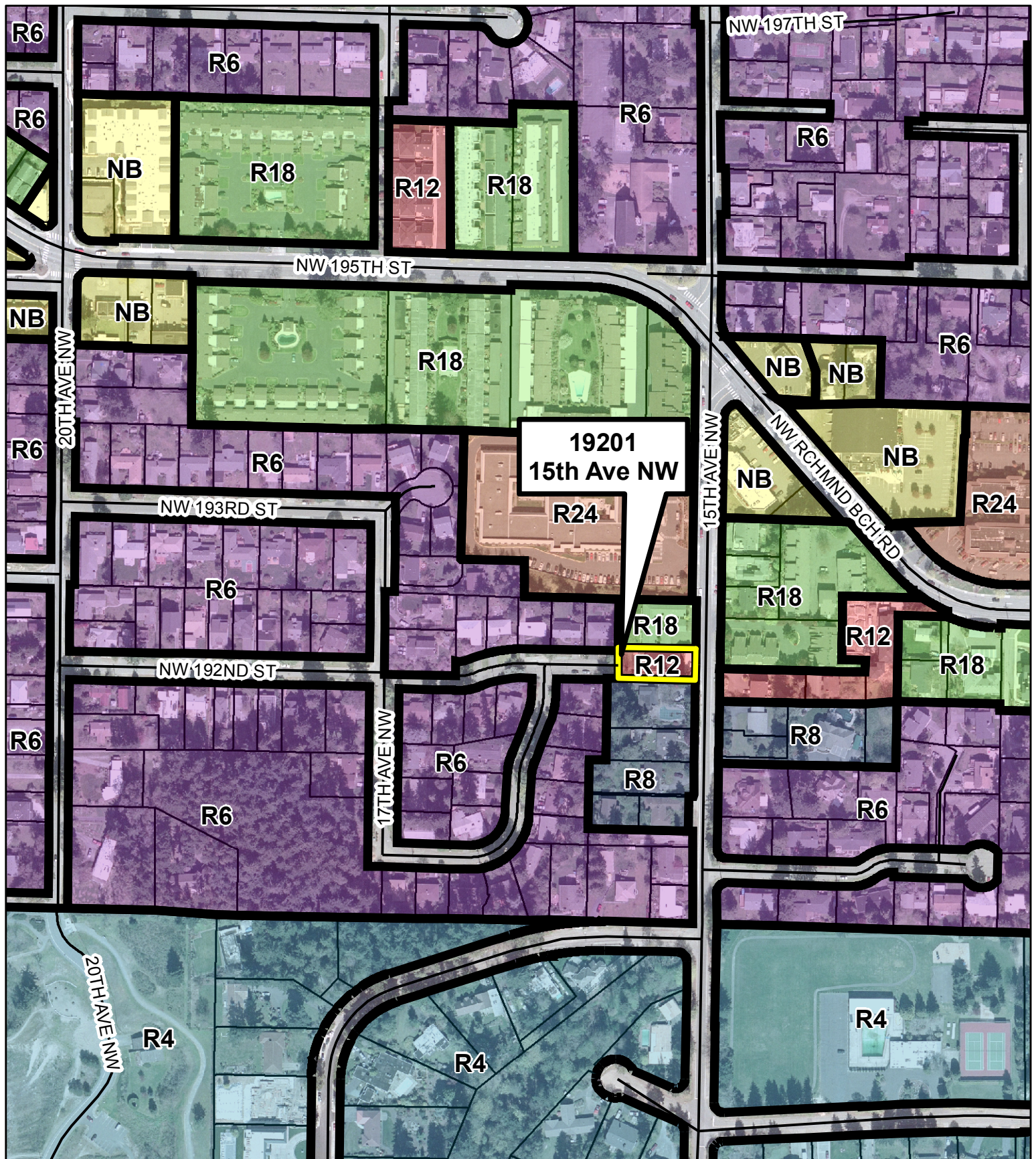
## **VII. ATTACHMENTS**

Attachment 1: Vicinity Map with Zoning Designations  
Attachment 2: Vicinity Map with Comprehensive Plan Designations  
Attachment 3: Site Inventory Map (Burt's rendition of the proposal)  
Attachment 4: List of SEPA Comments Received  
Attachment 5: Timeline of Burt Property – Site History  
Attachment 6: February 23, 2006 Letter from PADS Director to Mr. and Mrs. Burt  
Attachment 7: Mr. Burt's Intention Letter

ITEM 7.i – ATTACHMENT 1  
Vicinity Map with Zoning Designations

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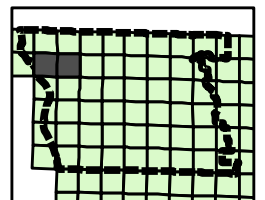
# SHORELINE

Geographic Information System  
City of Shoreline Zoning



## Legend

	CB - Community Business		R24 - Residential 24 units/Acre		Zone District Boundary
	CZ - Contract Zone		R4 - Residential 4 units/Acre		Parcel Line
	I - Industrial		R48 - Residential 48 units/Acre		Street
	NB - Neighborhood Business		R6 - Residential 6 units/Acre		
	NCBD - North City Business District		R8 - Residential 8 units/Acre		
	O - Office		RB - Regional Business		
	R12 - Residential 12 units/Acre		RB-CZ - Regional Business/Contract Zone		
	R18 - Residential 18 units/Acre				



No Warranties of any sort, including accuracy, fitness, or merchantability accompany this product.



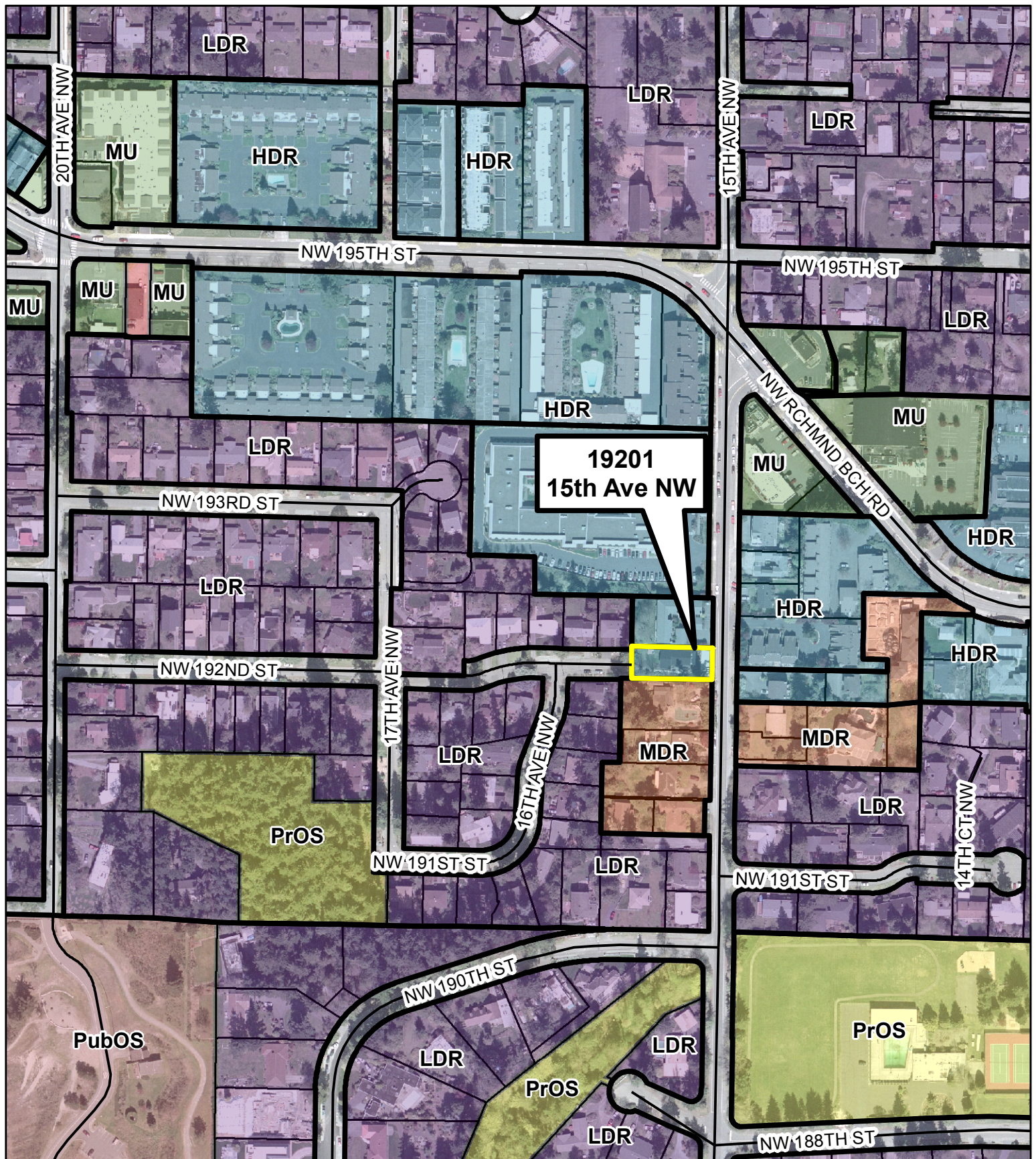
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ITEM 7.i – ATTACHMENT 2  
Vicinity Map with Comprehensive Plan  
Designations

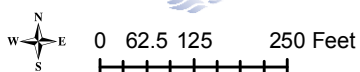
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# SHORELINE

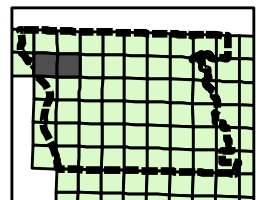
Geographic Information System  
City of Shoreline Zoning



## Legend

	Low Density Residential		Special Study Area
	Medium Density Residential		Ballinger Special Study Area
	High Density Residential		Briarcrest Special Study Area
	Mixed Use		North City Business District
	Community Business		Paramount Special Study Area
	Regional Business		Private Open Space
	Public Facilities		Public Open Space
	Single Family Institution		

	Comprehensive Land Use Boundaries
	Parcel Line
	Street



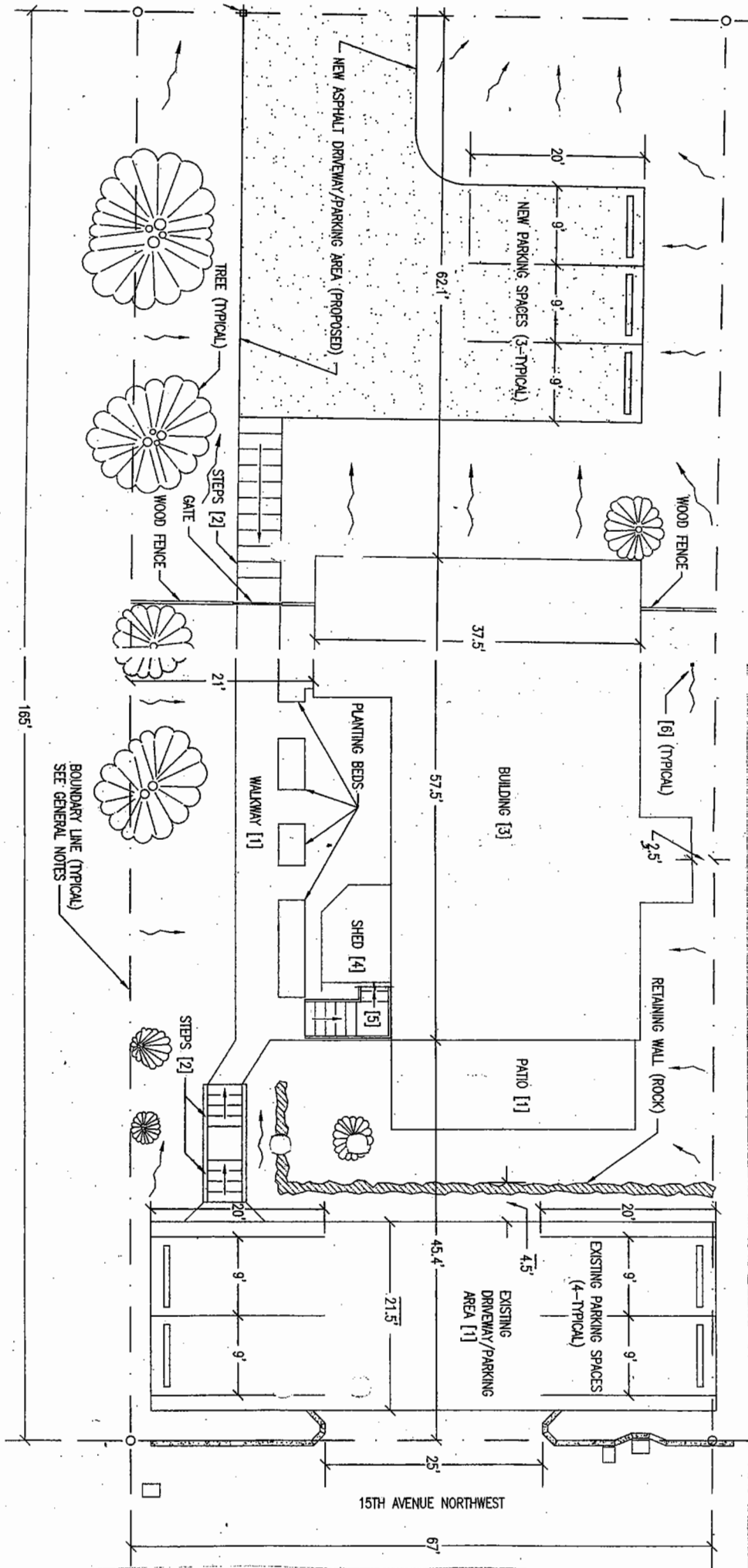
No Warranties of any sort, including accuracy, fitness, or merchantability accompany this product.



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ITEM 7.i – ATTACHMENT 3  
Site Inventory Map  
(Burt's rendition of the proposal)

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ITEM 7.i – ATTACHMENT 4  
List of SEPA Comments Received

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<b>Name</b>	<b>Comment</b>
Heidi Lui	A form letter was circulated throughout the neighborhood and made mention of traffic and safety issues on NW192nd Street, drainage and slope impacts and how the proposed rezone does not meet zoning criteria.
Frank and Jennifer Kleyn	Signed Form Letter
Dorothy Austad	Signed Form Letter
Shannon Clark	Signed Form Letter
Frank Tarver	Signed Form Letter
Robert Roberts	Signed Form Letter
Margo and Charles Smith	Signed Form Letter
Jonathan and Mindy Danylak	Signed Form Letter
Pamela Ness	Signed Form Letter
Kathy Brown	Signed Form Letter
Burt and Hattie Kamps	Signed Form Letter
Mie Hae Rhie	Signed Form Letter
John Paulman	Signed Form Letter
Hans Nelson	Signed Form Letter
David Fagan	Signed Form Letter
Sam Fish	Signed Form Letter
Davis Steinmetz	Signed Form Letter
Charles Nick	Signed Form Letter
Bill and Kathy Kriner	Signed Form Letter
Tomas and Michelle Petersen	Signed Form Letter
Al Lebar	Signed Form Letter
Travis and Amy Pitts	Signed Form Letter
Matt Starbard	Signed Form Letter
Max Spiro	Signed Form Letter
Susan Sifferman	Signed Form Letter
Michele and Paul Hubbard	Signed Form Letter
Jim and Karen Marshall	Signed Form Letter
Patty Holmquist	Signed Form Letter
Julie and Roy Jensen	Signed Form Letter
Michael Milne	Signed Form Letter
Eric and Jill Dobson	Signed Form Letter
James Gates	Called the City staff "brain dead"
Bob and Julia Haggarty	Signed Form Letter
Bettie Round	Signed Form Letter
Cory Olson	Signed Form Letter
Viola Gay	Signed Form Letter
Mark Ryan	Signed Form Letter
Gabrielle Carmarthen (sp?)	Signed Form Letter
James and Debora Peterson	Signed Form Letter
Brian and Kerry Petit	Signed Form Letter
Debra Peterson, Marion	Comments regarding SEPA checklist: Building should

O'Brien, Diane Bowers and Bill Kuhn	Not be referred to as a fourplex, traffic impacts, conditions to mitigate environmental impacts, noise and air quality, lighting, landscaping, animals, density, drainage, cut-through traffic, ethics, waiving fees and why is the City giving Mr. Burt preferential treatment?
James Friedman	Letter of support. Moving parking to the rear of lot will relieve parking on 15 <sup>th</sup> Ave NW.
Hans Nelson	Opposition letter. Why is the City underwriting the cost of rezone?
George Mauer	In violation of current R-12 zoning, reward owner for violating current ordinance, sets a precedent, should remained zoned R-12, increase off-street parking along 15 <sup>th</sup> Ave NW, traffic along 15 <sup>th</sup> Ave NW, channel growth along Aurora
Thomas Petersen	Current building was illegally enlarged and remodeled, violates codes and standards, building does not have adequate parking, traffic on NW 192 <sup>nd</sup> Street.
Gregory Tipple	Traffic on NW 192 <sup>nd</sup> Street, building renovated without permits, waiving the rezoning fee.
Wilbur Unruh	Additional traffic, drainage problems.
Robert and Monica Roberts	Decrease in property values, increased traffic on NW 192 <sup>nd</sup> Street, SEPA lacks complete and accurate information.
Diane Bowers	Building violations, access to NW 192 <sup>nd</sup> Street, addition of illegal units.
Steve Zweifach	Waiving rezone fee, access to NW 192 <sup>nd</sup> Street.
Marion O'Brien	Parking lot and access to NW 192 <sup>nd</sup> Street, no sidewalks or curbs, traffic on NW 192 <sup>nd</sup> Street, drainage and slope impacts, elevation change between parcels, criteria for rezone is not met, decreased property values, waiving rezone fee, preferential treatment of Mr. Burt.
K.A. Brown-Shinabarger	Out of character for the neighborhood, too much development in the area.

ITEM 7.i – ATTACHMENT 5  
Timeline of Burt Property  
Site History

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## 19201 - 15<sup>th</sup> Avenue NW – Site History

*1976* Year building constructed by Gogert & Sons (according to King County records). It was built as a duplex with a large unit on second floor with smaller unit and 2 garages on the lower floor. Between the garages and lower unit was a storage and utility area. Access was off of 15<sup>th</sup> Ave NW down a driveway and into the garage spaces.

Review of the historical zoning maps of the property shows that the property has been zoned for 3 dwellings for more than 35 years.

- King County zoned the property RD 3600 (one dwelling unit per 3600 sq. ft. = 3.0 dwelling units) from 1968 - February 2, 1995.
- King County changed the zoning designation of the property R-12 in the zoning atlas dated February 2, 1995 (residential 12 dwelling units per acre) .
- Shoreline did not change the zoning after incorporation. The zoning map adopted soon after incorporation continued the classification of the property as R-12.

*1984* King County received permit application to convert duplex to triplex. Permit # 92314 was issued on 01/30/85. Large second floor unit divided into 2 separate units. Lower floor remained the same (smaller unit, 2 garages and storage and utility area). Property owner: John Rock.

*Date not known* – property sold to Thomas & Erin Johnson.

*1/27/2000* City received complaint. Staff issued STOP WORK order for work without a permit. Work observed included the conversion of the garage to a dwelling unit and constructing a rockery without permits.

*2/29/2000* Building Permit # 2000-0214 issued. Scope of work under the permit included the conversion of the garage into a dwelling unit. The property owner's submitted plans had a parking lot behind the building accessed from NW 192<sup>nd</sup> Street.

*4/28/2000* SECOND Stop Work Order posted for construction of parking area adjacent to 15<sup>th</sup> Ave NW.

*12/6/2000* R-O-W permit # 2000-001593 issued for parking area adjacent to 15<sup>th</sup> Ave NW. Final inspection and approval occurred on 4/7/03.

*3/1/2001* Building Permit # 2000-0214 expired w/o having been finalized or renewed.

*1/3/2002* Richard and Pamela Burt purchased the property

*8/11/2003* City CRT received complaint – parking at rear of property on pervious surface and possible illegal home occupation. 9/3/2003 complainants expanded the complaint to include the illegal 4<sup>th</sup> unit.

6/1/2004 Neighbors behind apartment building filed complaints with Customer Response Team: (1) vehicles parking on grass behind building; (2) removal of chain across the end of the Right of Way where 192<sup>nd</sup> dead ends; (3) illegal home occupation; (4) illegal number of units and (5) work done without permit.

7/6/2004 City received letter signed by 5 households addressed off of NW 192<sup>nd</sup> street. Issues: Work Without Permit (WWOP), lack of required parking, possibly illegal home occupation, removal/replacement of guardrail at end on NW 192<sup>nd</sup> Street.

7/8/2004 Issue referred from CRT to code enforcement – Case #1195 initiated.

Complaint research indicated:

1. Vehicles were being parked in the rear yard of the building in violation of the Development Code.
2. The City Public Works Department Traffic Engineer did not object to the removal of the chain where 192<sup>nd</sup> dead ends. In addition the City's traffic engineer would not recommend that a barrier of any kind be established there.
3. No corroborating evidence of a home occupation was found. One of the apartment dwellers brought a work truck home and the vehicle was not oversized.
4. There appeared to be 2 illegal units.
5. Work had been done without a permit. In addition, the previous WWOP case had been closed when the previous owner had made application for a permit.

August and September 2004 Telephone conversation w/ Pam Burt, wife of owner to discuss items in complaint. Staff met Mr. Burt at property on 8/4/04. He stated structure was 4-plex when he bought it. We discussed the need for meeting parking requirement, the need for permit for rockery at front and other issues.

9/22/2004 No action by Mr. Burt to correct violations. **1<sup>st</sup> Notice & Order issued.** Violations noted were: 2 illegal units, illegal conversion of garage to habitable space, 2 illegal storage areas, illegal retaining wall, removal of required off-street parking, and need to establish new on-site required parking spaces. Copies sent to complainants.

Sept/Oct, 2004 Mr. Burt maintained that 4<sup>th</sup> unit had been permitted/allowed under the 2000 building permit. The Director reviewed the case; he determined that there was insufficient evidence to prove the 2000 permit was issued in error.

10/19/2004 **AMENDED Notice & Order** issued requiring 5<sup>th</sup> unit to be removed and allowing 4<sup>th</sup> unit IF all *current* development code design standards could be met.

The City provided copies of the drawings approved for Building Permit # 2000-0214 that had been initially submitted by Mr. Thomas Johnson in response to the 2000 Stop Work Order. The City also provided the drawings for the right of way permit (old # 106790) required for the rear parking area access



*11/9/2004* Meeting of PADS staff and Mr. & Ms. Burt.

- Staff outlined submittal requirements for plan review, including specifying that the old plans need to be reviewed/revised/updated for compliance w/ 2003 International Building Code.
- The compliance date remained the date stated in the Notice and Order issued in October. The compliance date would remain December 1, 2004.

*11/24/2004* Revised plans submitted by Mr. Burt. Application for permit 106790 – convert garage to 1 dwelling unit, add laundry room, build water heater enclosure, install bathroom & kitchen fans, install 4-5 foot rockery and asphalt parking area with onsite detention system.

*12/27/2004* Remodel permit 106790 ready to be issued. Fees owing; permit never picked up – application has technically expired.

*12/30/2004* Staff received e-mail from neighbor "requesting information on the process to appeal the City's decision to allow 4 units. What is the process we need to follow?"

*1/2/2005* Staff sent response to 12/30/04 email: "Building permits, site development permits and clearing & grading permits are all examples of Type A actions. Type A actions are classified as ministerial decisions. The Director makes these types of decisions and the decisions are final. An administrative appeal process is not provided for Type A actions."

Complainants she sent a letter on 1/05/05 requesting that the Staff reconsider determination and reinstate original Notice that there are two unauthorized dwelling units.

*1/7/2005* Tim Stewart met w/ complaints and followed up with a letter on the same afternoon. Below are his responses to the rear parking area & the 4<sup>th</sup> unit.

- "The work for which permit #106790 covers (conversion of garage into living space, construction of a parking area in the rear of the building, installation of a rockery) is allowable under the Code regardless of whether the building contains three or four units."
- "Regarding the status of the fourth unit, we do not feel there is sufficient evidence to prosecute the property owner to remove the fourth unit at this time. It is important to note that this does not mean the City is permitting the fourth unit, we are just not taking prosecutorial action. The City's code enforcement program is based on a list of priorities adopted by Council. Violations of a Stop Work order are an urgent level priority. Therefore, achieving compliance for the work that was done without a permit was our top priority. Land Use Violations with minimal impact are categorized as being a routine (non hazardous) priority. With only one code enforcement officer, we typically work through the Urgent cases first and devote time to the lower priorities when we have responded to all Urgent cases."

*3/7/2005* City decides not to issue permit for 4<sup>th</sup> unit.

*3/9/2005* City staff approves right-of-way permit (107181) for access from 192<sup>nd</sup> Ave NW to the proposed parking area at the rear of the building pending payment of fees.

*March-May 2005* Correspondence to & from attorney hired by the Burts and City Attorney's office. Compliance date extended to June 6, 2005.

*6/10/2005* Staff memo to City Council. City proposes to waive *permit fees* for restoring structure to tri-plex. Rezone was mentioned as a possibility. Compliance date moved to July 8, 2005.

*Mid-June 2005* Mention of City Council initiating the rezone. City Manager's Office requested staff to organize a mediation process to try and resolve issues between the complainants and the Burts.

*8/24/2005* Letter from PADS Staff to Burts and complainants inviting them to a meeting with City staff to assess whether resolution can be achieved.

*10/3/2005* Meeting held to see if parties could resolve issues and cure violation.

*11/17/2005* Follow-up letter from Oct 3 meeting sent. New compliance date of 12/19/05 set for Burt's to submit revised plans for rezone process.

*2/23/2006* Letter from PADS Director to the Burts requesting that the Burts contact him by March 10, 2006 to indicate how they intended to proceed.

*3/8/2006* Meeting w/ Staff and Mr. & Ms. Burt. Director proposed to initiate and pay costs associated with rezone application and the Burts would be responsible for all building permit fees.

*3/14/2006* City receives letter from Burts requesting City proceed w/ rezone and agreeing to bring property in compliance w/ codes.

*3/23/2006* Letter from Director to Burts detailing who is responsible for each action to bring property into compliance.

*5/11/2006* City initiates rezone - application # 201518.

*7/6/2006* PC Public Hearing for proposed Rezone

ITEM 7.i – ATTACHMENT 6

February 23, 2006

Letter from PADS Director to Mr. and Mrs. Burt

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SHORELINE  
CITY COUNCIL

Robert L. Ransom  
Mayor

Maggie Fimia  
Deputy Mayor

Rich Gustafson

Ron Hansen

Keith McGlashan

Cindy Ryu

Janet Way

February 23, 2006

Richard and Pamela Burt  
32101 "B" 76<sup>th</sup> Avenue NW  
Stanwood WA 98292

Re: Code Enforcement Case number: **1195**

Dear Mr. & Mrs. Burt:

I am sorry to have missed your phone call earlier this week, but have been unable to reach you at the California phone number you left. When we spoke at the end of last year, I indicated that the code enforcement case against your property is still open, that I would gather more information about the case, and then contact you to clarify the City's intentions. I have reviewed the files on this case, visited the site, and discussed the matter with the City's code enforcement, planning and legal staffs. I am writing to update you on the City's position, the options that are available to you to achieve compliance with the Shoreline Municipal Code, and the consequences of ongoing noncompliance.

To recap, the following are conditions on your property that are in violation of the provisions of the City of Shoreline Land Use and Development ordinance:

**1. ILLEGAL DWELLING UNIT**

Maintaining unauthorized dwelling units in this multi-family structure in violation of Shoreline Municipal Code 20.50.020. This property is zoned R-12 (medium density residential, 12 units/acre). The legally established use of this property is a 3-unit residential structure (triplex).

**2. ILLEGAL CONVERSION TO HABITABLE SPACE**

Maintaining the conversion of a garage as habitable space and allowing occupancy when the construction was performed without permits required by the Shoreline Municipal Code chapter 15.05, and Shoreline Municipal Code 20.10.040, 20.20.040 and 20.30.750.

**3. ILLEGAL STORAGE STRUCTURES**

Allowing the construction of or maintaining two (2) storage areas attached to the primary structure without first obtaining permits required in accordance with the Shoreline Municipal Code chapter 15.05 and Shoreline Municipal Code 20.10.040, 20.20.040 and 20.30.750.

**4. REMOVAL OF REQUIRED OFF-STREET PARKING**

Failure to provide the required off-street parking spaces in accordance with Shoreline Municipal Code 20.50.390, 20.10.040, 20.20.040, and 20.30.750.

**5. PARKING IN REQUIRED SETBACK**

Allowing the parking/storage of vehicles in the required front setback in violation of Shoreline Municipal Code 20.50.020(A) and 20.30.750.

As you recall, December 19, 2005 was the date stipulated for you to have an accurate site plan and proposed parking solutions submitted to Paul Cohen at the City of Shoreline Planning and Development Services. My understanding is that you had agreed to submit that information during the meeting with City staff on October 3, 2005. After your submittal of the accurate scale drawing showing how the required parking could be accommodated, and once you had committed to striping or otherwise implementing an approved parking plan, then the City staff would be willing to initiate a request to rezone the property from R-12 to R-18 which, if approved, would make it legal to have a fourth unit (subject to building permit approval). For whatever reason, you have failed to submit the required information by the established deadline. Therefore, the property remains in noncompliance both as to the parking requirements and density requirements of the Shoreline Code.

Because you have not taken action to achieve compliance, I regretfully must inform you that the City is compelled to commence enforcement action(s) as stipulated in Shoreline Municipal Code 20.30.740. This enforcement action may include the following:

1. Issue class I civil infractions in the amount of \$250.00 per day per violation; and/or
2. Assess civil penalties, starting on the date of December 19, 2006, in the amount of \$500.00 per violation for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen day period and each such period or portion thereafter, shall be double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties; and/or

3. Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties.

If you decide to correct the violations, please be aware that Shoreline Municipal Code 20.30.770(E) stipulates that it is your duty to notify this office of any actions taken to achieve compliance. Please be aware that, the permit applications you submitted in 2004 have expired. Action to correct the violations will require submittal of new permit applications and applicable fees.

I realize that this is not the City response for which you may have been hoping. We have tried to be flexible as to the time allowed for you to address this issue, and volunteered to help with the rezoning at no cost to you, but your failure to take steps to achieve compliance leave us with no choice. It is our responsibility to pursue this matter until compliance with the law is achieved. Until that happens, we will not close this case.

Please contact me by Friday, March 10, 2006 to indicate how you intend to proceed. As I see it, you have three options.

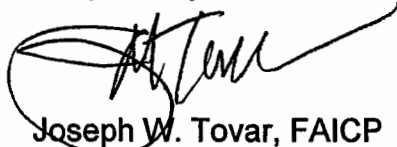
First, you still have the option to submit an accurate site plan and options on accommodating the parking, and the City staff will initiate the rezone proposal. While we believe we can make a compelling case to the City Planning Commission and to the City Council to approve such a rezone, we cannot guarantee the outcome. If you choose this option, we will suspend accrual of penalties or fines pending the outcome.

Your second option is to proceed with compliance actions outlined in the second amended notice and order to correct dated March 14, 2005 (attached).

Your third option would be to do nothing. If you do not contact me by the March 10, 2006 deadline to indicate how you intend to achieve compliance, I must presume that you have chosen ongoing noncompliance. If that is your choice, you are on notice that on March 11 we will proceed with the enforcement infractions, penalties, and abatement described above. Further, if you do contact me but fail to immediately take action to bring the property into compliance, we will proceed with the enforcement action described.

Letter to Burt  
Case 1195  
Page 4 of 4

Respectfully,

A handwritten signature in black ink, appearing to read "J. Tovar", is written over the printed name.

Joseph W. Tovar, FAICP  
Director, Planning and Development Services

cc: Flannary Collins, Assistant City Attorney  
Rachael Markle, Assistant Director, PADS  
Kristie Anderson, Code Enforcement Officer  
Debra Peterson, Shannon Clark & Marion O'Brien

Enclosure: Second Amended Notice and Order to Correct





*Planning and Development Services*

17544 Midvale Avenue North  
Shoreline, WA 98133-4921  
(206) 546-1811 ♦ Fax (206) 546-8761

**SECOND AMENDED NOTICE AND ORDER TO CORRECT**

March 14, 2005

Richard and Pamela Burt  
32101 "B" 76<sup>th</sup> Avenue NW  
Stanwood WA 98292

Re: Code Enforcement Case number: **1195**

Dear Mr. & Ms. Burt:

You are hereby notified that the Director of Planning and Development Services has found you to be the responsible party for a code violation located at:

**ADDRESS OF VIOLATION:** 19201 15<sup>TH</sup> AVENUE NW

**PARCEL NUMBER:** 0226039205

**LEGAL DESCRIPTION:** The east 185 feet of the north half of the north half of the southeast quarter of the northeast quarter of the southeast quarter of section 2, township 26 north, range 3 east, Willamette Meridian, in King County, Washington; except the north 100 feet, and except any portion lying within 15<sup>th</sup> avenue northwest; and except any portion lying within the plat of Glen Arden, according to the plat thereof, recorded in Volume 58 of Plats, page 94, in King County, Washington.

**VIOLATION**

An inspection has verified a violation at the subject property. The property was found to be in violation of the Shoreline Development Code that is Chapter 20 of the Shoreline Municipal Code. Violation of provisions of the City of Shoreline land use and development ordinance constitutes a public nuisance. The following are conditions that render the subject property a public nuisance.

**1. ILLEGAL DWELLING UNITS**

Maintaining unauthorized dwelling units in this multi-family structure in violation of Shoreline Municipal Code 20.50.020. This property is zoned R-12 (medium density residential, 12 units/acre). The legally established use of this property is a 3-unit residential structure (triplex).

**2. ILLEGAL CONVERSION TO HABITABLE SPACE**

Maintaining the conversion of a garage as habitable space and allowing occupancy when the construction was performed without permits required by the Shoreline Municipal Code chapter 15.05 which adopts the International Building Code pursuant to RCW 19.27.031 and Shoreline Municipal Code 20.10.040, 20.20.040 and 20.30.750

**3. ILLEGALLY INSTALLED ROCKERY**

Allowing the construction of or maintaining a rockery exceeding 4 feet in height constructed without obtaining permits required in accordance with the Shoreline Municipal Code chapter 15.05 which adopts the International Building Code pursuant to RCW 19.27.031 and Shoreline Municipal Code 20.10.040, 20.20.040 and 20.30.750

**4. ILLEGAL STORAGE STRUCTURES**

Allowing the construction of or maintaining two (2) storage areas attached to the primary structure without first obtaining permits required in accordance with the Shoreline Municipal Code chapter 15.05 which adopts the International Building Code pursuant to RCW 19.27.031 and Shoreline Municipal Code 20.10.040, 20.20.040 and 20.30.750

**5. REMOVAL OF REQUIRED OFF-STREET PARKING**

Failure to provide the required off-street parking spaces in accordance with Shoreline Municipal Code 20.10.040, 20.20.040, 20.30.750 and 20.50.390.

**6. PARKING PROHIBITED IN REQUIRED SETBACK**

Allowing the parking/storage of vehicles in the required front setback in violation of Shoreline Municipal Code 20.10.040, 20.30.750 and 20.50.020(A).

**7. PARKING PROHIBITED ON PERVIOUS SURFACE**

Allowing the parking/storage of vehicles on a pervious surface (grass and dirt) in violation of Shoreline Municipal Code 20.70.020 (section 2, 19).

**Required Corrective Action**

The Director has determined that the violations on the subject property must be corrected with the following actions:

**Violations 1.**

Restore the structure to the legal use as a triplex or provide evidence of the legal establishment of the fourth unit. To restore the structure to a triplex will require revisions to permit application #106790 that indicate which units are being removed and detail the demolition necessary for the removal of units in excess of three. As

an alternative, a rezone application may be filed to change the property zoning to R-18

**Violations 2, 3 and 4.**

Obtain the necessary permits (#106790) and call for and pass all required inspections and approvals.

**Violations 5.**

Establish and install the required number of off-street parking spaces, including obtaining the necessary right-of-way permit (#107181) and passing all required inspections and approvals.

**Violations 6.**

Remove or otherwise prohibit parking in the front setback area. The front setback for that property is ten (10) feet measured from the property line inwards toward the structure.

**Violations 7.**

Prohibit parking on pervious surface by physical barrier, specifically on the rear area of the property. As an alternative, obtain and install the off-street parking area as approved in permits #106790 and 107181.

**Compliance Date**

All permits required to perform the corrective action and legalize the alterations to the property must be obtained from the City or other issuing agency. A complete and acceptable revised application for permit #106790 or the application for the rezone must be received by the City on or before April 30, 2005. Right-of-way permit #107181 must be obtained from the City and the illegal parking removed or prohibited by April 30, 2005.

The required corrective actions and final approval of the work must be completed on or before 120 days after the permits are ready for issuance.

The date set for compliance in this Notice and Order takes precedence over any date established for the expiration of any required permit(s) and will be subordinate only to written extension of the Notice and Order.

An extension of the compliance date(s) may be granted at the discretion of the Director. Substantial progress towards compliance is a condition for granting an extension. Requests for extensions must be made at least seven days before the established compliance date. Requests for extensions should be made in writing and shall include a description of the work completed, the reason for the extension request and a detailed workplan with the proposed completion date. An inspection will be conducted to determine that substantial progress has been made toward compliance before an extension can be granted or denied.

### **Penalties**

You are further notified that if the required corrective actions are not completed within the specified time, the Director may:

1. Issue class I civil infraction in the amount of \$250.00 per violation.
2. Assess civil penalties in the amount of \$500.00 per violation for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen day period and each such period or portion thereafter, shall be double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties;
3. Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties;
4. Submit this matter to Superior Court for injunctive relief; and/or
5. Recommend to the City Attorney the filing of criminal misdemeanor charges.

### **Appeal**

Any person named in this Order or having any record or equitable title in the property against which the Notice and Order is recorded may request an appeal of the Notice and Order within fourteen days of the date of service of this Order. A Notice of Appeal must be filed in writing with the City Clerk no later than 5:00 p.m. within fourteen days following the service of this Order. An appeal fee of \$380.00 is required at the time of filing an appeal. Appeals are conducted under the Shoreline Rules for Procedures for Administrative Hearings available from the City Clerk.

Failure to appeal within fourteen days renders the Notice and Order a final determination that the conditions described in the Notice and Order existed and constituted a code violation, and that the named party is liable as a responsible party.

This Notice and Order may be recorded against the property in the King County Office of Records and Elections.

**As the responsible party, it is your duty to notify the Director of any actions taken to achieve compliance with the Notice and Order. You may request a compliance inspection by calling (206) 546-0783.**

Notice & Order (1195)

Burt

Page 5 of 5

For specific questions regarding compliance with this Order, please contact Kristie Anderson, Code Enforcement Officer, 206-546-0783

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristie Anderson', written in a cursive style.

Kristie Anderson  
Code Enforcement Officer  
Planning and Development Services

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ITEM 7.i – ATTACHMENT 7  
Mr. Burt's Intention Letter

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June 16, 2006

Richard and Pamela Burt  
32101B-76<sup>th</sup> Ave. NW  
Stanwood, WA 98292

Joe Tovar  
C/o City of Shoreline  
17544 Midvale Ave. N., Ste. 100  
Shoreline, WA 98133

To Whom It May Concern:

Re: Four-plex at 19201-15<sup>th</sup> Ave NW

As owners of the property of concern we want to make a statement of our intentions and desires.

Our ideal situation is to have our building function quietly as it has been (with maybe 1 or 2 exceptions) over the last 20yrs. 1) All parking on the east side of our building (15<sup>th</sup> NW side). 2) As four units. Nothing more or less.

Due to all that has happened we have had to look at what our options are if changes are forced as income is our reason for having the property. We see our options as listed:

- 1) Put the property on the market, we get inquiries regularly.
- 2) Sell easement to one of the neighboring properties
- 3) Put a parking lot in the back to make nicer use of the front

As stated above none of these options are our first choice.

We would also like to make note of the fact that one of the complainants to the west of us has a renter who uses the roads below and another one has access to her backyard via a secondary entrance yet they want to stop us from doing this very thing. It seems a bit hypocritical. One last note, if the neighbors have been so concerned about what is now our property, why did they not go together and buy it instead of trying to dictate how we can use the property which we maintain and pay taxes for???

Sincerely,



Richard and Pamela Burt

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**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Workshop on Proposed Amendments to the Development Code

**DEPARTMENT:** Planning and Development Services

**PRESENTED BY:** Steven Szafran, Planner II  
Joseph W. Tovar, FAICP, Director

**SUMMARY**

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

A summary of proposed amendments can be found in **Attachment A**. The proposed amendment language is found in Exhibit I: Notebook of Proposed Amendments.

The purpose of this workshop is to:

- Briefly review the proposed First Batch Development Code Amendments
- Respond to questions regarding the proposed amendments
- Identify any additional information that may be necessary for the scheduled public hearing

**BACKGROUND / ANALYSIS**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

To date, the City has not received any requests from the public to amend the Development Code; however, staff has submitted several amendment requests, both administrative and technical. These amendment requests have been broken down into several batching groups based on importance. Most of the first batch of Amendment Requests falls within the Engineering and Utilities group and are in most need of updating.

All the proposed amendments for the first batching schedule are included in **Attachment A**, and are being considered in this Planning Commission Study Session. The Planning Commission is asked to review the proposed amendments and comment on any of the proposed First Batch Development Code Amendments.

### **TIMING & SCHEDULE**

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

<b>DATE</b>	<b>DESCRIPTION</b>
July 6th, 2006	<ul style="list-style-type: none"> <li>• Planning Commission Workshop- introduction of proposed first batch amendments.</li> <li>• Planning Commission reviews amendments for possible additions to the docket.</li> </ul>
June/July, 2006	<ul style="list-style-type: none"> <li>• SEPA Determination to be issued/advertised. Notify CTED of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.</li> </ul>
July, 2006	<ul style="list-style-type: none"> <li>• Proposed Amendments advertised in <u>Seattle Times</u> and <u>Shoreline Enterprise</u>.</li> <li>• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).</li> </ul>
July-August, 2006	<ul style="list-style-type: none"> <li>• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.</li> </ul>
August-September, 2006	<ul style="list-style-type: none"> <li>• Planning Commission Public Hearing on proposed amendments.</li> <li>• Planning Commission deliberation and record recommendation to City Council on approval or denial of proposed amendments (unless further meetings are required).</li> </ul>
October-November, 2006	<ul style="list-style-type: none"> <li>• City Council consideration and decision on proposed amendments.</li> </ul>

### **AMENDMENTS AND ISSUES**

Attachment 1 includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strike throughs~~ for proposed text deletions and underlines for proposed text additions. There is no proposed amendment language for one of the Log items (Amendment #7) because that item only involves a reorganization of the code section.

The following is a summary of the proposed first batch code amendments, with staff analysis.

**Proposed Amendments:**

These following amendments were reviewed and supported by a staff panel and are being supported and forwarded by the Director:

**Amendment #1:** 20.20.046 (Site Development Permit Definition). This amendment clarifies when a Site Development Permit is needed. City Staff has added the word “redevelop” to clarify that a Site Development Permit may be needed when an applicant redevelops a site.

**Amendment #2:** 20.30.080 (Preapplication Meeting). This amendment adds language referring to the procedural requirements for a preapplication meeting. The reason for the added language is to inform an applicant that additional permits may be needed and the time and procedure for obtaining those permits. Many times in the past the applicant has been surprised to find out more applications are necessary than what they were expecting.

**Amendment #3:** 20.30.295 (New Code Section). This is a new code section explaining the purpose, general requirements and review criteria of a Site Development Permit. Site Development Permits, in the past, have not been well defined and have caused confusion as to when they are required. Section 20.30.295 explains the purpose of a SDP, when a SDP is required and the review criteria for a SDP.

**Amendment #4:** 20.30.480 (Binding Site Plans). This amendment will delete the condominium section from the binding site plan requirements. Binding Site Plans are a division of land for commercial and industrial lands and should only apply to commercial and industrial divisions of land. A condominium is not a division of land, it is a form of ownership, and should not be considered as such.

**Amendment #5:** 20.50.020(1) (Densities and Dimensions in Residential Zones). The purpose of this Development Code Amendment is to modify building coverage and impervious area for zero lot line developments. Maximum building coverage and maximum impervious area requirements will still apply over the entire site, not on individual zero lot line lots. The Development Code currently allows modified standards for lot width, lot area, and front, side and rear yard setbacks. By allowing modified standards for maximum building coverage and impervious surfaces, more flexibility is given to applicants while the impact of overall impacts is not increased.

**Amendment #6:** 20.50.040 (Setbacks). The amendment will delete the requirement for residential driveways having to comply with setback standard. Residential driveways will be allowed to go up to the property line with no setbacks required. When a property owner wants to subdivide an existing parcel, many times they do not have the room to place a new driveway and still meet the required side yard setback requirement. This amendment will allow the property to have more flexibility to subdivide an existing parcel while helping meet the City’s growth targets.

**Amendment #7:** 20.70.010 (Easements and Tracts). The amendment revises and clarifies language regarding easements and tracts. No content has been added to this section, the amendment reorders and clarifies the section making it easier to follow and understand.

**Amendment #8:** 20.70.160 (A) (1). This amendment is staff initiated and is the result of a situation that arose during a short plat application. Under SMC 20.70.160 private streets are allowed, subject to City approval, when specified conditions are present. One of those conditions is the street to be located within a tract. The problem with requiring private streets to be located within a tract is lot square footage is taken away from the total lot size for the tract making it difficult to meet minimum lot size for the proposed lots in the subdivision. By allowing private streets to be located within an easement, no lot square footage is lost to tracts and the City can improve customer service and code administration by simplifying and clarifying the process for determining density and how many lots can be realized on a piece of property.

### **OPTIONS**

1. Confirm that the Director's list of proposed code amendments contains all of the amendments the Planning Commission would like to see for the Public Hearing on Proposed Development Code Amendments First Batch; or
2. Add or delete selected amendments to the list to be advertised for the Public Hearing on Proposed Development Code Amendments First Batch.

### **NEXT STEPS**

At the study session, staff will present the amendments to the Commission and answer questions that arise during the discussion. At the end of the study session, staff will ask the Commission to set a date for the public hearing on this group of amendments. If there are any questions you would like staff to research prior to the meeting, please contact Steve Szafran at 546-0786.

### **ATTACHMENTS**

Attachment A: Notebook of Proposed Development Code Amendments (Only the Planning Commissioners received hard copies of this document). Copies of the notebook are available on line at [www.cityofshoreline.com](http://www.cityofshoreline.com) and at the Planning and Development Services Office at 17544 Midvale Avenue North in the City Hall Annex. If you have any questions regarding how to obtain or view a copy of this information, please call the Planning Commission Clerk at 206-546-1508.