



Memorandum

DATE: October 1, 2008

TO: Planning Commission

FROM: Flannery P. Collins, Assistant City Attorney *FPC*

RE: Remand of Rezone Recommendation for Properties Located 18501 and 18511 Linden Avenue North

CC: City Council

On Monday, September 22, 2008, the City Council considered the Planning Commission's September 4, 2008 recommendation to approve a rezone of the properties located at 18501 and 18511 Linden Avenue North from Community Business ("CB") to Regional Business ("RB") (identified as application #201753). The City Council did not approve or deny the rezone but rather remanded the rezone back to the Planning Commission for the limited purpose of supplementing the record with the record for the March 26, 2007 rezone of the same properties from Office and R-48 to CB (identified as application #201570), and having the Commission consider this information. On remand, no public comment will be taken, either written or verbal.

After deliberation, the Commission must take action (i.e. vote) on the remand by either: (1) modifying the findings of fact, conclusions and recommendation; or (2) approving the existing findings of fact, conclusions and recommendation.

The following documents will be provided to the Planning Commission under separate cover for consideration and admittance into the record at the remand hearing:

1. SEPA Checklist
2. Notice of Application & Determination of Non Significance and Notice of Public Hearing for application #201570
3. Notice of Application and Notice of Public Hearing for application #201753
4. Memo to Planning Commission dated January 22, 2007 included in February 1, 2007 Planning Commission packet

5. Staff Report to City Council dated March 26, 2007, with associated attachments and exhibits.
 - a. Attachment A: Ordinance No. 460: Office and R-48 to CB.
 - i. Exhibit A – Legal Description
 - b. Attachment B– Planning Commission Findings and Determination- February 1, 2007
 - c. Attachment C: Planning Commission Staff Report
 - i. C1: Existing Conditions Site Plan
 - ii. C2: Vicinity Map with Zoning Designations
 - iii. C3: Vicinity Map with Comprehensive Plan Land Use Designations
 - iv. C4: Public Comment Letters and Neighborhood Meeting Summary from July 31, 2006
 - d. Attachment D: Planning Commission Minutes- January 4, 2007
 - e. Attachment E: Planning Commission Minutes- February 1, 2007
6. City Council Minutes for March 26, 2007 meeting
7. Final Ordinance No. 460

In order to understand the context on the remand, the Planning Commission will also be given the September 22, 2008 staff report to the City Council as well as the September 22, 2008 meeting minutes.

SEPA CHECKLISTS

SEPA #201570

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

~~Hachi Roku~~ HANFAX PROPERTIES, LLC

2. Name of applicant:

~~Hachi Roku Inc.~~ HANFAX PROPERTIES, LLC

3. Address and phone number of applicant and contact person:

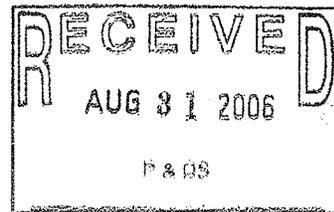
Keith McGlashan / MATTHEW FAIRFAX
185001 Linden Ave N
Shordine, WA 98133

4. Date checklist prepared:

July 12, 2006

5. Agency requesting checklist:

City of Shordine, Planning and Development



201570

6. Proposed timing or schedule (including phasing, if applicable):

Applying for rezone now and after rezone will work with an architect for building design with hopes of breaking ground mid 2007.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes, we hope to one day have a building of approximately 5000 sq ft to move the current business, James Alan Salon, in and have space for spa expansion.

45,000

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No

10. List any government approvals or permits that will be needed for your proposal, if known.

Building Permits

SOP, ROW, ARO. SEPA

11. Give brief complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

To replace the current buildings at 18501 and 18511 with one building of approximately 5000 sq ft and parking.

45,000 sq ft.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

See Amendment A

A. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): **Flat**, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?
0%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Dirt

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
No

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
None

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
No. Approximately 75% *UP TO 95%*

g. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Property is flat

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
Not sure about during construction. Client automobile emissions when complete

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
No

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
N/A

3. Water**a. Surface:**

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage, industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable) or the number of animals or humans the system(s) are expected to serve.

None

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A FOR REZONE - NOT PROJECT SPECIFIC

2) Could waste materials enter ground or surface waters? If so, generally describe.

''

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

''

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Undetermined until footprint is decided

c. List threatened or endangered species known to be on or near the site.

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Undetermined until footprint is decided

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds:** hawk, heron, eagle, songbirds, other:
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None

c. Is the site part of a migration route? If so, explain.

No

d. Proposed measures to preserve or enhance wildlife, if any:

N/A

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric, Oil or Natural Gas

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe

No

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

Undetermined at this time

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

No

1) Describe special emergency services that might be required.

N/A

2) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. Noise

1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

None

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None

3) Proposed measures to reduce or control noise impacts, if any:
N/A

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

Currently there is a 2300 sq ft building housing a salon and a 800 sq ft building that is a house and we are using it as an office as storage space.

b. Has the site been used for agriculture? If so, describe.
No

c. Describe any structures on the site.

A 2300 sq ft building and a 800 sq ft building. In the back yard of one property is an old shed.

d. Will any structures be demolished? If so, what?
All three eventually

e. What is the current zoning classification of the site?
18501 is currently zoned O
18511 is currently zoned R-12

f. What is the current comprehensive plan designation of the site?
Mixed Use + Community Business

g. If applicable, what is the current shoreline master program designation of the site?
N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
No

i. Approximately how many people would reside or work in the completed project?
Possibly 40 - RESIDE ALLOWS UNLIMITED DENSITY, LARRY 35-40 UNITS

j. Approximately how many people would the completed project displace?
0

k. Proposed measures to avoid or reduce displacement impacts, if any:
N/A

- 1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Will work with an architect

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

RB zoning would allow for housing to be incorporated into design, although none planned, AT THIS TIME
40+ UNITS

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low-income housing.

1 - BUSINESS UNIT, NO HOUSING

- c. Proposed measures to reduce or control housing impacts, if any:

None

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No structure designed yet - UP TO 65' FEET

- b. What views in the immediate vicinity would be altered or obstructed?

None

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Unknown

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Unknown

- c. What existing off-site sources of light or glare may affect your proposal?

Unknown

- d. Proposed measures to reduce or control light and glare impacts, if any:

Unknown

PROPER SPACE

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Parks, Recreation Center, Pool, Hiking Trails,

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

MASONIC TEMPLE IS ACROSS THE STREET.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

N/A

c. Proposed measures to reduce or control impacts, if any:

N/A

None Needed

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

185th St NW - Linden Avenue N - Aurora Ave N

Entrance to rezone may be on 185th St or Linden Ave N

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes

c. How many parking spaces would the completed project have? How many would the project eliminate?

9 currently, additional amount has not yet been determined.

→ Likely Around 60-70

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

There will have to be sidewalk improvements on the east side.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation?
If so, generally describe

No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Unknown → Addressed in Future SEPA

g. Proposed measures to reduce or control transportation impacts, if any:

N/A → //

15. Public services

a. Would the project result in an increased need for public services (for example, fire protection, police protection, health care, schools, other)? If so, generally describe.

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. Utilities

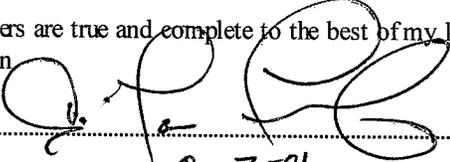
a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Same as above

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision

Signature: 

Date Submitted: 8-7-06

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

SEPA

#201753

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

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Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

~~Hachi Roku~~ HANFAX PROPERTIES, LLC

2. Name of applicant:

~~Hachi Roku Inc.~~ HANFAX PROPERTIES, LLC

3. Address and phone number of applicant and contact person:

Keith McGlashan / MATTHEW FAIRFAX
185001 Linden Ave N
Shordine, WA 98133

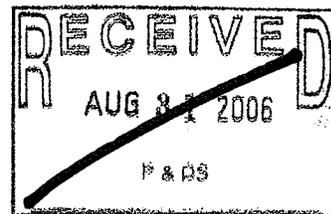
4. Date checklist prepared:

~~July 12, 2006~~ 7/24/08

5. Agency requesting checklist:

City of Shordine, Planning and Development

REVISED
7/24/08



201570
201753

6. Proposed timing or schedule (including phasing, if applicable):

Applying for rezone now and after rezone will work with an architect for building design with hopes of breaking ground mid 2007. ~~2008~~

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes, we hope to one day have a building of approximately 5000 sq ft to move the current business, James Alan Salon, in and have space for spa expansion. + RESIDENTIAL UNITS, UP TO ~~40~~ 36

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No

10. List any government approvals or permits that will be needed for your proposal, if known.

Building Permits - ROW, SOP

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

To replace the current buildings at 18501 and 18511 with one building of approximately 5000 sq ft and parking.

9,000 sq ft Retail +
36 APTS.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

See Amendment A

A. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): **Flat**, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
0%
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Dirt
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
No
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
None
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
No. Approximately 75% — **89%**
- g. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Property is flat

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
Not sure about during construction. Client automobile emissions when complete
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
No
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
N/A

3. **Water**

a. **Surface:**

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. **Ground:**

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage, industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable) or the number of animals or humans the system(s) are expected to serve.

None

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Methods of Collection & Disposal Are The Same Under CB or RB.

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Undetermined until footprint is decided

c. List threatened or endangered species known to be on or near the site.

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Undetermined until footprint is decided

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, **songbirds**, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None

c. Is the site part of a migration route? If so, explain.

No

d. Proposed measures to preserve or enhance wildlife, if any:

N/A

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric, Oil or Natural Gas

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

Undetermined at this time

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

No

1) Describe special emergency services that might be required.

N/A

2) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. Noise

1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

None

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None

3) Proposed measures to reduce or control noise impacts, if any:
N/A

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

Currently there is a 2300 sq ft building housing a salon and a 800 sq ft building that is a house and we are using it as an office as storage space.

- owner has bought parcel to the west as well. parcel is undeveloped.

b. Has the site been used for agriculture? If so, describe.
No

c. Describe any structures on the site.

A 2300 sq ft building and a 800 sq ft building. In the back yard of one property is an old shed.

d. Will any structures be demolished? If so, what?
All three eventually

e. What is the current zoning classification of the site?

18501 is currently zoned ~~CB~~
18511 is currently zoned ~~RB~~

CB, parcel to the west is R-12 and not proposed to be changed.

f. What is the current comprehensive plan designation of the site?

Mixed Use

g. If applicable, what is the current shoreline master program designation of the site?
N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
No

i. Approximately how many people would reside or work in the completed project?

Possibly 40

- UP TO 36 RESIDENTIAL UNITS COULD BE CONSTRUCTED. RB NOW ALLOWS 110' DU/AC FOR RESIDENTIAL DENSITY.

j. Approximately how many people would the completed project displace?
0

k. Proposed measures to avoid or reduce displacement impacts, if any:
N/A

- 1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Will work with an architect

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

RB zoning would allow for housing to be incorporated into design, although none planned, AT THIS TIME

RB could allow up to 36 units

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low-income housing.

1

- c. Proposed measures to reduce or control housing impacts, if any:

None

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No structure designed yet

*CB allows 60',
RB allows 65'*

- b. What views in the immediate vicinity would be altered or obstructed?

None

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Unknown

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Unknown

- c. What existing off-site sources of light or glare may affect your proposal?

Unknown

- d. Proposed measures to reduce or control light and glare impacts, if any:

Unknown



*No Project
Designed
Yet.*

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Parks, Recreation Center, Pool, Hiking Trails,

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

- MASONRY TEMPLE ACROSS THE STREET.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

N/A

c. Proposed measures to reduce or control impacts, if any:

N/A

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

185th St NW - Linden Avenue N - Aurora Ave N

Entrance to rezone may be on 185th St or Linden Ave N

*185TH IS AN ARTERIAL
LINDEN IS A LOCAL STREET.*

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes

- ON 185TH & AURORA IS 1/2 BLOCK AWAY

c. How many parking spaces would the completed project have? How many would the project eliminate?

9 currently, additional amount has not yet been determined.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

There will have to be sidewalk improvements on the east side. ON LINDEN.

*THE AURORA CORRIDOR PROJECT
WILL IMPROVE CIRCULATION
AT 185TH & E AURORA.*

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation?
If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Unknown - TRAFFIC REPORT REQUIRED AT BUILDING PERMIT STAGE.

g. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. Utilities

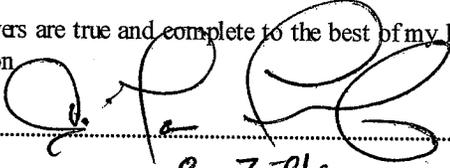
a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Same as above

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision

Signature: 

Date Submitted: 8-7-06

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

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PUBLIC NOTICES FOR #201570



NOTICE OF APPLICATION WITH OPTIONAL DNS

PROJECT INFORMATION

PROPOSED ACTION:	Rezone Application
PROPOSED PROJECT DESCRIPTION:	1. Change the zoning designation from R-48 (48du/ac) and Office (O) to RB (Regional Business) for future commercial uses.
PROJECT NUMBERS:	Application #201570
PROPERTY OWNER/ APPLICANT/AGENT:	Hanfax Properties, LLC
LOCATION:	18501 and 18511 Linden Avenue N, Shoreline, WA 98133
CURRENT ZONING:	R-48 (Residential 48 dwelling units/acre) and O (Office)
CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION:	Community Business and Mixed Use
DATE OF APPLICATION:	August 31 st , 2006
DETERMINATION OF COMPLETENESS:	September 14th, 2006
EFFECTIVE DATE OF NOTICE:	September 21 st , 2006
END OF PUBLIC COMMENT PERIOD:	October 5th, 2006 @ 5:00 PM
OPEN RECORD HEARING DATE:	Tentatively scheduled for November 16 th , 2006 @ 7:00 P.M. Shoreline Center, Mt. Rainier Room, 18560 1 ST AVE NE, Shoreline WA

ENVIRONMENTAL REVIEW

The City of Shoreline Planning and Development Services has conducted an evaluation of the proposed project for probable significant adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. **This may be your only opportunity to comment on the environmental impacts of the proposal.** Agencies, tribes and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Comments must be submitted by 5:00PM on October 5th, 2006.

PROJECT REVIEW

The initial evaluation of the project proposal conducted by the Planning and Development Services Department has been done in accordance with procedures outlined in the Shoreline Municipal code. Information related to this application is available at the Planning and Development Services Department for review. Preliminary determination of the development regulations that will be used for project mitigation and consistency include, but are not limited to: the *Shoreline Municipal Code*, *City of Shoreline Comprehensive Plan*, *Uniform Building Code*, *Uniform Fire Code*, and *King County Surface Water Design Manual*. Issuance of this Notice of Application and DNS does not constitute approval of this project proposal for construction. This project may require issuance of a building permit, right-of-way use permit, and ancillary permits. Additional conditions based on public comments and further staff review may be required for incorporation into the project proposal.

PUBLIC COMMENT

You are encouraged to submit written comments on this proposal to the Planning and Development Services by the date noted above. Written comments become part of the public record and will be forwarded to the Planning Commission. The City's decision on this action may be appealed within 14 calendar days following the effective date of the notice of decision. If an appeal is filed, the City will schedule an open record public hearing to be conducted by the Hearing Examiner. Appeals, including applicable fee, must be filed in writing with the City Clerk's Office at 17544 Midvale Ave. N.

For questions or comments, contact the project manager, Steven Szafran, at 206.546.0786, or write to Planning and Development Services, City of Shoreline, 17544 Midvale Avenue N., Shoreline, WA 98133.



Notice of Public Hearing of the Planning Commission And SEPA Determination

Applicant, Application No. & Permit Requested: Hanfax Properties, LLC. 201570. Rezone from Office and R-48 to Regional Business.

Location & Description of Project: 18501 and 18511 Linden Avenue N. A rezone for future commercial uses.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for November 16th, 2006 at 7:00 PM in the Mt. Rainier Room at the Shoreline Conference Center, 18560 First Avenue NE, Shoreline, WA.

Any person requiring a disability accommodation should contact the City Clerk at 546-8919 in advance for more information. For TTY telephone service call 546-0457. Each request will be considered individually, according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

SEPA Threshold Determination

Effective Date of Notice: October 12th, 2006

Threshold Determination: The City of Shoreline has issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act Rules (Chapter 197-11 WAC) for the project described above. After review of the environmental checklist and other information on file, the City has determined this proposal will not have a probable significant adverse impact on the environment.

The optional process, as specified in WAC 197-11-355, was used. A notice of application that stated the City's intent to issue a DNS for this project was issued on September 21st, 2006 and the public comment period expired on October 5th, 2006. There is no additional public comment period for this Threshold Determination.

Administrative Appeal: Written appeals of the SEPA threshold determination prepared in accordance with SMC 20.30 must be received by the City Clerk's Office at 17544 Midvale Avenue North, Shoreline, WA 98133 on or before 5:00 p.m. on October 26th, 2006. A fee of \$390, payable to the City of Shoreline, must accompany the appeal. Appeal Hearings are required to be consolidated with the public hearing. Therefore, if an appeal is filed, the public hearing may be cancelled and rescheduled.

Copies of the notice of application, SEPA threshold determination, application materials, applicable codes and more specific information on submitting an administrative appeal are available for review at the City Hall Annex, 1110 N. 175th Street Suite #107.



NOTICE OF PUBLIC HEARING AND SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

REZONE APPLICATION

PROJECT INFORMATION

PROPOSED ACTION:	Rezone
PROPOSED PROJECT DESCRIPTION:	Change the zoning designation from R-48 (48du/ac) and Office (O) to RB (Regional Business) for future commercial uses.
PROJECT NUMBERS:	201570
PROPERTY OWNER/ APPLICANT/AGENT:	Hanfax Properties, LLC
LOCATION:	18501 and 18511 Linden Ave N, Shoreline, WA 98133
CURRENT ZONING:	R-48 (Residential 48 dwelling units/acre) and O (Office)
CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION:	Community Business and Mixed Use
DATE OF APPLICATION:	August 31 st , 2006
DETERMINATION OF COMPLETENESS:	September 14th, 2006
EFFECTIVE DATE OF NOTICE:	<u>October 12th, 2006</u>
END OF APPEAL PERIOD:	<u>October 26th, 2006 @ 5:00 P.M.</u>
OPEN RECORD HEARING DATE:	November 16 th , 2006. Shoreline Center, Mt. Rainer Room, 18560 1 ST AVE NE, Shoreline WA

PROJECT REVIEW

The Planning and Development Services Department has conducted an initial evaluation of the project proposal in accordance with procedures outlined in the Shoreline Municipal code. Issuance of this notice does not constitute approval of this project proposal for construction; the project will require issuance of a building permit, right-of-way use permit, and ancillary permits. Additional conditions based on further staff review may be required for incorporation into the project proposal.

Information related to this application is available at the Planning and Development Services Department for review. Preliminary determination of the development regulations that will be used for project mitigation and consistency include, but are not limited to: the *Shoreline Municipal Code*, *City of Shoreline Comprehensive Plan*, *International Building Code*, *International Fire Code*, and *King County Surface Water Design Manual*.

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340. The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment and that an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of the submitted SEPA Environmental Checklist, the rezone application, technical information reports and other information on file at the City of Shoreline. This information is available for public review upon request at no charge.

PUBLIC COMMENT AND APPEAL INFORMATION

There is no additional comment period for this DNS. The optional DNS process as specified in WAC 197-11-355 is being used. The Notice of Application issued on July 20th, 2006 stated the intent of the City of Shoreline to issue a DNS for this proposal using the optional process. Appeals of this DNS must comply with the Shoreline Municipal Code (SMC) general provisions for land use hearings and appeals and be received by the City of Shoreline on or before October 26th, 2006 at 5:00 p.m. The accompanying appeal fee is \$390.00. For questions, please contact Steven Szafran, Project Manager at 206-546-0786, or write to: *City of Shoreline Planning and Development Services, 17544 Midvale Avenue North, Shoreline, WA 98133*

PUBLIC NOTICES FOR #201753



Notice of Rezone Application Notice of Public Hearing

Location, Application No., Type of Permit(s) Required & Project Description: 18501 and 18511 Linden Avenue N, Application #201753, The applicant has applied for a rezone from R-12 and CB to R-12 and Regional Business for the purpose of constructing a mixed use building consisting of retail, residential units and underground/under building parking.

A SEPA threshold Determination of Nonsignificance was issued on October 12, 2006 under application #201570.

The public comment period ends August 14, 2008 at 5:00 p.m. Please mail, fax (206-546-8761) or deliver comments to City of Shoreline, Attn. Steven Szafran, AICP, 17544 Midvale Avenue North, Shoreline, WA 98133 or emailed to sszafran@ci.shoreline.wa.us.

A public hearing is scheduled on September 4, 2008 in the Mt. Rainier Room at the Shoreline Conference Center, 18560 First Avenue NE, Shoreline, WA.

Copies of the full notice of application, application materials including previous SEPA determination, and applicable codes are available for review at the City Hall Annex, 1110 N. 175th Street Suite #107.



**Notice of Rezone Application
Notice of Public Hearing**
(July 31, 2008)

Name of Applicant and Application No.: James W. Abbott, Application #201753

Location & Description of Project: 18501 and 18511 Linden Ave N. The applicant has requested a zone change for the purpose of constructing a new mixed use building with commercial/retail space, residential units and underground/under building parking.

Application Submitted & Complete: July 24, 2008 & July 28, 2008

Project Manager Name & Phone #: Steven Szafran, AICP, 206-801-2512

Project Information: Total Lot Area: 28,196 square feet Maximum Height: 60 feet
Zone: CB and R-12 (19 units allowed)
Proposed Zone: RB and R-12 (40 units)

Environmental Review: The City has issued a SEPA Determination of Nonsignificance (DNS) on October 12, 2006 for this project under permit # 201570. A copy of the threshold determination for the specific proposal may be obtained upon request.

Public Comment: The public comment period ends August 14 at 5:00 p.m. Interested persons are encouraged to mail, fax (206-546-8761) or deliver comments to City of Shoreline, Attn. Steven Szafran, 17544 Midvale Avenue North, Shoreline, WA 98133 or emailed to sszafran@ci.shoreline.wa.us. You may also request a copy of the decision once it has been made.

Open Record Public Hearing: Interested parties are also encouraged to participate in a public hearing scheduled before the Planning Commission on September 4, 2008 in the Mt. Rainier Room at the Shoreline Conference Center, 18560 First Avenue NE, Shoreline, WA.

Development Regulations Used and Environmental Documents submitted:
Current Shoreline Municipal Code and Comprehensive Plan. All documents are available for review at the City Hall Annex, 1110 N. 175th Street Suite #107.

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MEMO TO PC

included in PC February 1, 2007 Packet



Memorandum

DATE: January 22, 2007

TO: Planning Commission

FROM: Joe Tovar, PADS Director
Steve Cohn, Senior Planner
Steve Szafran, Planner II

RE: James Alan Salon Rezone Recommendation

Following the January 4 Commission meeting, staff reviewed the facts and policies as detailed in the James Alan Salon staff report, together with the testimony and Commission discussion at the Public Hearing. We concluded that the rationale for staff's original recommendation remains valid, and we recommend a CB zoning designation for this site.

At the same time, staff agrees with the applicant that commercially zoned sites within a short walk of Aurora Avenue shouldn't necessarily be limited to a maximum density of 48 dus/acre. Since Aurora has frequent bus service and is likely to be redeveloped with more businesses that serve the community, it makes sense to consider increased housing density on sites such as the one proposed for this rezone. Rather than rezoning this site to RB which staff believes is too intense of a zoning district, staff suggests a more comprehensive approach--one that permits greater residential densities in CB-zoned sites that fit certain criteria. Therefore, within the next few weeks, staff will initiate an amendment to modify the Development Code and permit greater residential densities on CB zoned properties between approximately Fremont and Ashworth Avenues.

In recent months, staff reviewed a number of Development Code regulations in light of this and other recent proposals. Our review suggests that the development standards section of the code merits additional analysis and assessment.

This year staff will suggest changes that will be relatively limited in scope. In the next couple of years, however; staff and the Commission may want to undertake a more comprehensive review of portions of zoning regulations and development standards section of the code to respond to the changing nature of the development market.

There are two additional items about the February 1 meeting that we want to mention:

- The City Attorney will be joining the Commission that evening to provide clarification regarding the concept of placing conditions on quasi-judicial rezone applications.
- Beginning this week, staff is implementing a new format for staff reports dealing with quasi-judicial matters. The James Alan Salon report is written in a form that provides draft “Findings, Conclusions, and Recommendations”. It is our expectation that the Commission will review and, if appropriate, modify the draft during its discussion. At the conclusion of the meeting, the Commission will have a document reflecting its findings that can be forwarded to the City Council..

Please contact staff prior to the meeting if you have questions about staff’s recommendation or the “new look” staff report.

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STAFF REPORT TO CC

included in CC March 26, 2007 Packet

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Adoption of Ordinance No.460, a Site Specific Rezone located at 18501 and 18511 Linden Ave. N. File No. 201570</p> <p>DEPARTMENT: Planning and Development Services</p> <p>PRESENTED BY: Joe Tovar, PADS Director Steven Szafran, Planner II</p>
--

PROBLEM/ISSUE STATEMENT:

The issue before the City Council is a Site Specific Rezone for two parcels located at 18501 and 18511 Linden Ave. N (see **Attachment C1**). The Planning Commission recommends that the parcels be rezoned from Office and R-48 to Community Business ("CB"). The applicant originally requested a change to Regional Business ("RB") but supports the Planning Commissions recommendation with the understanding that the Planning Commission will consider a proposal that allows higher residential densities on properties adjacent to a near Aurora Avenue North

The proposed zone change will allow more commercial space with greater residential density in close proximity to transit routes.

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. An open record public hearing was conducted before the Planning Commission during two meetings in January and February 2007. Council's review must be based upon the written record and no new testimony may be accepted. The Planning Commission completed its recommendation to Council on the proposed Rezone on February 1, 2007.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

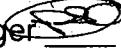
- The Council could adopt the zoning recommended by the Planning Commission and Staff and supported by the applicant (a rezone from O and R-48 to CB).
- The Council could deny the rezone request, leaving the zoning at O and R-48 (as it currently exists) or remand the request back to the Planning Commission for additional review and analysis.

FINANCIAL IMPACTS:

- There are no direct financial impacts to the City.

RECOMMENDATION

Staff recommends that the Council adopt Ordinance No.460, (**Attachment A**) thereby approving the rezone located at 18501 and 18511 Linden Avenue North from Office and R-48 to Community Business (CB).

Approved By: City Manager  City Attorney Fpc

INTRODUCTION

The rezone recommendation before Council is a request to change the zoning designation for two parcels located at 18501 and 18511 Linden Ave N. from Office and R-48 to Community Business.

A public hearing before the Planning Commission occurred on January 4 and February 1, 2007. The Planning Commission Findings and Recommendation are included in **Attachment B**

The Planning Commission recommended that the rezone of the property from Office and R-48 to Community Business be approved. The draft minutes of the public hearing are included in **Attachment D and E**.

BACKGROUND

In 1998 the City of Shoreline adopted its first Comprehensive Plan. This document includes a map that identifies future land use patterns by assigning each area a land use designation. One of the subject parcels, the James Alan Salon Site, has a land use designation of Community Business. Appropriate zoning designations for the Community Business land use designation include R-12, R-18, R-24, R-48, O, NB, CB and RB. The parcel directly to the north and those adjoining it to the north are designated Mixed Use in the Comprehensive Plan. Appropriate Zoning designations for the Mixed Use land use designation include R-8, R-12, R-18, R-24, R-48, O, NB, CB, RB and I.

The site is currently zoned Office and R-48. The James Alan Salon sits on the Office zoned parcel and a single-family home used as office and storage space sits on the R-48 zoned parcel. Under the proposed zone change, both parcels would be zoned Community Business to allow for a future mixed use development.

The proposed zone change will allow more commercial space with greater residential density. The recommended CB zoning will allow approximately 5000 square feet of commercial space with approximately 15 dwelling units above the retail space. If the Development Code is modified by the Planning Commission, a mixed use development might be expected to have between 20-30 residential units.

APPLICATION PROCESS

The application process for this project began on June 19, 2006, when the applicant held a pre-application meeting with city staff. A neighborhood meeting was held on July 31, 2006 with property owners within 500 feet of the proposed rezone. The formal application was submitted to the city on August 31, 2006 and was determined complete on September 14, 2006.

The requisite public hearing was held before the Planning Commission on January 4, 2007. The Planning Commission made a recommendation and formulated Findings

and Determination on February 1, 2007. The Planning Commission voted to recommend approval of the rezone to Community Business with no added conditions. Prior to making the recommendation, the Commission was informed that the next set of Development Code Amendments would include one to permit added density on CB parcels adjacent to or near Aurora Avenue North.

PUBLIC COMMENT

The City received 2 comment letters in response to the standard notice procedures for this application prior to the public hearing. The property owner's agent testified at the Planning Commission public hearing on this proposed action. No one from the public was in attendance at the public hearing.

The comments (Attachments C4 and D) focused on the following issues:

- Pedestrian safety
- Traffic
- Parking
- Commercial uses in a residential area

The Planning Commission addressed the comments in its Findings and Determination (Attachment B).

PLANNING COMMISSION RECOMMENDATION: Rezone to Community Business

The applicant has requested that the subject parcels be rezoned to **Regional Business**. Planning Commission in its Findings and Determination found that a rezone to **Community Business** has been evaluated and found to be consistent with the rezone decision criteria, listed below, provided in Section 20.30.320(B) of the Development Code.

- Criteria 1: The rezone is consistent with the Comprehensive Plan.*
- Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.*
- Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.*
- Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.*
- Criteria 5: The rezone has merit and value for the community.*

OPTIONS FOR CITY COUNCIL

The options available to the City Council are:

- 1) Adoption of the Planning Commission and Staff's recommendation of Community Business.

- 2) Remand the rezone back to the Planning Commission for additional review.
- 3) Denial of the rezone request. The Council may review the written record and determine that the existing Office and R-48 zoning is the most appropriate designation for the subject parcel. This determination would be consistent with the *Community Business* and *Mixed Use* Comprehensive Plan designation for the parcels, as this designation includes both the existing zoning (Office and R-48) and the requested and recommended zoning (RB and CB).

RECOMMENDATION

Staff recommends that Council adopt Ordinance No.460, (**Attachment A**) thereby approving the rezone of a portion of one parcel located at 18501 and 18511 Linden Avenue North from Office and R-48 to Community Business (CB).

ATTACHMENTS

- Attachment A: Ordinance No.460: Office and R-48 to CB.
 - Exhibit A – Legal Description
- Attachment B– Planning Commission Findings and Determination- February 1, 2007
- Attachment C: Planning Commission Staff Report
 - C1: Existing Conditions Site Plan
 - C2: Vicinity Map with Zoning Designations
 - C2: Vicinity Map with Comprehensive Plan Land Use Designations
 - C3: Public Comment Letters
- Attachment D: Planning Commission Minutes- January 4, 2007
- Attachment E: Planning Commission Minutes- February 1, 2007

ORDINANCE NO 460

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S OFFICIAL ZONING MAP CHANGING THE ZONING FROM OFFICE (O) AND RESIDENTIAL 48 DU-AC (R-48) TO COMMUNITY BUSINESS OF TWO PARCELS LOCATED AT 18501 AND 18511 LINDEN AVENUE NORTH (PARCEL NUMBERS 7283900302 AND 7283900303).

WHEREAS, the owner of the property, with parcel number 7283900302 and 7283900303, has filed an application to reclassify the property from Office (O) and Residential 48 units per acre (R-48) to Regional Business (RB); and

WHEREAS, on January 4, 2007 and February 1, 2007, a public hearing on the application for reclassification of property was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on February 1, 2007, the Planning Commission recommended approval of the reclassification to Community Business (CB) and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Determinations of the Planning Commission specifically that the reclassification of property, located at 18501 and 18511 Linden Avenue North (parcel numbers 7283900302 and 7283900303), to Community Business is consistent with the goals and policies of the Comprehensive Plan and appropriate for this site;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Findings and Determinations on File No. 201570 as set forth by the Planning Commission on February 1, 2007 and are hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of said parcels, located at 18501 and 18511 Linden Avenue North (parcel numbers 7283900302 and 7283900303) from Office and R-48 to Community Business.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance is declared invalid, then the remainder of this Ordinance, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON March 26, 2007.

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

**CITY OF SHORELINE
PLANNING COMMISSION**

FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: Rezone application to change the zoning designation of two parcels from Residential – 48 dwelling units per acre and Office to Regional Business.

Project File Number: 201570

Project Address: 18501 and 18511 Linden Avenue North, Shoreline, WA 98133

Property Owner: Hanfax Properties LLC.

SEPA Threshold: Determination of Non-Significance (DNS)

Staff Recommendation: Recommend approval of a rezone of the two parcels to Community Business.

FINDINGS OF FACT

Current Development

1. The parcels at issue are located at 18501 and 18511 Linden Avenue North, the northwest corner of North 185th Street and Linden Avenue North.
2. 18501 Linden Avenue North (tax ID # 7283900302) is 7,079 square feet and is developed with the James Alan Salon. The site is zoned Office (“O”) and has a Comprehensive Plan Land Use designation of Community Business (“CB”). *Attachment 1 to January 4, 2007 Planning Commission Staff Report.*
3. 18511 Linden Avenue North (tax ID # 7283900303) is 6,648 square feet, directly to the north of 18501 Linden Avenue North, and developed with one single-family residence used as storage space. The site is zoned Residential – 48 dwelling units per acre (“R-48”) and has a Comprehensive Plan Land Use designation of Mixed Use (“MU”).
4. The surrounding neighborhood has experienced development recently: four townhomes have been approved directly to the west of the subject parcels (732 N. 185th) and a demolition permit for a single-family home was approved in preparation for additional townhome units (742 N. 185th).
5. There are existing sidewalks along N 185th Street adjacent to the applicant’s property. No sidewalks exist along Linden Ave N. A traffic signal with crosswalks is located at the intersection of Linden Ave N and N 185th Street.

Proposal

6. The applicant proposes to rezone both parcels to Regional Business (“RB”).
7. A pre-application meeting was held with the applicant and City staff on June 19, 2006, the applicant held the requisite neighborhood meeting on July 31, 2006, and a Public Notice of Application was posted at the site.
8. Comments received at the neighborhood meeting addressed a desire to see more condominiums, redevelopment and mixed use buildings in the area. The two written comments received during the public comment period included concerns about ample customer parking, traffic, pedestrian safety, commercial zoning on the west side of Linden and commercial uses in a residential area.
9. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on September 21st, 2006. The Notice of Public Hearing and SEPA Determination were 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 site on October 12th, 2006.
10. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on October 12, 2006. The DNS was not appealed.
11. An open record public hearing was held by the Planning Commission for the City of Shoreline on January 4, 2007.
12. The City’s Long Range Planner, Steven Cohn, and Planner II, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to Community Business.

Comprehensive Plan Land Use Designations.

13. Parcels to the north and to the east have a Comprehensive Plan Land Use designation of Mixed Use, which allows R-8 through R-48 residential zoning and all commercial and industrial zoning; parcels to the south have a Community Business designation, which allows R-12 through R-48, Office, Neighborhood Business, Community Business and Regional Business; and parcels to the west are designated Medium Density Residential, which allows R-8 and R-12. *Attachment 3 to January 4, 2007 Planning Commission Staff Report.*
14. The Comprehensive Plan describes Mixed Use as applicable “to a number of stable or developing areas and to the potential annexation area at Point Wells,” and intended “to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office, and service

uses with residential uses.” Regional Business is allowed under Mixed Use land use designation.

15. The Comprehensive Plan describes Community Business as areas within the Aurora Corridor, North City and along Ballinger Road. This designation provides for retail, office, and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. Appropriate zoning designations for this area might include the Neighborhood Business, Community Business, Regional Business, Office, R-12, R-18, R-24, or R-48.

Current Zoning

16. Parcels immediately to the north of the subject parcels are zoned R-18 and developed with a public utility building, single-family homes and condominiums; parcels to the south (across 185th) have a variety of uses and zoning designations including offices zoned R-12, R-18 and Office, the Fred Meyer shopping center zoned RB, and a fire station; parcels to the west are zoned R-12 and townhomes are currently under development; and parcels to the east (across Linden Avenue North) have a variety of uses and zoning designations including retail, office and apartments zoned RB, Office, and R-48. *Attachment 2 to January 4, 2007 Planning Commission Staff Report.*
17. The purpose of Office zones, as set forth in Shoreline Municipal Code 20.40.040, is to “allow for low intensity office, business and service uses located on or with convenient access to arterial streets” and to “accommodate medium and higher density residential, townhouses, mixed use types of development, while serving as a buffer between higher intensity uses and residential zones.”
18. The purpose of R-48 zones, as set forth in Shoreline Municipal Code 20.40.040, is to “provide for a mix of predominantly apartment and townhouse dwelling units and other compatible uses.”

Proposed Zoning

19. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:
 - The rezone is consistent with the Comprehensive Plan; and
 - The rezone will not adversely affect the public health, safety or general welfare; and
 - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
 - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
 - The rezone has merit and value for the community.

20. The purpose of a Regional Business zoning district, as set forth in the Shoreline Municipal Code 20.40.040, is to “provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities”. The Regional Business category permits intense land uses such as warehousing, kennels, construction, retail, and auto rental and allows unlimited residential density.

21. The purpose of a Community Business zoning district, as set forth in Shoreline Municipal Code 20.40.040, is to “provide location for a wide variety of business activities, such as convenience and comparison retail, personal services for local services and to allow for apartments and higher intensity mixed use developments.”

Impacts of the Zone Change

22. The following table outlines the development standards for the current zoning, the proposed zoning (RB) and the staff recommended zoning (CB):

	Office (Current)	R-48 (Current)	RB (Applicant Proposed)	CB (Staff recommended)
Front Yard Setback	10' (0 if improved)	10' (0 if improved)	10' (0 if improved)	10' (0 if improved)
Side Yard Setback	10'	5'	15'	10'
Rear Yard Setback	10'	5'	15'	N/A
Building Coverage	N/A	70%	N/A	N/A
Max. Impervious Surface	85%	90%	90%	85%
Height	35' (50' for mixed-use)	50'	65'	60'
Density (residential development)	24 du/ac	48 du/ac	No maximum	48 du/ac
Total Units	8	15	35	15
Likely no. of parking stalls	30	22	76	45

CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

Rezone criteria

Is the rezone consistent with the Comprehensive Plan?

3. a. Under the first criterion, both RB and CB are appropriate under Land Use Element Goals I and V of the Comprehensive Plan.

- Land Use Element Goal I of the Comprehensive Plan is to “[e]nsure 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 maintain Shoreline’s sense of community.”
- Land Use Element Goal V of the Comprehensive Plan is to “assure that a mix of uses, such as services, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of high frequency transit, serving a neighborhood commercial and residential function.”

The RB rezone proposal is consistent with Land Use Element Goal I and V because a more intense commercial zone will promote redevelopment and allow for a greater mix of uses. CB is also consistent with these goals.

b. However, the proposed rezone to RB is not consistent with Community Design Element Policy CD 48. CD 48 states: “Develop attractive, functional, and cohesive commercial areas that are harmonious with adjacent neighborhoods, by considering the impacts of the land use, building scale, views and through-traffic.”

The RB zoning would result in greater development intensity and use than is appropriate in this area, an area of transition between the commercial area of Aurora and the residential neighborhoods to the west. Specifically, the RB zoning category could result in structures that are taller and bulkier, and do not fit as well with other buildings in the area, even after nearby properties are redeveloped.

c. Rezoning the parcels to CB is consistent with the Comprehensive Plan as it would allow commercial, residential or a mix of both uses, is supported by land use and community design goals of the Comprehensive Plan. CB zoning would allow for height and density that would be more compatible with what currently exists in the neighborhood and more harmonious with adjacent land uses.

Will the rezone adversely affect the public health, safety or general welfare?

4. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City’s development standards in

its zoning regulations for the RB or CB zone protect against uses that would be contrary to the public health, safety or general welfare.

Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?

5. Both RB and CB zoning maintain consistency with the Comprehensive Plan. However, CB provides better compatibility with Comprehensive Plan goals and policies than the existing zoning. Linden Ave N is a dividing line between more intense commercial uses that front along Aurora Ave N and lower intensity commercial, single-family and multi-family uses that exist west of Linden Ave N. A Community Business rezone would allow a wide range of commercial uses and achieve approximately 15 new dwelling units if the property develops with multi-family uses.

Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?

6. The proposed rezone will have minimal negative impacts to the properties in the immediate vicinity. Concerns have been raised by adjacent neighbors concerning appropriateness of the commercial zoning, increased traffic and parking, and pedestrian safety. The following summary addresses each of these.

- a. Appropriateness of Commercial Zoning

Although, historically, the area west of Linden Ave N was not planned for commercial uses, the Comprehensive Plan has identified this area as being appropriate for mixed use development which permits a variety of uses—single-family and multifamily uses, offices, and retail businesses.

As the two parcels have Mixed Use and Community Business land use designations, commercial zoning is appropriate. A Community Business zoning designation will result in new structures that will be compatible with existing densities, uses, and building heights.

- b. Traffic/Parking

Depending on the uses of any new future structures, adequate parking requirements must be met.

- c. Pedestrian Safety

Development on one or both of the properties will require sidewalks be installed the length of the applicant's property along Linden Ave N. .

Will the rezone have merit and value for the community?

7. The proposed rezone will allow commercial expansion to meet the changing needs of the community. This criterion is met since the rezone provides an opportunity to accommodate more jobs and multi-family dwelling units in an area not immediately adjacent to existing single-family neighborhoods and in close proximity to services and transportation.

RECOMMENDATION

The Planning Commission recommends that the City Council approve a rezone of the two parcels to Community Business, but deny the request for rezone to Regional Business.

Date: 15 February 2007

By: Rocky Kuo
Planning Commission Chair

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

AGENDA TITLE: Type C Action: Rezone Application #201570 for two parcels generally located at 18501 and 18511 Linden Ave N from R-48 (Residential 48 dwelling units/acre) and Office (O) to Regional Business (RB).

DEPARTMENT: Planning and Development Services

PRESENTED BY: Steven Szafran, Planner II

I. PROPOSAL

The applicant, James Alan Salon, applied for a rezone to modify the existing zoning category for a 6,648 square foot parcel zoned R-48 and a 7,079 square foot parcel zoned Office located at 18511 and 18501 Linden Ave N. This application before the Planning Commission is a request to *change the zoning designation from R-48 (Residential - 48 dwelling units per acre) and Office (O) to RB (Regional Business)*. The applicant is not proposing any development plans at this time. A site plan showing the site configuration of the proposal (existing site conditions) is included as **Attachment 1**. A vicinity map showing existing zoning for the project site and adjacent properties is located in **Attachment 2**. The parcels have Comprehensive Plan Land Use designations of Community Business and Mixed Use. (**Attachment 3** illustrates the comprehensive plan land use designations of the surrounding vicinity).

Staff is proposing that the parcels be rezoned to Community Business (CB). Staff's rationale for its recommendation is presented in the Findings section. The applicant has verbally conveyed to staff that he is comfortable with staff's recommendation.

Under the Appearance of Fairness Doctrine, local land use decisions that are not of areawide significance shall be 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.

This report summarizes the issues associated with this project and discusses whether 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. The recommendation is then forwarded to City Council, which is the final decision making authority for Type C Actions.

II. FINDINGS

1. SITE

The subject sites are located on the northwest corner of N 185th Street and Linden Avenue North. As indicated previously the sites are zoned Office and R-48 and have a land use designation of Community Business and Mixed Use, respectively.

The corner parcel is developed with the James Alan Salon and the parcel directly north is developed with one single-family residence. Together, the parcels measure 13,727 square feet in area (approximately .3 acres). The sites are generally flat and there are two significant trees.

Access to the salon is from a commercial driveway off of N 185th Street and the single-family home is accessed from a residential driveway off of Linden Avenue N (**Attachment 1**). If the site is redeveloped, access will most likely be from N. 185th Street.

Parking requirements for the site are based on use. Currently the James Alan site has sufficient parking for the salon. When a development proposal is submitted to the City, parking will be calculated using the square footage of any new structures. The Shoreline Development Code specifies 1 parking space for every 300 square feet accessible to the public for office/commercial uses. Along with the required amount of parking, the applicant will have to provide parking lot landscaping as well.

A traffic study will be required if P.M. Peak Hour Trips exceed 20. Since no development proposal is being submitted at this time, a traffic study will not be required. When a proposal for development is submitted to the City, the structure will be evaluated for traffic impacts at that time.

2. NEIGHBORHOOD

The project site is located in the Hillwood Neighborhood. Access to the property is gained from N 185th Street, a street that is classified as a Minor Arterial and Linden Ave. N., a street that is classified as a local street.

Surrounding Zoning

The zoning of the parcels immediately north of the subject parcels are R-18 and developed with a public utility building, single-family homes and condominiums. To the west are parcels zoned R-12 and are in the process of developing with townhomes. To the south, across N 185th Street, is a fire station, offices zoned R-12, R-18 and Office and the Fred Meyer shopping center zoned RB. To the east, across Linden Avenue N is a mix of uses including retail, office and apartments zoned RB, Office and R-48.

Surrounding Comprehensive Plan Land Use Designations

Parcels to the north and east are all designated for Mixed Use. The Mixed Use land use designation includes R-8 through R-48 residential zoning and all commercial and

industrial zoning. Parcels to the west are designated Medium Density Residential and parcels to the south are designated Community Business which allows R-12 through R-48 and Office, Neighborhood Business, Community Business and Regional Business. The zoning classifications and Comprehensive Plan Land Use designations for the project sites and immediate vicinity are illustrated in **Attachments 2 and 3**.

3. TIMING AND AUTHORITY

The application process for this project began on June 19th, 2006, when a pre-application meeting was held with the applicant and City staff. The applicant held the requisite neighborhood meeting on July 31st, 2006. The application was determined complete on September 14th, 2006. A Public 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 site on September 21st, 2006. The Notice of Public Hearing and SEPA Determination 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 site on October 12th, 2006.

Comments were received at the neighborhood meeting and during the public comment period. The comments are included in **Attachment 4** and discussed as part of Criteria #4 (below).

Rezone applications shall be evaluated by 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.

5. CRITERIA

The following discussion addresses whether the proposal meets or does not meet the decision criteria listed in Section 20.30.320(B) of the SMC.

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

The Comprehensive Plan land use map identifies the subject parcels as *Community Business* and *Mixed Use*. One parcel is developed with one single family home and the other is developed with a salon. The salon is consistent with the *Community Business* land use designation in use though not in building intensity. The single-family home is not consistent with the goals and policies of the *Mixed Use* land use category.

The following are zoning category definitions for the Shoreline Development Code (20.40.040).

Community Business: The purpose of the community business zone (CB) is to provide the location for a wide variety of business activities, such as convenience and comparison retail, personal services for local services and to allow for apartments and higher intensity mixed use developments.

Regional Business: The purpose of the regional business (RB) and industrial (I) zones is to provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities.

The MU (Mixed Use) designation has no uniquely equivalent zoning designation. Below is the Comprehensive Plan description of the MU district:

“The mixed use designation applies to a number of stable or developing areas and to the potential annexation area at Point Wells. This designation is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office, and service uses with residential uses.”

Although the proposed Regional Business zoning is permitted by the *Community Business* and *Mixed Use* Comprehensive Plan land use designations, staff believes that it would result in greater development intensity and use than is appropriate in this area, an area of transition between the commercial area of Aurora and the residential neighborhoods to the west. Therefore staff is recommending CB (Community Business) zoning on both sites.

The following table summarizes the bulk requirements for the current zoning and the potential Regional Business zoning. (Note: The following standards apply to new construction.

Standard	RB(Applicant Proposed)	Office (Current)	R-48 (Current)
Front Yard Setback	10' (0 if improved)	10' (0 if improved)	10' (0 if improved)
Side Yard Setback	15'	10'	5'
Rear Yard Setback	15'	10'	5'
Building Coverage	N/A	N/A	70%
Max Impervious Surface	90%	85%	90%
Height	65'	35'(50' for mixed-use)	50'
Density (residential development)	No Maximum	24 du/ac	48 du/ac

The following table summarizes the bulk requirements for the requested RB zoning and the recommended alternative of Community Business.

Standard	RB (Proposed)	CB (Recommended)
Front Yard Setback	10' (0 if improved)	10' (0 if improved)
Side Yard Setback	15'	10'
Rear Yard Setback	N/A	N/A
Building Coverage	N/A	N/A
Max Impervious Surface	90%	85%
Height	65'	60'
Density	No Maximum	48 du/ac

Both the Regional Business and Community Business zoning designations may be appropriate for the site in order to achieve the following goals of the Comprehensive Plan, including:

Goal LU I: 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 maintain Shoreline’s sense of community.

Goal LU V: To assure that a mix of uses, such as services, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of high frequency transit, serving a neighborhood commercial and residential function.

The proposed rezone will allow commercial, residential or a mix of both uses on the two subject parcels. The two parcels are located adjacent to N 185th Street, a Collector Arterial, and 600 feet east of the Aurora Corridor. One of the parcels currently offers services to the Shoreline community (James Alan Salon) while the other will most likely serve that purpose in the future.

The proposed zone change complies with both the Comprehensive Plan designations of Community Business and Mixed Use. Practically, there are minor differences between the requested Regional Business and Community Business zoning in terms of permitted uses, but the use differences are important. The Regional Business category permits more intense land uses such as Warehousing, Kennels, Construction Retail and Auto Rental and allows unlimited residential density.

CD 48: Develop attractive, functional, and cohesive commercial areas that are harmonious with adjacent neighborhoods, by considering the impacts of the land use, building scale, views and through-traffic.

The following table outlines the differences among the likely development possibilities in the following zoning categories:

	RB	CB	NB	O	R-48
Floor Area Ratio	.5	.5	.4	.4	.4
Max Height	65 ft	60 ft	50 ft	50 ft	50 ft
Max DU's/ Acre	No Max	48	24	24	48
Likely Bldg Sq. Ftg	41,818	34,848	22,303	22,303	22,303
Likely Bldg footprint	6,970	6,970	5,576	5,576	0
Total Units	35	15	8	8	15
Site Area	13,727	13,727	13,727	13,727	13,727
Likely no. of parking stalls	76	45	30	30	22

With Community Business zoning, the height and density of the subject parcels would more compatible with what currently exists in the neighborhood. The requested Regional Business zoning category could result in structures that are taller and bulkier, and do not fit as well with other buildings in the area, even after nearby properties are redeveloped. Development under Community Business zoning would be more harmonious with adjacent land uses.

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

Staff concludes that a rezone to Community Business will not adversely affect the public health, safety or general welfare of the surrounding neighborhood and community. The James Alan Salon has been part of this community for many years without any ill effects. The rezoning would allow the expansion of the use onto the parcel directly north of the salon. Since the parcels are currently zoned for business (O) and high-density residential (R-48), more intense development can occur on the subject parcels whether the rezone is approved or not.

This area has seen changes recently. Four townhomes have been approved directly to the west of the subject parcels (732 N. 185th). In addition, a demolition permit for a single-family home was approved in preparation for additional townhome units (742 N. 185th).

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

The sites' Comprehensive Plan land use designations are *Community Business* and *Mixed Use*. Consistent zoning designations for these land uses include R-8 through R-48 and all commercial zoning categories. The subject parcels are currently zoned Office and R-48. Right now, one site is developed with a single-family house at a density of 6.6 dwelling units an acre, which is underdeveloped under the R-48 zoning category. The other site is the James Alan Salon zoned for Office uses (retail and personal services are allowed under the Office zoning category). The application to change the zoning of the parcels to Regional Business was made for future expansion of the salon and potentially developing a mixed-use building in the future.

The current zoning in the immediate vicinity of the project includes R-6, R-12, R-18, Office and Regional Business. The uses in the area include single-family houses, townhomes/condos, a fire station, offices, a bank and shopping centers.

Staff has recommended that Community Business be the approved zoning. Linden Ave N is a dividing line between more intense commercial uses that front along Aurora Ave N and lower intensity commercial, single-family and multi-family uses that exist west of Linden Ave N. Staff's proposal of Community Business would allow a wide range of commercial uses and achieve approximately 15 new dwelling units if the property develops for multi-family uses.

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

At this time the proposed rezone appears to have minimal negative impacts to the properties in the immediate vicinity. The property owner plans to expand the existing salon onto the property to the north.

Concerns have been raised by adjacent neighbors concerning appropriateness of the commercial zoning, increased traffic and parking, and pedestrian safety. The following summary addresses each of these.

Appropriateness of Commercial Zoning

Staff received comments that this area, west of Linden Ave N, was not planned for commercial uses. Historically, this has been true, but the Comprehensive Plan has identified this area as being appropriate for mixed use development which permits a variety of uses—single-family and multifamily uses, offices, and retail businesses.

The City adopted the Comprehensive Plan and designated certain areas as areas where a mix of uses should occur. The subject parcel is in one of those areas. Commercial zoning is appropriate under the Mixed Use and Community Business land use designation. A Community Business zoning designation will result in new structures that will be compatible with existing densities, uses, and building heights.

Traffic/Parking

At this time, the applicant is proposing to rezone the parcels with no new changes to the site.

Currently the James Alan Salon has 9 parking spaces where 8 are required under the Shoreline Development Code. Depending on the uses of any new future structures, adequate parking requirements must be met.

Pedestrian Safety

There are existing sidewalks along N 185th Street adjacent to the applicant's property. No sidewalks exist along Linden Ave N. Development on one or both of the properties will require sidewalks be installed the length of the applicant's property along Linden Ave N. In addition to the sidewalks, there is a traffic signal with crosswalks at the intersection of Linden Ave N and N 185th Street.

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

The proposed rezone will allow a commercial use that has been located in Shoreline for a number of years expand to meet the changing needs of the community. A bigger building will employ more people, provide more services to the residents of Shoreline, provide adequate parking, and potentially add to the housing stock of the City.

This rezone provides an opportunity to accommodate more jobs and multi-family dwelling units in an area not immediately adjacent to existing single-family neighborhoods and in close proximity to services and transportation.

In summary, staff concludes that the proposed zoning change will benefit the community.

III. 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 and recommended zoning is consistent with existing and future land use patterns identified in the Comprehensive Plan.
- 3. Housing / Employment Targets-** The current residential density of 6.6 dwelling units per acre on one of the sites indicates the site is underutilized per the density guidelines listed in the Comprehensive Plan for the *Mixed Use* land use designation. By changing the zoning to Community Business, the proposal can the City of Shoreline in meeting employment targets as well as housing targets established by King County to meet requirements of the Growth Management Act.
- 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.

IV. PROPOSED PLANNING COMMISSION FINDINGS AND DETERMINATIONS

Summary-

Following the public hearing and deliberation on the request to change the zoning designation of two parcels totaling 13,727 square feet at 18501 and 18511 Linden Ave N, the City of Shoreline Planning Commission has determined that the request is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommends approval of such action.

I. FINDINGS OF FACT

Project Description-

- 1.1 Rezone the subject parcels from Office (O) and R-48 (Residential 48 units per acre) to Community Business on 18501 and 18511 Linden Ave n for future development opportunities.
- 1.2 Site Address: 18501 and 18511 Linden Avenue N.
- 1.3 Parcel Number: 7283900302 and 7283900303
- 1.4 Zoning: Office and R-48
- 1.5 The property at 18501 Linden Ave N has a land use designation of *Community Business* and the property at 18511 Linden Ave N has a land use designation of *Mixed Use* identified on the City of Shoreline's Comprehensive Plan Land Use Map. Community Business zoning is consistent with the Community Business and Mixed Use land use designations.

Procedural History-

- 2.1 Public hearing held by the Planning Commission: January 4th, 2007
- 2.2 Notice of Public Hearing and SEPA Determination of Nonsignificance: October 12th, 2006
- 2.3 End of 14 day Public Comment Period: October 5th, 2006
- 2.4 Notice of Application with Optional DNS: September 21st, 2006
- 2.5 Complete Application Date: September 21st, 2006
- 2.6 Application Date: August 31st, 2006
- 2.7 Neighborhood meeting Date: July 31st, 2006

Public Comment-

The following individuals participated in Neighborhood Meetings:

Four people attended the required Neighborhood Meeting. General comments included wanting to see more redevelopment and mixed-use buildings and wanting more condos in the area.

Written Comments have been received from:

Two letters were received in response to the standard notice procedures for this application and included concerns about ample customer parking, traffic, pedestrian safety, commercial zoning on the west side of Linden and commercial uses in a residential area.

SEPA Determination-

The optional DNS process for local project review, as specified in WAC 197-11-355, was used. City staff determined that the proposal will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030 (2) (c). A notice of determination of non-significance was issued on October 12th, 2006.

Consistency –

Site Rezone:

The application has been evaluated and found to be consistent with the five criteria listed in Shoreline Municipal Code Section 20.30.320 (B).

A recommendation to approve the Rezone does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Permit applications shall show compliance with the 1998 King County Storm Water Design Manual and Title 20 of the Shoreline Municipal Code (SMC). Applicable sections of the SMC include but are not limited to the following: Dimensional and Density Standards 20.50.010, Tree Conservation 20.50.290, Surface and Stormwater Management 20.60.060, and Streets and Access 20.60.140 and any conditions of the Rezone.

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.

The Planning Commission has the following options for the application:

1. Adopt staff's recommendation to rezone the 18501 and 18511 Linden Avenue N (parcel numbers 7283900303 and 7283900303) from Office and R-48 to Community Business based on findings presented in this staff report.
2. Adopt the applicant's proposal to rezone the sites from Office and R-48 to Regional Business based on specific findings of the Planning Commission,
3. Recommend denial of the rezone application. The existing Office and R-48 zoning remains based on specific findings made by the Planning Commission.

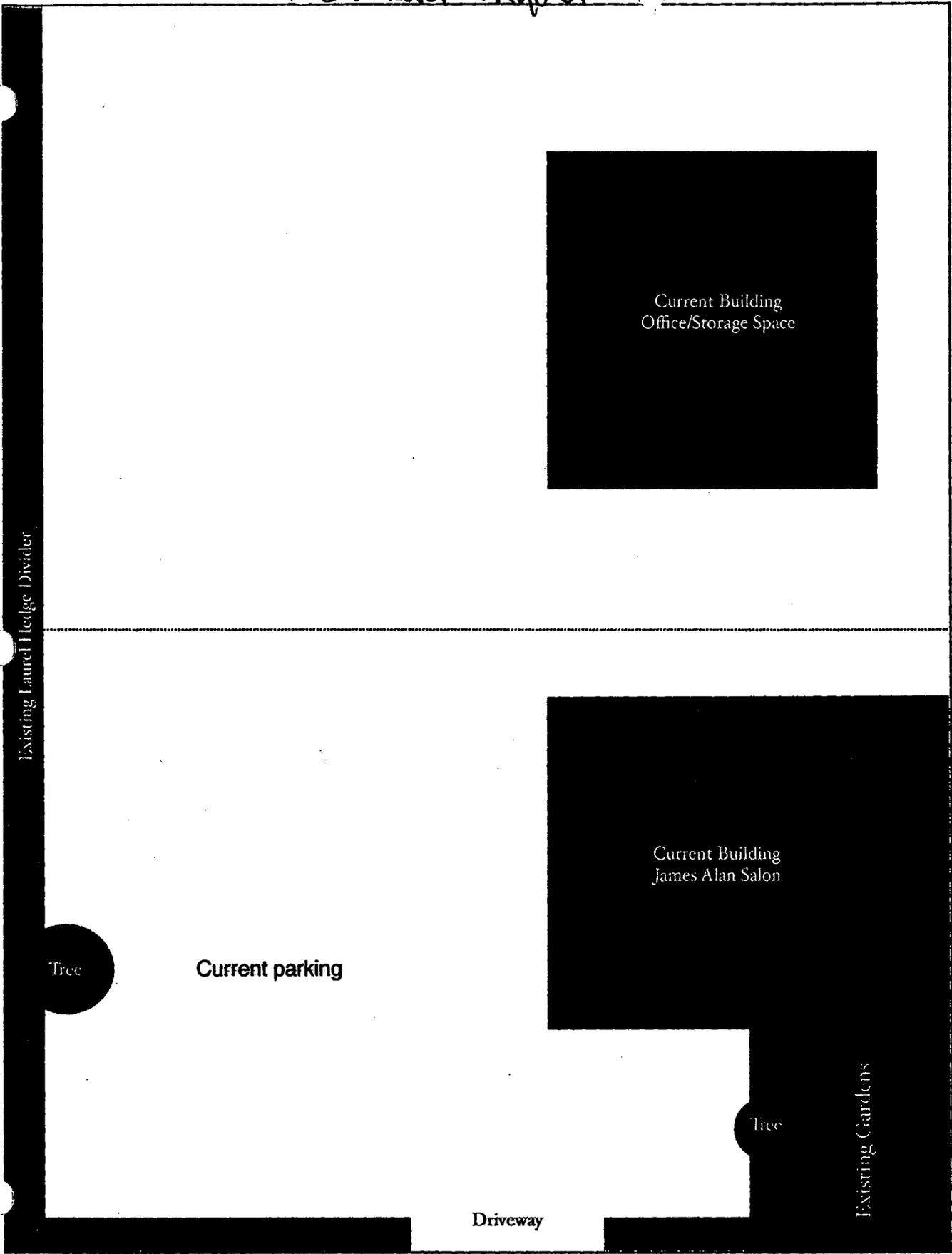
VI. PRELIMINARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission move to recommend to the City Council that Community Business zoning be adopted for the properties located at 18501 and 18511 Linden Ave N. (parcel numbers 7283900303 and 7283900303). 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.

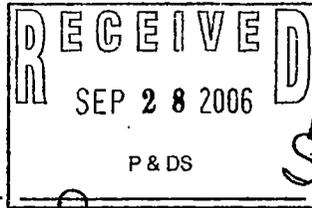
VII. ATTACHMENTS

- Attachment 1: Existing Condition Site Plan
- Attachment 2: Vicinity Map with Zoning Designations
- Attachment 3: Vicinity Map with Comprehensive Plan Designations
- Attachment 4: Public Comment Letters

Crescent layout



Existing Frontage Improvements



8546 Fremont Ave. North
Shakeline, Washington
98133-6821

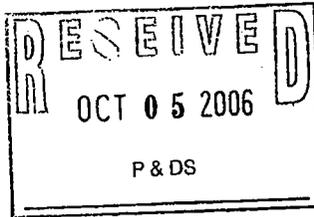
Mr. Steven Szafran
Planning and Development Services
17544 Midvale Avenue N.
Shakeline, Washington, 98133-4921

Dear Sir[s]:

Project number #201570 has several concerns for one who lives around the corner from 18501 and 18511 Linden Ave. N. :

1. Traffic : the new rezone promises heavy increases around this (small) corner of automobile traffic
2. Parking : will the new commercial businesses have adequate parking?

Currently there is only on-street parking which heavily impacts homeowners and the Jukela apartments already.



October 3, 2006

Planning and Development Services
17544 Midvale Avenue N.
Shoreline, WA 98133

Dear Steven Szafran and Planning Department:

The rezone application #201570 should not be granted by your department. The Shoreline Comprehensive plan will be adversely effected by this proposed rezone. The comp. plan has clear borders for the classification of "regional business". The west side of Linden Avenue was never intended to be rezoned into this category as I understand the intent of RB zoning described in the comp. plan. Residential properties face Linden Avenue on the west side. New residences have been constructed on 182nd just west of Linden Avenue. Linden is the clear dividing line between residential and regional business uses such as Fred Meyer. The dental office on 182nd is zoned for that location due to the contamination from the auto maintenance and fuel business that was located on that site historically. It is my understanding that residential property use was not appropriate on that site due to long term contamination of the soil. On the west side of Linden Avenue the phone utility station now belonging to Verizon has been the only commercial historic use besides the more recent hair salon office on 185th. By observation alone city planners will see that the primary property use on the west side of Linden Avenue from 175th to 188th is residential.

MU
&
CB

S. 185th
CP OF LDR!

? -> Comp Plan?

As I understand it a form of staged zoning west of Aurora would direct future development. To my recollection the Comprehensive Plan has not been amended to change this direction. The current designation (R48) at the proposed project location follows the step down zoning plan. Other apartments exist on the west side of Linden. The two locations 18501 and 18511 appear to be too small for the concept of regional business. The current office use is barely appropriate because employees' parking blocks pedestrian access to the west side of Linden Avenue during business hours at the James Alan Salon. If the current business cannot provide adequate parking how does the city believe that adequate parking will be available at the zoning of regional business?

1998 & 2001
- WE DON'T
HAVE MIN.
PARCEL SIZES

YES THEY DO. NEED 8, HAVE 9

Linden Avenue is not designated an arterial so the 18511 Linden property should not be accepted as part of this proposal. Regional business is located on arterials everywhere else in Shoreline. With Aurora designated as the arterial there is no need to change the designation of Linden Avenue that ends at 175th to an arterial. The street is already stressed with cut through traffic avoiding Aurora and extra vehicles from apartments located along the street. Linden Avenue is a unique location in the city because R-6 zoning exists on the west side and RB is designated on the east side. Locations like this require sensitive planning not "spot zoning". If city planners will observe the relationship of residential and business use along 45th street through Wallingford in Seattle they will see what is necessary in Shoreline. The rear of business locations such as the Wallingford Center, QFC, and The Guild 45th theater are across the street from residences and small apartments. Traffic circles on the residential streets restrict the business traffic to 45th. The west side of Linden Avenue is not the appropriate location for any expansion of RB zoning.

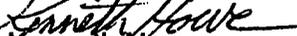
A LOCAL STREET

The need for an expansion of RB zoning does not seem to be justified. The Aurora corridor has many properties available for development or redevelopment. The Discount Tire store on 200th and Aurora is evidence that new commercial ventures can still find locations on Aurora. In the notice sent to my home from your office no justification was given

for this rezone application. When the fire station moved near our home a detailed justification was given to our neighborhood of why that location was necessary for public safety. My understanding of the Shoreline Comprehensive plan is that zoning changes are not granted just because an owner has thought of a more profitable use for his property. The entire purpose for zoning and comprehensive planning appears to be overturned in this application.

I strongly urge the planning department and planning commission to deny this application. The precedent set by approving this "spot zoning" proposal is something that most citizens would not agree to if they knew this was occurring in their neighborhood.

Thank you for your consideration,


Kenneth Howe
745 N. 184th Street
Shoreline, WA 98133

Name	Address	Comments
CHRISTOPHER JOHNS	638 NW 181 COURT	LIKE TO SEE SOME MULTI-USE SO I CAN LIST THE CONDO'S
Cayce Johns	638 NW 181 COURT	hi matthew!
Jeanne Monger	1832 N 190 th Shoreline WA 98133	We like the concept of improving the corner of 185 th + Linden. We would like to see property rezoned
LARRY MONGER	1832 N 190 th SHORELINE WA 98133	I LIKE THE REZONE PLAN.

100

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

January 4, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro (arrived at 7:20 p.m.)
Vice Chair Kuboi
Commissioner Broili
Commissioner Hall
Commissioner Harris
Commissioner McClelland
Commissioner Phisuthikul
Commissioner Pyle
Commissioner Wagner

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Planner II, Planning & Development Services
Flannary Collins, Assistant City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Vice Chair Kuboi 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: Vice Chair Kuboi, Commissioners Broili, Hall, Harris, McClelland, Phisuthikul, Pyle and Wagner. Chair Piro arrived at 7:20 p.m.

APPROVAL OF AGENDA

The Director's Report was moved to after the public hearing. The remainder of the agenda was approved as presented.

APPROVAL OF MINUTES

The minutes of December 14, 2006 were approved as presented.

GENERAL PUBLIC COMMENT

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

PUBLIC HEARING ON SITE-SPECIFIC REZONE AT 18501 LINDEN AVENUE (PROJECT NUMBER 201570)

Vice Chair Kuboi reviewed the rules and procedures for the public hearing. He reminded the Commission of the Rules of the Appearance of Fairness Laws and invited them to disclose any communications they may have received concerning the subject of the hearing outside of the hearing. Commissioner Hall advised that at the last Commission meeting, he spoke briefly with the project proponent's representative about why they were being asked to consider a rezone application for property that was recently rezoned. However, he realized that it was inappropriate for him to talk about the quasi-judicial issue outside of the hearing and the conversation stopped before any in-depth discussion occurred. None of the Commissioners, staff or public expressed a concern about Commissioner Hall's participation in the public hearing.

Mr. Tovar introduced Flannary Collins, Assistant City Attorney, who was present to help the Commission and staff prepare a legally-sound set of findings and conclusions for the quasi-judicial rezone application. She would also be available to answer the Commission's legal questions.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran presented the staff report to the Commission. He provided a Comprehensive Plan Map, indicating the location of the two subject parcels. He noted that the southern parcel has a current land use designation of Community Business (CB) and the northern parcel is currently designated as Mixed-Use (MU). The properties are surrounded by MU to the north and east, Medium-Density Residential (MDR) to the west, and CB to the south. Next, he referred to a zoning map that indicates the two properties have different zoning: the southern property is currently zoned Office (O), and the property directly to the north is zoned R-48. The property to the west is currently zoned R-12, and properties to the east are currently zoned as Regional Business (RB), O and R-48. The zoning to the south is currently R-18, R-12, and O. Mr. Szafran reviewed the existing site plan for the subject properties, and he also provided photographs to illustrate adjacent development to the north, south, east and west.

Mr. Szafran advised that the applicant originally proposed to change the existing zoning of R-48 and Office (O) to Regional Business (RB). However, the staff is proposing that the parcels be rezoned to Community Business (CB). He briefly explained that in an RB zone there would be no maximum residential density limitation, and a 65-foot height limit would be allowed. A CB zone would have a 60-foot height limit, and the density would allow only 15-units to be constructed. In addition, the range of land uses allowed in an RB zone would be more intense. Both the RB and CB zones would allow a mix of commercial and residential uses. He explained that the Office zone would allow a 50-foot height limit and a less-intense range of land uses. He noted that, based with the current R-48 and O zoning, the applicant would be allowed to construct up to 11 units with a maximum height limit of 50 feet. The commercial portion of the development would be limited to the portion of the property that is zoned O.

Mr. Szafran explained that the rezone to CB would be consistent with the MU and CB land use designations and would provide a transition from Aurora Avenue North to the west. It would also provide services for surrounding neighborhoods and place the higher-density uses away from the single-family neighborhoods and along the arterial street. In addition, the subject property falls within the proposed Town Center Study Area. He said that staff's preliminary recommendation is that the Commission recommend approval of CB zoning for properties located at 18501 and 18511 Linden Avenue North.

Applicant Testimony

Jim Abbot, representative for applicants, said the applicants have agreed with the staff's recommendation to rezone the two subject parcels to CB, which would limit the height to 60 feet and allow a less intensive range of land uses. However, they are concerned that limiting the properties to a maximum of 15 dwelling units would be too restrictive. He explained that with a 60-foot height restriction, the applicant would be able to construct up to four floors of residential space over the James Alan Salon. If they are restricted to 15 units, they would likely end up being quite large (1,500 to 1,800 square feet) condominium units. They would prefer to construct some smaller units (about 1,000 square feet) that could be used as apartments. He said that while they do not oppose the staff's recommendation to rezone the properties to CB, they are asking that the Commission consider the option of altering the number of dwelling units allowed on the site.

Mr. Abbot reiterated that the applicant is willing to be bound by all of the criteria associated with the CB zoning designation, except for the restriction on the number of dwelling units. He suggested that a greater number of small units would be beneficial to the City and would comply with the Growth Management Act Requirements and the City's Comprehensive Plan Policies. He recalled that when he developed the Gateway Project at 185th and Aurora Avenue North, which is very close to the subject property, the Council expressed concern that they were not providing any dwelling units. They were unable to provide residential space because of the high water table and the inability to have underground parking, but that is not the case with the subject property. He summarized that the applicant would like to have five or six units per floor of residential space instead of three or four. He asked that the Commission consider a contract rezone or concomitant agreement that would allow them to have more dwelling units but still stay within the CB zoning designation requirements.

Chair Piro arrived at the meeting at 7:20 p.m. and stepped in as chair of the meeting.

Questions by the Commission to Staff and Applicant

Commissioner Phisuthikul asked how many dwelling units the applicant would propose for the subject properties. Mr. Abbot answered that the applicant would agree to limit the development to 25 units or less on the four floors. This would allow them to construct more small units rather than fewer large condominium units. Commissioner Phisuthikul asked if the applicant would agree to limit the ownership of the units to only rental if the development were allowed to have up to 25 units. Mr. Abbot

said he does not know the applicants' future plans, but their current desire is to lease out the units as an investment rather than selling them as condominiums.

Vice Chair Kuboi asked if the applicant approached the staff previously regarding the concept of a contract rezone. Mr. Szafran answered that staff was not previously notified of the applicants' desire for a contract rezone. He explained that if the Commission were to recommend approval of the CB zone as proposed, the properties would be limited to only 15 dwelling units. Mr. Abbot advised that the applicant has retained an architect to start the preliminary design work, and their initial discussions have centered around one level of underground parking, the salon on the ground floor and then four floors of housing above. However, no site plans have been submitted to the City at this point. The applicants chose to move forward with the public hearing for the proposed CB zone because they were accepting of all of the CB zoning criteria except the 15-unit limitation. They were hoping to find a creative way to increase housing density, but still work within the staff's recommendation.

Mr. Tovar recalled that a number of rezones have come before the Commission for review over the past year. While questions are often asked about the proposed site plans, it is important to understand that once a zoning change has occurred, future applicants would be allowed to build based on whatever rights are allowed under that zone. On a number of occasions, the City Attorney has cautioned against conditioning rezone applications. Mr. Tovar pointed out that, currently, the City's zoning categories are very detailed as far as density. He also noted that later in the meeting he would talk with the Commission about the concept of form-based zoning, which moves away from being fixated on density, ownership, etc. Instead, a form-based code would simply regulate bulk, form, shape, character, parking, landscaping, etc. and allow the other issues to be addressed based on the market demands.

Mr. Tovar summarized that based on the City's current zoning code, staff does not recommend a contract rezone approach at this time. However, the Commission could consider RB zoning, which is what the applicants' originally proposed. The applicants would then be able to construct a development with 25 dwelling units or less, which is fewer than the RB zoning designation would allow. Mr. Abbot agreed that if the Commission is unable to consider a contract rezone for the subject parcels, they could consider the applicants' original proposal for RB zoning. Again, he indicated that the applicants are willing to be bound by a subsequent contract rezone or concomitant agreement that would limit the development to 25 units with a 60-foot height restriction.

Commissioner Wagner asked at what point a traffic impact study would be required for the subject property. She said she could envision a situation where small units could be constructed bit by bit, none of which individually would require a traffic impact study. Mr. Szafran answered that staff would determine whether or not a traffic impact study would be required for the subject property at the time a building permit application is submitted. No construction would be allowed on the site until a site development permit has been approved.

Mr. Tovar said staff talked to the City Attorney about whether it would be possible to condition approval of the RB zone, and his answer was "no". Based on this direction, the Commission has the option of choosing either the CB or the RB zoning designations, only. They cannot condition either of these designations. He said that rather than recommending approval of the CB zoning designation with

conditions, staff would be more comfortable recommending approval of the RB zoning designation with no conditions.

Flannery Collins, Assistant City Attorney, explained that certain standards were set in the Comprehensive Plan for a reason. Adding conditions for some rezone applications could result in situations where applicants expect the City to place conditions on rezone applications, using a combination of two zones to meet their needs. She advised that the Revised Code of Washington indicates that cities must make these choices when reviewing comprehensive plans and zoning regulations and not on a case-by-case basis. She reminded the Commission that the City Attorney has cautioned against the use of contract rezones.

Commissioner Hall recalled that, in the past, the Commission has been informed that with any quasi-judicial rezone, they have the authority to recommend approval, recommend denial, or recommend approval with conditions. He asked if it is now the City Attorney's position that the Commission does not have the legal authority to approve a rezone with conditions. Ms. Collins said she does not believe the Commission would be prohibited from placing conditions on a rezone application, but the intent of the Revised Code of Washington and the City's development regulations is that the Commission won't add conditions. She noted that the existing development regulations went through a public process and careful staff and Commission analysis before they were adopted. Commissioner Hall pointed out that in previous cases, the City Attorney has been involved in negotiations with applicants to bring forth conditions as part of the staff's recommendation. He asked if this new direction is legal interpretation or a change in policy. Ms. Collins she cannot comment on previous applications that have come before the Commission, but the City Attorney is now cautioning against the use of contract rezones.

Commissioner McClelland suggested that a contract rezone would be different than conditions being placed on a rezone application. Mr. Tovar said the contract rezone concept has been around for decades and has been utilized by various jurisdictions throughout the region. However, the Growth Management Act requires that a city's comprehensive plan and development regulations (including the zoning map) be consistent. Whether it is called a contract rezone or a conditioned permit, it is a fundamentally flawed concept since the development regulations should reflect what the Comprehensive Plan says. His professional recommendation would be to move away from unpredictability and the ad hoc incremental case-by-case contract rezone approach. Instead, they should take the time and effort to make the regulations say what they mean.

Commissioner Broili asked about the timeline of the applicants' project. Mr. Abbot said the applicants submitted the rezone application early in 2006, and their intent is to move the project forward as quickly as possible. Commissioner Broili asked about the expected timeline for the adoption of a more form-based zoning code. Mr. Tovar answered, that later in the meeting, staff would present the concept of creating a more form-based code for a specific part of the City. Adopting form-based zoning that could be applied city-wide would take significantly longer to accomplish. However, the Commission could certainly discuss this option at their joint-meeting with the City Council in April. He noted that the City Council has already signaled their interest in a form-based code approach, and staff is preparing a proposal to apply the concept to the South Aurora Avenue Triangle.

Commissioner Hall asked how many units would be allowed to be developed on the subject property based on the City's highest residential zone of R-48. Mr. Szafran answered that an R-48 zone would allow a maximum of 15 units. Commissioner Hall said he would like more specific information about what the previous zoning and land use designation was. He also asked staff to provide more information about the extent to which neighboring cities and counties use conditions or contract rezones, especially those jurisdictions that are similar to Shoreline in size. He would also like examples of how both planning commissions and hearing examiners handle quasi-judicial matters. He said it is important that the Commission has a clear understanding of how they can effectively use their power to promote development that is consistent with the City's Comprehensive Plan Policies, and at the same time, safeguard the interest of the neighbors. He agreed with Mr. Tovar that the City's current zoning regulations limit the flexibility for applicants to do creative design. However, he recalled that during the cottage housing debate, they heard that the citizens would not support density bonuses. He suggested that when considering the option of form-based zoning, they should also consider the elements of the existing use-based code that some members of the community have passionately testified about in the past.

Chair Piro asked what the new timeframe would be if they were to postpone their action until staff could provide the additional information requested by Commissioner Hall. Mr. Cohn reminded the Commission that the January 18th meeting was cancelled, but staff could have the additional information available for the Commission's continued deliberation on February 1st. Mr. Abbot indicated that the applicants would support a Commission decision to continue the hearing to February 1st.

Mr. Abbot pointed out that the term "contract rezone" is defined in the City's development code, so he assumed the concept could be utilized by the Commission. Mr. Tovar said he would ask the City Attorney to provide written clarification regarding his position on contract rezones. Mr. Abbot pointed out that he has been involved with contract rezone applications in the cities of Edmonds, Redmond and Seattle. If contract rezones are not the right approach in Shoreline, he asked that staff provide additional direction to the applicants on how to address their concern.

Commissioner Harris asked Mr. Tovar to reiterate his previous statement regarding the applicants' original application for RB zoning. Mr. Tovar said staff would be willing to support the applicants' original proposal for RB zoning. While the applicant has verbally offered to limit the development to 25 units or less, staff is not confident it would be legal for the City to impose this condition based on the existing zoning regulations. Mr. Abbot said the applicants are prepared to offer a written agreement, if the appropriate vehicle for doing so could be identified.

Commissioner Harris asked if staff believes the smaller rental units proposed by the applicant would benefit the City more than larger condominium units. Mr. Tovar suggested that the Comprehensive Housing Strategy Committee would consider this subject as one aspect of their discussion. He noted, however, that as the market demands changes, the City would not really have control over whether or not the units are converted to condominiums at a later date.

Commissioner Pyle referred to Attachments 2 and 3 and recalled some history of these parcels. The Comprehensive Plan Amendment occurred in 2005 and changed the designation on the northern site from HDR (High Density Residential) to MU (Mixed Use).

Ms. Collins said that while it is not the City Attorney's intent to prohibit contract rezones, he is cautioning that they are not wise. The Comprehensive Plan policies and the Development Code regulations should be consistent and clearly indicate what is and is not allowed.

Public Testimony or Comment

There was no one in the audience who expressed a desire to participate in the public hearing.

Presentation of Final Staff Recommendation

Mr. Tovar distributed the draft findings and conclusions that were prepared by Ms. Collins. He advised that the Commission could review the document and take action tonight, or they could carry their deliberation over to the February 1st meeting. He advised that staff's final recommendation is that the Commission recommend approval of the more permissive zoning of RB, as originally requested by the applicants, with the understanding that the applicants would look for a method to provide some type of written commitment to limit what could be done on the property beyond what the zoning code would require. In the meantime, staff could obtain information from other jurisdictions regarding their use of contract rezones. Staff could also request further direction and feedback from the City Attorney.

Final Questions by the Commission and Commission Deliberation

COMMISSIONER PYLE MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST TO REZONE BOTH PARCELS AT 18511 AND 18501 LINDEN AVENUE FROM OFFICE (O) AND R-48 TO REGIONAL BUSINESS (RB). COMMISSIONER MCCLELLAND SECONDED THE MOTION.

Commissioner Pyle said it appears the intent of the current property owners is to limit the number of units to 25. He pointed out that it is difficult to determine what market forces will do in the future. They might want to add more office space in the future, or change the configuration of all of the uses. The proposed zone would allow the property owners to make changes based on market pressures.

Commissioner McClelland said she believes it would be appropriate to allow more dwelling units on the site. The applicant has made a good faith effort to voluntarily limit the number to 25 or fewer. She suggested that if the Commission had known what the applicants were proposing for the subject property prior to the meeting, they would have reached this same conclusion. She did not think the additional information to be provided by staff in February would change the Commission's position. Therefore, she is ready to move forward with a recommendation of approval.

Commissioner Broili said that because situations often change after a rezone application has been approved, he would not be in favor of a contract rezone or any other type of conditions. He agreed with

the City Attorney's caution against placing conditions on rezone applications. If changes are necessary, they should be made to the zoning criteria, instead. He said he is anxious to learn more about the form-based zoning concept, which would provide opportunities for flexibility. He said he would support the proposed RB zoning designation, since it would give the applicants maximum flexibility and would be consistent with adjacent properties given their proximity to Aurora Avenue North and 185th Street.

Commissioner Hall said that although he could support the development concept put forth by the applicant, he would not support the proposed motion to rezone the property to RB at this time. He referred to the code criteria related to rezone applications and made the following observations:

- **Criteria 1: The rezone is consistent with the Comprehensive Plan.** The rezone proposal would be consistent with the Comprehensive Plan.
- **Criteria 2: The rezone will not adversely affect the public health, safety, or general welfare.** The letter from Mr. Howe found in Attachment 4 describes concerns about certain things the zoning code has generally protected. The Commission has also discussed the concept of step down zoning that gradually goes from the most intense uses near the urban centers to less intensive residential uses. The staff's recommendation to rezone the subject properties to RB could lead to developments of much higher density than would otherwise be seen in this area, and this would result in higher traffic impacts, as well. Thus, the rezone would adversely impact the general welfare of the community.
- **Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.** In order to make this criterion more meaningful, the Commission must carefully consider whether the rezone would be warranted. The Commission understands that they want to provide various housing options for the community, and smaller rental apartment units would be terrific. However, they must consider what would be allowed in the RB zone and not just what the applicant is proposing. There is no evidence to indicate a need to rezone the properties to RB to achieve consistency with the Comprehensive Plan. Therefore, the current zoning designation is already consistent.
- **Criteria 5: The rezone has merit and value for the community.** While the ability to get more high-density housing on the subject property would have merit, the proposed RB zone would overreach this goal. The highest density in the vicinity of the subject property is R-48. An RB zoning designation would allow the property owner the potential of constructing a 65-foot tall purely residential building with approximately 35 units.

Commissioner Pyle pointed out that, regardless of whether the use is office, residential or retail, the developer would be able to construct a building with an envelope that would meet the same limits and design requirements as a residential building. Therefore, the perceived impact to the community would be the same whether there are 35 residential units or a mixture of office and retail. If the Commission were to consider the intensity of daytime use versus evening and morning use, a building with office and retail uses would have a much higher impact to the residential community than a residential use.

Commissioner Hall referred to Page 33 of the Staff Report, which shows that the bulk regulations would differ not only in density, but also in height, setbacks and lot coverage. He reminded the Commission that density has been a huge concern in the community, and the Commission has heard a lot of testimony

regarding the issue. He expressed his belief that the density allowed in an RB zone is significantly different than what would be allowed in a CB zone.

Commissioner McClelland pointed out that the subject property is located in an area where the City wants to encourage higher densities because it is near bus routes and assessable to the commercial areas. People who live in this area do not need cars because all of the necessary services are provided close by. She expressed her belief that there would be significant change in the area in the future as zoning changes are made to implement the Comprehensive Plan land use designations.

Commissioner Phisuthikul agreed there is a lot of difference between the RB and CB zones. He expressed his concern that, without any facts to support the change, staff has altered their recommendation from CB to RB. He expressed his concern that the impacts to the surrounding properties would be greater if the property were zoned RB.

Commissioner Wagner agreed with Commissioner Hall's concerns. She reiterated that she cares largely about traffic impacts. She said she has driven on Linden Avenue several times, and she agrees with the concerns raised in the two letters submitted prior to the meeting expressing opposition. She said she would not feel comfortable with a rezone that would allow a significant increase in the number of residential units in an area where traffic has already been significantly impacted. She said she doesn't care how many units are built on the subject property, but is more concerned about the traffic impacts associated with the development. Without this additional information, she would not be able to support the rezone application.

Commissioner Hall pointed out that the primary access for the site would likely be from 185th, and he would have concerns about left-turning traffic onto 185th which is so close to Linden Avenue. He also noted that the applicant's proposal to develop 25 units on .3 acres would be a density of 83 dwelling units per acre. He suggested this might be stretching what the community would be comfortable with for this area. Commissioner Broili said his understanding is that the applicant intends to develop the whole site with underground parking, which might preclude access from 185th. Instead, the access could just as easily come from Linden Avenue.

Chair Piro expressed his concern about going from the proposed CB zoning to RB zoning, which would more than double the density of the subject property. He suggested the Commission consider some other option that would allow them to pursue a project that would be somewhere in between to satisfy some of the step down zoning considerations raised by Commissioner Hall. However, given that the location of the subject property is in an area where the City is trying to change the character to be more transit oriented, he would likely support the motion on the floor.

Commissioner Pyle asked what types of activities would be allowed under the RB zone that would not be allowed under the CB zone. Mr. Szafran answered that the allowed land uses would be almost the same, except construction, warehouses, dog kennels and auto rentals would not be allowed. However, the lot coverage requirements would be more restrictive in an RB zone. Commissioner Broili pointed out that a mixed-use land use designation would allow almost any type of use. Mr. Cohn agreed that a mixed-use land use designation would allow all zoning categories. He emphasized that "mixed use" is a

land use designation and not a zoning designation. The zoning designation would ultimately control the type of uses allowed on a property.

COMMISSIONER HALL MOVED TO LAY THE PENDING MOTION ON THE TABLE AND BRING IT BACK AT THE COMMISSION'S FEBRUARY 1ST MEETING. COMMISSIONER HARRIS SECONDED THE MOTION.

Commissioner Hall said that, as it stands now, he would vote against the motion. He said he would only support a rezone to Regional Business if a solution could be crafted by the City Attorney that would allow for certain conditions. He said he would prefer the Commission come up with a recommendation that could be supported by most if not all of the Commissioners rather than forwarding a split-vote recommendation to the City Council. Commissioner Harris agreed. He said he would not feel comfortable supporting an unrestricted rezone to RB. He said he would be willing to support a rezone to CB, but he would rather table the issue until the February 1st meeting.

Commissioner Pyle summarized that it appears that the Commission is interested in considering a rezone to RB, but they want to be able to consider limiting the number of units and the height. However, regardless of whether the height and number of units is limited, a property owner would still be able to build the same size of building, minus the height. Therefore, the perceived impact would be the same. The same amount of square footage of office or retail space would be allowed, so limiting the number of units would simply limit the number of vehicle trips related to residential units in the building. The perceived intensity of the scale and volume of the building would not change unless the setback and lot coverage requirements were changed to be similar to the CB zone.

Commissioner Phisuthikul pointed out that there is a difference in the setback, bulk and lot coverage requirements between the CB and RB zones. Therefore, the RB zone would allow a larger mass of building than would the CB zone. Commissioner Pyle advised that Commissioner Hall is suggesting the Commission consider a rezone to RB, with a limitation on the number of units. However, there are other forces that impact the bulk and scale of a building. Limiting the number of units to 25 and the height to 60 feet would not significantly change the scale of development that could be built because the building envelope, aside from the height, would still be the same.

Commissioner Phisuthikul suggested the Commission consider another alternative that would rezone the property to CB, but allow up to 25 units on the site. This would require the development to meet all of the CB zone requirements, so the mass of the building would perhaps be smaller. He emphasized that rezoning to CB and allowing up to 25 units is entirely different than rezoning to RB and limiting the number of units to 25. Mr. Szafran pointed out that the RB zone requires greater setbacks than the CB zone. Mr. Tovar expressed his belief that the City Attorney would most likely determine that it would be better to rezone the property to RB and limit the number of units and the height. It is far less likely he would recommend they rezone to CB but allow an exception for more units on the subject property than the CB zone would typically allow. Commissioner Broili said he would be opposed to altering or coming up with provisions to change the CB or RB zoning standards to meet the needs of this one property owner. He supports the City Attorney's advice to avoid contract or conditioned rezones.

If the Commission takes action to rezone the subject property to RB with no conditions, Vice Chair Kuboi asked if this would set a precedent for other similar applications. In other words, would a future applicant be able to cite this situation when requesting a rezone to something that is greater than the desired zone in order to accommodate their development desires. Ms. Collins answered that an applicant could certainly point to this particular application, but future applications would still be limited by the Comprehensive Plan. Commissioner Broili said that each application must be considered on a case-by-case basis. He said he doesn't see that the Commission's action on this item would set a precedent. Ms. Collins agreed that a future applicant could point to this application as an example, but the Commission would still be required to make their decision based on the facts and the rezone criteria.

Commissioner Wagner suggested that perhaps the applicant could consider the option of providing step down zoning. For instance, the lot that is currently zoned office could be CB and the next lot could be something else. Perhaps there are alternative designs that would allow the applicant to meet their density requirements, but also address some of the issues raised by the Commission.

THE MOTION TO TABLE THE PENDING MOTION UNTIL FEBRUARY 1ST CARRIED 5-4, WITH COMMISSIONER HALL, COMMISSIONER HARRIS, COMMISSIONER WAGNER, VICE CHAIR KUBOI, AND CHAIR PIRO VOTING IN FAVOR AND COMMISSIONER BROILI, COMMISSIONER MCCLELLAND, COMMISSIONER PHISUTHIKUL, AND COMMISSIONER PYLE VOTING IN OPPOSITION.

Closure of the Public Hearing

The public hearing was continued to February 1st.

Vote by Commission to Recommend Approval, Denial or Modification

The Commission tabled a recommendation on the proposed rezone application to the February 1st meeting.

THE COMMISSION RECESSED AT 8:50 P.M. TO DETERMINE WHETHER OR NOT A MAJORITY VOTE WOULD BE SUFFICIENT TO PASS THE MOTION TO TABLE. THEY RECONVENED THE MEETING AT APPROXIMATELY 9:00 P.M.

Mr. Cohn advised that Roberts Rules of Order states that the motion to table the pending application must be passed by a majority of Commissioners. Chair Piro clarified that the motion to table passed by a vote of 5-4. He said it is his understanding that the Commission would have to make a formal motion to bring the issue back for deliberation at the February 1st meeting.

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports from committees or Commissioners.

DIRECTOR'S REPORT

Subarea Plan for the South Aurora Triangle

Mr. Tovar reported that within the next few weeks, staff would present a proposal to the City Council that would authorize them to proceed with a subarea plan for a specific part of the City known as the South Aurora Triangle (bordered by Aurora Avenue to the east, the Shoreline City limits to the south, and the Interurban Trail to the northwest). The intent would be to consider a legislative rezone and form-based code that identifies a land-use designation for the Comprehensive Plan and zoning map district called the "Form-Based Code 1" zone. In this zone, the City would spell out what uses should be allowed and what the residential density limitations should be. At this time, staff is proposing no residential density limitation. While a development would have to fit within the stipulated building envelope and floor area ratio and meet all of the other form constraints and building design standards, the number and size of the residential units would be determined by the market. He noted that if the City Council agrees to move forward with the subarea plan, the issue would come back to the Commission for review sometime in the spring or summer.

Proposed Long-Range Planning Work Program

Mr. Tovar referred the Commission to the schedule outlining the 2007-2008 Long-Range Planning Work Program. The schedule illustrates the timing and actions for the major public policy initiatives (Comprehensive Housing Strategy, Environmentally Sustainable Communities, Aurora Project, and Town Center and Ridgecrest Plans). The schedule also identifies the proposed dates for each of the speaker series events, as well as joint City Council/Planning Commission meeting dates in April and October. He clarified that, contrary to what is shown on the schedule, the ABC Team Meetings would only take place through April. In addition, Tom Boydell has retained the services of a University of Washington Landscape Architect Class to work with him on the Ridgecrest Subarea Plan, and some public meetings and a workshop have already been scheduled. Mr. Cohn added that a Development Forum for the Ridgecrest Subarea Plan has been scheduled for January 18th, and a visioning workshop would be conducted on January 24th. Planning Commissioners are invited to attend both of these events.

Mr. Tovar pointed out that no dates have been scheduled for future work on the Briarcrest Subarea Plan and Zoning Project. Mr. Cohn indicated staff plans to start these discussions near the end of 2007. He noted that much interest has been expressed about redevelopment opportunities in this special study area. Therefore, it is important to consider the whole area, rather than piece meal. Mr. Tovar said staff may be able to provide some target dates for the Ridgecrest and Briarcrest Subarea Plans prior to the joint City Council/Planning Commission Meeting in April.

Chair Piro noted that the proposed schedule also incorporates periodic joint Planning Commission/Park Board review of the Environmentally Sustainable Community Strategy. Mr. Tovar added that at the joint meetings, staff intends to provide a report from the Parks Department regarding their work on the Urban Forest Management Planning Process. In addition, staff would present a draft Request for Proposals for the consultant they hope to retain to help write the Natural Resource Management Strategies. Staff is currently working to pull together various resources regarding this topic.

Commissioner Hall pointed out that the proposed schedule identifies three different dates for the City Council to adopt Comprehensive Plan amendments. He suggested the schedule be revised to be consistent with the Growth Management Act requirement that limits Comprehensive Plan Amendments to once per year. Mr. Tovar agreed but noted that Comprehensive Plan amendments associated with subarea plans are not limited to just once per year. He also pointed out that, besides regulations and capital budgets, there are other ways to implement strategies.

Mr. Cohn reviewed the upcoming Speaker Series Events. He announced that Mark Hinshaw is scheduled to speak about urban form on February 6th (now moved to February 15th) and Tom Van Schrader would speak regarding stormwater issues on April 5th. Ron Sher is scheduled to speak on the issue of new retail at the May 31st event. Commissioner McClelland suggested the Commission consider the option of treating each of the Speaker Series sessions as social events by providing refreshments and an opportunity for attendees to socialize. Mr. Tovar invited the Commissioners to provide their ideas regarding the format of the sessions and how they should be presented to the community. He said citizens have expressed a lot of interest in participating in upcoming issues, and he anticipates a significant attendance at each event.

UNFINISHED BUSINESS

The Commission requested clarification from staff regarding the public notice that would be required as a result of the Commission tabling the rezone application that was considered earlier in the meeting. Mr. Tovar advised that the motion should have indicated that the hearing would continue on February 1st. Because they know the three people who were in attendance for the public hearing, staff could contact them to clarify that the public hearing would continue on February 1st. Mr. Cohn noted that the motion to table was made in the context of continuing the discussion on February 1st. Therefore, it was understood that the application would be brought back before the Commission on February 1st; and technically, the hearing would remain open until that time.

Commissioner Broili expressed his concern that the January 18th meeting was cancelled. He recalled that the Commission previously agreed that, on those occasions where they didn't have any specific business for the agenda, they would bring forward one of the parking lot issues for consideration. Mr. Tovar pointed out that the next six months would be very meeting intensive for both the Commissioners and staff. When the schedule was prepared, he tried to recognize the already high demand on both staff and Commissioner time.

Commissioner McClelland emphasized the importance of the Commission having a clear understanding of their ability to condition rezone applications before they continue their discussions on February 1st. She said she does not want the City to lose the opportunity to condition rezone applications for the benefit of the community. Chair Piro suggested Commissioners forward their questions to staff by January 15th so staff could respond before the hearing continues. Mr. Tovar said he would invite both the City Attorney and the Assistant City Attorney to attend the February 1st meeting to provide clarification regarding the concept of placing conditions on quasi-judicial rezone applications. He explained that there is a significant difference between a contract rezone or imposing conditions on a

zoning map change and imposing conditions on a permit. When the Commission revisits the CB, RB or other multi-use zones, they could consider the option of requiring a quasi-judicial permit for projects of certain sizes or uses. This would provide an avenue for either the Planning Commission or the Hearing Examiner to impose conditions on a permit subject to specific code criteria.

Commissioner Hall pointed out that the current code allows the Planning Director, at his discretion, to determine whether design review is appropriate. If so, the issue is brought before the Planning Commission for review. However, unless the Planning Director sends a permit application to the Planning Commission for design review, there is no opportunity for a public hearing. On the other hand, a rezone application requires a public hearing. Mr. Tovar suggested that this topic and other design issues could be part of the Commission's discussion regarding the form-based code concept. Mr. Cohn cautioned that when the Commission acts as a design review board, they must operate within a very restrictive framework.

NEW BUSINESS

Form-Based Codes and Legislative Area-Wide Rezones

Mr. Tovar emphasized that staff would not advocate the form-based code concept for any of the single-family residential zones at this time. Instead, staff intends to focus on areas surrounding Aurora Avenue, the town center area, and some of the other commercial districts in the City.

ANNOUNCEMENTS

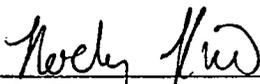
No announcements were provided.

AGENDA FOR NEXT MEETING

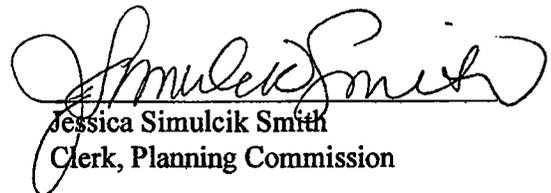
The Commissioners had no additional comments to make regarding the agenda for the next meeting.

ADJOURNMENT

The meeting was adjourned at 9:33 p.m.



Rocky Piro
Chair, Planning Commission



Jessica Simulcik Smith
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

February 1, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Vice Chair Kuboi
Commissioner Broili
Commissioner Hall
Commissioner Harris
Commissioner McClelland
Commissioner Phisuthikul
Commissioner Pyle
Commissioner Wagner

STAFF PRESENT

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

COMMISSIONERS ABSENT

Chair Piro

CALL TO ORDER

Vice Chair Kuboi 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: Vice Chair Kuboi, Commissioners Broili, Harris, Phisuthikul, McClelland, Hall, Pyle and Wagner. Chair Piro was excused.

APPROVAL OF AGENDA

Because there was no one in the audience to provide testimony on Item 7.1, the Commission agreed to place this item after Item 7.2. The Director's Report was moved to after the public hearings.

APPROVAL OF MINUTES

The minutes of January 4, 2007 were approved as corrected.

GENERAL PUBLIC COMMENT

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

CONTINUED PUBLIC HEARING ON SITE-SPECIFIC REZONE AT 18501 LINDEN AVENUE (PROJECT #201570)

Vice Chair Kuboi reviewed that, at the last meeting, the Commission opened and closed the public portion of the hearing, and the intent of the public hearing is to discuss the staff recommendation and develop a Commission recommendation for the rezone proposal. He reviewed the rules and procedures for the continued public hearing and reminded the Commissioners of the Rules of the Appearance of Fairness Laws. He opened the hearing and invited the Commissioners to disclose any communications they may have received concerning the subject of the hearing outside of the hearing. None of the Commissioners indicated ex parte communications. No one from the audience voiced a concern, either.

Bring Back Tabled Motion

Ms. Simulcik Smith reminded the Commission of the motion currently on the table, which reads as follows:

COMMISSIONER PYLE MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST TO REZONE BOTH PARCELS AT 18501 AND 18511 LINDEN AVENUE FROM OFFICE (O) AND R-48 TO REGIONAL BUSINESS (RB). THE MOTION WAS SECONDED BY COMMISSIONER MCCLELLAND.

The Commission briefly discussed whether or not the motion on the table would have to be withdrawn before a new motion could be made. It was decided that the Commission did not need to withdraw the motion. They could choose not to act on it and put forward a new motion instead.

COMMISSIONER HALL MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST TO REZONE BOTH PARCELS AT 18511 AND 18501 LINDEN AVENUE FROM OFFICE (O) AND R-48 TO COMMUNITY BUSINESS (CB). COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Hall recalled the Commission's previous discussion about whether or not they could condition a rezone or place conditions on a development that go beyond the zoning code requirements. He noted that the City Attorney cautioned against this practice. If the choice is to approve the rezone to CB with no conditions or deny it outright, he would prefer a rezone to community. However, he asked that the City Attorney provide further insight regarding his position.

Mr. Sievers explained that, from his history with the City, he is very reluctant to use contract rezones and concomitant agreements. However, there have been occasions when this concept has been utilized. He said he cautions against contract rezones because they are cumbersome to implement. Instead of a simple zoning designation, a contract rezone requires that applicants agree to the conditions imposed by the City Council and Commission, and this agreement must somehow be identified on the zoning map. In addition, a contract rezone would place an additional constraint on future property owners.

Mr. Sievers explained that the City's current criteria for project rezones are very brief, and there are no rules on what zoning conditions could be addressed through a contract rezone. After further reviewing the issue with staff, he concluded that contract rezone concept probably runs against the intent of the Growth Management Act. He advised that contract rezones have been authorized by Washington Courts since 1967 if conditions agreed to between the developer and the City are permissible exercises of the police power authorized by statute or ordinance (*Myhre vs. Spokane*). Contract rezones were used to impose conditions to prevent harm from possible development, and were one of the only ways to address environmental impacts at the time. Since that time, however, SEPA has become a valuable tool for addressing environmental impacts. In addition, over time, the zoning codes and development standards have become more sophisticated. Also under 1995 regulatory reform, counties and cities were required to adopt a comprehensive planning process under the Growth Management Act. The intent was to restrain the way project permits were processed, with the objective of providing protection to property owners and the public through expeditious and predictable project permit approval.

Mr. Sievers expressed his belief that preserving the process of public participation is one of the underlying purposes of his thoughts on contract rezones. He explained that contract rezones have traditionally been used as a restrictive measure. He noted that the City's current Comprehensive Plan provides a number of zoning designations that would be consistent for the property, and contract rezones allow property owners to obtain approval for higher density zones based on specific conditions outlined in the contract. Once developers figure out they can get whatever zoning designation they want through the contract rezone process, the zoning map could become convoluted.

Mr. Sievers expressed his belief that there should be a lot of public process in creating and amending the Comprehensive Plan Policies and the Development Code. He noted several recent discussions on development regulation amendments (critical areas, cottage housing, trees, etc.) that drew significant public feedback. He expressed his concern that with some of the recent contract rezones the public process might not have been adequate. When the Commission suggests conditions on applications that were advertised to the public as straightforward rezone proposals, the public is often not allowed an adequate opportunity to comment regarding the impacts of the conditions. Because rezones and contract rezones are quasi-judicial actions, the public would not have the ability to talk to the City Council about their concerns after the Commission has forwarded their recommendation. The City Council's hearing would be closed record based on testimony provided at the hearing before the Commission.

Mr. Sievers advised adopted legislative findings indicate that "type of land use" is more than a simple category of occupancy or density. It includes a comprehensive packet of development standards that attach to each land use district to define the appearance and impacts of property use. He suggested there

are certain development standards that should be inviolate and not changed at the project review level. Instead, the project should be changed to fit the framework provided by the Comprehensive Plan and zoning regulations. If the plan and regulations are too restrictive, they should be docketed for amendment so the cumulative impacts of making the change equally available to all properties similarly situated can be fully addressed.

Mr. Sievers explained that while the contract terms often address concerns that are raised by neighboring property owners, it is difficult for the City to enforce the conditions in perpetuity. He suggested it can be misleading for the Commission to review proposed site plans for a property when reviewing a rezone application. It is important to understand that once a rezone is approved, the applicant would not be required to develop as per the design plans that were presented to the Commission.

Mr. Sievers advised that the old King County Title 18 laid out very limited circumstances when the zoning district could be re-opened for conditions in a contract rezone. However, it did not permit reduction of minimum development standards. This was dropped when the new Shoreline Development Code was adopted, but it could be put back in.

Commissioner Hall pointed out that in the three years he has been on the Commission just about every rezone application that has come before them has had a staff recommendation for conditions. He asked what has changed since the last rezone that staff recommended with conditions. Mr. Sievers agreed that many the recent rezone applications have included staff recommended conditions, and that is why he has advised them to stop this practice. He said he has had to redraft many of Commission's recommendations regarding contract rezones before forwarding them to the City Council because they have not been legal as far as the model of a concomitant agreement.

Commissioner Pyle recalled Mr. Sievers' comment that many of the impacts the Commission is trying to address through conditioning a rezone could be mitigated through the SEPA process. However, he pointed out that some of the rezone applications ultimately lead to the subdivision of property that is four lots or less, which would not require a SEPA review. Building a single-family residence would not require a SEPA review, either. Mr. Sievers agreed there are categorical exemptions where projects can go straight through the permit process without a SEPA review, but this would not include the significant parcels. He suggested the City should follow the statute. A property owner has the right to build according to the regulations. If problems arise, the statutes allow the City to fix the regulations, but do not give an excuse to change the rules on a developer or take something away from the public.

Mr. Tovar said that since he was hired as the Shoreline Planning and Development Services Director he has had concerns about how the City's development code was put together and how rezoning has been done in the City in the past. He reminded the Board that the Growth Management Act requires all cities in the State to have a timely, fair and predictable permit process. It also requires that zoning regulations, including the zoning map, be consistent with the Comprehensive Plan. Local governments have a responsibility to make the two documents consistent. Relying on contract rezones or parcel-by-parcel rezones is common practice but is not the intent of the Growth Management Act. A more attractive option would be to legislatively rezone parts of the City to be consistent with what the Comprehensive Plan says they ought to be.

Mr. Tovar agreed with the City Attorney that the City Council could adopt regulations to amend what is permitted in a use zone of the City and create a requirement for discretionary site review, including appropriate conditions. Instead of being a rezone process, it would be a condition of the zone for that property. He said it would take a fair amount of work to reform the City's code to get that kind of an outcome everywhere in the City, but longer term that would be the more sensible direction to move. This would avoid the current problems with the contract rezone process. It would also avoid the risk of potential appeals.

Commissioner Pyle asked if the City would be able to condition 4-lot subdivisions that follow a rezone to a higher density to mitigate any kind of identified problems on the site. Mr. Tovar answered that once the zoning map has been changed, the zoning is set for the property. Future property owners would have the ability to construct whatever the zone allows and would not have any legal obligation to abide by the conditions that were imposed upon the prior property owner. Commissioner Pyle asked if plat conditions could be placed on the property when it is subdivided. Mr. Tovar answered that subdivisions of four lots or less would be categorically exempt from SEPA, unless there were critical areas on the site. Commissioner Pyle noted that the development code could be written in such a way that would allow staff to place conditions on a short plat subdivision as part of the administrative review process.

Commissioner McClelland said she understands the need for consistency between the zoning ordinance, zoning map and the Comprehensive Plan. However, she noted that while the Development Code does not allow flexibility, there are some policies in the Comprehensive Plan that do. She referred to Land Use Policy 18, which states some limited industrial uses might be allowed under certain circumstances. Next, she referred to Land Use Policy 22, which states that City could provide incentives such as increased height and bulk up to 30% of allowed floor/area ratio if a development could provide three of the things on the list.

Mr. Tovar agreed that the Comprehensive Plan does allow flexibility. However, it is important to remember that the Comprehensive Plan provides policy statements, not regulations. The regulations found in the Development Code control what can happen on a property. While the Comprehensive Plan states that the regulations should have flexibility, if the Development Code does not give this flexibility, the Comprehensive Plan policy cannot be implemented. It is the City's responsibility to make sure their Development Code is written in such a way that allows them to implement the policies in the Comprehensive Plan.

Mr. Sievers suggested that the Comprehensive Plan goals and policies speak to those who draft and approve legislative changes to the regulations. They are intended to guide the City by identifying what should be in the regulations. However, they are not meant speak to the Commission and/or City Council when judging a project application. He emphasized that the existing Development Code controls projects, and not all of the policies in the Comprehensive Plan have found their way into the regulations.

Commissioner Hall pointed to the criteria by which the Commission is supposed to evaluate rezone applications. Criterion 1 states that the rezone must be consistent with the Comprehensive Plan, and Criterion 3 states that the rezone must be warranted to achieve consistency with the Comprehensive

Plan. He suggested that under the City's current code, rezones are supposed to be judged by the Commission explicitly for consistency with the Comprehensive Plan. A rezone is a quasi-judicial process that requires a public hearing, and the Commission's job is to balance the competing interests and values of the community. In the past, the Commission has been able to accomplish this goal by imposing conditions on rezones. If this tool is no longer an option, the threshold for approving a rezone would go up. If there is anything about a proposed rezone that would adversely affect the public health, safety or general welfare, the Commission would not be able to mitigate with conditions. Therefore, they would be compelled by the code to reject the rezone application.

Commissioner McClelland referred to the table on Page 42 of the Staff Report and noted that an O zone would allow up to 8 units, and an R-48 zone would allow 15. An RB zoning designation would allow 35, and a CB zone would allow 15. She asked if it would be possible to build 23 units on the subject properties based on the current zone. Mr. Szafran answered no. He explained that the Development Code identifies a maximum density of 24 units per acre for the property zoned O, and 48 units per acre would be allowed on the property that is zoned R-48. The densities cannot be added together.

Mr. Tovar suggested that, at some point in the future, the City should complete an overhaul of the entire zoning code. This would enable them to create zoning categories that are more flexible, but more targeted to what the City wants to achieve. Commissioner McClelland noted that the applicant has the option of taking the application off the table until the zoning code has been revised to address his situation.

Presentation of Final Staff Recommendation

Mr. Szafran said staff's final recommendation is that the Commission accept the original recommendation in the Staff Report to approve a rezone for both of the subject parcels to Community Business (CB).

Final Questions by the Commission and Commission Deliberation

Commissioner Wagner suggested the applicant be invited to share his view regarding the current motion on the table to rezone the properties to CB.

Jim Abbot said the applicant is still willing to be bound by all of the requirements of a CB zone (impervious surface, 60-foot height limit, etc), with the exception of the number of units allowed. They would like to construct 25 units instead of 15. The development would look the same from the outside, but they would like to build smaller apartment units (900 to 1,000 square feet) as opposed to fewer large condominium units (1,700 to 1,800 square feet). He summarized that, while the applicant is not opposed to the staff's recommendation to rezone the property to CB, the CB zone would not allow them to accomplish their intended development.

Mr. Abbot noted that a memorandum from staff indicates that within the next few weeks, they plan to initiate an amendment to the Development Code to permit greater residential densities on CB zoned properties between approximately Fremont and Ashworth Avenues. The applicant is concerned about

postponing the project until the amendments have been approved. He noted that contract rezones and concomitant agreements have been used legally by the City and other communities for a long time. He concluded by stating that what the applicant is proposing would be a good thing for the City.

Ms. Cohn said staff's intent is to move the change to the Development Code forward very quickly. Mr. Tovar said that if a rezone to CB is approved by the City Council, an amendment to remove the unit count limitation in the CB zone would address the applicant's concern. The property would be subject to the amended standards for the CB zone. However, there is a risk that the Commission or City Council would not recommend approval of an amendment to remove the unit count limitation. Mr. Cohn noted that staff has been discussing this Development Code amendment for about two months, so it was not brought up just to address this particular rezone application.

Closure of the Public Hearing

The public hearing was closed at 8:07 p.m.

Vote by Commission to Recommend Approval, Denial or Modification

Ms. Simulcik Smith recapped the motion on the floor as follows:

COMMISSIONER HALL MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST TO REZONE BOTH PARCELS AT 18511 AND 18501 LINDEN AVENUE FROM OFFICE (O) AND R-48 TO COMMUNITY BUSINESS (CB). COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING ON SITE-SPECIFIC REZONE AT 20309 – 8TH AVENUE NORTHWEST (PROJECT #201588)

Vice Chair Kuboi reviewed the rules and procedures for the public hearing and reminded the Commissioners of the Rules of the Appearance of Fairness Laws. He opened the hearing and invited the Commissioners to disclose any communications they may have received concerning the subject of the hearing outside of the hearing. Commissioner Broilli disclosed that because he knows the applicant well, he would not participate in the hearing or vote on the application. None of the other Commissioners indicated ex parte communications. No one in the audience voiced a concern, either.

Staff Overview and Presentation of Preliminary Staff Recommendation

Ms. Szafran reviewed the Staff Report for the proposed rezone application to change the zoning designation of two parcels from Residential – 4 Dwelling Units (R-4) to Residential – 6 Dwelling Units (R-6). He advised that the subject properties are identified in the Comprehensive Plan as low-density residential. The block where the subject property is located is currently zoned R-4, while everything else in the vicinity is zoned R-6. He provided an aerial photograph of the site, showing one home on each of

the two parcels. There is currently heavy vegetation and moderate slopes on the properties. He described the surrounding development, which is all single-family residential.

Mr. Szafran reviewed that neighbors have expressed concern about access to the subject properties from 10th Avenue Northwest, and the impact this would have to traffic. However, he emphasized that no access is proposed from this street. The neighbors also expressed concern about the proposed increase in density. The current R-4 zoning designation would allow for the construction of up to 7 homes, and an R-6 zoning designation would allow up to 11 homes. The applicant has proposed 10 homes for the properties. Lastly, the neighbors expressed concern about the removal of significant trees. He reviewed that the City's current code allows a property owner to remove up to 6 significant trees in a 3-year period without a permit, but they would not be allowed to disturb the trees that are located in the sloped areas.

Mr. Szafran referred to the zoning criteria the Commission must consider when reviewing rezone applications and noted the following:

- The rezone is consistent with the existing zones of R-6 to the east, west and south.
- The rezone would provide infill opportunities that reflect the character of the existing single-family neighborhood.
- The development would be located away from the sensitive areas.
- Natural landscaping would provide a buffer from existing homes to the north and south and also from the 8th Avenue Northwest street front.

Mr. Szafran said staff's preliminary recommendation is approval of R-6 zoning for the two subject parcels located at 20309 – 8th Avenue Northwest and 20320 – 10th Avenue Northwest. Staff recommends that, in the future, the City could consider an area wide rezone to change the whole block of R-4 zoned properties to R-6.

Questions by the Commission to Staff and Applicant

Commissioner Hall noted that the Comprehensive Plan Map provided in the Staff Report shows that the parcel immediately to the left of the subject properties has a designation of private open space. He asked if this tract was required as part of a previous subdivision. Mr. Szafran said he didn't know.

Commissioner Wagner asked what would prevent the applicant from providing access to the subject parcels from 10th Avenue Northwest. Mr. Szafran explained that in order to provide access from 10th Avenue Northwest, the applicant would have to gain access through properties owned by two separate people. In addition, the slope would make it difficult to provide access in this location based on current engineering standards.

Commissioner Pyle asked if the applicant would be required to place the steep slope portion of the subject properties into a native growth protection easement. Mr. Szafran answered that the slopes on the subject parcels are not significant enough to be regulated as critical areas.

Larry Blake advised that the properties to the north along 205th Avenue were subdivided a number of years ago. The lots were allowed to be smaller than code, provided that an open space area be designated and maintained.

Commissioner McClelland said the Staff Report indicates that an R-6 zone would allow the developer to build 11 detached single-family houses on one lot. She asked if this would be a condominium type project. Mr. Blake said that is one possibility in order to save the existing vegetation along the property line. He said there would be only one road into the development from 8th Avenue Northwest.

Public Testimony or Comment

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

Presentation of Final Staff Recommendation

Mr. Szafran said staff's final recommendation is that the Commission recommend approval of R-6 zoning for the properties located at 20309 – 8th Avenue Northwest and 20320 – 10th Avenue Northwest.

Final Questions by the Commission and Commission Deliberation

Commissioner Harris asked if the notice that was sent out to surrounding property owners was mailed to all of the owners of R-4 zoned properties. Mr. Szafran answered that about half of these properties are located within the 600-foot radius for which notices were sent out.

COMMISSIONER HALL MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE STAFF'S RECOMMENDATION TO REZONE THE SUBJECT PARCELS TO R-6. COMMISSIONER MCCLELLAND SECONDED THE MOTION.

Commissioner Hall commented that the neighborhood concerns about access off 10th Avenue Northwest are important to consider, but is also important for the Commission to remember the value of having circulation and connectivity in transportation. If they were in a transportation or sub area planning mode, he would actually prefer to see a connection from both 8th and 10th Avenues Northwest in order to improve traffic circulation. Further, he pointed out that there are topographical features on the subject parcels that have resulted in lower density development in the past, but using techniques such as detached condominium development, might create an opportunity for more infill projects that are creative and achieve the densities envisioned in the Comprehensive Plan.

Commissioner Harris said he struggles with rezoning these two parcels to R-6 zoning, while all of the other R-4 zoned properties would remain unchanged. However, he noted that none of the property owners from the R-4 zoned area came forward to express opposition.

Closure of the Public Hearing

There public hearing was closed.

Vote by Commission to Recommend Approval, Denial or Modification

THE MOTION CARRIED UNANIMOUSLY. (Note: Commissioner Broili did not participate in the hearing or the final recommendation.)

PUBLIC HEARING ON DRAFT DEVELOPMENT CODE AMENDMENTS

Vice Chair Kuboi reviewed the rules and procedures for the legislative public hearing on proposed amendments to the Development Code, and then opened the public hearing.

Staff Overview

Mr. Szafran reviewed that the City Council repealed the City's Cottage Housing Ordinance, and the proposed amendments would delete all references to cottage housing from the Development Code. He noted that he would come back before the Commission at a later date with a proposal to remove all references to cottage housing from the Comprehensive Plan.

Questions by the Commission to Staff

None of the Commissioners had questions for the staff during this portion of the meeting.

Public Testimony or Comment

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

Final Questions by the Commission and Commission Deliberation

Commissioner Pyle asked if the Commission has the ability to propose Development Code amendments. Mr. Tovar answered affirmatively and suggested the Commission discuss their ideas for possible Development Code amendments at their March 1st meeting. Commissioner Hall clarified that, after their discussion, they could forward their list of proposed amendments to the City Council, with a request that they be docketed for consideration during the next round of Development Code amendments.

COMMISSIONER HARRIS MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE PROPOSED DEVELOPMENT CODE AMENDMENTS ALL REFERRING TO COTTAGE HOUSING, AS SPELLED OUT IN THE STAFF REPORT. COMMISSIONER BROILI SECONDED THE MOTION.

Closure of the Public Hearing

The public hearing was closed.

Vote by Commission to Recommend Approval, Denial or Modification

THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Mr. Tovar reviewed the following bills related to land use that have been introduced into the Legislature this session:

- **Eminent Domain Notice Requirements.** There was a recent Supreme Court decision that when an agency wants to condemn property, notice to the property owner was sufficient if the agency simply posted notice on its website. The Legislature is currently working on a bill that would require the agency to mail notices to property owners.
- **Transfer of Development Rights.** Representatives from the Cascade Land Conservancy came before the Commission to talk about the transfer of development rights from rural areas or resource lands into urban areas. A study bill has been introduced that would call upon the Legislature to set aside funds and provide direction to the Department of Community, Trade and Economic Development (CTED) to work with a number of organizations and report back to the Legislature about how the mechanism for transferring development rights might be made more practical and useful.
- **Regulatory Fairness and Apparent Conflicts Between Agricultural Uses and Critical Areas Regulations.** The Governor has requested legislation to create a joint gubernatorial and legislative task force to look at matters of regulatory fairness. The goal for the task force is to study the situation and bring back some recommendations on how to increase fairness in the intersection between agricultural uses and environmental protection.
- **Critical Areas.** One bill has been introduced which states that critical areas regulations do not operate within agricultural lands. Another bill says that any buffers, specifically setbacks from critical areas, would be counted for purposes of development potential. A bill will be reintroduced this session that would identify safe harbors for local governments. It calls for the State to promulgate specific ways to regulate critical areas using best available science. If a city or county uses that method, they would have safe harbor and couldn't be challenged for compliance with the Growth Management Act.
- **Vesting of Development Rights.** A bill has been introduced to establish when vesting of development rights should occur. In the State of Washington, development rights are vested at the time an application is made. In most other states, the development rights are vested at the time the permit application is granted by a local government. He pointed out that while the Growth Management Act requires detailed Comprehensive Plans, land use regulations, and capital budgets, the State has one of the most liberal vesting statutes in the country. Commissioner Broili asked if vesting rights have a

sunset. Mr. Tovar said that, according to State law, the vesting rights would extinguish when the permit expires.

Commissioner Pyle asked staff to provide more information about whether the City's current critical areas ordinance allows buffers to be counted for purposes of development potential. Mr. Tovar said the City's current critical areas ordinance does not allow development or other modifications to a critical areas buffer. However, a property owner can receive credit for the buffer area for purposes of establishing lot size and density allowed. Apparently, some jurisdictions in the state require that the buffer area be deducted from the net lot area and/or unit count. The proposed legislative bill would prevent that from happening.

Mr. Tovar advised that the City's 2007-2008 work plan would be published in the next issue of *CURRENTS*. The article would introduce a new City website where citizens can learn more about various issues and projects. The website would provide the work plan chart, as well as links to City programs and/or projects such as the upcoming speaker series, comprehensive housing strategies, recycling construction materials from demolition sites, environmentally sustainable communities, the Ridgecrest process and the South Aurora Triangle project.

Mr. Tovar said the website would also provide a link to the civic center/city hall project, which the City Council recently decided to move forward with. The objective is to have the project under construction within the next year, which would involve a very intense public process and decision making by the City Council. He advised that the University of Washington Students have nearly completed their Town Center Report, and the staff would use this report as a resource when preparing staff recommended town center policies or strategies for the Commission and City Council to consider in April or May.

Mr. Tovar said the City Council has raised concerns about exactly what is meant by the phrase "town center," and he agreed that a clear description of the town center concept must be created. He suggested the description include three distinct tiers: the new city hall, the immediate town center environment, and the residential neighborhoods that lie to the east and west. He said concern has been expressed about whether these residential neighborhoods could remain as viable, long-term residential communities and the intent is to include them in the broader Central Shoreline Sub Area Plan discussions.

Vice Chair Kuboi pointed out that when an article was published in the Enterprise asking for citizens to serve on the Comprehensive Housing Strategies Committee, the City received a lot of response. But there was very little community response from the website, itself. He stressed the importance of making people aware that the website is the primary place to find information about City projects.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Broili reported that the first ABC Team Meeting was held on January 30th, and they spent time covering the ground rules and allowing participants to express their ideas and opinions. The next meeting is scheduled for February 14th. Commissioner McClelland said the City Manager attended the

meeting and commented on the number of talented individuals who were participating on the team. The membership is quite diverse.

Vice Chair Kuboi reported that the Comprehensive Housing Strategies Committee is also made up of talented individuals. They spent the first three or four meetings brainstorming ideas for consideration, and now they are in the transitional process of refining and categorizing the issues. Staff has proposed a work plan that maps out the meetings and agenda topics through June.

Commissioner Harris reported on his attendance at the recent Ridgecrest Meeting, which was well attended. A lot of ideas and dreams were brought forward, and the University of Washington Students were fun to watch. Mr. Tovar noted that the meeting was attended by two Planning Commissioners, three elected officials, five developers and about 110 citizens from the Ridgecrest Neighborhood. Commissioner Harris credited much of the meetings' success to Patty Hale and her leadership.

Commissioner Pyle reported that the Briarcrest Neighborhood recently held their first reform meeting, which was attended by about 35 individuals. He and his neighbor facilitated the meeting to obtain neighborhood feedback. The top issues were related to transportation, planning and neighborhood preparedness. The next meeting is tentatively scheduled for March 12th to work on the issue of planning. They would likely invite planning staff and Commissioners to attend.

Commissioner Broili said he and Commissioner Harris attended the Green Building Forum, along with a few City Council Members. Presentations were made by representatives from various green businesses. The meeting was well attended and interesting.

Commissioner Broili announced that the citizens can now watch the City Council Meetings on the internet.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

No new business was scheduled on the agenda.

ANNOUNCEMENTS

Commissioner Pyle announced that there is a new website available for people who are interested in sustainable energy called citizenrenew.com. He noted that one of the Council's goals is a sustainable community. He explained that the website promotes solar energy, and the company is actually selling solar power back to the public at the grid price. They will put solar panels on roofs and lease them for the price of the power. This company could help the City achieve their sustainability goals without having to put forward a significant upfront cost for solar panels.

AGENDA FOR NEXT MEETING

Mr. Cohn announced that Mark Hinshaw would provide a speaker series presentation at the next Commission Meeting. The format would be the same as that used for the last speaker series. The presentation would be televised and available on the web. Mr. Cohn advised that staff would meet with Mr. Hinshaw a week prior to his presentation, so Commissioners could forward their specific questions to staff.

ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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Attachment 6

CC MINUTES MARCH 26, 2007

ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North (parcel numbers 7283900302 and 7283900303).

Mr. Olander introduced Planning and Development Services Director Joe Tovar and City Planner Steve Szafran. He reminded the Council that this is a quasi-judicial item.

Mr. Tovar commented that when the Planning Commission discussed this proposal, the past practice of conditioning rezones was addressed. He highlighted that this rezone comes to the Council with the recommendation not to impose any conditions on the property owner, and the rationale for this is explained in the report. There was a discussion of densities in certain zones (the unit count) and the history of the zoning code and designations in Shoreline. He also said there are some problems with the way zones are interpreted today.

Steve Szafran, Planner, presented slides of the area which highlight the comprehensive plan and current zoning for the area. He stated the area is zoned for mixed use (MU) and community business (CB). He noted it is zoned for R-48 to the north, with a single family home on the site that is used as storage space.

Deputy Mayor Fimia asked Mr. Szafran to briefly explain the comprehensive plan designation and zoning.

Mr. Tovar clarified that the Comprehensive Plan is the policy document of the City which generally talks about preferred uses of the property. Zoning, and text of the zoning ordinance, spells out specifically what is permitted on a parcel in terms of building height, unit count, and parking requirements. Zoning controls the use of the property and the plan provides direction to the zoning, but doesn't speak directly to the permits on the project. Therefore, he pointed out, zoning is the most important subject tonight.

Mr. Szafran described the adjacent uses and explained that the proposed CB zone is for 15 dwelling units, has a 60 foot height limit, allows for a mix of commercial and residential uses, provides a transition from Aurora from the east to single-family to the west, and provides services for surrounding neighborhoods. He highlighted that the Planning Commission recommended approval of CB zoning.

Mayor Ransom inquired how community business differs from a neighborhood business (NB).

Mr. Szafran explained that NB allows fewer units per acre for commercial and no maximum densities for residential.

Councilmember Gustafson moved to adopt Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North. Councilmember Hansen seconded the motion.

Councilmember Gustafson inquired why the parcel was changed to CB as opposed to regional business (RB).

Mr. Szafran explained that it involves the number of units the property owner wanted to have on the parcel. RB doesn't have a density maximum for commercial properties.

Councilmember Ryu stated there was discussion in the Planning Commission meeting about traffic and that the parcel has nine parking spaces where eight are required under the Shoreline Development Code. She also added that there isn't any on-street parking on the west side. However, there is parking on the Linden Street side. Therefore, she wondered if the Council can discuss the current need aside from what the Code requires. She added that a salon usually has a person working for each chair, so that would mean two people per chair.

Mr. Tovar stated that the parking standards will apply to the use regardless of the zoning, so the type of retail use the parcel will have is not an issue. Mr. Szafran noted that retail parking is based on one space per 300 square feet according to the Code.

Councilmember Way referred to a letter from a citizen concerned about adequate parking. She expressed concern about future usage and future development at this site and its capacity. She wanted to know if the Comprehensive Plan would address the parking and its impacts.

Mr. Tovar replied that the Comprehensive Plan doesn't involve that level of detail. If a rezone occurs, then the code would control any new permits, including what parking would be required for the type of use. There would be a SEPA review and a look at the square footage and what parking impacts would occur. This is the way future redevelopment would be evaluated by the City. He noted that parking would have to be reviewed at the time a permit application is submitted.

Mr. Olander added that if the property is redeveloped under current zoning, the property owner would have to meet the current parking requirements for multifamily/office.

Councilmember Way inquired if community business zoning would permit adequate parking to get cars off of the street.

Mr. Tovar said they must have enough parking on the site to accommodate the requirements of the specific use.

Mr. Olander commented that the SEPA overlay also requires that all traffic and safety requirements are met.

Mr. Tovar added that there would be a new SEPA done regarding the use, square footage, parking and traffic count, and conditions could be imposed on the project or the permit application and the public would be involved in the SEPA process.

Mr. Olander also noted that the SEPA can't be arbitrary and must pertain to the specific impacts.

Councilmember Way said Mr. Howe's letter expressed issues about sidewalks; specifically, he called attention to the fact that there are no sidewalks on one side of the street. Mr. Szafran replied that eight-foot sidewalks with an amenity zone would be a condition that would be required.

Councilmember Way said, according to Ken Howe's letter, there will be a shifting of zoning. Mr. Szafran clarified that he was referring to the defining of Linden Avenue as the division line between residential and commercial use properties on the street. However, the salon is a commercial property already.

Councilmember Way felt that since the first house is a residence there is no major reason for concern and presents less of a burden on the neighborhood than what was requested. She added that this type of development is typical of much of the neighborhood.

Councilmember Ryu clarified that about half of the area is R-48 and half of it is office. She questioned if the NB zoning would intensify use above the current "half-and-half" use. Mr. Szafran responded that R-48 would be fifteen units; thus, NB would yield a higher intensity.

Mr. Tovar added that owner was trying to achieve retail on the ground floor with multifamily on the second floor. He explained that the Planning Commission noted that the NB allowed for too many units and CB allowed too few units. Therefore, the applicant is willing to work with City with the understanding that the unit count may be revisited in the future.

Councilmember Ryu said she is concerned about the "creep" of commercial zoning into the single family zoning within same block. The surrounding areas are designated as R-12 and R-18. She is also worried about parking issues and the letters ask whether the on-street parking would be intensified. She asked if NB zoning was discussed as an option. Mr. Szafran replied that it wasn't.

Councilmember Gustafson noted that there was a lengthy discussion at the Planning Commission level. He added that the Planning Commission voted unanimously to pass as this as a CB zone and he supports the decision of the Planning Commission.

Deputy Mayor Fimia supported the recommendation, but with two reservations. She said the changes to the Shoreline Development Code are not available to the Council and they may or may not pass. She added that the applicant must understand that and must

be willing to assume that risk. Another concern, she added, is that people keep coming into Shoreline, but traffic and parking continue to be a problem. She stated the City can't keep growing without transit.

Mayor Ransom felt the record was very comprehensive and he found answers to his questions. He supported the motion. He stated for the record that Councilmember McGlashan recused himself from the discussion because he is a partial owner of the property.

A vote was taken on the motion to adopt Ordinance No. 460 amending the City's Official Zoning Map changing the zoning from Office (O) and Residential 48 DU-AC (R-48) to Community Business of two parcels located at 18501 and 18511 Linden Avenue North, which carried 5-0-1, with Councilmember Ryu abstaining.

At 9:26 p.m., Councilmember McGlashan rejoined the meeting.

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ORDINANCE NO. 460

ORIGINAL

ORDINANCE NO. 460

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S OFFICIAL ZONING MAP CHANGING THE ZONING FROM OFFICE (O) AND RESIDENTIAL 48 DU-AC (R-48) TO COMMUNITY BUSINESS OF TWO PARCELS LOCATED AT 18501 AND 18511 LINDEN AVENUE NORTH (PARCEL NUMBERS 7283900302 AND 7283900303).

WHEREAS, the owner of the property, with parcel number 7283900302 and 7283900303, has filed an application to reclassify the property from Office (O) and Residential 48 units per acre (R-48) to Regional Business (RB); and

WHEREAS, on January 4, 2007 and February 1, 2007, a public hearing on the application for reclassification of property was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on February 1, 2007, the Planning Commission recommended approval of the reclassification to Community Business (CB) and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Determinations of the Planning Commission specifically that the reclassification of property, located at 18501 and 18511 Linden Avenue North (parcel numbers 7283900302 and 7283900303), to Community Business is consistent with the goals and policies of the Comprehensive Plan and appropriate for this site;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Findings and Determinations on File No. 201570 as set forth by the Planning Commission on February 1, 2007 and are hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of said parcels, located at 18501 and 18511 Linden Avenue North (parcel numbers 7283900302 and 7283900303) from Office and R-48 to Community Business.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance is declared invalid, then the remainder of this Ordinance, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

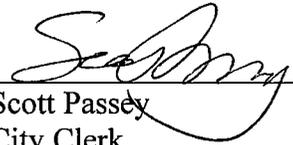
ORIGINAL

PASSED BY THE CITY COUNCIL ON MARCH 26, 2007.



Mayor Robert L. Ransom

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: March 29, 2007

Effective Date: April 3, 2007

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Attachment 8

STAFF REPORT TO CC

included in September 22, 2008 Packet

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No.521, a Site Specific Rezone located at 18501 and 18511 Linden Ave. N. File No. 201570
DEPARTMENT: Planning and Development Services
PRESENTED BY: Joseph W Tovar, FAICP, PADS Director Steven Szafran, AICP, Associate Planner

PROBLEM/ISSUE STATEMENT:

The issue before the City Council is a Site Specific Rezone for two parcels located at 18501 and 18511 Linden Ave. N (see **Attachment B2 and B3**). The Planning Commission recommends that the parcels be rezoned from Community Business ("CB") to Regional Business ("RB"). About 2 years ago, the applicant had requested a change to RB and the Planning Commission recommended CB.

Since the site is currently zoned CB, the major effect of the proposed zone change is to allow greater residential density on the site.

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. A public hearing was conducted before the Planning Commission for this proposal on September 4, 2008. Council's review must be based upon the written record and no new testimony may be accepted.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

- The Council could adopt the zoning recommended by the Planning Commission
- The Council could deny the rezone request, leaving the zoning at CB or remand the request back to the Planning Commission for additional review and analysis.

FINANCIAL IMPACTS:

- There are no direct financial impacts to the City.

RECOMMENDATION

The Commission recommends that the Council adopt Ordinance No.521, (**Attachment A**) thereby approving the rezone located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB).

Approved By: City Manager  City Attorney 

INTRODUCTION

The rezone recommendation before Council is a request to change the zoning designation for two parcels located at 18501 and 18511 Linden Ave N. from Community Business to Regional Business.

A public hearing before the Planning Commission occurred on September 4, 2008. The Planning Commission Findings and Recommendation are included in **Exhibit A**

The Planning Commission recommended on a 5-1 vote, with two abstentions and one Commissioner absent, that the rezone of the property from Community Business to Regional Business be approved. The draft minutes of the public hearing are included in **Attachment C**.

BACKGROUND

In 1998 the City of Shoreline adopted its first Comprehensive Plan. This document includes a map that identifies future land use patterns by assigning each area a land use designation. One of the subject parcels, the James Alan Salon Site, has a land use designation of Community Business. Appropriate zoning designations for the Community Business land use designation include R-12, R-18, R-24, R-48, O, NB, CB and RB. The parcels to the north are designated Mixed Use in the Comprehensive Plan. Appropriate Zoning designations for the Mixed Use land use designation include R-8, R-12, R-18, R-24, R-48, O, NB, CB, RB and I.

The site, consisting of two parcels, is currently zoned Community Business. A commercial building sits on the one parcel and a single-family home used as office and storage space sits on the other parcel. Under the proposed zone change, both parcels would be zoned Regional Business to allow for a future development that could be a mixture of commercial and residential uses.

The proposed zone change will allow a slightly larger building envelope than currently permitted in the CB zone. The recommended RB zoning would permit more residential units and marginally larger number of commercial uses than currently permitted in a CB zone.

APPLICATION PROCESS

The application process for this project began on July 24, 2008, when the applicant reapplied for RB zoning on the site. Since a neighborhood meeting was held for the earlier RB application and SEPA analysis done for RB as well, staff concluded that there was not a requirement to re-do these processes.

A public hearing was held before the Planning Commission on September 4, 2008. The Planning Commission made a recommendation and formulated Findings and Determination that evening to recommend a rezone to Regional Business.

PUBLIC COMMENT

The City received 42 comment letters in response to the standard notice procedures for this application prior to the public hearing (**Attachment B1**). 40 of the letters were in support of the proposal and two of the letters were against. Eight people in addition to the applicant testified at the public hearing.

The comments focused on the following issues:

- Supporting mixed use development on the site
- Supporting higher density in appropriate areas and not in single-family neighborhoods
- Supporting neighborhood businesses
- Supporting redevelopment of the sites
- Concerns about traffic flow north of the site
- Issues of increasing permitted heights from 60 to 65 feet

The Planning Commission addressed the comments in its Findings and Determination (**Attachment B**).

PLANNING COMMISSION RECOMMENDATION: Rezone to Regional Business

The Commission in its Findings and Determination found that a rezone to **Regional Business** has been evaluated and found to be consistent with the rezone decision criteria, listed below, provided in Section 20.30.320(B) of the Development Code.

- Criteria 1: The rezone is consistent with the Comprehensive Plan.*
- Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.*
- Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.*
- Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.*
- Criteria 5: The rezone has merit and value for the community.*

The Commission voted to recommend approval of the rezone on a 5-1-2 vote (5 in favor, 1 opposed, 2 abstentions and 1 Commissioner absent). Their comments are reflected in the draft minutes, attached.

OPTIONS FOR CITY COUNCIL

The options available to the City Council are:

- 1) Adoption of the Planning Commission and Staff's recommendation of Regional Business
- 2) Remand the rezone back to the Planning Commission for additional review.

3) Denial of the rezone request. The Council may review the written record and determine that the existing Community Business zoning is the most appropriate designation for the subject parcel. This determination would be consistent with the Comprehensive Plan designation for the parcels, as this designation includes both the existing zoning (CB) and the requested and recommended zoning (RB).

RECOMMENDATION

Staff recommends that Council adopt Ordinance No.521, (**Attachment A**) thereby approving the rezone of two parcels located at 18501 and 18511 Linden Avenue North from Community Business (CB) to Regional Business (RB).

ATTACHMENTS

Attachment A: Ordinance No.521: CB to RB.

Exhibit A – Planning Commission Findings and Determination- September 4, 2008

Exhibit B – Proposed Zoning Map

Attachment B: Planning Commission Staff Report

B1: Public Comment Letters

B2: Vicinity Map with Comprehensive Plan Land Use Designations

B3: Vicinity Map with Zoning Designations

Attachment C: Planning Commission Minutes- September 4, 2008

ORDINANCE NO. 521

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING FROM CB (COMMUNITY BUSINESS) TO RB (REGIONAL BUSINESS) FOR THE PROPERTIES LOCATED AT 18501 AND 18511 LINDEN AVE N.

WHEREAS, the subject properties, located at 18501 and 18511 Linden Ave N are zoned CB, Community Business; and

WHEREAS, the owner of the property has applied to rezone the properties to RB, Regional Business; and

WHEREAS, the rezone of the properties is consistent with the Comprehensive Plan land use designations of Mixed-Use and Community Business; and

WHEREAS, the Planning Commission considered the applications for zone change at a public hearing on September 4, 2008, and has recommended approval of the rezone; and

WHEREAS, a Determination of Non-Significance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council concurs with the Findings and Recommendation of the Planning Commission and determines that the rezone of the properties should be approved to provide for residential dwelling units and other compatible uses consistent with the goals and policies of the City's Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Planning Commission's Findings and Recommendation to approve rezone of the parcel, attached hereto as Exhibit A, are hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of the properties described as RICHMOND HIGHLANDS ADD N 65 FT LESS W 200 FT (Parcel No. 7283900303) and RICHMONG HIGHLANDS ADD LESS W 200 FT LESS N 65 FT LESS CO RD (Parcel No. 7283900302) depicted in Exhibit B attached hereto, from CB, Community Business, to RB, Regional Business.

Section 3. Effective Date and Publication. This ordinance shall go into effect five days after passage and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON September 22, 2008.

Cindy Ryu, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

**CITY OF SHORELINE
PLANNING COMMISSION****FINDINGS, CONCLUSIONS AND RECOMMENDATION**

PROJECT INFORMATION SUMMARY

Project Description: Rezone application to change the zoning designation of two parcels from Community Business (CB) to Regional Business (RB).

Project File Number: 201753

Project Address: 18501 and 18511 Linden Avenue North, Shoreline, WA 98133

Property Owner: FMAB, LLC.

SEPA Threshold: Determination of Non-Significance (DNS)

Staff Recommendation: Recommend approval of a rezone of the two parcels zoned Community Business (CB) to Regional Business (RB).

FINDINGS OF FACT*Current Development*

1. The parcels at issue are located at 18501 and 18511 Linden Avenue N, generally on the northwest corner of N 185th Street and Linden Avenue N.
2. 18501 Linden Avenue N (tax ID # 7283900302) is 7,565 square feet and is developed with the former James Alan Salon. The site is zoned Community Business ("CB") and has a Comprehensive Plan Land Use designation of Community Business ("CB").
3. 18511 Linden Avenue N (tax ID # 7283900303) is 6,631 square feet, directly to the north of 18501 Linden Avenue N, and developed with one single-family residence used as storage space. The site is zoned Community Business and has a Comprehensive Plan Land Use designation of Mixed Use ("MU").
4. The surrounding neighborhood has experienced development recently: four townhomes have been developed west of the 742 N. 185th Street parcel. Also, there is a current rezoning request at 753 N.185th Street (the Masonic Temple) to change the zoning from R-12 to CB.
5. There are existing sidewalks along N 185th Street adjacent to the applicant's property. No sidewalks exist along Linden Ave N. A traffic signal with crosswalks is located at the intersection of Linden Ave N and N 185th Street.

6. The site was rezoned from Office and R-48 to Community Business by the Shoreline City Council on March 26, 2007, Ordinance # 460. The Planning Commission's Public Hearing on the request was held on January 4, 2007.

Proposal

7. The applicant proposes to rezone both parcels to Regional Business ("RB").
8. Staff analysis of the proposed rezone includes information submitted in a pre-application meeting and neighborhood meeting for the previous rezone request, conducted on June 19, 2006 and July 31, 2006 respectively.
9. A Public Notice of Application combined with a Public Notice of Hearing was posted at the site on July 31, 2008 for the current action.
10. 42 comment letters were received. Of these, 40 were in favor of the request, citing compatible uses, need for housing next to transportation routes, affordable housing opportunities and economic development reasons. The comment letters that were not in favor cited concerns about the potential height in the RB zone, density, environmental impacts and not being located on an arterial street. See *Attachment 1*.
11. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on July 31, 2008 describing the Notice of Application and Notice of Public Hearing with SEPA Determination.
12. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the original proposal on October 12, 2006. Since this rezone request is the same request as recently applied for, staff is adopting the SEPA Determination made at the time of the original rezone. The DNS was not appealed.
13. An open record public hearing was held by the Planning Commission for the City of Shoreline on September 4, 2008.
14. The City's Senior Planner, Steven Cohn, and Associate Planner Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to Regional Business.

Comprehensive Plan Land Use Designations.

15. The site contains two parcels, designated Community Business and Mixed Use. Parcels to the north and east have a Comprehensive Plan Land Use designation of Mixed Use, which identifies areas where uses change from lower intensity uses (usually single family uses) to higher intensity uses. The MU designation allows R-8 through R-48 residential zoning and all commercial and industrial zoning. Parcels to the south (across 185th) have a Community Business designation, intended to designate higher intensity uses, both residential and commercial. The CB designation allows R-12 through R-48, Office, Neighborhood Business, Community Business and Regional Business. Parcels to the west are designated Medium Density Residential, which allows R-8 and R-12. See *Attachment 2 (Comprehensive Plan Map)*.
16. The Comprehensive Plan describes Mixed Use as applicable “to a number of stable or developing areas,” and to the potential annexation area at Point Wells and intended “to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office, and service uses with residential uses.” Regional Business is allowed under Mixed Use land use designation.
17. The Comprehensive Plan describes Community Business as areas within the Aurora Corridor, North City and along Ballinger Way. This designation provides for retail, office, and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. Appropriate zoning designations for this area might include the Neighborhood Business, Community Business, Regional Business, Office, R-12, R-18, R-24, or R-48.

Current Zoning and Uses

18. Parcels immediately to the north of the subject parcels are zoned R-18 and developed with a public utility building, single-family homes and condominiums; parcels to the south (across 185th) have a variety of uses and zoning designations including offices zoned R-12, R-18 and Office, the Fred Meyer shopping center zoned RB; parcels to the west are zoned R-12 and townhomes are currently under development; and parcels to the east (across Linden Avenue North) have a variety of uses and zoning designations including retail, office and apartments zoned RB, Office, and R-48. See *Attachment 3 (Zoning Map)*.

Proposed Zoning

19. The proposal is to change the zoning on the site (two properties) from Community Business (CB) to Regional Business (RB). Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation

by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:

- (a) The rezone is consistent with the Comprehensive Plan; and
- (b) The rezone will not adversely affect the public health, safety or general welfare; and
- (c) The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
- (d) The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
- (e) The rezone has merit and value for the community.

20. The purpose of a Regional Business zoning district, as set forth in the Shoreline Municipal Code 20.40.040, is to “provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities”. The Regional Business category permits a variety of commercial uses and residential densities. It is distinguished from CB in that it permits more intense land uses such as warehousing, kennels, construction, retail, and auto rental and allows residential densities up to 110 units per acre.

Impacts of the Zone Change

21. The following table outlines the development standards for the current zoning (CB) and the proposed zoning (RB):

	CB	RB
Front Yard Setback	0'	0'
Side Yard Setback	10'	15'
Rear Yard Setback	10'	15'
Max. Impervious Surface	85%	95%
Height	60'	65'
Density (residential development)	48 du/ac	110 du/ac
Total Units (potential)	16	36

The RB zone is a zone that allows more intense development than the CB zone. Side and rear yard setbacks are slightly greater in the RB zone and the amount of impervious service allowed is somewhat higher, as is the permitted height. The most significant difference between CB and RB is the maximum potential residential units allowed. On this site, the current zoning would allow 16 dwellings; the proposed zone would permit 36.

If the structure is developed with commercial uses rather than residential uses, the amount of commercial space would be dictated by the building envelope, which could potentially be marginally larger in RB. A development in an RB zone might

be a story taller than that in a CB zone. This height difference is somewhat offset by the increased side yard and rear yard setbacks required in RB.

22. Traffic Impacts

Since the zoning permits a variety of uses, specific impacts are unknowable at this time. However, two scenarios can be defined to provide a reasonable set of bookmarks about the traffic impacts.

- (a) Scenario 1: Develop the property as office. A reasonable development assumption is one with $\frac{1}{2}$ the parking on grade and one full level of underground parking. This results in 80-90 stalls. Setting aside some stalls for visitors, it is reasonable to assume 85 employees. These could be housed in a 26,000 square foot building, which would suggest a 3 or 4 story building on this site.

Under the assumption that the amount of parking dictates the amount of development, the total building square footage is likely to be similar under both CB and RB zoning, and by extension if the site is developed in office uses, the parking impacts will be the same. This scenario would generate 282 trips daily (3.32 daily trips, half of them are inbound and half outbound) and 39 trips during the PM rush hour (.48 trips during each hour of the PM peak).

- (b) Scenario 2: Develop the property as housing. Because there is a maximum density in RB and CB, the number of units, and by extension, the traffic impacts, can be defined. The ITE trip generation handbook estimates 6.72 daily trips per unit (half inbound and half outbound) and .62 average trips during one hour during the PM peak. If 16 units are built, this translates to an additional 108 trips during the day and 10 more trips during rush hour. If 36 units are built, the trips would be 242 additional daily trips and 22 additional trips during one hour of the rush hour.
- (c) It is possible that a housing development could also include a retail component. In a mixed use building on this site, a retail component on the ground floor is likely to be around 8500 square feet. The retail space will have a trip generation of 377 trips daily and 21 trips during rush hour.

Since the rezone is not tied to a site plan, it is impossible to define specific impacts. However, during the peak hour today, there are times that 185th eastbound is backed up from Aurora to Linden. This situation makes left turns (i.e., outbound traffic) from Linden to 185th difficult at times.

If access to the site is from Linden Avenue and the site is developed as office (as it could under both the current and proposed zoning) , there might be difficulties leaving the site during PM peak hours as people turn onto Linden and want to turn left onto 185th. In this case, it is possible that some people may decide to turn left and drive north on Linden for a few blocks in order to eventually connect with Aurora Avenue. If, in the building application review, analysis shows this to be a likely outcome, the City's Traffic Engineer would probably suggest mitigation measures such as limiting turn movements to right-turn only or developing an access onto 185th.

If future development is largely residential, that will not present much of a problem because most of the traffic will be inbound into the complex during the PM peak times, and not be affected by eastbound congestion on 185th.

Future Aurora Corridor Improvements

The City recognizes the concerns about this intersection and has developed plans to improve the eastbound travel lanes of 185th Street. This will include a left and right turn only lanes to Aurora Avenue as well as two through lanes continuing on 185th Street. These improvements will alleviate some of the traffic backups that occur on 185th Street.

CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have been met in this case.

Rezone criteria

Is the rezone consistent with the Comprehensive Plan?

3. a. Under the first criterion, Regional Business is appropriate under Land Use Element Goals I and V of the Comprehensive Plan.
2. Land Use Element Goal I of the Comprehensive Plan is to “[e]nsure 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 maintain Shoreline’s sense of community.”

3. Land Use Element Goal V of the Comprehensive Plan is to “assure that a mix of uses, such as services, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of high frequency transit, serving a neighborhood commercial and residential function.”

The RB rezone proposal is consistent with Land Use Element Goal I and V because a more intense commercial zone will promote redevelopment and allow for a greater mix of uses. RB zoning would permit a greater number of dwelling units or slightly more commercial space in close proximity to area services than a CB designation.

Will the rezone adversely affect the public health, safety or general welfare?

4. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City’s development standards in its zoning regulations for the RB zone protect against uses that would be contrary to the public health, safety or general welfare.
5. If the site is developed with residential uses, it could have a positive impact on public health. Placing density closer to area amenities such as shopping, restaurants and public transportation, encourages walking or biking rather than driving. Density in this instance creates better health opportunities than before.

Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?

6. Both RB and CB zoning are consistent with the Comprehensive Plan vision for the area (CB and Mixed Use). Efficient use of land, higher densities in appropriate areas, close to services and transportation and an improved circulation pattern on 185th and Aurora support more intense development on this site and the proposed zoning.

Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?

7. The proposed rezone will have minimal negative impacts to the properties in the immediate vicinity. Concerns have been raised by one nearby resident about the appropriateness of commercial zoning and increased building height allowed by the proposed RB zoning.

(a) Appropriateness of Commercial Zoning

The Comprehensive Plan has identified this area as being appropriate for mixed use development which permits a variety of uses—single-family and multifamily uses, offices, and retail businesses. The James Alan Salon has been a long-time fixture on the property as has a telephone company building located north of the site.

As the two parcels have Mixed Use and Community Business land use designations, commercial zoning is appropriate. Under the Shoreline Development Code Section 20.40, uses allowed under the CB and RB zoning designations are very similar. RB zoning allows somewhat more intense commercial uses than does CB zoning, such as warehousing. Staff believes that the more intense uses allowed in an RB zone are unlikely to locate on a relatively small site.

With general uses, development standards, design standards and parking standards being similar, one major distinction between CB and RB is density. CB allows 16 units, RB allows up to 36 units. Staff believes density should be located in areas that are less intrusive to the single-family neighborhoods, are in close proximity to amenities and transit, and are located on major collector, arterial streets that do not impact local streets.

(b) Height

The height difference between RB and CB zoning is 5 feet. RB zoning permits heights of 65 feet; CB zoning permits heights up to 60 feet. Given current building design, RB buildings could attain a height of 6 stories, whereas CB buildings would likely be 5 stories. In this location, with multifamily zoning to the west and a telephone utilities building to the north, transition to single family zones is addressed through zoning.

In addition, the City recently adopted transition standards for areas adjacent to single family zoning. Though not affecting this site (because it is not adjacent to single family), transition through building and site design will occur on neighboring sites if they are rezoned to CB or RB.

(c) Traffic

Analysis shows that the heaviest traffic impacts will occur if the property is developed in office uses. The likely impacts will be no different whether the site is zoned CB or RB because a building constructed under in either zoning district is likely to be a similar size because of parking constraints due to the cost of developing more than one level of underground parking.

Will the rezone have merit and value for the community?

8. The proposed rezone will allow commercial and residential expansion to meet the changing needs of the community. Recent actions by the City Council will ensure that new buildings will comply with transition area requirements and density of the RB zone must be capped at 110 units per acre.

9. Unlike last time the applicants made application for RB, there was no guarantee of a unit maximum on the site since there was no numerical density cap. With RB now limited to 110 dwelling units per acre, the greatest number of units on the site is now limited to 36.

10. This criterion is met since the rezone provides an opportunity to accommodate more jobs and multi-family dwelling units in an area not immediately adjacent to existing single-family neighborhoods and in close proximity to services and transportation.

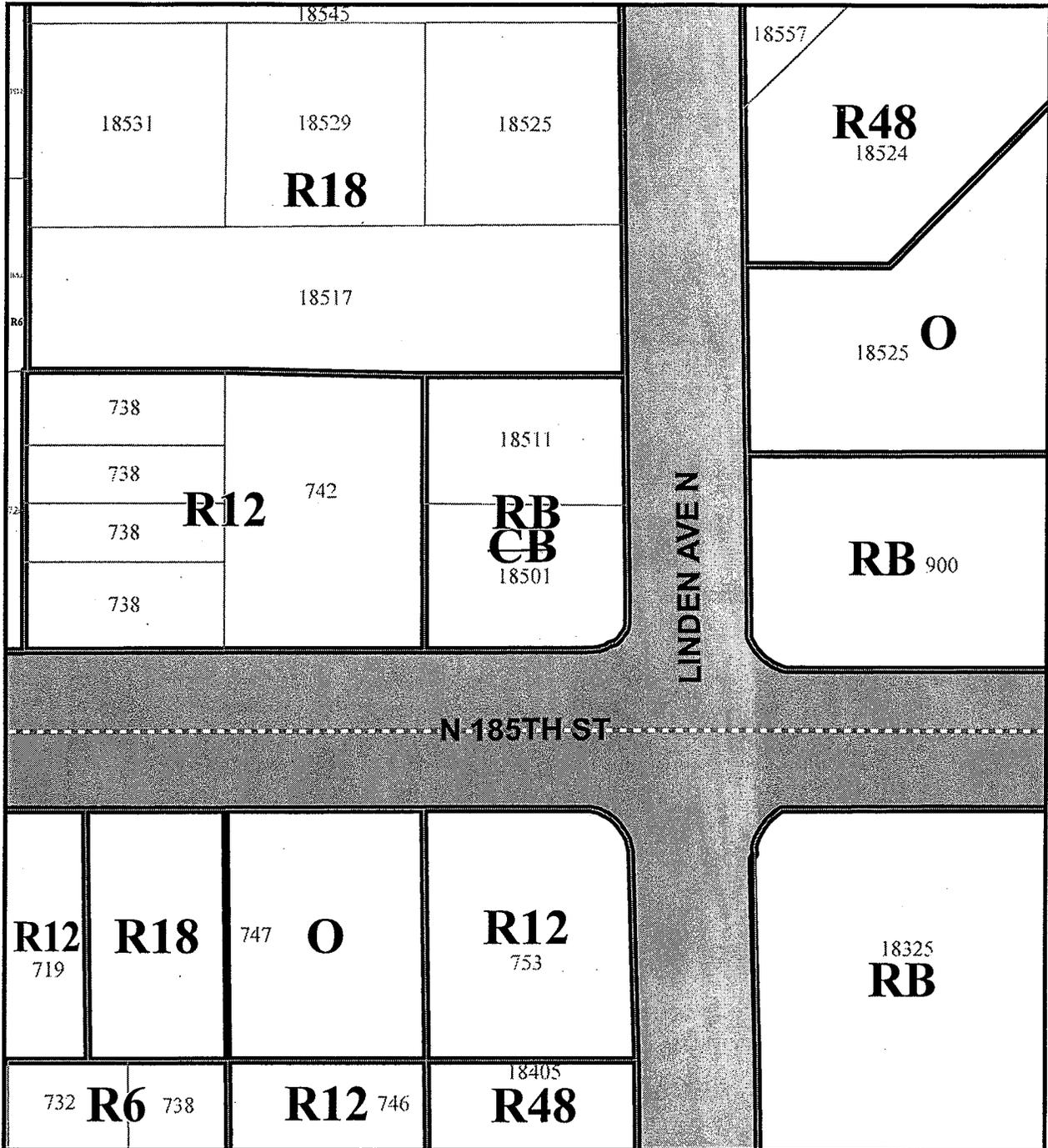
RECOMMENDATION

The Planning Commission recommends that the City Council approve a rezone of the two parcels to Regional Business.

Date: _____

By: _____
Planning Commission Chair

Exhibit B

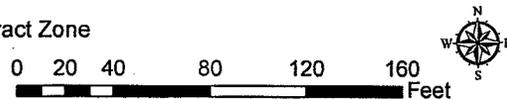
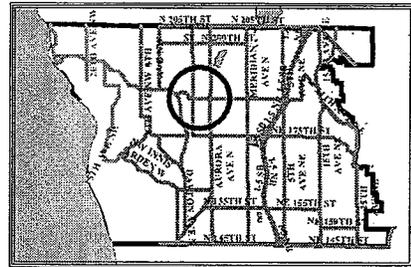


18501,18511 Linden Ave N Rezone

CB to RB

Zoning Legend

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



- Feature Legend**
- Map Tile Lines
 - City Boundary
 - Unclassified ROW
 - Parcel Line

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

108

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through December, 2006.





Memorandum

DATE: August 28, 2008

TO: Shoreline Planning Commission

FROM: Steven Cohn, Senior Planner
Steve Szafran, Associate Planner

RE: James Alan Salon Rezone

At your next meeting you will be reviewing the proposal to rezone the James Alan Salon site (two properties at 18501 and 18511 Linden Avenue North) from Community Business (CB) to Regional Business (RB). The Planning Commission considered a similar proposal in January, 2007. At that time, the site was zoned R-48 and Office. The applicant requested a rezone to RB, which was and is consistent with the Comprehensive Plan designation for the site of Community Business and Mixed Use. The Mixed Use and Community Business comprehensive plan designations permit a variety of zoning districts, including multifamily residential districts and most commercial districts.

Background

At the time of the previous request, staff and the Commission both recommended that the zoning be changed to Community Business. The rationale for the recommendation was that development in a Regional Business zone would be somewhat more intense than would development in a Community Business zone and therefore would be a better fit. The recommendation was accepted by Council and the zoning changed to CB (Ordinance 460).

The recommendation was made with the expectation that staff would, in the near future, propose an additional change to the Development Code that would permit increased residential densities on Community Business zoned properties located within a short walking distance of Aurora Avenue. In staff's mind, a CB zone with a provision for added density would have been appropriate on the site.

Staff Rationale for Recommendation

It has been almost two years since the Commission reviewed the rezone. Since that time, there have been changed circumstances that have caused the proponent of the rezone to re-submit their original request (to rezone to Regional Business) and caused staff to re-evaluate its recommendation to the Commission.

The first is that the Council did not modify the Development Code to permit greater housing densities on CB sites located close to Aurora Avenue. In making that decision, the Council signaled that decisions would occur on a site-by-site basis through the rezone process or, alternatively, as a result of a Subarea review.

The second change is that the Council has signaled that it wants to look closer at maximum density permitted in RB zones. Currently there is a moratorium on development in RB zones at residential densities greater than 110 du/acre. Staff expects that, after the moratorium is lifted, the densities permitted in RB zones will have a numerical upper limit, though we are not certain what that limit will be.

As noted in staff's analysis of the current rezone request, staff has concluded that this site is appropriate for higher density development due to its proximity to Aurora. As the City continues to attract new residents, it is important to house them in an efficient and cost effective manner, so long as that is compatible with a market niche that is supported by housing demand. There is a portion of the housing market that wants to live near transit corridors and is comfortable living in multistory buildings. This demand can best be satisfied by allowing people to build to higher densities on and near Aurora. This site, located within walking distance of transit, is an appropriate location for higher density.

Conclusion

As shown in the "Initial Findings" that is attached, Staff has reviewed the proposal and concluded that, given the changing circumstances that have occurred since the staff recommendation in January 2007, staff will support the current request to rezone the sites from CB to RB because the request meets the intent of the Comprehensive Plan and the criteria for rezoning listed in 20.30.310.

If you have questions about items included in the staff report or have questions that warrant additional research, please contact Steve Szafran prior to the public hearing. He can be contacted at 206-801-2512 or sszafran@ci.shoreline.wa.us.

August 12, 2008

City of Shoreline
17544 Midvale Ave. N.
Shoreline, WA 98133

RECEIVED

AUG 12 2008

RE: Application #201753
18501 and 18511 Linden Ave.
Attn: Steve Szafran

CITY CLERK
CITY OF SHORELINE

To whom it may concern:

This application does not meet the requirements of the Shoreline city comprehensive plan and should be denied as described in the current proposal. As is evident from the address of the project it is sited on a neighborhood street and not an arterial as directed by the comprehensive plan. In reviewing the information submitted to the public at a public meeting I saw that the height of the building is contrary to the Shoreline comprehensive plan. The comprehensive plan has directed this height of structure to be located on Aurora Avenue not adjacent to a residential neighborhood. The proposal representative at the meeting I attended made the statement that the stair stepping of this structure on the west side met the intent of the "wedding cake" statement in the comprehensive plan. The height of this structure by being placed next to a residential neighborhood will negate the plan for Aurora Avenue because buildings will need to be very high to be above this structure. The property value increases dramatically at the height of 65 feet and above because a view of Puget Sound and downtown Seattle is available at that height. The wedding cake concept in the comprehensive plan preserved views on the west side of Aurora Avenue because structures a block or more to the west of Aurora could not be significantly taller than those sited on Aurora.

The adjoining structures across from this proposal are no where near as high as this building. The concept of "community business" is not intended to create such a high structure that towers over every other residence and commercial building in the neighborhood. Mixed use zoning such as the Echo Lake site is sited on Aurora Avenue. Just because this property came up for sale before the properties on Aurora Avenue is no reason to rezone this property and in effect amend the comprehensive plan. It appears that these concerns were not correctly taken into consideration when the DNS for this site was issued.

Sincerely


Kenneth Howe
745 N. 184th Street
Shoreline, WA. 98133
206-546-6883

Steve Cohn

From: Barbara Boldrin [Barbara.Boldrin@PREMERA.com]
Sent: Tuesday, August 19, 2008 9:00 AM
To: Steve Cohn
Subject: James Allen Salon Proposed Project

I have lived in Shoreline since 1996 and live a block and a half from the James Allen Salon location at the corner of Linden and 185th. I've been a customer of the salon for the past several years and drive and walk by the location daily.

This area has been commercial in nature from the day I arrived. The proposed enlargement of the James Allen Salon seems very consistent with the development of the area and should enhance the quality of life for nearby residents in bringing more services to the area within walking distance of where they live. I feel the proposed building and the services proposed would help to anchor the intersection considering the proposed changes for the Mason building and the already existing structures for Windermere Realty, the Bank of America, Fred Meyer and the dental offices adjacent to the fire department.

The volume of traffic on 185th certainly isn't compatible with private residential use and the provisions built into the plan for James Allen for parking seem responsible and well considered. Frankly, I don't understand the opposition to this project as originally proposed but do hope you will reconsider the current proposal and approve it.

Thank you for your service to the community.

Barbara Boldrin
18233 Linden Avenue N
Shoreline, WA
206-546-9649

Steve Cohn

From: harrysloan@comcast.net
Sent: Tuesday, August 19, 2008 10:40 AM
To: Steve Cohn
Subject: Rezone request at 18501 Linden Ave N #201753

Steve,

I hope this e-mail finds you well. I'm writing to you in support of a rezone request #201753 for the James Alan Salon.

As you well know, we spent a year together as part of the Shoreline Housing Commission effort to help identify the future housing needs for the city of Shoreline and how best to meet those needs. By way of background I lived in Shoreline for four years and currently work in Shoreline as a Windermere residential specialist. I'm also a client of the James Alan Salon.

As a client I've come to appreciate how much the Salon contributes back to the community and its reputation as one of the best places to work. As a residential specialist and a past member of the Housing commission I can appreciate that the development supports the economic development, housing and sustainability strategies adopted by the city council.

Over the course of a year the Housing Commission looked at a variety of possibilities for the city and found in some instances how difficult it can be to find a perfect solution where a development can make economic sense for the developer while staying within the character and guidelines of the city's plan. The James Alan request comes as close as any I've seen to fitting that "perfect solution".

- >It has great access to public transportation.
- >Gives the city 34 new apartment units
- >All 70 parking spaces will be below and behind the building making for nice street appeal.
- >It is not out of character for the neighborhood.

The James Alan Salon has been a productive member of the Shoreline Community for over 28 years and I urge you and the rest of the planning commission to approve the rezone request.

Thanks for taking the time to read and consider this.

Sincerely,

Harry

Harry D Sloan
206-295-9551

8/19/2008

Steve Cohn

From: CRAIG SCHOCH [schoch5@msn.com]
Sent: Tuesday, August 19, 2008 3:35 PM
To: Steve Cohn
Subject: Fw: James Alan Salon

----- Original Message -----

From: CRAIG SCHOCH
To: schohn@ci.shoreline.wa.us
Sent: Tuesday, August 19, 2008 3:33 PM
Subject: James Alan Salon

I have been a resident in Shoreline for the past 22 years. I ask the Planning Commission to reconsider the request and rezone the property to "Regional Business". James Alan Salon has been a supporter in this community for many years. They donate their time and materials to support the education system here. This is a responsible owner who will add to the city's economic development.

Thank you,

Patty Schoch
518 North 188th Street
Shoreline, WA 98133

8/19/2008

Steve Cohn

From: emoke@windermere.com
Sent: Tuesday, August 19, 2008 3:36 PM
To: Steve Cohn
Subject: James Alan Salon

Dear Mr. Cohn,

As a member of Shoreline Breakfast Rotary and immediate past president, I am requesting the Council's support of and the Planning Commission's approval of the rezone request #201753 for the James Alan Salon. These people are a vital part of our community and do so much pro-actively to support the community's needs. Their proposal is in excellent taste and would enhance the aesthetics of the neighborhood.. Additionally it would provide quality affordable housing and parking. I urge all to support a positive motion.

Thank you,

Emoke Rock

Emoke Rock
Associate Broker
Windermere G.H. L.L.C.
cell: 206-794-2920
office: 425-672-1118
web: emoke.com

8/19/2008

August 20, 2008

Planning Commission
City of Shoreline

Re: Rezone Request at 18501 Linden Ave N., #201753

Dear Commissioners,

This is a request for you to support the James Alan Salon project. The proposal to rezone the area at 18501 Linden Ave N. would benefit our city. It would continue the effort to provide more affordable housing choices for Shoreline and also concentrate the multi-unit housing with businesses within walking distance of other businesses and accessible to public transportation.

As a 40 year resident of Shoreline, I participated in the visioning process prior to incorporation, participated in the King County citizen panel that recommended incorporation and was a member of the public works committee upon incorporation. Throughout these activities there was an effort to protect residential areas and focus business in areas easily accessed by public transportation. We need to support those businesses that cooperate with this goal.

As I understand the James Alan Salon project, having 34 apartments and parking spaces below and behind the building would reduce the amount of in and out traffic and make it easier for residents to walk. It supports the economic development strategy, the sustainability strategy and the housing strategy adopted by the city council.

James Alan Salon has been a model business in Shoreline by providing volunteer services, participating in community activities and providing excellent hair cuts to us citizens over the years. This is the type of business we should be encouraging in Shoreline.

Please support the James Alan rezone request. You will be helping to implement the vision of Shoreline as a safe, friendly and economically viable community.

Respectfully,

Edie Loyer Nelson
19544 15th Ave NW
Shoreline, WA 98177
206-546-6323

Cc: James Alan Salon

Steve Cohn

From: Allen Anderson [jeada1118@gmail.com]
Sent: Wednesday, August 20, 2008 11:10 AM
To: Steve Cohn
Subject: Improving Shoreline

Planning Commission, City of Shoreline

Dear Ladies and Gentlemen

I am writing on behalf of the Rezone Request at: 18501 Linden Avenue North # 201753

I favor the proposed rezone and the building proposed for that site. Having served on the City's Economic Development Committee, this is just one type of development for the City that the committee envisioned.

As I understand the proposed building it will consist of a business and thirty-four apartments with more than adequate parking. The site is geographically located to provide easy access for the tenants to a wide variety of businesses, medical facilities, restaurants, banks and public transportation. I am assured that the building will have street appeal and be a meaningful addition to the City of Shoreline.

The proposed building accomplishes many benefits to the City including: A business site to provide meaningful employment, additional housing, and improvement to the neighborhood.

The owners of the property have been in business over over a quarter of a century and have long been contributors, hands-on and financially, to the community of Shoreline. While I have met Mr. Fairfax, I am not involved in any way with him or his business. My interest is solely on the improvement to the City of Shoreline.

I ask your approval of this zoning change and recommendation to the City of Shoreline Council.

If the current building code will allow a single use building of business offices but not allow a mixed used building of the same size the City should really change to code.
Sincerely,

Allen D. Anderson
19819 5th Avenue NW
Shoreline WA 98177
206 546 6631

8/20/2008

Steve Cohn

From: Witeck, Jennifer L [Jennifer.L.Witeck@mercer.com]
Sent: Wednesday, August 20, 2008 12:06 PM
To: Steve Cohn
Subject: Letter in Support of the James Alan Salon Project, #201735

Dear Shoreline Planning Commission Members:

My name is Jennifer Witeck and I am writing to you in support of the James Alan Salon Project (#201735). I respectfully encourage the Planning Commission to honor the project's request to rezone their location at 18501 Linden Avenue North.

Although I am not a Shoreline resident, I am in support of the Salon project being rezoned as a Regional Business vs. a Community Business. I live in Ballard and I have been a James Alan Salon customer over the past seven years. Hearing about their project, I believe the retail and residential space created by the project would benefit both the Shoreline community and the region as a whole. The salon has a 28-year history of being a respectable community-involved business and it is only logical that their project would continue to directly benefit the city of Shoreline.

From the retail perspective, the development of this property supports the economic development strategy and the sustainability strategy adopted by the city council. With its location, the new building would provide easy access to public transportation as well as other retail services such as food, medical/dental, pharmacy, restaurants and banking, thereby generating financial growth to surrounding businesses in the community. With new retail space available, the Shoreline community will benefit from the increased economic growth.

From the residential perspective, the development is in line with recommendations from the Housing Commission as well as Shoreline's growth plan. The 34 apartments will help mitigate the limited apartment availability created by the past several years of condo conversions, thus providing a financially-viable option for Shoreline residents. With the easy access to transportation and other businesses mentioned above, residents will also add to the city's financial success.

Again, I encourage the Planning Committee to approve the rezoning request. With the responsible community growth provided by this multi-family dwelling and additional retail space, Shoreline could only benefit from the James Alan Salon project.

Sincerely,
Jennifer Witeck

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FE01

Steve Cohn

From: Tom Corbett [tom.corbett@comcast.net]

Sent: Wednesday, August 20, 2008 1:21 PM

To: Steve Cohn

Subject: James Alan Hair Salon - Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

To: Shoreline Planning Commission

From: Tom Corbett, 19599 - 27th Ave NW, Shoreline, WA 98177

Date: August 20, 2008

I strongly support James Alan Solon's rezoning request. The city of Shoreline desperately needs more affordable housing alternatives that simply cannot be found in the city today. With 4 million new residents expected in the Puget Sound region by 2050, we need to begin to make room today. Having traveled to many locations in Europe and Asia, I have seen the huge benefits that cities and even small towns realize with higher-density housing, particularly near areas like 185th and Aurora. With its access to shopping, medical/pharmacy, restaurants, banking and bus lines, it could be an ideal location for independent seniors. With its easy access to the Interurban Bike Trail, it could be ideal housing for students going to Shoreline Community College, or even U.W. and S.P.U., who would appreciate the savings made possible by biking rather than driving and parking. Both of these groups need more affordable housing, and would be happy to live within the smaller spaces. In other cities, I have witnessed people who have smaller living quarters make better use of "third places", such as coffee shops, book stores, and restaurants, which keeps a community healthy and vibrant. Higher density means more eyes on the street, which would help keep Aurora and the neighborhoods nearby more crime-free. The city would be making a positive statement and taking a leadership role with regard to sustainable development, since the construction, heating, and maintenance of these units would be leaving a significantly smaller carbon footprint per resident. I know that the Planning Commission has wisely supported this project in the past, and that it has been the City Council that has stood in the way. I hope that you can continue to educate the City Council to see that projects like this are the way of our future. The huge demand and exceedingly small supply of units such as these guarantee that they would seldom/never be vacant.

In the interest of public disclosure, I would not benefit financially or any other way directly or indirectly, other than my general level of satisfaction would increase in knowing that I live in a city that gives more than lip-service support of economic development, sustainability and affordable housing.

Most sincerely,
Tom Corbett
19599 - 27th Ave NW
Shoreline, WA 98177

8/20/2008

Steve Cohn

From: d.fosmire@comcast.net
Sent: Wednesday, August 20, 2008 2:18 PM
To: Steve Cohn
Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

Dear Mr. Cohen,

I am writing to express my support for the re-zone request at the property located at 18501 Linden Ave. N. I am surprised to hear that the City Council has still not approved this re-zone. As a Shoreline resident who holds a degree in Urban Geography from the University of Washington I would offer several reasons this property re-zone should be approved.

It has access to public transportation as well as services such as food, medical/dental, pharmacy, restaurants, and banking located on the Aurora Corridor.

This project falls within the parameters of the economic development strategy, the sustainability strategy and the housing strategy, all three of which have been adopted by the City Council.

This development is in line with the GMA as well as supporting Shoreline's growth plan.

As the owner of apartments in Seattle who has resisted condo conversion, this new building will provide 34 apartments helping increase the limited number of apartments built in the past several years of condo construction and conversion.

It provides for responsible growth -- multi-family dwellings built near the Aurora Corridor and not in adjacent residential areas.

Both the retention of James Alan Salon business and construction of new multi-family residences will add to the city's economic growth.

Sincerely,

David Fosmire

8237 14th Ave NW
bsp;

8/20/2008

Steve Cohn

From: Lamar and Cathy Scott [scott7911@msn.com]
Sent: Thursday, August 21, 2008 8:30 PM
To: Steve Cohn
Subject: James Allen Salon Project

We want to express our support for the James Allen Salon Project.

We strongly support development of new apartments in Shoreline particularly those along public transportation corridors and within walking distance of shopping and community services. It is past time for our community to recognize the importance of development that does not rely on private vehicles generating more traffic and causing more road construction.

This is a responsible development, consistent with Shorelines growth plan, by a responsible community business.

Lamar Scott
Cathy Scott
2133 N 159th St
Shoreline, WA 98133

8/22/2008

Steve Cohn

From: DANIEL LYONS [danlyons1@verizon.net]
Sent: Thursday, August 21, 2008 10:36 AM
To: Steve Cohn
Subject: Rezone request at 18501 Linden Ave. N. #201753

Dear Planning Commission members,

It seems to me that the community would benefit from construction of additional rental apartments, and to accomplish this it will apparently be necessary to change the present zoning at the subject address from "Community Business" to "Regional Business".

Therefore, we strongly urge you to make this change.

Daniel and Maureen Lyons
18033 13th Ave. NW
Shoreline, WA 98177

Steve Cohn

From: Gordon Mehus [gm.boosters@verizon.net]
Sent: Thursday, August 21, 2008 4:07 PM
To: Steve Cohn
Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

Dear Mr Cohn,

I am writing to express my complete support for the zoning variance requested by James Alan Salon. This is *exactly* the type of business activity that we in Shoreline should be encouraging at every turn. James Alan has been a fixture at the 185th and Linden location for many years. They have supported the community in a number of ways and proven to be a very good neighbor. Now they want to improve and expand their business. They have earned any assistance the City can offer.

The James Alan project is the perfect use of a location that abuts a utility sub-station, a bank, a real estate office, Fred Meyer and one of the busier intersections on 185th. What better use is there for this particular property? It puts higher density apartments within walking distance of mass transit and shopping. The parking is off-street, which I personally feel is important. The new, revived business and additional residences will add to Shoreline's economic development.

The City needs to do everything it can to encourage and keep businesses like James Alan Salon here in Shoreline.

Sincerely,
Gordon Mehus
17 Year Shoreline Resident

8/21/2008

Steve Cohn

From: rlspeed@aol.com
Sent: Friday, August 22, 2008 9:09 AM
To: Steve Cohn
Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753



To: City of Shoreline Planning Commission
From: Valerie Speed
Subject: Public Hearing Rezone Request at 18501 Linden Ave N, #201753
Date: August 22, 2008

I am sending this testimony in regards to the zoning change needed for the James Alan Salon building project at the above noted address. As a twenty five year resident of Shoreline, and a ten year patron of the salon, I urge you to approve this application.

The City of Shoreline has promoted sustainability, responsible growth and multi-family housing near to business districts. This project meets these goals set out by the city council, and provides so much more! The salon, in addition to providing great services to its customers, employs over 25 people, many of whom live in the city. It has been an established and responsible community member, participating in local organizations and charities. The new building will provide apartments, which are disappearing at an alarming rate. Last but not least, the proposed project provides for on site parking which should please patrons, neighbors and general citizens as well! It is located on a major bus route, and one block from the busy Aurora corridor, an ideal setting for a project of this kind.

I would like to also point out there is an adjacent property with recently completed project of condominiums, and there is a large, long standing condominium complex on Linden north of the property adjacent to the power/phone substation. I think these structures indicate that this proposed project is ideally suited to this location.

Fortunately for the patrons of this great business, they have stayed open in a temporary location. Hopefully, with your approval and the City's blessing, they will be able to return to their original location as soon as possible. Thank you.

8/22/2008

Steve Cohn

From: anastacia spear [anastacia_spear@hotmail.com]
Sent: Friday, August 22, 2008 6:02 PM
To: Steve Cohn
Subject: #201753

To Whom It May Concern:

I am writing in support of the James Alan Salon project, I would like to state a few key points in my support of the project.

First, the James Alan Salon has been a responsible community business and partner for over 28 years and during this time, the salon has made countless service and financial contributions back to the community. Second, over 25 employees are employed by the salon and almost half of them are Shoreline residents, Third, their development is in line with recommendations from the Housing Commission as well as in line with Shoreline's growth plan. Lastly, their development plans support the economic development strategy, sustainability strategy and housing strategy, all three of which have been adopted by the city council.

Thank you for your time.

Respectfully,
Anastacia Spear

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8/25/2008

Steve Cohn

From: Joan Dressler [gemlady@mail.com]
Sent: Monday, August 25, 2008 5:31 PM
To: Steve Cohn
Subject: Support For The James Alan Salon Project

I am writing in support of a rezoning of the property, James Alan Salon project at 18501 Linden Ave N, #201753.

This development is in line with recommendations from the Housing Commission, as well as being in line with Shoreline's growth plan.

It is responsible growth with multi-family dwellings planned one block west of Aurora Avenue, not in residential neighborhoods. At the same time it will provide 34 apartments to assist with the replacements of those apartments lost through condo conversions.

The Salon has been a responsible community business and partner for over 28 years. Both the business and residences will add to the city's economic development.

Thank you for taking this rezoning proposal under serious consideration.

Yours truly,
Joan Dressler, Shoreline Resident

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Choose From 200+ Email Addresses
Get a Free Account at [www.mail.com!](http://www.mail.com)

Steve Cohn

From: Monica Johns [Monica.Johns@tideworks.com]
Sent: Monday, August 25, 2008 10:43 AM
To: Steve Cohn
Subject: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753
Importance: High

Dear Planning Commission:

Please note that I am a Shoreline resident and a valid registered voter.

This email serves as my support for the James Alan Salon Project.

Below are few of my reasons as to why I am in support of said project:

- This development supports the economic development strategy, the sustainability strategy and the housing strategy, all three of which have been adopted by the city council
- All 70 parking spaces will be below and behind the building, making for very nice street appeal
- It is responsible growth – multi-family dwellings planned one block off of Aurora (not in the residential neighborhoods)
- James Alan Salon has been a responsible community business and partner for over 28 years and during this time, James Alan Salon has made countless service and financial contributions back to the community.
- Both the business and residences will add to the city's economic development

Thank you,
Monica Johns
638 NW 181st Court
Shoreline WA 98177

8/25/2008

16229 14th Ave. NE
Shoreline, WA 98155
August 25, 2008

To: Shoreline Planning Commission

From: Janice R. Ellis

Re: **Public Hearing: Rezone Request at 18501 Linden Ave N, #201753**
(James Alan Salon project)

As a resident of Shoreline since 1966 and a client of the James Alan Salon for many of those years, I am writing in support of their request for a rezone to permit the teardown of the old salon and the construction of a new building which would house the salon on the first floor and 34 apartments on floors above. My support lies in three main areas.

1. The salon has been a significant business in Shoreline for 28 years. With 25 employees it is an important part of the overall economic structure of the community. As a business it has been very successful and has received an award for the quality of the management and the way employees are treated. This is the type of small business that Shoreline needs both to serve residents and to enhance the overall livability of the city. If the city does not support this rezone, it may not be economically viable for the Salon to rebuild in the city of Shoreline. Forcing a business such as this to relocate is a loss for all. Sustaining Shoreline's business climate is important.
2. All businesses serving the public need to address issues of access. As a retired person, I recognize that there is a significant aging population in the city of Shoreline as well as individuals with disabilities. The old building (not the current temporary one) lacked appropriate access for those with any kind of disability. A new building with adequate parking and access is essential for a business that must serve the public. The plan would include adequate parking for clients as well as residents and thus would not impinge on the neighboring housing area. As an individual who may need an accessible salon in the future, I encourage support for a business that is making this change a part of its planning.
3. Placing high density apartment housing close to the Aurora corridor meets multiple community needs. Apartments are essential for many individuals for whom purchasing a home may not be either desirable or in some instances possible. This is true of those with lower incomes, young people beginning independent living, the disabled, some older individuals, and those who simply prefer apartment living. This urban center on Aurora would be a great place for apartment dwellers and the number of units would add significantly to a segment of the housing stock of the city that is greatly needed. These apartments would be close to bus lines, near shopping and medical resources, and within easy walking distance of the Interurban Trail and other community amenities. This is an environmentally sound plan as we all search for ways to decrease the use of single person car trips.



Windermere

Windermere Real Estate/Shoreline

August 26, 2008

City of Shoreline
Attn: Steven Szafran
17544 Midvale Av North
Shoreline, WA 98133

Re: Rezone Permit #201753
18501 and 18511 Linden Av N

Dear Mr. Szafran:

We are located directly across Linden Avenue to the east of James Alan Salon and have received your notice of rezone application for these properties. James Alan Salon has been an excellent neighbor for many years.

We are in support of this rezone and consider the project to be of great benefit to the whole community. Shoreline is a growing city and needs to retain and attract well respected businesses and employees. This should be a fundamental concern to the city.

We have a couple concerns that we hope will be addressed without further delay. The first is the length of time this property has been vacant. It is in a deteriorated state which we feel is detrimental to our property. This is also an invitation for vandalism which does not bode well for the community.

The second concern is regarding the apparent length of time this rezone is taking. Your notice refers to an original date of October 2006. In checking with the city as to why it was taking so long we were told that there was a code amendment that was up for adoption which could affect the property. Apparently since that time it has been brought to the city council four times with recommendation for approval by both the planning commission and the city staff. Each time the city council majority has sent it back to the planning commission for further study. It would appear that this process is taking an inordinate amount of time. Is this now or has this become a standard rezoning process and/or code amendment adoption in the City of Shoreline?

We feel this is an ideal location for the intended purposes and the rezone should be approved without further delay.

Sincerely,

Gary Alston,
Owner, Broker

cc: Steve Cohn

Received 4:43 on Aug 26

-----Original Message-----

From: Ken and Pearl Noreen [mailto:noreen@seanet.com]

Sent: Tuesday, August 26, 2008 4:42 PM

To: Steve Cohn

Subject: Letter of support for rezone#201753

2625 NW 205h
Shoreline, Washington 98177
August 26, 2008

Dear Planning Commission Members,

We want to strongly urge you to support the Rezone Request at 18501 Linden Ave North #201753 for the James Allen Salon. The James Allen Salon has been a responsible community business and contributor in our community for the past 28 years. We can personally vouch for their unbelievable support for a variety of community organizations. Their support is highly visible at fundraisers and events for the Shoreline Public School Foundation, the Shoreline Art's Council, the new Dale Turner YMCA, the Center for Human Services, and Rotary. They have also given young mothers in the Healthy Start program makeovers at the Salon. No other business in Shoreline has contributed at this level in our community!

We urge your support for this rezone. The City Council has supported the Gambling Casinos by lowering their taxes repeatedly, and we find Casinos support for the community vacant. The Casinos have repeatedly turned organizations down when asked for contributions. We know we have asked them. How can the city turn a deaf ear to this rezone when James Allen is so supportive in this community?

We urge your support for the #201753 rezone because the rezone supports the economic strategy, the sustainability strategy, and the housing strategy for the city of Shoreline. This development also supports the Shoreline growth plan. With 34 much need apartments and 70 parking spaces this development enhances responsible business development in Shoreline.

What a tragedy for the Shoreline community if the James Allen does not get its rezone and chooses to move its business to another community! I cannot believe that this City Council and Planning Commission would let this happen! Unfortunately the city of Shoreline is gaining a reputation for being unfriendly to businesses! For over two years this rezone has been held up by the city! That is unbelievable to us!

We once again urge your support for Rezone Request at 18501 Linden Ave N. #201753. It is incomprehensible that it has taken 2 years to complete this process!

Steve Cohn

From: Dave Tousley [DTousley@nfcorp.com]
Sent: Tuesday, August 26, 2008 9:22 AM
To: Steve Cohn
Subject: Rezone request for 18501 Linden Ave N. #201753

Dear City of Shoreline Planning Commission

I am writing this letter in support of the Rezone Request at 18501 Linden Ave N., #201753.

The City Council of the City of Shoreline has adopted a housing strategy, a sustainability strategy and an economic development strategy. I assume that means the council supports these strategies. The project planned for the James Alan Salon property also supports those strategies.

It is time for the planning commission, the city and the city council to start supporting the well established small businesses in our community and approving this rezone might show that Shoreline can be a business friendly community.

Sincerely,

David & Roseann Tousley

8/26/2008

-----Original Message-----

From: Catherine Furnia [mailto:cmfurnia@gmail.com]

Sent: Tuesday, August 26, 2008 4:56 PM

To: Steve Cohn

Cc: Matthew@JamesAlanSalon.com

Subject: rezone request for James Alan Salon

To Whom It May Concern,

I am writing because I am concerned that the Shoreline City Council is acting in a biased manner toward the owners of James Alan Salon in their effort to get zoning for their building project at 18501 Linden Ave N. I do not know the owners, but have been a customer of theirs for the last two years.

I have watched the HUGE development of the south Echo Lake YMCA and housing units over the last year, and cannot fathom why the city council would then object to such a small project in what is clearly a mixed used neighborhood, when they approved such a behemoth project in an environmentally sensitive area. This is the same city council that has allowed cottage housing in R-6 neighborhoods, so why would there be concern about a 34 unit mixed use building? Although Fred Meyer is very useful, it is an eyesore. I believe this new building would only benefit the neighborhood financially and aesthetically. The location in question is bordered by a major arterial, Windermere Real Estate, a fairly questionable apartment complex to the northeast, a utility station directly to the north. In what way would the James Alan project hurt the neighborhood? They have made, from what I can ascertain, reasonable accommodations for increased traffic and parking.

I also do not understand why zoning would allow a building of the same size if it were all office space, but not for mixed use. The logic completely escapes me. This is a perfect place to have apartments that would actually help REDUCE car traffic, since tenants/owners would be able to literally walk across the street to have almost all their needs met at nearby businesses.

It seems as though James Alan Salon has been a very "good neighbor" to the community through the years. I can only deduce that there are city council members who are acting out of spite or financial motivation to prevent this project from getting the appropriate permits and zoning.

I look forward to your response to my questions and concerns.

Sincerely,
Catherine McConnachie
(206)546-5992

From: CaraLee Cook [caraleester@yahoo.com]
Sent: Tuesday, August 26, 2008 10:17 PM
To: Steve Cohn
Subject: Rezone of property at 185th and Linden
Dear members of the city of Shoreline's planning Commission,

I live in the Richmond Highlands neighborhood of Shoreline, and wish to express my support for the re-zoning of the land on the corner of 185th and Linden Ave N., currently the James Alan Salon and the two surrounding parcels. The goal is to develop this property into a mixed use building with 36 apartments and office space.

Please grant the re-zone necessary to enable this project. There is a huge need for affordable housing in our city. Many of our transitioning households do not desire a detached single family home. Dense apartment style housing is needed, but belongs in the commercial corridors where public transport, shopping and services can be accessed on foot. The design of this project will enhance the aesthetics of the area, I especially appreciate the design of parking in the back and under the site, so it is not visible from the street view. An increase in property value increases the return of tax revenue to the city. Mixed use provides the best return for the space and resource, and is the preferred development model for urban corners.

There are many positive outcomes of this project and I urge you to grant the needed rezone so that the project moves forward with the highest number of housing units possible. If you have any questions, please do not hesitate to call me.

CaraLee Cook, (206) 546-0145

Steve Szafran

From: Steve Cohn
Sent: Thursday, August 28, 2008 8:09 AM
To: Steve Szafran
Subject: FW: James Alan Salon Rezone

Sent Aug 28

-----Original Message-----

From: Agreement Dynamics, Inc. [mailto:hq@agreementdynamics.com]
Sent: Thursday, August 28, 2008 7:25 AM
To: Steve Cohn
Cc: 'Matthew Fairfax'
Subject: James Alan Salon Rezone

Dear Planning Commission:

As a resident and business owner in Shoreline, I'm writing to support the James Alan Salon proposed rezone to a regional business designation.

Please support their request for increased housing units on the site. The James Alan Salon is a long-time neighborhood business that employs a number of Shoreline residents and makes a positive contribution to our community. This type of development is good for Shoreline because:

- It increases rental property in the area, much of which has been converted to condos in the past several years.
- Its location is one block off Aurora, allowing residents to walk to shopping and transportation services. This is sensible development for our community's future.
- The mix of business and residences there will increase the economic vitality of the area.
- Without the additional residences proposed their business plan for this building project may not be economically viable.

Please feel free to contact me if you have any questions. Thank you for your consideration of this important request.

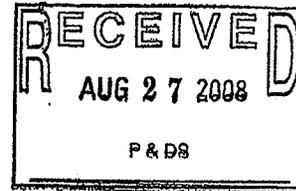
Sincerely,

Rhonda Hilyer, President, Agreement Dynamics, Inc.
18410 16th Ave. NW, Shoreline, WA98177

Agreement Dynamics, Inc.
relationships, agreements, results
(206) 546-8048

8/28/2008

August 28th, 2008



Subject: SEPA and Rezone Request at 18591 Linden Ave N #201753

To: Steve Szafran, Steve Cohn, City of Shoreline Planning Commission

Please let me apologize for writing at the last minute and without making time to personally review the file. I did not realize how quickly time was passing. I am trying to better understand what has/has not transpired before it's too late to ask. I am writing in regards to both the SEPA and the requested rezone on the reference property commonly known as the "James Alan" property owing to the hair salon that has operated there from a one story building for a number of years. I will address my SEPA questions/concerns first and then provide my re-zone concerns.

Regarding SEPA

1. It's my understanding the only SEPA currently available on this property is for the current Community Business (CB) permit application of 20 units. Is this correct? *SEPA*
2. Was there a recent period for SEPA review that I missed? If not, could you please enlighten me as to why not?
3. I assume a SEPA was done for the proposed re-zone? Could I please get a copy of it? When did I miss the chance to comment on it?

4. Are the applicant required copies of Washington Department of Fish and Wildlife Habitat Species maps for this location provided? to verify if the property is part of a migratory route and if so, for what species?
5. Also, how will the loss of solar lighting/energy on the single family home immediately to the north be mitigated? by shape/height/location of the proposed structure?

Please provide a *written response* to each of the above SEPA related questions.

Re-Zone Concerns

I implore you keep the zoning of this property at CB (R48) and to look at the most current facts available. It concerns me that comments I have been able to review are from the following:

Harry Sloan – Windermere Real Estate Agent

Emoke Rock – Windermere Broker

David Fosmire – 14th Ave NW

Eddie Loyer Nelson – 15th Ave NW

Allen D Anderson – 198th & 5th NW

Patty Schoch – 500 block of N 188th

Barbara Boldrin – 18233 Linden Ave N

Of these, only the last is really a neighbor that will be affected.

Here are calculations I did on the lot dimensions and the proposed increase in units:

There are 43,560 sf/acre

The lot is 14,200sf or 32.6% of an acre

36 units (based on receipt of the requested RB re-zone) proposed units.

(I believe this would be 34 housing units plus the James Alan Salon itself)

14,200 x 3.0675 = 43,560

Or

36 units x 3.0675 (multiplier determined above = 110 units per acre)

110 units per acre *might* be appropriate in some locations that face directly onto Aurora, however, this property not on Aurora and is on the edge of a single family neighborhood.

The proposed re-zone would allow what is now a five story building, immediately adjacent to a two story, single family residence to grow to six stories.

	<u>Zoning Code</u>	<u>Zoning Density</u>	<u>Height</u>	<u>Stories</u>
<u>Current</u>	Community Business (CB)	Max R48	Max 60 ft	Max 5
<u>Proposed</u>	Regional Business (RB)	Max R110?	Max 65	Max 6

The existing CB zoning will allow for 4 additional stories and 20 residential units not currently on site. To increase that level of growth even further is simply unwarranted "piling on". If this property is allowed to re-zone to RB it will represent an additional 125% increase in units over those already zoned, an additional story and not require any of the small businesses so badly needed to re-vitalize our city. This seems both unwise and totally unwarranted.

I have lived in Shoreline, at the same address since 1965. I have seen many changes and how they have affected the neighborhood near this property. I live one block north of the James Alan Salon where Linden Ave N becomes Firlands Way and intersects N 188th Street. I was also a member of the Planning Academy. The Academy's sole purpose was to work as a diverse group made up of developers, contractors, home owners and

businesses to of "form" so they could be used to show by means of example what citizens wanted their neighborhoods to look like. This process, by default, also defined the least desirable attributes.

One the most undesirable forms identified was the lack of any transition from one type (multi-family; large bulk) building(s) to another type of building like single family. The larger building literally overshadows the smaller one and destroys any sense of local character and continuity.

The existing, Community Business zoning already allows for up to five stories that will be erected just feet away from a small 2 story home. Regional Business zoning would allow this to increase all the way to six stories looking down on this 2 story home.

Furthermore, I am concerned the existing SEPA is no longer timely, nor reflective of the increased impacts the proposed re-zone might cause.

Also, Firlands Way is a residential street that already experiences traffic volumes considered to be excessive for the street and neighborhood characteristics. I have attached the average weekday total axel counts provided by Traffic Engineer, John Marek. These were done for the Hillwood Neighborhood Traffic Plan. You can see that during the course of the average weekday in February 2007 there are 2213 cars coursing through the neighborhood at a rate of 1 every 15 seconds at the 7AM & 5PM peak times. I am very concerned that 34 housing units, with 70 additional parking spaces (not to mention overflow parking on the street) will simply add more traffic to this already overused, unsafe street. I am absolutely opposed to anything that would add even one more car to the traffic on this street until the City finds, implements and demonstrates the means to successfully reduce the existing traffic volumes in our once relatively quiet neighborhood.

Furthermore, RB zoning would allow for all the units in the proposed building to be residential without any commercial occupants. While this may prove lucrative for the owner, it will not bring locally owned small businesses into the community to diversify and deepen our business tax base. Having all housing units, which some find most attractive, would not only increase daytime commuter traffic, it would also mean the local neighborhood streets would have an increase in evening traffic as well. Local neighbors have a right to expect reasonable traffic volumes. According to the City's own current traffic counts, before any changes to this site are made, we have unacceptably high traffic volumes and adding even more units than currently allowed, will simply exacerbate an untenable situation. Then imagine that even more of the units are likely to be 24 hour residential units and you can easily imagine the outcomes.

Zoning and Comprehensive Plan Disconnect

I understand the Zoning Code allows for R-110 density. However, aren't the Comprehensive Plan and accompanying Environment Impact Statement (EIS), which don't address this level density, the controlling documents? This continues to be a concern that needs to be addressed before even considering this level of density directly adjacent to single family housing.

Thank you for your thoughtful consideration and responses to my concerns.

Sincerely,



Boni Biery
903 N 188th St
Shoreline, WA 98133

City of Shoreline
Public Works - Traffic Service
17544 Midvale Ave N

Location : Firlands Way N
 Cross-St : N 190 St
 Direction : s/o

Site:
 Date: 01/29/07

Director:TOT

Interval Begin	Mon 1/29	Tue 1/30	Wed 1/31	Thu 2/1	Fri 2/2	Sat 2/3	Sun 2/4	Weekday Avg	Week Avg
12:AM	*	*	*	*	*	8	15	*	11
1:00	*	*	*	*	*	8	4	*	6
2:00	*	*	*	*	*	9	4	*	6
3:00	*	*	*	*	*	8	8	*	8
4:00	*	*	*	*	*	1	4	*	2
5:00	*	*	*	*	*	5	4	*	4
6:00	*	*	*	*	*	12	9	*	10
7:00	*	*	*	*	*	14	7	*	10
8:00	*	*	*	*	*	43	44	*	43
9:00	*	*	*	*	*	76	48	*	62
10:00	*	*	*	*	*	110	73	*	91
11:00	*	*	*	*	*	150	90	*	120
12:PM	*	*	*	*	*	149	99	*	124
1:00	*	*	*	*	*	144	114	*	129
2:00	*	*	*	*	*	104	140	*	122
3:00	*	*	*	*	*	136	95	*	115
4:00	*	*	*	*	*	110	66	*	88
5:00	*	*	*	*	*	97	74	*	85
6:00	*	*	*	*	*	94	33	*	63
7:00	*	*	*	*	*	52	62	*	57
8:00	*	*	*	*	*	41	54	*	47
9:00	*	*	*	*	*	45	30	*	37
10:00	*	*	*	*	*	26	25	*	25
11:00	*	*	*	*	*	28	9	*	18
Totals	0	0	0	0	0	1,470	1,111	0	1,283
AM Peak	*	*	*	*	*	11:00	11:00	*	11:00
Volume	*	*	*	*	*	150	90	*	120
PM Peak	*	*	*	*	*	12:00	2:00	*	1:00
Volume	*	*	*	*	*	149	140	*	129

City of Shoreline
Public Works - Traffic Service
17544 Midvale Ave N

Location : Firlands Way N
 Cross-St : N 190 St
 Direction : s/o

Site:
 Date: 02/05/07

DirectorTOT

Interval	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Week
Begin	2/5	2/6	2/7	2/8	2/9	2/10	2/11	Avg	Avg
12:AM	4	4	1	8	*	*	*	4	4
1:00	4	2	2	2	*	*	*	2	2
2:00	2	4	3	3	*	*	*	3	3
3:00	2	2	1	1	*	*	*	1	1
4:00	6	4	4	4	*	*	*	4	4
5:00	16	16	14	13	*	*	*	14	14
6:00	64	66	69	64	*	*	*	65	65
7:00	210	309	226	211	*	*	*	239	239
8:00	148	202	154	135	*	*	*	159	159
9:00	116	102	89	98	*	*	*	101	101
10:00	111	86	76	114	*	*	*	96	96
11:00	136	117	95	107	*	*	*	113	113
12:PM	127	144	127	142	*	*	*	135	135
1:00	142	125	116	128	*	*	*	127	127
2:00	142	156	152	142	*	*	*	148	148
3:00	243	168	195	174	*	*	*	195	195
4:00	247	163	176	182	*	*	*	192	192
5:00	276	197	230	216	*	*	*	229	229
6:00	135	150	129	155	*	*	*	142	142
7:00	88	88	92	84	*	*	*	88	88
8:00	53	80	60	68	*	*	*	65	65
9:00	39	56	43	52	*	*	*	47	47
10:00	22	30	38	30	*	*	*	30	30
11:00	20	10	9	17	*	*	*	14	14
Totals	2,353	2,281	2,101	2,150	0	0	0	2,213	2,213
AM Peak	7:00	7:00	7:00	7:00	*	*	*	7:00	7:00
Volume	210	309	226	211	*	*	*	239	239
PM Peak	5:00	5:00	5:00	5:00	*	*	*	5:00	5:00
Volume	276	197	230	216	*	*	*	229	229

August 29th 2008

To: The city Of Shoreline Planning Commission
From: Patricia Erickson
Regarding Public Hearing Rezone Request for 18501 Linden Ave North #201753

As a long time resident of Shoreline, since 1960, I have seen our community go through many changes. Some of these projects have been thought out better than others. I believe that the project that James Alan salon is proposing will enhance our community. It will beautify the corner of 185th and Linden. It will add needed housing and resources for the neighborhood. It will make driving along what is currently a rather unsightly stretch of 185th more pleasing to the eye.

It seems nonsensical that an area that is already commercial and has been for years would be denied the right to progress in the direction that our community needs and desires. James Alan Salon has been a valued contributor to our community and what it stands for, giving back in many ways as tax payers, employers and community involvement.

When "Valuemart" [now Fred Meyer] was built in the 60's, it was an exciting asset to our burgeoning community. How exciting it was to go to that store with my parents. It made Richmond Beach feel more solid and desirable. If we halt progress because of a misguided group within our government, we keep Shoreline from being what it desperately needs to be, a viable, accessible spot where people want to come and spend their money.

Please help our community in welcoming the project set before you. We *need* successful businesses, we *need* good contributors to our community and we *need* accessible housing for bus riders and others with limitations.

Thank you for approving this request!

Patricia K Erickson
206 542-2895
19206 14th LN NW
Shoreline, WA 98177
Long time Richmond Beach Resident

Cc Shoreline Enterprise and the Richmond Beach Community News

Steve Szafran

From: Steve Cohn
Sent: Friday, August 29, 2008 8:42 AM
To: Steve Szafran
Subject: FW: James Alan Salon

Sent Thursday evening Aug 28

-----Original Message-----

From: Jill Mckinley [mailto:jillbentleymckinley@comcast.net]
Sent: Thursday, August 28, 2008 5:29 PM
To: Steve Cohn
Subject: James Alan Salon

Dear Planning Commission,
Please vote to let James Alan rebuild on their old site. That hair salon is not only a long time fixture in our community, they are huge supporters in Shoreline Schools, they bring in a good tax base and serve the needs of Shoreline, and are very convenient to get to. What a shame to send them off to another city.....please. please do not let them leave, Shoreline will lose a wonderful establishment with long time employees, whom most of them live here. It will be a nice building that will beautify the area and servet he needs of alot of Shoreline residents.

Think this through...be smart.
Sincerely, Jill Mckinley

August 31, 2008

RE: Public Hearing: Rezone Request at 18501 Linden Ave N, #201753

Dear Shoreline City Council:

I am writing to express my support for the James Alan Salon request to rezone its property to "Regional Business." Though I am not a resident of the city of Shoreline, I spend a great deal of time in Shoreline as a Professor of Biology at Shoreline Community College (18 years). I have been a client of James Alan Salon for many of those years. I am writing this letter as a client of the salon, not in my capacity as a professor.

I am particularly impressed with this business because the owners care about their clients, their employees and their community. James Alan has been cited as one of the "Best Companies to Work For" by *Washington CEO Magazine*. The business is run with a participatory form of management that encourages employee initiative and growth. They have given much back to their community, by supporting children's sports teams, participating in fund-raising events such as "Race for the Cure", and by getting involved in community governance.

Because this business is so popular, I've often had to park in front of residences or other businesses. The new plans will alleviate this problem by having all parking behind or below the building. This, along with the ability to provide additional apartment spaces, demonstrates to me that the owners want to make the most efficient use of space. This development will add affordable housing close to public transportation and other businesses. Given the recent upscale development in the immediate vicinity of this location (the new YMCA and senior apartments, as well as upgrades to the Aurora Avenue corridor), I would think that the Council would encourage such a development. This salon has always been meticulously landscaped, adding beauty to an area that has seen some blight.

As a biologist, I am pleased that James Alan Salon is trying to do the most good with this land. I could choose to patronize a national-chain salon and save lots of money. But, I like to patronize businesses that give back to the community, support their employees, and are focusing on sustainability. Therefore, I encourage you to approve the zoning change for James Alan Salon.

Respectfully,



Judy L. Penn, M.S.
630 Scandia Pkwy
Camano Island, WA 98282
Phone: 360.572.4201

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:36 AM
To: Steve Szafran
Subject: FW: Support of James Alan Salon project

Received Sept 2

-----Original Message-----

From: juankris@comcast.net [mailto:juankris@comcast.net]
Sent: Tuesday, September 02, 2008 7:09 AM
To: Steve Cohn
Subject: Support of James Alan Salon project

To Whom it May Concern on the Planning Commission: This letter is sent as a comment of support for the James Alan Rezone Request #201753. Although my husband and I just moved (a few days ago) to the property alongside of the proposed project (732 N. 185th St), we have been long-time residents of Shoreline for over 30 years. We have seen the growth and development of Shoreline through those years and we have bought property in multi-use buildings a number of times. We have also lived in those buildings. We have seen the drawing of the proposed building, we know of James Alan's longterm commitment and care for Shoreline, we understand the issues involved in the development of commercial and residential properties to improve a "downtown" area for business and residents...and, with all those factors, including our own desire to see Shoreline grow and prosper, we are in full support of the James Alan project at 18501 Linden Ave. N.

As new neighbors to this development project and old Shoreline residents, I hope you will consider our support as a valuable in your decision regarding the rezoning request. Please reply to let me know you have received our comments. In addition, if you have questions regarding any other specific reasons for our support, please feel free to email those questions and I'll be happy to respond. Also, please let us know what time the hearing on September 4th is so we might attend. Thank you. Juan and Kris Espinoza

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:44 AM
To: Steve Szafran
Subject: FW: James Alan Project

Received Sept 2

-----Original Message-----

From: Dan Matlock [mailto:dbb.matlock@comcast.net]
Sent: Monday, September 01, 2008 10:56 AM
To: Steve Cohn
Subject: James Alan Project

I am writing in support of the James Alan Project for several reasons. They have been a valuable member of the business community – my entire family have used their services for over 12 years. In addition, this project would add to the economic development of Shoreline. Thank you.

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:44 AM
To: Steve Szafran
Subject: FW: James Alan Salon project

Received Sept 2

-----Original Message-----

From: Ron Greeley [mailto:ragreeley@mindspring.com]
Sent: Monday, September 01, 2008 10:32 AM
To: Steve Cohn
Subject: James Alan Salon project

September 1, 2008

TO: Shoreline Planning Commission
RE: James Alan Salon Project

We need to support private development especially if it is promoting housing.

I spoke to a 25 year old woman who works at a local business. She said it was difficult for her afford to go the University of Washington because of increases in tuition. Even if she could get a loan it would be difficult. She went on to say that she now has a low paying job and she cannot afford to live in Shoreline because rentals are too expensive. She now lives in Renton and commutes.

We need to support sensible housing projects that will allow for local workers to live in Shoreline.

Furthermore I do not understand a decision-making process that causes such delays. It seems unreasonable and unfair.

I encourage the Planning Commission and City Council to support this project.

Sincerely,
Ron Greeley

Ron Greeley
20233 - 23 Ave NW
Shoreline, WA 98177-2364
206-546-8186
Email: ragreeley@mindspring.com

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:47 AM
To: Steve Szafran
Subject: FW: PUBLIC HEARING: Rezone Request at 18501 Linden Ave N, #201753

Received Sept 2

-----Original Message-----

From: Jack Malek, Realtor ASR [mailto:jmalek@windermere.com]
Sent: Sunday, August 31, 2008 5:02 PM
To: Steve Cohn
Subject: PUBLIC HEARING: Rezone Request at 18501 Linden Ave N, #201753

August 31, 2008

Shoreline City Planning Commission:

I am a local area Realtor and a seven year resident and I am writing to support the change from community business (CB) to residential business (RB) or professional/residential (PR) in the proposed areas of Shoreline presently under moratorium.

This change would allow the higher density housing we need to support our own economic development plan including the anticipated 10,000 more residents by 2028. However it seems that the goals and plans set by the City of Shoreline are not supported by the present City Council.

I must express my concern that our City Council is sending negative messages to local business partners (in particular the James Alan Salon). Waiting for this precedent setting decision from the Council without a clear timeline or sense of urgency is not cost effective for anyone. It has negatively impacted James Alan Salon and has tarnished out City's image.

The owners of James Alan Salon have demonstrated a clear commitment to this community when buying Shoreline land, renting and remodeling a temporary Shoreline facility, and expanding their stake. They have risked much and our Council has failed to match or honor that commitment with a timely decision.

Unnecessary delays will significantly increase James Alan Salon's holding costs (mortgages, rent, inflationary increases, limited income capacity, etc.) and will surely give cause for any entrepreneur to reconsider developing here in Shoreline and thwart future prosperity.

The City Council needs to be accountable and the moratorium should not be extended past the November 11th 2008 deadline. The Planning Commission has completed the task of providing information to the City Council in order for them to answer the three outstanding questions:

- 1- What should be the base density; can it be exceeded?
- 2- Should there be additional transition requirements?
- 3- Is development of a new transition zone an idea worth exploring (professional/residential zone)?

It's up to the Council to complete this task.

Thank you,

Jack

Jack Malek, Realtor ASR
Windermere RE Shoreline
900 N 185th Street
Shoreline, WA 98133
206-498-2189 cell
206-533-5079 office
206-299-9344 fax
www.jackmalek.com

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:48 AM
To: Steve Szafran
Subject: FW: Rezone Request at 18501 Linden Ave N, #201753

Received Sept 2

-----Original Message-----

From: Deborah Buck [mailto:debbuck@gmail.com]
Sent: Sunday, August 31, 2008 12:03 PM
To: Steve Cohn
Subject: Rezone Request at 18501 Linden Ave N, #201753

To: Shoreline Planning Commission

I am emailing in support of the rezone request for the property at 18501 Linden Ave. N. My understanding is that the Planning Commission has supported this project in the past, and I urge you to persist in your support. Given the growth projected for King County, our city needs to take action now to support high density, mixed use projects such as this one.

I moved to Shoreline in 1989. Long before I knew much about Shoreline businesses, I was impressed by what I heard about the James Alan Salon's commitment to the community, and to supporting local non-profits. This is the kind of business that every community needs in order to keep a vibrant, ethical core.

Thanks in advance for your consideration of my comments.

Deborah Buck
Precinct Committee Officer and Shoreline resident since 1989

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 7:48 AM
To: Steve Szafran
Subject: FW: To the Shoreline City Council

Received Sept 2

-----Original Message-----

From: Lee Craig [mailto:leemail2@comcast.net]
Sent: Saturday, August 30, 2008 4:05 PM
To: Steve Cohn
Subject: To the Shoreline City Council

To the Shoreline City Council,

In this election year where politicians are resorting to personal attacks to win votes, I want to believe that in Shoreline, Washington, we are better than that. Right now, I am looking to the Shoreline City Council to demonstrate a form of politics that models cooperation, vision and forward-thinking. One way I will measure the effectiveness of the work our Council does will be to see approval of the permit for the James Allen complex.

My husband and I have lived in Shoreline forever, and we love this community. I try to patronize local businesses whenever possible, and am grateful to have the quality services of the James Allen Salon in my own neighborhood. I was delighted to hear that they intended to remain in their existing location when they outgrew their current building. Keeping them in our community is an important investment in bringing both increased business and conveniently located multi-family dwellings to Shoreline. After the initial approval of their proposed plans, I am frustrated and saddened to see the progress grind to a halt. Unfortunately, those I have talked to in my neighborhood perceive that the denial of permits has become political posturing by some members of the City Council. Please. Not again.

As a Shoreline resident, I want to see my community grow and prosper. The beautiful complex being proposed by the James Allen Salon, **Public Hearing: Rezone Request at 18501 Linden Ave N, #201753**, will add to the beauty of our city. I believe they have considered every potential problem with parking, with traffic, and with keeping the structure within recommendations from the Housing Commission. There is simply no down-side to this proposed development. It will enhance our community in many ways.

But for me, this is more than a dispute over a code amendment. We need businesses in our city that reach out into the community. That outreach is something that sets the James Allen Salon apart. The reason I became a customer of the James Allen Salon in the first place was because of the high visibility they have as members of this community. Every charity function I attend in Shoreline has a donation from the salon. The owners and the employees of the salon give back more than any other business I can name. They have done everything I would ask of a good neighbor. Please resolve this stalemate and let us get on with making Shoreline the best place to live in the northwest.

Thank you for your attention to this matter,
Lee Craig
1311 NW 200th

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 9:27 AM
To: Steve Szafran
Subject: FW: new apartment building

Received Sept 2

-----Original Message-----

From: patricia druxman [mailto:pattyrose@aol.com]
Sent: Tuesday, September 02, 2008 9:16 AM
To: Steve Cohn
Subject: new apartment building

Patricia Druxman
1048 NW 196th
Shoreline, WA 98177

September 2, 2008

Dear Shoreline Planning Commissioners:

In regard to the possible apartment building on the former James Alan Salon property, I wish to add to those who are in support of the larger size. I have been a resident of Shoreline since 1969 (except for two years) and a member of St. Luke's Parish.

I believe we need places for people to live closer to the Aurora corridor where there are so many commercial business in walking distance, including the bus, grocery, bank, Starbucks and other restaurants, new YMCA and more. We need more concentration of attractive properties there. This would be attractive building and also a source of more income to those business. Further, I know that the owner of the salon have been generous citizens of Shoreline supporting many charities including the one I am involved in - Healthy Start - by providing special evenings of services free to young mothers.

Sincerely,
Patty Druxman

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 12:49 PM
To: Steve Szafran
Subject: FW: James Allen Salon re-zone

Received Sept 2

-----Original Message-----

From: ranandles@verizon.net [mailto:ranandles@verizon.net]
Sent: Tuesday, September 02, 2008 11:16 AM
To: Steve Cohn; Joe Tovar
Cc: City Council
Subject: James Allen Salon re-zone

Dear Mr. Cohn, Mr. Tovar and all Honorable Councilmembers:

We are writing this letter to urge you to approve the re-zone of the James Allen Salon property for the following reasons:

(1) It is the job of elected positions to increase density "appropriately". This property is surrounded on the South by Fred Meyer, to the East by a bank, a real estate office and apartments, to the West by a new condo development, and to the North by a Verizon sub-station and a condo complex (St. Charles Place). This property, located in the middle of all these, is obviously not going to affect any views or impact the neighborhood in any great fashion.

(2) The impact to the area will basically be zero. Traffic is already affected by street lights (which can be timed to the added density) and the side streets to the North already have speed bumps everywhere.

(3) There will really be no additional retail because the James Allen Salon has already been there for years.

(4) The addition of density will benefit the City greatly at a time when revenue is needed. IF condos are built, then there is additional property tax benefit. IF condos or apartments are built, both will bring additional sales tax revenue because the tenants will probably do their shopping at Fred Meyer or Gateway Plaza.

(5) If you want to build "walkable" neighborhoods, this is the perfect site. It is close to shopping, transit, highways, trails and of course, the new City Hall.

We urge you to do the right thing. Approve this re-zone. Please forward this on to the Planning Commission prior to the Thursday meeting on this issue.

Sincerely,

Randy Hughes and Leslie Addis
19802 8th Ave NW
Shoreline, WA 98177
206.546.6353

Steve Szafran

From: Steve Cohn
Sent: Tuesday, September 02, 2008 4:18 PM
To: Steve Szafran
Subject: FW: Public Hearing: Rezone request at 18501 Linden Avenue North, #201753

Received Tuesday Sept 02

-----Original Message-----

From: Huse, Doug [mailto:DHuse@daviswire.com]
Sent: Tuesday, September 02, 2008 2:18 PM
To: Steve Cohn
Subject: Public Hearing: Rezone request at 18501 Linden Avenue North, #201753

Hello,

I am writing in support of the rezone of this property from **community business** to **regional business**. This development supports the economic development and housing strategy, and will provide 34 apartments, which the community is in need of. The property is in the right location for this type of project, with great access to public transportation as well as critical services.

James Alan Salon has been in business for over 28 years and has provided countless support for the community. The city is in need of affordable housing near the Aurora corridor and projects such as this which provide nice street appeal along with responsible growth are important to our city.

Thank you,

Doug Huse
Shoreline Resident
1816 N.W. 198th Street
Shoreline, WA 98177

Steve Szafran

From: Steve Cohn
Sent: Wednesday, September 03, 2008 8:05 AM
To: Steve Szafran
Subject: FW: James Alan Salon - Please allow rezone

Received Wednesday Sept 3

-----Original Message-----

From: Sylvia Levy [mailto:sylvia.levy@verizon.net]
Sent: Tuesday, September 02, 2008 6:28 PM
To: Steve Cohn
Subject: James Alan Salon - Please allow rezone

>
> The James Alan Salon is a great community business and has
> contributed in countless ways to our Shoreline community. I think
> the building they want to put up on Richmond Beach Road would be
> another wonderful way for the company to continue contributing - we
> need multi use buildings in this day and age, and Richmond Beach
> Road is hardly a residential street! Please allow the rezone to go
> through. I like this company very much and hate the thought of them
> moving to Edmonds.
>
> Sylvia Levy
> Richmond Beach Resident
>
> 1128 NW 201st Street
> Shoreline, WA 98177

Steve Szafran

From: Steve Cohn
Sent: Wednesday, September 03, 2008 8:06 AM
To: Steve Szafran
Subject: FW: James Alan Salon Rezone Request

Received Sept 3

-----Original Message-----

From: Angie [mailto:moozmom@verizon.net]
Sent: Tuesday, September 02, 2008 9:01 PM
To: Steve Cohn
Subject: Fw: James Alan Salon Rezone Request

----- Original Message -----

From: Angie
To: schon@cishoreline.wa.us
Cc: Matthew
Sent: Tuesday, September 02, 2008 6:59 PM
Subject: James Alan Salon Rezone Request

To Whom It May Concern,

I am writing in support of James Alan Salon. I have been a client for years. It was so good to find a high caliber salon in Shoreline and be able to quite going all the way downtown. I first found out about them from a friend. Now all of my friends are clients, as well as my extended family.

They give so much to this community. They never turn down a request to donation to our school auctions and art walks. I also have a very personal experience with their generosity and community building philosophy.

My daughter Charlotte has a progressive neuro-muscular disease that has left her completely disabled and ventilator dependent. She is now six and we care for her at home with the help of nurses.

About five years ago, Keri Huse, who cuts my hair asked if anyone cuts Charlotte's hair? I said that I have attempted to keep it trimmed, but it was pretty long and uneven. She immediately offered to come to our home and cut it. Not an easy task for two reasons. One Keri has a pretty tough time with tubes and scary medical stuff, and two, Charlotte has uncontrolled movements and is bed confined.

Keri has been cutting Charlotte's hair ever since, every month, on her day off, and will not accept payment. It is one of the many ways our life has been touched by kindness. It is not the exception at James Alan, it is the norm.

Lastly, for me it is so important to have them in Shoreline. I need to stick pretty close to home and the convenience of the location is key. I am excited to see them grow and develop new services. They are the kind of business Shoreline needs more of.

Sincerely yours,
Angie Sutphen

Steve Szafran

From: Steve Cohn
Sent: Wednesday, September 03, 2008 8:06 AM
To: Steve Szafran
Subject: FW: 185th and Linden

Received Sept 3

-----Original Message-----

From: Susan Bell [mailto:neko.bell@verizon.net]
Sent: Tuesday, September 02, 2008 10:52 PM
To: Steve Cohn
Subject: 185th and Linden

I support the zoning change of the property at 185th and Linden.

Susan Bell
1851 NW 202nd St
Shoreline

Steve Szafran

From: Steve Cohn
Sent: Thursday, September 04, 2008 10:35 AM
To: 'Will Hall'; 'Ben Perkowski'; 'David Pyle (H)'; 'David Pyle (W)'; 'Janne Kaje'; 'John Behrens'; 'Michael Broili'; 'Michelle L. Wagner (H)'; 'Rocky Piro (H)'; 'Rocky Piro (W)'; 'Sid Kuboi (H)'; 'Sid Kuboi (W)'
Cc: Steve Szafran
Subject: FW: James Alan Property

Commissioners Broili and Berens received this email earlier today. We are circulating it to the entire Commission and will include it in the desk packet of additional comments that we have received since the packet went to press.

Steve C

-----Original Message-----

From: Mike Broili [mailto:mbroili@speakeasy.net]
Sent: Thursday, September 04, 2008 10:22 AM
To: Steve Cohn
Cc: 'Behrens, John'
Subject: RE: James Alan Property

Hi Steve,

John and I received this from Boni Biery and in the spirit of full disclosure I would like you to circulate this to the rest of the PC.

Thanks and Cheers,

Mike

From: Boni Biery [mailto:birdsbeesfishtrees@gmail.com]
Sent: Thursday, September 04, 2008 9:59 AM
To: Behrens, John; Broili, Mike
Subject: James Alan Property

Hi Mike & John,

Here is rough draft of my concerns relative to tonight's planning commission. From what I understand, mine will be the only voice speaking against the up-zone.....

The staff report begins on page 19 of the packet. The areas that I find most "contestable" would be:

Proposal

item 17 - "to encourage the development of pedestrian oriented places,..." with the traffic already on Linden/Firlands Way there's no way this can be considered pedestrian oriented.

item 18. mid paragraph"Significant pedestrian connection and amenities anticipated" This is NOT satisfactory. If the city wants to provide these amenities, or require them as mitigation for the length of Firlands Way, then I might feel the rezone something to be given serious consideration. As things are

now, it's totally unacceptable.

Proposed Zoning

item 20. sub 2. "...will not adversely affect the public health, safety or general welfare." This same report indicates that Traffic Impacts will include traffic re-routing itself to avoid congestion by using Linden (which become Firlands Way) "for a few blocks in order to eventually connect with Aurora" This exactly why this rezone should not be approved!

item 20. sub 5. the rezone had merit and value to the community. I disagree. Will Jame Alan may be a neighborhood friendly landlord, there is no knowing how the next property owner may choose to use the site and this is a unwarranted upzone that could very easily have adverse affects on the surrounding property values and neighbors ten years from now.

22. please note that RB allows for 95% impervious surface, 10% greater than CB. This site is at the very top of Boeing Creek Basin and impervious surface should be minimized to reduce the downstream impacts of runoff. This is in direct conflict with the spirit of the Sustainability Strategy and Low Impact Development

the Masonic Temple site, directly across N 185th from this site will be CB, this is a much more appropriate zoning; with condominiums right next door, to go from single family housing at one end of the block, to 4 condominium unit, directly to R-110 density is out of character. This is also an abrupt density change along the Linden side of the development and along Linden to the south as well.

Traffic

item 23. "Since the rezone is not tied to a site plan, it is impossible to define specific impacts..." whatever the impact may be, they will most certainly be more traffic on the already overloaded residential street of Linden/Firlands Way that is primarily used for cut-through traffic by-passing Aurora. Until the existing traffic on this street is addressed there should not be zoning that would allow a single additional car at any time of the day and certainly not the additional traffic loads that would be generated by the proposed up-zone from R48 to R110!

Conclusions

Rezoning criteria

item 2. "...protects the environment,.....helps maintain Shoreline's sense of community." This re-zone does nothing to protect the environment. This site is at the very top of the watershed and allowing 95% impervious surface assures at least 95% of the runoff from this site will be running onto someone down stream, increasing the volume of water and contaminants going into Boeing Creek and Puget Sound. How does adding more cut-through traffic to Linden/Firlands Way help maintain a sense of community? The 2213 cars a day on this street are already destroying the safety of the neighborhood by not just travelling through but by leaving graffiti, litter, and other crime. Please don't add any more.

item 5. "If the site is developed with residential uses, it could have a positive impact on public health" It also might have the reverse effect on those already living in the area. If this argument is based on the concept of the urban village, then traffic and pedestrian amenities must be addressed prior to allowing increases to density.

Will the rezoning be materially detrimental to uses or property in the immediate vicinity of the subject

rezone?

Yes! adding cut-through traffic and the associated graffiti, litter, and "faceless" crime that comes with it comprises quality of life and property values of neighboring home owners.

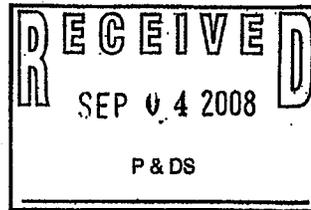
item 7. sub b "In addition, the City recently adopted transition standards for areas adjacent to single family zoning. though not affecting this site(because it is not adjacent to single family), transition through building and site design will occur on neighboring sites if the are reanon`

always,
Boni

"The tree rustled. It had made music before they were born, and would continue after their deaths, but its song was of the moment." E.M. Forester

No virus found in this incoming message.
Checked by AVG - <http://www.avg.com>
Version: 8.0.169 / Virus Database: 270.6.16/1651 - Release Date: 9/4/2008 6:57 AM

323 NW 177th
Shoreline, Washington 98177
August 30, 2008



RECEIVED
SEP - 3 2008
City Manager's Office

Dear Planning Commission Members,

We want to strongly urge you to support the Rezone Request at 18501 Linden Ave North #201753 for the James Allen Salon. The James Allen Salon has been a responsible community business and contributor in our community for the past 28 years. We can personally vouch for their unbelievable support for a variety of community organizations. Their support is highly visible at fundraisers and events for the Shoreline Public School Foundation, the Shoreline Art's Council, the new Dale Turner YMCA, the Center for Human Services, and Rotary. They have also given young mothers in the Healthy Start program makeovers at the Salon. No other business in Shoreline has contributed at this level in our community!

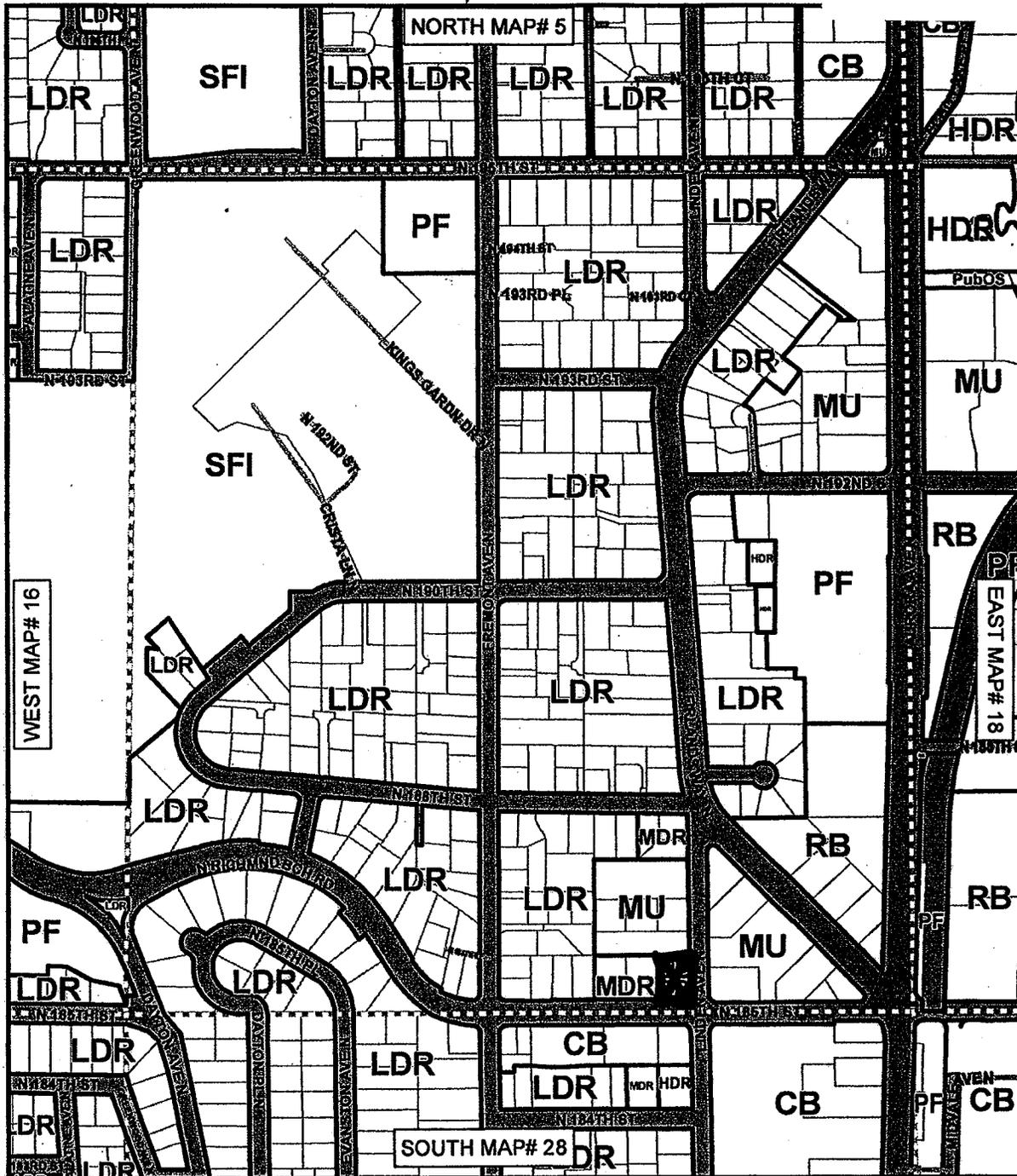
We urge your support for this rezone. The City Council has supported the Gambling Casinos by lowering their taxes repeatedly, and we find Casinos support for the community vacant. The Casinos have repeatedly turned organizations down when asked for contributions. We know we have asked them. How can the city turn a deaf ear to this rezone when James Allen is so supportive in this community?

We urge your support for the #201753 rezone because the rezone supports the economic strategy, the sustainability strategy, and the housing strategy for the city of Shoreline. This development also supports the Shoreline growth plan. With 34 much needed apartments and 70 parking spaces this development enhances responsible business development in Shoreline.

What a tragedy for the Shoreline community if the James Allen does not get its rezone and chooses to move its business to another community! I cannot believe that this City Council and Planning Commission would let this happen! Unfortunately the city of Shoreline is gaining a reputation for being unfriendly to businesses! For over two years this rezone has been held up by the city! That is unbelievable to us!

We once again urge your support for Rezone Request at 18501 Linden Ave N. #201753. It is incomprehensible that it has taken 2 years to complete this process!

Sincerely,
Mary Bayard
WC Bayard
Bill and Mary Bayard
Shoreline residents for 55 years
30+ years - Shoreline School Dist Employee
Educator



CITY OF SHORELINE COMPREHENSIVE PLAN
LAND USE MAP
 Land Use Designation Legend

BaSSA Ballinager Special Study Area	PF Public Facility
BrSSA Briarcrest Special Study Area	PSSA Paramount Special Study Area
CB Community Business	PrOS Private Open Space
HDR High Density Residential	PubOS Public Open Space
LDR Low Density Residential	RB Regional Business
MDR Medium Density Residential	SFI Single Family Institution
MU Mixed Use	SSA Special Study Area
NCBD North City Business District	

Feature Legend

- Map Tile Lines	- Unclassified ROW
- City Boundary	- Parcel Line

Plot Date: 2/6/2007

1	2	3	4	5	6	7	8	9	10
11	14	15	16	17	18	19	20	21	22
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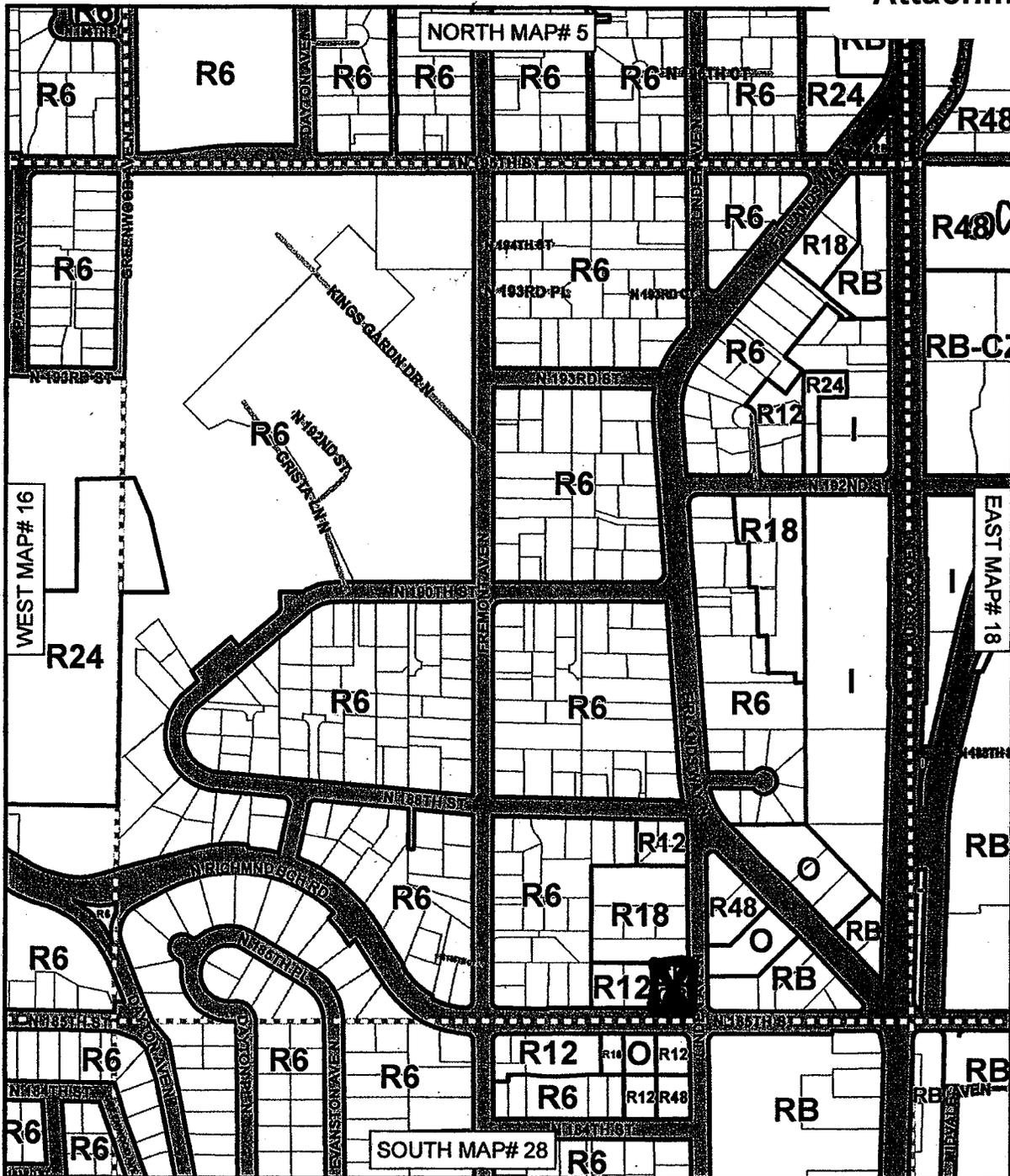
MAP # 17
 1:3,600

0 75 150 300 450 600 Feet

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

Representation of official Comprehensive Plan land use map adopted by City Ordinance No. 292. Shows amendments through June 21, 2005.

SW1/4-S6-T26N-R4 E



CITY OF SHORELINE ZONING MAP

Plot Date: 6/4/2007

Zoning Legend

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

Feature Legend

- Map Tile Lines
- Unclassified ROW
- City Boundary
- Parcel Line

1	2	3	4	5	6	7	8	9	10
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MAP # 17

1:3,600



0 75 150 300 450 600 Feet

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

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through December, 2006.



SW1/4-S6-T26N-R4 E

DRAFT

These Minutes Subject to
September 18th Approval

**CITY OF SHORELINE
SUMMARY MINUTES OF REGULAR MEETING
OF THE PLANNING COMMISSION**

September 4, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

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

Staff Present

Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Flannary Collins, Assistant City Attorney
Renee Blough, Technical Assistant, Planning & Development Services

Guest

Keith McGlashan, Shoreline City Council Member

Commissioners Absent

Commissioner Wagner

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

Mr. Cohn announced that Mr. Tovar would not be present at the meeting. He said he would provide a full director's report after the rezone hearing.

APPROVAL OF MINUTES

The minutes of August 7, 2008 were accepted as amended.

GENERAL PUBLIC COMMENT

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

PUBLIC HEARING ON JAMES ALAN SALON REZONE APPLICATION

Chair Kuboi reviewed the rules and procedures for the quasi-judicial public hearing and opened the hearing. He reminded everyone that the application before the Commission is a rezone application, and not an application for a specific project. He cautioned that projects are not approved at the rezone stage. Instead, rezones set the ground work for property owners to apply for development permits at a later date for specific projects. He reviewed the following five criteria the Commission would consider when reviewing the rezone application. He noted that the proposed rezone would change the subject property from Community Business (CB) to Regional Business (RB). If approved, any type of project that is a permitted use under the development standards for RB zoning could potentially be built on the site. He advised that the staff presentation would describe the CB and RB zones and identify the development standards that would apply to each one. He cautioned that all comments by the applicant and the public must address the rezone criteria, since these are what the Commission must base their recommendation on. He asked them to avoid discussing a specific project, as no specific project has been proposed for the site at this time.

Chair Kuboi invited all those who intended to provide testimony during the hearing (public and staff) to swear and affirm that their testimony would be the truth. He reminded the Commissioners of the Appearance of Fairness Laws and invited them to disclose any ex parte communications they may have received outside of the hearing. Commissioner Broili disclosed that he and Commissioner Behrens both received an email that was forwarded to staff and circulated amongst the Commission. He said he does not believe the email would influence his decision. Commissioner Behrens explained that because he read the email trail prior to reading the actual email, he chose not to read the document in question. He also noted that both his daughter and his wife have been regular customers at the James Alan Salon for many years. However, he does not believe this would prejudice his decision in any way. Commissioner Hall said he has not had any communications with the proponents or opponents during this current application period. However, he did speak with individuals following the Commission's 2007 action related to the subject property. He noted that because the proposal is different he does not believe this communication would have an impact on his decision. At the invitation of Chair Kuboi, no one in the audience expressed concern about any of the Commissioners participating in the hearing and recommendation process.

Staff overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran provided a brief staff overview of the application. He displayed the Comprehensive Plan map, which identifies one of the subject parcels as mixed use and the other as community business. He

noted that the property owner also owns an adjacent parcel to the west that is not part of the rezone application. He displayed the zoning map, which shows that the two subject parcels are currently zoned Community Business (CB). He noted that surrounding properties are currently developed with a Verizon utility building, a Masonic Temple, a Fire Station, as well as retail, office, single-family homes and multi-family development. He provided pictures of the subject properties, as well as surrounding properties.

Mr. Szafran referred to the chart that outlined the difference in uses and development standards between the requested RB zoning and the existing CB zoning. He noted the major difference would be the number of residential units allowed. The RB zone would allow up to 110 units per acre, which would yield a maximum of 36 units on the subject properties. The current CB zoning would only allow 16 units. The RB zone would allow an additional five feet, as well. The setback requirement would be greater in the RB zone, but the amount of impervious surface allowed would also be greater. The uses allowed in the RB and CB zones are essentially the same, except vehicle sales, research, construction retail and warehousing uses are only allowed in RB zones.

Mr. Szafran reviewed that the applicant submitted a rezone application for the subject parcels in 2006. At that time the two parcels were zoned R-48 and Office, and the request was to change the zoning to RB. The Planning Commission recommended CB zoning, which was ultimately approved by the City Council in March of 2007. However, the following circumstances have changed since that time:

- When the 2006 application was reviewed, the Commission was also considering a proposed development code amendment to eliminate residential density caps in the CB zones that are within close proximity to Aurora Avenue and Ballinger Way. This development code amendment was later denied by the City Council. Therefore, the density in all CB zones is currently set at 48 units per acre.
- The City Council has indicated that they want to look closer at the maximum density permitted in RB zones. Currently, there is a moratorium on development in RB zones at residential densities greater than 110 units per acre.
- The Aurora Avenue Improvement Project will improve circulation near the Linden Avenue/185th Street/Aurora Avenue Corridors. He displayed a map to illustrate what these improvements would include.
- Transition area zoning was adopted by the City Council in May, which would apply to all commercial properties zoned CB, RB and Industrial (I) that are adjacent to single-family zones. However, these new zoning standards would not be applicable to the subject parcels.

Mr. Szafran reported that staff received 40 comment letters in support of the proposed rezone, and 2 that were opposed. Concern was raised that the subject parcels gain access from local streets rather than arterial streets, which is partially true. He explained that Linden Avenue north of 185th Street is categorized as a local street. South of 185th Street, Linden Avenue becomes a neighborhood collector street. However, he emphasized that 185th Street is an arterial street. Mr. Szafran said a suggestion was also made that higher buildings should be located along Aurora Avenue North, with a shearing effect

going down to the single-family residential zones. He pointed out that the current CB zone already allows a height of 60 feet, and the RB zone would only allow an additional 5 feet. He noted that circulation should improve when eastbound 185th Street is changed to provide two through lanes, as well as right and left turn lanes. Vice Chair Hall inquired if improvements are planned for westbound 185th Street as it approaches Aurora Avenue, and Mr. Szafran answered no. At the request of Chair Kuboi, Mr. Szafran reviewed how the proposed rezone would be consistent with the four rezone criteria.

- ***Is the rezone consistent with the Comprehensive Plan?*** Mr. Szafran said the proposed RB rezone would be consistent with Comprehensive Plan Land Use Element Goals I and V because a more intense commercial zone would promote redevelopment and allow for a greater mix of uses. In addition, RB zoning would permit a greater number of dwelling units or slightly more commercial space in close proximity to area services than the CB zoning would allow.
- ***Will the rezone adversely affect the public health, safety or general welfare?*** Mr. Szafran said staff does not believe the rezone would adversely affect the public health, safety or general welfare. He explained that the Comprehensive Plan designation allows for the level of development proposed, and the City's development standards for the RB zone would protect against uses that would be contrary to the public health, safety or general welfare. If the site is developed with residential uses, it could have a positive impact on public health. In addition, placing density closer to area amenities such as shopping, restaurants, and public transportation would encourage walking or biking rather than driving. He summarized that the proposed density would create better health opportunities than would the existing CB zoning.
- ***Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*** Mr. Szafran advised that both the RB and CB zoning designations would be consistent with the Comprehensive Plan vision for the area. Efficient use of land, higher densities in appropriate areas that are close to services and transportation, and an improved circulation pattern on 185th Street and Aurora Avenue North would support more intense development on the site.
- ***Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*** Mr. Szafran suggested the proposed zoning would have minimal impact to the properties in the immediate vicinity. He noted that the two parcels have Mixed Use and Community Business land use designations, so commercial zoning is already appropriate. In addition, the RB and CB zoning designations are very similar, with RB zoning allowing for somewhat more intense commercial uses than does CB zoning. Staff believes that the more intense uses allowed in an RB zone would not likely locate on a relatively small site.

Mr. Szafran said another major distinction between the CB and RB zones is density. CB zoning would allow 16 units on the subject parcels, and RB zoning would allow up to 36 units. He said staff believes density should be located in areas that are less intrusive to the single-family neighborhoods, are in close proximity to amenities and transit, and are located on major collector and arterial streets that do not impact local streets.

Mr. Szafran said the height difference between RB and CB zoning is 5 feet. RB zoning could obtain a height of up to six stories, where a CB zone would most likely be limited to five. He suggested the multi-family zoning that surrounds the subject properties would provide a good transition so height would not impact the single-family zones.

Mr. Szafran said analysis shows that the heaviest traffic impacts would occur if the property were developed with offices uses. The likely impacts would be no different whether the site is zoned RB or CB. A building constructed under either zoning district would likely be a similar size because of parking constraints due to the cost of developing more than one level of underground parking.

- *Will the rezone have merit and value for the community?* Mr. Szafran said the proposed rezone would allow commercial and residential expansion to meet the changing needs of the community. He said recent actions by the City Council ensure that new buildings comply with transition area requirements, and the density of the RB zone is capped at 110 units per acre. When the previous application for RB zoning was submitted, there was no guarantee of a unit maximum on the site since there was no numerical density cap. With the 110 units per acre limit, the maximum number of units allowed on the site would be 36.

Mr. Szafran concluded his presentation by recommending the Commission approve the proposed RB zoning for the two subject parcels.

Commissioner Behrens pointed out that the RB density cap is only a temporary situation. He noted that, at some point, elements would be imposed on how RB zones could be developed. Therefore, even if the City were to grant a rezone to RB, they don't know exactly what the building requirements are going to be. Mr. Szafran agreed, but said the Commission must work with the zoning language that is currently in place.

Commissioner Behrens noted there are two very large developments taking place north of the subject parcels (Echo Lake and Market Place, and the City's housing and sustainability strategies suggest the Commission consider cumulative effects. He asked if staff has done any modeling or projected traffic studies to see how the proposals north of 185th on Aurora Avenue would impact the intersection. Mr. Cohn answered the traffic that was modeled as part of the Aurora Corridor Project was greater than the two large projects combined would generate. Commissioner Behrens summarized that the traffic modeling would assume a higher level of traffic than what is anticipated as a result of the two large developments.

Commissioner Behrens recalled that on previous occasions, the Commission discussed concern about piecemeal attempts to rezone properties. He asked how the density would be impacted if all three sites were rezoned to CB in a cumulative fashion. Mr. Cohn suggested that the zoning and ownership of the third parcel is not germane to the rezone application that is currently before the Commission. Commissioner Behrens said he was more concerned about zoning than ownership of the third parcel. He expressed concern about having a mixture of zoning on the three parcels. Mr. Szafran clarified that the Comprehensive Plan identifies the third parcel as Medium Density Residential, and CB zoning would not be consistent.

Applicant Testimony

James Abbott, James Alan Salon, advised that he is one of the property owners of the subject parcels. He said he supports the City's recommendation for approval of the RB rezone application. In response to Vice Chair Hall's earlier question, Mr. Abbott clarified that when the east side of Aurora Avenue was developed with the Gateway Plaza Project, 12 feet of right-of-way was dedicated to the City for widening 185th Street as part of the Aurora Corridor Project. He summarized that the Aurora Corridor profile would include six lanes, with a business access/transit lane in each direction. Mr. Abbot again said he supports the staff's recommendation to approve the proposed rezone application, and he offered to respond to any questions the Commission might have.

Questions by the Commission to Staff and Applicant

None of the Commissioners had further questions for the staff and applicant.

Public Testimony or Comment

Marlin Gabbert, Shoreline, spoke in favor of the proposed rezone. He expressed his belief that the proposed RB zoning would allow a greater density and some flexibility in terms of developing the property for the community good. He said the present zoning limits the residential density, but it doesn't limit the amount of office space. Under the current zoning, a potential developer could construct up to 60,000 square feet of office space on the parcels, as long as sufficient parking could be provided. He further explained that the large amount of office space allowed by the current zoning could result in a much greater traffic impact to the community. He referred to studies indicating that multi-family uses would have less traffic impact than office space. He said studies also show that residential densities support retail development better than office uses in the same area. He encouraged the Commission to recommend approval of the rezone because it would be better for the community. It would also provide a better transition between the high-density commercial and single-family residential uses.

Angie Sutphen, Shoreline, said she supports the proposed rezone application. The salon business has been located in the community for a long time, and she supports the opportunity for them to grow their business and create more business space that is within walking distance of the residential neighborhood. She also supports the creation of more apartment housing in the area.

Pearl Noreen, Shoreline, strongly urged the Commission to recommend approval of the proposed rezone because it supports the City's economic, sustainability and housing strategies. It also supports Shoreline's growth plan and is consistent with the City's Comprehensive Plan. She said that on three occasions over the last three years, she was part of a presentation to ask the City Council for funds to support the new Dale Turner YMCA. It seemed a logical request given that the cities of SeaTac, Monroe, and Sammamish had contributed \$1 million each to support new YMCA's in their respective cities. However, each time the Shoreline City Council turned down their request because there was no money available. If there is no money to support a non-profit project that would create 250 jobs, spend \$19 million in construction dollars and create a space for 5,000 families to recreate, then the City is in a

financial crisis. She pointed out that the City is in desperate need of revenue and tax dollars from new businesses. The City Council was willing to significantly reduce the gambling tax to ensure the sustainability of the casinos, so she questioned why they are not willing to rezone to attract new businesses. She summarized that rezoning brings money to the City.

Cindy Neff, Shoreline, said she was present to read a letter into the record that was written by the owner of Windermere Shoreline in response to the rezone application. The letter noted that the Windermere property is located directly across from the former James Alan Salon on Linden Avenue, and the salon has been an excellent neighbor for many years. The letter indicated support of the proposed rezone since it would be of great benefit to the whole community. It suggests that Shoreline is a growing City and needs to retain and attract well-respected businesses and employees. The letter noted the length of time the property has been vacant. It is currently in a deteriorated state, which is detrimental to the Windermere property and an invitation for vandalism. Secondly, the letters stated a concern about the apparent length of time it has taken for the applicant to obtain approval of the rezone. The City indicated that the reason for the delay was because a proposed code amendment could impact the subject properties. The letter pointed out that the proposed code amendment has been brought before the City Council four times with a recommendation of approval by both the Planning Commission and City staff. Each time, the City Council has sent the matter back to the Planning Commission for further study. The letter concluded that the process is taking an inordinate amount of time. The letter summarized that the subject parcels are an ideal location for the intended purposes, and the rezone should be approved without further delay. In addition to the letter supporting the proposed rezone, Ms. Neff indicated her support of the proposed change, too.

Vice Chair Hall said his understanding is that this is a different application than what was submitted and approved two years ago. Mr. Szafran said the new application was submitted July 24, 2008. However, it is identical to the application that was submitted in 2006. Commissioner Pyle suggested that Ms. Neff may have been confused because the notice referred to the adoption of a previous SEPA determination that was made in 2006. He explained that under Washington State Law, the City is allowed to use a former Determination of Non-Significance. In this case, instead of redoing SEPA, the City chose to simply use the old analysis that considered all the environmental factors at the time.

Les Nelson, Shoreline, said he read through minutes of the 2006 and 2007 Planning Commission hearings at which the subject parcels were discussed. He recalled that RB zoning was deemed inappropriate for the parcels, and the Commission recommended CB zoning, instead. CB zoning would limit development to 48 dwelling units per acre. Mr. Nelson suggested that none of the conditions evaluated in 2007 to arrive at the CB recommendation have changed, so he questioned why staff is now recommending RB zoning.

Mr. Nelson clarified that no Comprehensive Plan amendment was required to rezone the subject parcels to CB, with the associated limitation of 48 dwelling units per acre. However, he suggested a Comprehensive Plan amendment to change the land use designation to Regional Business would be required to change the zoning to RB. He said he also disagrees with staff's decision to resurrect a two-year-old SEPA application that accompanied a previous rezone application. While a decision was made previously, it is important to recognize that the public has changed and they are addressing different

issues related to sustainability, etc. Mr. Nelson said he tried to find notice of the public hearing on the City's website, but it was very difficult to locate. He suggested they address this issue since the problem seems to come up over and over again. The hearing should have been included in the list of public meetings that were scheduled for the month.

Boni Biery, Shoreline, said she has lived just one block from the subject parcels for the past 43 years. She agreed that the James Alan Salon has been a very good neighbor. However, she has some concerns about the proposed rezone and the staff report's implication that unless the rezone is approved, there would be no increase in housing opportunities, businesses, etc. She pointed out that, currently, the property is developed with an empty home and an empty business, and the existing CB zoning would allow the property to develop with a mixture of uses that would provide additional housing and tax revenue for the City. The proposed RB zoning would allow the same type of development, but at a greater density. She expressed her belief that RB zoning would be too intense given that the subject parcels are only one block away from single-family residential development. She said she has tried to get the City to address traffic concerns in her neighborhood for the past six years, but they do not have a way to solve the problems. She said there is no reason to assume that established habits of using Linden Avenue North and Firlands Way as cut-through streets to get to the park and ride, Aurora Village, Fred Meyer, etc. would change. In terms of sustainability, she noted that the subject parcels are at the very crest of the Boeing Creek drainage basin, and increasing impervious surface by 10% would have an impact on all downstream properties.

Jack Malek, Shoreline, said he is a local area realtor. He said he supports the staff's recommendation to rezone the property to RB. The new zone would be consistent with the City's current economic strategy. In addition, it would allow the City to accommodate their growth targets. The subject parcels are close to the Aurora Corridor, where transit and other opportunities are available to support growth.

Tyler Abbott, Shoreline, said he is one of the applicants for the proposed rezone. He referred to the question that was raised earlier about the timing of the initial rezone application. He explained that the property owners originally attempted to rezone the property to RB, but when the application was presented to the Planning Commission, staff changed their recommendation from RB to CB in light of code amendments that were being considered. The intent was that the new zoning code would meet the applicant's requirements, but would not allow unlimited density. The applicant supported the staff's recommendation, but if they had known the outcome of the proposed code amendments, they would have stuck with their original request for RB zoning. Mr. Abbott advised that a traffic study was completed as part of their building permit application, and there would potentially be 12 more daily trips if the property were developed as RB as opposed to CB. He summarized that likely development under the current CB zone would create more traffic since office and business uses would not be limited and they typically generate more traffic than multi-family uses.

Final Questions by the Commission

Commissioner Kaje asked staff to clarify State Law related to reusing SEPA. Ms. Collins explained that SEPA Determinations do not become stale. She noted that the previous application was for RB zoning, and the new application is for the same. However, because the density allowed in an RB zone is now

lower, the impacts would be less. She concluded that the existing SEPA Determination would still be applicable because it analyzed the impacts for an RB rezone that had unlimited density. She said staff determined there were not sufficient changes to warrant a new SEPA analysis. Mr. Cohn added that because SEPA doesn't go stale and none of the impacts have changed, there would be no reason to disclose additional impacts. Whether or not the original SEPA determination was appealed has nothing to do with why it is being used for a second time.

Commissioner Pyle pointed out that SEPA would still be required at the time of building permit application. The current SEPA Determination is a non-project action. Mr. Cohn agreed and added that once a building permit application has been submitted, staff would be able to identify impacts and necessary mitigation associated with a specific project. Commissioner Piro clarified there has been no changes in SEPA requirements or other factors that would warrant a new SEPA Determination. Mr. Cohn pointed out that the City regulations have changed, and this was reflected in the SEPA Checklist, but SEPA requirements have not changed.

Commissioner Piro summarized that the existing CB zoning would allow 16 dwelling units on the subject parcels, and the proposed RB zoning would allow up to 36. He asked staff to speak about this difference in the context of the City's current ability to meet their growth targets for accommodating housing. Mr. Cohn answered that the current growth targets would not require any changes to the current Comprehensive Plan designations. However, this assumes the City would not always apply the lowest zoning designation to each Comprehensive Plan designation area. He added that regardless of the growth targets, they know the City will continue to grow. If growth is to happen, the Commission has previously agreed that the additional density should be located close to areas that are well served by transit and other infrastructure.

Commissioner Pyle recalled that one concern is that the amount of impervious surface would increase from 85% to 95% if the rezone application is approved. He noted that the City is close to adopting a new stormwater manual. He questioned if any changes are expected in the new manual that would better detain and treat stormwater on site than what the current manual allows. If the objective of the new manual is to retain and treat stormwater on site without conveyance and to work towards watershed planning, he would feel more comfortable agreeing to a rezone that would increase the amount of impervious surface. Mr. Cohn said the proposed manual would suggest the City move in the direction described by Commissioner Pyle. However, the new manual would not likely be adopted until at least February 2009. With or without a change in zoning, any application submitted before adoption of the new manual would be vested under the existing stormwater requirements.

Commissioner Pyle emphasized that several more intense uses would be allowed in an RB zone than in a CB zone. Mr. Cohn agreed and noted that these differences are identified in the staff report, as well. He expressed his belief that given the parcels are located more than a block away from Aurora Avenue North, many of the additional uses allowed in an RB zone would not likely occur because there would not be sufficient traffic to support the uses.

Commissioner Pyle suggested that if staff wants to avoid considering potential projects as part of rezone applications, they should avoid naming particular types of development such as the James Alan Salon.

To narrow the discussion, he suggested the staff report avoid referring to issues that are not pertinent to the conversation. Mr. Cohn agreed that would be appropriate.

Commissioner Pyle referred to Table 20.50.020.2, which addresses the dimensional standards associated with the RB and CB zones. The RB zone allows for greater height, but it requires greater setbacks from residential zones. However, the impervious limitation is stricter in the CB zone. He suggested that with creative options, a developer could potentially construct a bulkier building under the current CB zone that has more perceived impact to the community than the RB zone. The number of units constructed inside of a box would not ultimately change the size of the box. The size of a building would be driven more by market forces. Mr. Cohn agreed that market forces would drive the size of a building, and this would be true for both residential and office/retail uses.

Commissioner Pyle expressed his belief that while it is a property owner's right to apply for a rezone, it doesn't seem like it is the right time to rezone the property, especially given the current turbulence associated with the RB zone. He expressed concern that the Commission is essentially considering a rezone of a parcel to RB when they don't know the fate of the RB zone. Commissioner Piro cautioned that the goal of the moratorium is not to freeze redevelopment in RB zones. Instead, it establishes a limit of 110 dwelling units per acre. As the zoning code currently exists, the rezone would allow up to 36 dwelling units on the subject parcels, and the current zoning only allows 16. In addition, there are marginal differences in height, setbacks, uses, and impervious surface. He expressed his belief that it is legitimate for an applicant to request a rezone to RB as it currently exists in the zoning code. Ms. Collins agreed that the applicants have every right to apply for a rezone to RB, based on the interim regulations that are currently in place. Whatever changes are made to the RB zone in the future would apply to all properties that are zoned RB, including the subject parcels. Ms. Collins said the Commission must act on the rezone application based on the interim regulations and not based on what they may be at some future point in time.

Commissioner Broilli asked if it would be appropriate for the Commission to place a condition on a rezone. Ms. Collins said the City no longer does contract rezones with conditions.

Deliberations

COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND APPROVAL OF THE APPLICATION TO REZONE THE SUBJECT PARCELS TO REGIONAL BUSINESS AS PRESENTED IN THE STAFF REPORT. COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Piro said he supports the findings of fact found in the staff report, as well as the recommendations made by staff during their presentation. He agreed there are some distinctions between the RB and CB zoning designations. For example, RB zoning would allow for additional dwelling units, which could potentially create more impact to surrounding properties. On the other hand, it would help the City provide additional dwelling units within close proximity to Aurora Avenue North where transit and other infrastructure is available, and this is consistent with stated City goals. In addition, allowing more units in this area would take pressure off of other areas in the community. He

said he appreciated the attention both Commissioner Pyle and Commissioner Broili brought to the issue of impervious surface, and that is a concern of his, too. However, he expressed his belief that having something that is more compact and tight on the site could potentially result in less impervious surface than scattering the 36 dwelling units in other locations throughout the City. He said he plans to support the rezone as proposed.

Vice Chair Hall agreed with Commissioner Piro's comments. He reminded the Commission that they no longer have the ability to recommend that conditions be placed on a rezone. In addition, conditions surrounding the subject properties have changed since the original rezone application was reviewed. He recalled that a few citizens voiced concern about traffic impacts, and he agreed that traffic would continue to be a concern as the City grows. He expressed his belief that the more units that could be constructed in close proximity to transit opportunities, the less impact there would be on the existing network of streets as whole. However, he agreed that those living adjacent to the subject properties would suffer a disproportionate impact. He emphasized that as they approach development in the future, it will be critical to slowly move away from the idea that everyone would drive a car. Instead, they must have alternatives in place. Therefore, he said he plans to support the proposed rezone.

Commissioner Behrens said he would likely support the proposed rezone. He noted that the CB and RB zoning designations are very similar, and the bulk of a potential development would not be significantly different in either zone. He said he likes the fact that an RB zoning designation would require a 15-foot setback adjacent to single-family zones. While it would not be required, he suggested it is probable that this setback area would likely include plantings and grass strips. If you compare the 90% impervious surface allowed in a CB zone with 95% allowed in an RB zone and then include the 15-foot setback area, the difference would be even less. He referred to the developments that are currently taking place to the north and said he is counting on the City staff to thoroughly consider the traffic impacts and come up with a good plan.

Commissioner Kaje reminded the Commission that when they review an application to determine its consistency with the Comprehensive Plan, they must balance the various element and issues addressed by the Comprehensive Plan. He expressed his belief that with this application, as well as a few others that have come before the Commission, it appears that staff has cherry picked the goals that happen to jive with their recommendation, but a similar effort was not given to looking at what goals might be in conflict. If the Commission is to balance the various elements and goals of the Comprehensive Plan, the staff report should provide a list of all the goals and identify which ones are consistent with the application, and which ones are not. He pointed out that in order for the Commission to consider the rezone proposal without reviewing a specific project, they must carefully consider whether or not all of the uses that would be allowed in the RB zone are consistent with the Comprehensive Plan. Commissioner Kaje referred to Comprehensive Plan Land Use Goal 84, which requires the Commission to consider and evaluate the immediate, long-range and cumulative environmental impacts of policy and development decisions. While a SEPA review was conducted on the proposed rezone, he is not sure they've had a full vetting of the balancing of goals.

Commissioner Broili said that based on the information provided in the staff report regarding the site, location, arterials, etc., he felt RB zoning would be appropriate. However, he is concerned that because

the updated stormwater code would come later, whatever development is proposed on the site would not be subject to the more stringent standard. He is greatly bothered when he sees potential new development or redevelopment that is not bound by the more stringent approach to stormwater management and other environmental controls.

Commissioner Perkowski said he plans to support the proposed rezone application because he believes the subject properties are an excellent location for RB zoning. He said he agrees with the comments put forth by Commissioner Piro and Vice Chair Hall.

Chair Kuboi said he would be inclined to support the rezone application, as well. He recalled that he was the chair of the Housing Strategy Committee, and one of the mantras coming from that discussion was the need to increase the amount of flexibility as to what projects could be built on a site. The proposed rezone would expand the flexibility to provide more housing options. He reviewed that a number of comments spoke about the merit and value the rezone would provide to the community. He referred to Commissioner Kaje's comments regarding the need for the staff report to provide a more thorough review of all of the potential uses that would be allowed by the rezone. However, he voiced his concern that these types of actions often need to be looked at from the perspective of the likely outcomes as opposed to worst case scenarios. The staff report offered some perspective as to how future development would be limited by the parking and other requirements. He summarized his belief that the likely development outcomes would provide an overall benefit to the community and be consistent with the Comprehensive Plan.

Vote by Commission to Recommend Approval or Denial or Modification

THE MOTION TO RECOMMEND APPROVAL OF THE REZONE APPLICATION AS PROPOSED IN THE STAFF REPORT WAS APPROVED 5-1-2, WITH CHAIR KUBOI, VICE CHAIR HALL, COMMISSIONER PERKOWSKI, COMMISSIONER BROILI, AND COMMISSIONER PIRO VOTING IN FAVOR, COMMISSIONER KAJE VOTING IN OPPOSITION, AND COMMISSIONER PYLE AND COMMISSIONER BEHRENS ABSTAINING.

DIRECTOR'S REPORT

Agenda Planner

Mr. Cohn referred the Commission to the agenda planner that outlines the meeting agendas for the remainder of the year. He noted that the September 18th agenda would include a public hearing and a study session on the Stormwater Development Code amendments. He cautioned that while the Commission would review the draft amendments, the public hearing would not be scheduled for at least a month and a half later. He said the September 18th agenda would also include a subcommittee report regarding design review. He noted that a semi-annual joint meeting between the Planning Commission and City Council has been scheduled for September 22nd, at which point there will be some discussion regarding the visioning process and what role the Commission would play. There would also likely be some discussion about design review and the proposal to have the Hearing Examiner review most quasi-

judicial items. Commissioner Broili announced that the Design Review Subcommittee would meet on September 16th, in preparation of the Commission's September 18th discussion.

Mr. Cohn pointed out that while the regular Commission meetings have been cancelled for the month of October, Commissioners have been invited to attend and participate in public meetings associated with the visioning process. He noted that a public hearing on the Stormwater Development Code amendments has been scheduled for November 6th, assuming the Commission is comfortable moving forward after their September 18th meeting. Also on November 6th, the Commission would conduct a study session on Package 2 of the Development Code amendments. On November 20th, the Commission would review the City's Shoreline Master Program. An open house would likely be held at 6:00 p.m. followed by the Commission's study session.

Design for Livability Conference

Mr. Cohn advised that staff has already signed up Commissioners Perkowski and Kaje to attend the Design for Livability Conference, and they recently received two free tickets from the Cascade Lands Conservancy that are available to other Commissioners who are interested in attending. Commissioner Broili indicated his desire to attend the conference.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Follow-Up on Proposal to Have Hearing Examiner Review Most Quasi-Judicial Items

Mr. Cohn reminded the Commission of their retreat discussion about moving quasi-judicial hearings to the Hearing Examiner. The Commission agreed this would be a good idea due to their present workload. Mr. Cohn advised that Mr. Tovar is still quite convinced the Commission's 2009 workload would be significant, but it has not been entirely mapped out. Mr. Tovar suggested the Commission discuss this possibility with the City Council, but wait to make a final recommendation to the City Council until after the 2009 workload has been laid out later in 2008.

Vice Chair Hall pointed out that had the City Council chosen to place quasi-judicial hearings in the Hearing Examiner's hands, the previous hearing would have been conducted before the Hearing Examiner. Everyone would have had a full opportunity to participate, and notice would be given, but he suggested it might be more appropriate for the nine-member Commission to decide whether or not an application has value and merit to the community. He said he still has significant reservations about telling the community that quasi-judicial matters would be heard by an attorney who is hired by the City. Commissioner Broili agreed with Vice Chair Hall's concern, but he questioned if these values would be better addressed by the code and regulations that are put forward by the Planning Commission. Vice Chair Hall agreed that is a good question, but he recalled earlier discussions amongst the staff and Commission about the fact that the current zoning regulations are flawed, and fixing the flaws is

important. While he agreed with staff that there is a lot of work for the Commission to do, he is not convinced that the Commission's workload limitation should be the only factor considered. They must also keep in mind the City's budget.

Commissioner Pyle pointed out that he would likely have been prepared to vote on the previous rezone application if the Commission had taken the time previously to review the code language and determine what they want to see in RB zones. He expressed concern that the Commission does not have enough time to work on the actual zoning issues before them, yet they are being asked to rezone properties to zones that are unclear and in constant fluctuation. He said he sees the value of sending quasi-judicial hearings to the hearing examiner for one year so the Commission can focus their effort and time on rewriting some sections of the code. Then they would be better prepared to assume this responsibility again.

Chair Kuboi agreed with Commissioner Pyle. However, before the Commission could present this recommendation to the City Council, they must be able to show them how they would use time that is freed up. In addition to focusing on what the Commission would give up, they should also spend time articulating the specific benefits of the change. Even if the Commission's time is freed up, they must consider whether or not the Commission would be ultimately constrained by the limited amount of staff time and resources. He said it might not be appropriate to discuss this concept with the City Council until their 2009 work plan has been developed to support the change. Commissioner Piro recalled that the Commission discussed that they would still handle some quasi-judicial items, but this list was never adequately defined. He agreed the Commission must articulate the issues better before they discuss the idea further with the City Council.

Commissioner Behrens recalled that at the previous joint City Council/Planning Board meeting, a City Council Member suggested they consider a system by which they use a rotating pool of hearing examiners, and he felt this proposal had some merit.

Commissioner Broili respectfully disagreed that the Commission should discard the discussion of having the hearing examiner review most quasi-judicial items. If the Commission has to continually conduct rezone hearings, they would have less time to establish a good Development Code foundation. Their proposal to the City Council should identify the priorities and goals they want to achieve in 2009, as well as the steps that would be necessary to accomplish each one.

Chair Kuboi clarified that he was suggesting the proposal be taken off the joint City Council/Planning Commission meeting agenda until they have more concrete information to present as part of their proposal. Commissioner Broili suggested the Commission at least make a brief statement outlining their proposal and why they feel it is appropriate. This would not require a detailed discussion, but they should let the City Council know that it is an important issue to the Commission. Commissioner Perkowski suggested they invite the City Council to review their 2009 workload and identify any items they want the Commission to address, as well. They could also ask the City Council to provide guidance as to how they should prioritize the workload.

Vice Chair Hall said it is likely the City Council would indicate their desire to hold off on any decision until after the visioning process has been completed. He expressed his belief that a vision must be identified before appropriate codes could be created to provide a strong foundation. He suggested that once the visioning process is completed, it might be easier for the Commission to prioritize their 2009 workload.

Chair Kuboi summarized the Commission's consensus that they would like to have an active role in determining where their newfound time would be directed in the future. Much of their support for the concept would be based on whether or not the change would allow the Commission to better accomplish their goals and objectives.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

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

AGENDA FOR NEXT MEETING

Chair Kuboi announced that the September 18th agenda would include a review of the proposed Stormwater Development Code amendments and a subcommittee report on design review.

Commissioner Piro asked if the staff has had any interaction or participation with the work underway with the Puget Sound Partnership. Mr. Cohn said staff would respond to this question at the Commission's next meeting.

ADDITIONAL PUBLIC COMMENTS

Boni Biery, Shoreline, referred to the rezone proposal that was heard by the Commission earlier in the meeting. She said she doesn't have a problem with the proposed Regional Business (RB) zoning if the density was limited to 48 units per acre, but the current RB language allows up to 110 units per acre. She said she is not opposed to density up to a reasonable limit. She pointed out that Echo Lake Project was limited to about 90 units per acre, and this property is located directly across the street from a park and ride. The rezone proposal that was presented to the Commission earlier in the meeting would result in a potential 110 unit per acre development just one block from her house and on a residential street that already has more traffic than the City can control. She summarized that the circumstances are unique, and the City has not been able to find a way to deal with the traffic.

Ms. Biery questioned why everyone was held to only two minutes of public comment when there was plenty of time left after the meeting. The limit meant she and others had very little opportunity to say the things that could have been said that might have changed the Commission's recommendation. She noted that she has no recourse now that the Commission has issued their recommendation.

Commissioner Piro said one of the most valuable ways to participate in the public process is to submit comments to the Commission in writing. These documents are forwarded to the Commission for review prior to the hearing. Commissioner Broili pointed out that it is difficult for the Commission to know at

the beginning of a hearing how long the testimony will go on. The Commission has had numerous occasions when they have stayed until long after the time the meeting was supposed to be closed. This has created frustration because they didn't have enough time to accomplish everything. Vice Chair Hall pointed out that the Commission received and reviewed the email that was submitted by Ms. Biery, as well as other written comments that were received. Ms. Biery said her concern is that once a property is rezoned, neighboring property owners have no control over how the property is used. While she agreed that the James Alan Salon has been a good neighbor, some of the uses allowed in the RB zone might not be appropriate in this location.

Commissioner Behrens said that each time the Commission reviews a proposal; they consider the issue of traffic. He agreed that the intersection near the subject properties is one of the most congested in the City, and they do not have good traffic corridors in the City. He suggested the Commission ask the City Council to consider long-term traffic solutions as part of the visioning process. Traffic impacts must be addressed, and the public should be encouraged to voice their concerns and recommendations. He recognized these changes would take time and cost a lot of money, but changes should take place in an organized fashion.

ADJOURNMENT

The meeting was adjourned at 9:26 P.M.

Sid Kuboi
Chair, Planning Commission

Renee Blough
Clerk, Planning Commission

September 22
Council Meeting
Minutes are not
available yet

see DVD of meeting