

AGENDA PLANNING COMMISSION REGULAR MEETING



Thursday, September 16, 2010
7:00 p.m.

Shoreline City Hall
Council Chamber
17500 Midvale Ave. N

| | <u>Estimated Time</u> |
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| 1. CALL TO ORDER | 7:00 p.m. |
| 2. ROLL CALL | 7:01 p.m. |
| 3. APPROVAL OF AGENDA | 7:02 p.m. |
| 4. DIRECTOR'S COMMENTS | 7:03 p.m. |
| 5. APPROVAL OF MINUTES | 7:08 p.m. |
| a. August 19 Dinner Meeting | |
| b. August 19 Regular Meeting | |
| 6. GENERAL PUBLIC COMMENT | 7:10 p.m. |
| <p><i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.</i></p> | |
| 7. PUBLIC HEARING <i>Legislative Public Hearing</i> | 7:15 p.m. |
| a. Development Code Amendments – #301650 and #301642 | |
| 1. Staff Overview and Presentation of Preliminary Staff Recommendation | |
| 2. Questions by the Commission to Staff | |
| 3. Public Testimony | |
| 4. Final Questions by the Commission | |
| 5. Deliberations | |
| 6. Vote by Commission to Recommend Approval or Denial or Modification | |
| 7. Closure of Public Hearing | |
| 8. DIRECTOR'S REPORT | 8:15 p.m. |
| 9. UNFINISHED BUSINESS | 8:20 p.m. |
| a. Study Session: Town Center Design Guidelines | |
| 10. NEW BUSINESS | 9:20 p.m. |
| 11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS | 9:22 p.m. |
| 12. AGENDA FOR October 7 | 9:28 p.m. |
| 13. ADJOURNMENT | 9:30 p.m. |

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

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CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
MINUTES OF DINNER MEETING**

August 19, 2010
6:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Wagner
Vice Chair Perkowski
Commissioner Esselman
Commissioner Kaje
Commissioner Moss

Staff Present

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

Commissioners Absent

Commissioner Broili
Commissioner Behrens

The meeting was called to order at 6:10 p.m. by Chair Wagner.

STUDY SESSION: TOWN CENTER DESIGN GUIDELINES

Mr. Tovar introduced the topic of the study session, reviewing the various items that would be part of the discussion and the process for moving forward with all the various parts. He specifically referred the Commission to Attachment 1, which contains draft pieces of code that would implement the Town Center Plan. He emphasized that the document is still in draft form and should not be considered a proposal at this time.

Mr. Cohen explained that Attachment 1 is quite large and contains a lot of graphics to illustrate the design standards. It also contains more detailed standards. Because of the need to balance specificity with flexibility and the potential for departures from the standards, additional language is necessary. He noted that if the standards for the Town Center Subarea are successful, they could become a model for other commercial areas in the City. He reviewed the overall structure of the draft document and referred to a revision of the draft zoning map, which is different than the one included in the Staff Report. He advised that the subarea was broken into the following five districts.

- **TC-1. Aurora Southwest** – Reserved so that vehicle sales are permitted where they now exist but not in other districts of Town Center. It is important to assure the existing businesses that they will not be pushed out.
- **TC-2. Aurora** – Emphasizes commercial development with some residential uses and pedestrian activity internal to the blocks with faster streets. These properties all have access onto Aurora Avenue.
- **TC-3. Firlands/Midvale** – Emphasizes residential with some commercial development and pedestrian activity primarily with the slower streets. The uses would likely be more residential than commercial.
- **TC-4. Linden Transition** – Mostly medium-density residential with live/work units and very limited commercial and access to the large block. The intent is to respond to the community's desire for a transition area between the more intense uses and the single-family uses. It was noted that the south and north ends of Linden Avenue have commercial development, so perhaps it would be appropriate to further refine the boundaries.
- **TC-5. Stone Residential** – Exclusively medium-density residential and allowing single family.

Chair Wagner observed that, as drafted, the TC-4 district would bisect some properties. Mr. Cohen replied that even if development occurred throughout the entire property across the two districts, a developer would be required to meet the use and dimensional charts. Mr. Tovar said the Economic Development Manager has expressed a desire to address this issue further. There may be other ways to achieve transition in this location such as regulating building heights within 120 feet and limiting the number of access points.

Commissioner Esselman suggested that perhaps it would be appropriate to require the property owners on Linden Avenue to respond and give life to the street. Mr. Cohen said the intent was to look at opportunities to encourage joint developments on Stone Way and Linden Avenue rather than dividing the neighborhood. He noted that the area identified as TC-5 is designated in the Comprehensive Plan as mixed use, which has a huge range of zoning options. The area located west of District TC-5 is designated in the Comprehensive Plan as Community Business.

Mr. Cohen referred to the draft design standards, which are articulated into five adjoining elements that must work together in order to build a Town Center that functions well and is attractive: He reviewed each of the elements as follows:

- Neighborhood protection addresses upfront the protections and amenities for the adjacent neighborhoods, primarily on Stone Way and Linden Avenue. This element deals with height, setback, screening, density, etc. He noted that Stone Avenue is the only district that talks about density. There were many concerns about being consistent with the existing zoning, and development in this district would not allow heights greater than the single-family uses located across the street.
- Streetscape design addresses the dimensional and design standards for streets, sidewalks, and way-finding signs that are appropriate to the movement of different modes of transportation and the adjoining land uses. Streets in the subarea were broken into categories: storefront streets (Firlands Way and Midvale Avenue), landscaped streets (Linden Avenue and Stone Way and some of the

lateral cross streets), and major streets (Aurora Avenue North, 185th Street and 175th Streets). Streetscape design deals with what happens from the curb to the building façade.

- Street frontage addresses the site and building design as it complements the streetscape and connects activity internal to sites. This is specifically related to the area between the building façade and the street.
- Commercial and Multi-Residential Development (mixed-use) talks about the remaining site and building design that provide a livable and attractive community. It specifically addresses offset heights, step backs, details, etc.
- Signage is part of a development and should be visible without detracting from the district. Signage should compliment the architecture and serve the purpose of making the development more attractive.

Mr. Cohen said staff is proposing a companion amendment that would add a requirement for administrative design review for developments over a certain size or any proposed departures from the design standards. The review would be a Type B process, which involves the usual public noticing requirements. He advised that staff intends to prepare a Sketch Up model to illustrate how the draft regulations would be applied. Mr. Tovar added that that physical form is an important piece of the Environmental Impact Statement (EIS) that is required for the Town Center Subarea Plan, and the Sketch Up model will illustrate how the area could be developed based on both the existing and proposed new code. Mr. Cohen pointed out that the Sketch Up model could also become a good marketing tool for the City. In addition, any proposal that fits within the scope of the SEPA review that is done for the Town Center Subarea Plan would not be required to go through an additional SEPA review.

Mr. Tovar announced that the City Council would likely ask the Planning Commission to study the issue of concurrency and transportation impact fees at some point in the near future. Commissioner Kaje asked if impact fees would be limited to developments of a certain size or type, or would they be applied across the board and scaled to the size of the development. Mr. Tovar answered that the City Council has not reach this level of decision making.

Chair Wagner noted the draft document is large and Mr. Tovar said the intent is to create language that is easier for the average citizen to understand. While the draft document is significantly larger than most code sections, there are actually fewer words and more illustrations to explain the intent. Commissioner Moss commented that the pictures were helpful to clarify the standards.

Commissioner Moss noted that health facilities and hotels/motels were identified as permitted uses in some areas in the previous draft, but not in the current draft. Mr. Tovar said staff had some difficulty transferring the information into different formats, and this was likely omitted. He invited the Commissioners to identify any uses they believe should be explicitly prohibited.

Commissioner Moss asked staff to clarify the term “industrial uses.” Mr. Tovar said the City inherited the “industrial” classification from King County. Mr. Cohen said the classification allows manufacturing uses. The Commission discussed that light manufacturing, such as assembly, may be an appropriate use to allow in some districts within the Town Center Subarea. As an example,

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Commissioner Kaje referred to a company that manufactures defibrillators. While there is a loading dock on site, there are no large smoke stacks, etc. Staff agreed to add light manufacturing as a permitted use, but provide a definition that excludes heavy industrial types of uses. They agreed that major issues to consider are noise, pollution, outdoor storage, deliveries, etc. Mr. Cohen pointed out that the design standards for frontage and amenities may preclude some types of light manufacturing uses from locating in the subarea.

Vice Chair Perkowski asked what types of uses would be considered personal and business services. The Commission discussed that this would include dry cleaners, hair salons, attorneys, accountants, etc. Mr. Cohn noted that administrative offices that do not serve the public would not be considered a personal or business service, but they should also be encouraged. Staff agreed to review the various classifications of office uses and provide some suggestions for the Commission's consideration. Mr. Cohen reminded the Commission that the draft includes a provision that allows the Director discretion to determine if a use that is not listed meets the purpose of the Town Center Subarea.

Vice Chair Perkowski referred to Section 20.92.010 and voiced concern that property owners would be able to do piecemeal improvements to avoid triggering the design review requirements. For example, modifying a building by adding additional height would not trigger design review because it would not alter the footprint of the building. Mr. Cohen agreed that further review of this section is necessary to address that issue. Staff would also seek feedback from the consultant about how other jurisdictions have resolved this concern.

Vice Chair Perkowski referred to Section 20.92.010.B.2.a and asked what is meant by the three-year period. Commissioner Kaje suggested the language is intended to refer to discrete steps that have commenced within three years of each other or within a three-year window. However, he agreed the language is unclear. Mr. Cohen clarified that staff would review any changes that have occurred within a three-year window. He agreed the language should be clarified.

Commissioner Esselman asked if the proposed language would clarify where the east/west corridors would be located. She observed that the language allows businesses on the corners of the east/west corridors, and she suggested that perhaps they should establish more corners to provide better access and more walkability to Town Center. Mr. Tovar said this idea is already in the plan, but the language could be expanded upon particularly in the TC-2 and TC-4 Districts. In addition, the Public Works Department recently raised the idea of realigning the access on Northeast 182nd Street down to Northeast 180th Street with a full signalized intersection. He noted that the early design of Phase II of the Aurora Project showed a signalized intersection in this location, but the DOT indicated there was not enough traffic to warrant the change. Public Works is suggesting this issue be raised again. The Commission should talk about this issue and what it would mean for circulation. They will also need to present the idea to the neighborhood for feedback. Adding a signalized intersection midway between Northeast 185th Street and Northeast 175th Street would result in smaller block faces in the core of the subarea.

Commissioner Moss referred to the dimensional standards found in Section 20.92.040.A, which indicate that minimum side and rear yard setbacks from R-8 through R-48 properties would be 15 feet in the TC-1, TC-2 and TC-3 Districts. She asked if these setbacks would apply only when the properties are

located adjacent to residential uses. Mr. Tovar said the purpose of the setback is to protect the buffer between commercial and residential uses.

Commissioner Moss referred to Exception 2 to Table 20.92.040.A, which requires at least 20 linear feet of driveway between any garage, carport entrance and the property line abutting the street. She observed that this would remain consistent with current zoning, even though the minimum setbacks would change. Mr. Cohen agreed to research this issue further and provide additional feedback.

Commissioner Moss asked for a definition of the term “woonerf street design.” Mr. Tovar said this is a Dutch term that refers to an area that is available to both vehicles and pedestrians. The notion is to use paving materials and road geometry to make it safe for the two uses to mix.

Mr. Tovar announced that the Commission would continue their discussion regarding the Town Center Subarea Design Guidelines at their next meeting. He encouraged them to continue to review the draft language and submit their comments to staff.

Mr. Tovar said staff is considering opportunities to coordinate the Commission’s work on the Town Center Design Guidelines with the Park Board’s work on designing the Park at Town Center. He suggested it would be appropriate for the two groups to meet jointly sometime in the fall. In addition, it may be appropriate to schedule some type of public forum. Chair Wagner recalled that the two groups also expressed a desire to meet jointly to discuss the tree code amendments. Mr. Tovar noted that both of these topics could take considerable time, so they should be scheduled on different agendas.

ADJOURNMENT

The dinner meeting was adjourned to the regular meeting at 7:10 p.m.

Michelle Linders Wagner
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

August 19, 2010
7:21 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Wagner
Vice Chair Perkowski
Commissioner Esselman
Commissioner Kaje
Commissioner Moss

Staff Present

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

Commissioners Absent

Commissioner Broili
Commissioner Behrens

CALL TO ORDER

Chair Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:21 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski and Commissioners Esselman, Kaje and Moss. Commissioners Broili and Behrens were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

There were no Director's comments during this portion of the meeting.

APPROVAL OF MINUTES

The minutes of July 15, 2010 were approved as drafted.

GENERAL PUBLIC COMMENT

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

QUASI-JUDICIAL PUBLIC HEARING ON PUBLIC HEALTH LABORATORIES (PHL) COMPREHENSIVE PLAN AMENDMENT AND REZONE AND MDP (MDP)

Chair Wagner reviewed the rules and procedures for the public hearing. She also reminded the Commissioners of the Appearance of Fairness Rules, which require Commissioners to disclose any communications they have received about the subject of the hearing outside of the hearing (ex parte communications). She opened the public hearing and invited all those who wanted to testify to swear or affirm that the testimony they give will be the truth. She also invited Commissioners to disclose ex parte communications, and none were identified.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran presented the Staff Report. He advised that the hearing is related to the PHL's Comprehensive Plan amendment, rezone and Master Development Plan. He explained that the three applications have been condensed into one public hearing, and testimony can be on any one of the applications. He provided a Comprehensive Plan Map and explained that the site is designated "Campus." The adjacent parcels to the west, north and east have land use designations of "Campus," as well. Most parcels to the south, across Northeast 150th Street, have a land use designation of "Low-Density Residential." There are "High-Density Residential" and "Commercial" parcels on the south side of Northeast 150th Street adjacent to 15th Avenue Northeast.

Mr. Szafran referred to the zoning map and explained that the PHL Campus was rezoned to Public Health Lab Campus Zone (PHZ), but the adjacent parcel to the west, north and east is zoned Fircrest Campus Zone (FCZ) and is developed with the Fircrest School. Most parcels to the south are zoned R-6 and developed with single-family homes. Directly across Northeast 150th Street are parcels zoned R-18, and to the west of these are parcels zoned R-48 and Neighborhood Business (NB). Properties along 15th Avenue Northeast are zoned R-48, Office, and R-12.

Mr. Szafran provided an aerial photo of the existing site, as well as some site photos to orient the Commission to the site. He noted that much of the campus is open space. He explained that the Health Lab submitted an application in October of 2009, and the City issued a notice of application in May of 2010. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued in July of 2010, and a notice of public hearing was issued the end of July. He reviewed the three actions that are currently under consideration as follows:

- **Comprehensive Plan Amendment:** In order to have sufficient acreage to develop under the MDP, the PHL is proposing a Comprehensive Plan Amendment to modify LU 43 to change the campus area from a 7-acre site to a 12-acre site.
- **Rezone:** In conjunction with the Comprehensive Plan amendment, the PHL is proposing to take five acres from the FCZ and add it to the PHZ to make an approximately 12.6-acre parcel.
- **Master Development Plan (MDP):** The PHL has submitted a MDP to guide the future growth of the campus for the next 15-20 years.

Applicant Testimony

Steve Southerland, Johnson Southerland, Principle Architect, explained that the PHL's mission is to protect and improve the health of the people in Washington State. The Department of Health works through the local health agencies to identify, contain and maintain communicable diseases and environmental threats to health. Their activities include testing related to infectious diseases, communicable diseases, genetic conditions that might affect newborn children and environmental health concerns. The laboratory, itself, has three operational units: public health microbiology, environmental laboratory sciences, and newborn screening. There are two supporting units: the training department and quality and safety assurance. He reviewed each of the units as follows:

- **Communicable Disease Microbiology.** This unit is responsible for doing testing for a number of diseases that can be transmitted from one human being to another or from animals to humans. Many of these conditions require mandatory reporting if someone has them to make sure they do not spread. Primarily, they do not work directly with patients, but they serve other providers such as physicians, hospitals, clinics and local health jurisdictions. Their testing is clinical in nature, and they are not a research facility. They are known as a reference laboratory, which means they serve as a way to validate and deal with the more difficult cases that hospitals and or other laboratories might have difficulty with.
- **Environmental Laboratory Sciences.** This unit is responsible for things that are outside of an individual person, but could impact them if they were ingested or if they came into contact with them. These include water, soil, air, food, parasitology, Hanford Nuclear Reservation, and chemical emergency response.
- **Newborn Screening Laboratory.** This unit is very advanced and does more than 4 million tests a year. There are 25 different tests that are genetically transmitted to newborn children. While many of them are relatively rare, they have devastating effects when they occur. It is important to catch them within a matter of days so the appropriate actions can be taken to prevent damage to the child's development. They also do a very active follow-up program with any child who has a positive result so parents and physicians can take appropriate action.

Mr. Southerland explained that, at this time, the laboratory is at capacity. The facility was constructed approximately 25 years ago, and was originally designed for 75 people. They now have 145 employees. They recognize the need to integrate their plans with the City's need for long-range planning and permitting. In addition, they need to plan their own activities based on the growing need for laboratory services in the future. They would also like to manage the uncertainty associated with the Fircrest

Campus infrastructure. The laboratory is the only capital building the Department of Health owns. Their remaining spaces are leased.

Mr. Southerland advised that the PHL began the MDP process about four years ago. Their staff has been very involved in visioning what their future needs are, and they have solicited input from external groups within the local community, as well. They also brought in nationwide experts to help them understand what their needs might be from a scientific and laboratory standpoint. The current draft proposal was completed about one year ago.

Terry Williams, Department of Health, Architect, advised that two of the most applicable goals of the planning process was to determine the space needed to accommodate growth and consolidation for the Department of Health Divisions and to develop a vision plan that fits into the Fircrest Master Plan and meets the Shoreline community's needs. He explained that the following workshops were conducted:

- The first workshop included detailed interviews with key individuals from each of the laboratory sections, which allowed them to capture the head and space counts for each type of laboratory space. Each laboratory section summarized the things in the building that were not meeting their needs and identified the types of space and technology they may need in the future.
- At the second workshop, their consultants formalized the information that was gathered at the first workshop. They presented a site analysis to key Department of Health staff, as well as 14 first-thought scenarios where they could possibly expand.
- At a science gazing symposium, the consultants brought in state public health lab directors from Utah, Iowa and one other state to provide presentations on cutting-edge diagnostic laboratory equipment, technology, environmental and sustainable design, and other issues that may impact future laboratory design.
- At the third planning workshop the information that had been gathered and the assumptions made on the space allocations and sizes needed in the future were validated. The consultants presented opportunities for maximizing energy efficiency, such as getting away from being dependent on the Fircrest Campus utilities. Four scenarios from the plans that were presented in the previous workshop were selected for further study.
- In the fourth workshop the consultants made a presentation of the four scenarios, utility concepts, and the building systems. They also provided some cost models for the different scenarios.

Mr. Williams advised that they reviewed the following site considerations:

- Site Configuration. The current property is L-shaped, and they would like to expand an additional five acres.
- Building Configuration. The building runs linear north to south, with wings running east and west.
- Vehicular Access, Circulation and Parking. They had to review how the expansion of the buildings would impact vehicular access, circulation and parking.

- Site Topography and Vegetation. The photographs in the Staff Report illustrate that there are a lot of trees along Northeast 150th Street and the site slopes ever so slightly from the northwest to the southeast.

Mr. Williams explained that providing adequate space for expansion and parking was their first consideration when reviewing options for site expansion. They also wanted to be compatible with the Fircrest Master Plan design. In addition, they wanted to meet the needs of the Shoreline community. They knew that numerous ideas had been expressed by the community regarding what they would like to see at the site. A Community Liaison Panel, made up of people from community groups and individuals from Shoreline public agencies, meets quarterly to talk about what is going on at the lab. Two public meetings were also held. The public provided significant input regarding building mass, height and location. They also provided input regarding construction materials and aesthetics, as well as landscaping that includes trails going through the property. Sustainability, traffic control and public transit are very important to the community. Those who attended the public meeting indicated they were hoping more transit service would be provided to the site.

Mr. Southerland provided an overview of the MDP and reviewed the goals as follows:

- Develop a long-term needs assessment for the laboratory and a roadmap for the next 20 years of growth.
- Determine space needed to accommodate growth and consolidation of Department of Health Divisions.
- Create a basis for long-term budget planning for future projects.
- Ensure a safe and secure campus.
- Develop a vision plan which fits into the Fircrest Master Plan and Shoreline community needs.
- Separate and clarify property ownership to address Shoreline planning requirements. Currently, the property is in the process of being owned by the Department of Health, which will require a transfer between various agencies.
- Ensure long-term viability by providing direct utility connections for Department of Health property and facilities. Right now the property obtains utility service from the Fircrest Campus, which was developed during World War II. Sometimes, the utilities are less than reliable. The intent is to reconnect the Department of Health facilities directly to the utilities out in the right-of-way.

Mr. Southerland pointed out that the property is located at Northeast 150th Street and 15th Avenue Northeast in the southeast corner of Shoreline. The Fircrest Campus and Hamlin Park are located to the north of the property and South Woods Park and the high school are located to the east. The site is surrounded by properties owned by the Department of Social and Health Services (DSHS) and the Department of Natural Resources (DNR). The Food Lifeline Warehouse that is located on the same property as the PHL will remain as part of the MDP. He advised that they are proposing to expand the Department of Health's property to approximately 12 acres.

Mr. Southerland said the process included a review of their existing space and facilities and their projected needs over the next 20 years. He referred to a chart that was prepared to illustrate this analysis. He summarized that there are currently 143 employees on site, and it is projected this would

increase to about 336 over a 20-year period. The existing gross area of the building is about 72,000 square feet, and this would increase to about 164,000 square feet during the planning period.

Mr. Southerland emphasized that a key element of their planning process was to link in with the Fircrest MDP, which envisions a boulevard entry off Northeast 150th Street. The current proposal is to link in with this. The entries would be consolidated to one location. In addition, a number of pedestrian trails have been suggested in the Fircrest MDP, and the current proposal would link into these systems to provide additional public access. He referred to a map of the proposed MDP and specifically noted the following elements:

- Parking was reconfigured to the south and north.
- Boulevards that link to the parking areas would be provided along the east edge of the site.
- Food Lifeline would maintain their truck access, and there would be access to a two-story parking garage in the northeast corner.
- A controlled access driveway would be provided at the center of the property for deliveries of materials and specimens.
- A main pedestrian access would be provided in the middle of campus between a possible transit stop and a public center space, which would be adjacent to a public meeting room.
- A main entry plaza is proposed in the southeast corner between the parking area and the building.

Mr. Southerland used a three-dimensional diagram to provide a sense of the height and types of buildings that are being proposed. He noted that the laboratory buildings to the south would be one-story. These are new laboratory wings that will be constructed over top of where some of the existing labs are located. Some wings would also be added on to the north. The front two wings to the south would have penthouses so heights would be roughly 30 to 35 feet. Over the L-shaped building, a three-story office building would be built, with possibly a small penthouse for mechanical equipment. This building would range from 45 to 50 feet in height. Towards the back of the site is a parking garage, with one tier above grade. The rest of the parking would be at-grade parking located to the south and accessible from the boulevard to the east.

Mr. Southerland explained that the Master Development includes the following phases:

- Phase 1 would be the NW Wing Addition for the Newborn Screening Laboratory. Laboratory and storage space would be added. It would also include more administration meeting space, which they currently lack.
- Phase 2 would be the East Elevation Addition, which includes additions to the mechanical room. They will begin to redo some of the utilities on the site so it all comes into a larger mechanical space. The red wing on the south is an extension of the circulation, storage and loading dock support services.
- Phase 3 would be the Administration Building. It includes construction of a new 3-story Administration Building, a new parking area to the south and the lower tier of the parking area to the north, a campus drive and loading access drive, site amenities, pedestrian paths and links, and a training lab.

- Phase 4 would be the South Wing Additions. This includes demolition of the existing south wings. They would be replaced with two new laboratory wings.
- Phase 5 would be a new office building. This would be a three-story office building to provide space for the Epidemiology Department, which currently comes from Kent. It also includes construction of the upper tier of the new parking garage to the north and a remodel of the E and C Wings.

Mr. Southerland reviewed the PHL worked with staff and the neighborhood to create the proposed zoning requirements for setbacks, heights, lot coverage, parking etc. They also worked with staff and the community to address site design issues. A tree study was conducted, identifying about 280 trees on site. Only about 40 of the existing trees would have to be removed to accommodate the proposed plan, and the proposal is to put back even more trees than the number removed. Their goal is to maintain the green site, which is important to the neighborhood. The proposed materials and design are intended to be neighborhood friendly. While it is important for the structures to be easily identifiable, it was also important to the adjacent neighborhoods to maintain the low-scale design.

Mr. Southerland advised that a traffic analysis was conducted, which indicated there would be about 750 additional trips at the end of the 20-year planning period. However, all adjacent intersections would continue to meet the City's standard for level of service. The consultant also estimated that approximately 400 vehicles would require parking at the end of the 20-year cycle of development, and the proposed new parking areas would accommodate this need based on the proposed parking ratios of one parking space per 500 square feet of laboratory and one parking space per 300 square feet of office space. The intent is that there would be no parking overflow into the neighborhoods.

Mr. Southerland reported that their civil consultant developed a stormwater management plan for all the various phases, which meets all the state and local code requirements. Their stipulation was that the off flow site would not exceed the historic forested conditions required by the state. The planning document shows a number of ways to accomplish this goal such bio-filtration, on-grade detention, rain gardens, green roofs, and pervious pavements. There would also likely be some underground detention structures.

Mr. Southerland said they also studied how each of the utilities could be reconnect to service that is available on Northeast 150th Street. They plan to disconnect from the stormwater and sewer mains that flow from the Fircrest Campus through the subject property and create their own storm water and sewer connections to Northeast 150th Street. At this time the site is served by an electrical substation located to the north, and a main feeder comes through the Fircrest Campus. They will work with the local utility company to develop plans for a new substation on Northeast 150th Street that would serve the subject site directly. The gas line also comes from the north. The plan is to consolidated the lines on the subject property and connect to the main at Northeast 150th Street. They also receive steam for heating from the Fircrest Campus, which is a very old system. They plan to disconnect from this service and provide new boilers on the subject property for their own heating system. A loop system would be created around the site to provide fire and water service to the property.

Mr. Szafran pointed out that the Staff Report addresses how the proposal meets the Comprehensive Plan amendment criteria, the rezone criteria, and the MDP criteria. He summarized that staff believes the proposal meets all of the required criteria, and they are recommending approval with the mitigation proposed in the Staff Report.

Questions by Commission to Staff and Applicant

Commissioner Kaje requested clarification about the proposed new electrical substation. Mr. Southerland said that, at this time, the PHL is served by a single substation located at the north end of the Fircrest Campus. It flows through the Fircrest Campus to serve the subject property, as well as several other properties. The line and substation are older and when there is an outage in another building, it can affect their building as well. The intent is to disconnect to this feeder and place a new substation (underground vault) on Northeast 150th Street that can directly serve the subject property.

Chair Wagner recalled the applicant stated that about 40 significant trees would be removed. However, Item 65 on Page 116 of the Commission packet states that there are 319 significant trees and 119 are proposed to be removed over the 20-year period. Mr. Southerland said their tree count did not identify which trees are significant. Mr. Szafran said he counted every tree that was mapped, as well as those that would be removed. Mr. Southerland agreed to provide more information to staff about significant trees. He noted that a tree study would be done for each phase of the project. The footprint of the buildings may change somewhat, and this could impact the number of trees that are removed.

Vice Chair Perkowski referred to the discussion about safety impacts on Pages 110 and 111 of the Commission packet. He request additional information about the current Level 3 Bio-Safety Designation of three and what it would mean if it were changed to a Level 4 designation. **Dr. Romesh Gautam, Public Health Lab Director**, explained that they have absolutely no plan to develop a Bio-Safety Level 4 laboratory, which is the level of the Center for Disease Control, the military facilities, or the National Center for Health. It is not feasible to think about going to a Level 4.

Commissioner Esselman asked if the applicant has obtained a commitment from the utility that they would allow them to add an additional vault. Mr. Southerland said they have met with the utility company, but they need an actual project proposal before they can make a formal commitment. At this time, the MDP is a vision plan. They did assure the applicant that the new electrical vault would be possible.

Commissioner Esselman said that although the studies indicate there would be no significant impact to the adjacent neighborhood, she is concerned about consolidating the access point that empties out onto the mid block of Northeast 150th Street. She asked how much of the Fircrest Campus would gain access from this location. Mr. Southerland responded that the Fircrest MDP identifies new access points on 15th Avenue Northeast, so not all of their traffic would come through the boulevard. Mr. Szafran said this access was reviewed as part of the traffic plan. Because of the circuitous route, the traffic volume generated by the Fircrest Campus would be very small.

Chair Wagner asked how many new trees would be planted on the site to accommodate for the significant trees that are removed. Mr. Southerland answered that this count would not be done until they create a full-scale design.

Chair Wagner questioned if the Commission could make a recommendation related to property that is not actually owned by the applicant. Mr. Williams said a binding site plan has been recorded with King County, and it encompasses the 12.5 acres proposed in the plan. They are currently going through negotiations with DSHS, but the process is moving slowly. Ms. Collins explained that an applicant cannot obtain a rezone for property they do not own, but she assumes DSHS is participating in the process and has approved the applicant to move forward. Mr. Cohn agreed that is the situation.

Chair Wagner recognized that the proposed MDP is a conceptual design. She asked if the proposed design would allow for future expansion of the Administration Building to go up rather than out, if necessary in the future. She asked if laboratories are required to be only one story. Mr. Southerland said the proposed zoning would limit the height to 65 feet, and nothing would preclude an office building that is up to four stories within the proposed envelope. Laboratories of two or more stories are possible, they are difficult and costly because of utility requirements, the height of the penthouses, etc. He emphasized that the proposed design reflects the projected needs over the next 20 years. Mr. Szafran added that the MDP assumes a certain number of vehicle trips, which equates to a maximum number of square footage. While this could be varied slightly, any modification would require an amendment to the MDP. Chair Wagner said her thought was that if they plan for being able to expand up and architecturally allow for it, future expansion could be less expensive and result in a more environmentally-friendly footprint.

Vice Chair Perkowski asked staff to explain how they analyzed Rezone Criterion 2. He observed that there is no doubt that the PHL has benefits to the public. However, he felt this criterion focuses on the external impacts to the neighborhoods such as transportation, air quality, water quality, etc. Mr. Cohn said that because this is a general criterion, staff tends to address it very generally. In this case, the actual use has a very specific benefit to the public. He suggested the Commission could provide substitute wording in their findings.

Commissioner Kaje noted that in prior rezones, the Commission has been asked to be very mindful that they are not actually judging an application on the basis of a specific use that has been proposed. They are supposed to judge the rezone and based on the types of impacts it may have. He agreed with Vice Chair Perkowski that staff's response speaks to the function of the organization that is proposing the rezone, which is not really the point of the criterion. Mr. Cohn said that since the proposed rezone is to a PHL zone, the use is already spelled out. If the Commission desires, it could add to their response as part of the findings. Mr. Szafran said that since the rezone is consolidated with the plan, this same criterion is addressed in greater detail elsewhere in the Staff Report.

Commissioner Moss referred to Table 5 on Attachment 8 of the Staff Report (Pages 165 through 167 of the Commission packet), and noted that the design criteria was not achieved in some areas. She requested more information about what that means. Mr. Williams replied that Attachment 8 provides the results from an air entrainment study that was done for the proposal and explained that the percent of

time that the design criteria may be exceeded is very low. He referred to Table ES-2 in Attachment 8 (Pages 158 and 159 of the Commission Packet) which further describes the surrounding exhaust sources and identifies mitigation when the design criteria cannot be achieved. Mr. Szafran noted that the mitigation measures were added as conditions of the conditional use permit that was approved for the lab addition in 2008. Mr. Williams clarified that the applicant must already meet the conditions as part of the occupancy permit for the addition.

Chair Wagner noted a condition was included in the MDP to require updated air quality studies (Item 70 on Page 118 of the Commission Packet). Mr. Williams said every building that is constructed on the site would require an air entrainment study. Mr. Southerland clarified that in addition to analyzing where the building receives air and where air comes out, the study also looks at the surrounding neighborhood. The only categories that did not meet the criteria were the applicant's own receptors on the buildings, and they are going through mitigation studies to correct these problems. All of the neighborhood receptors met the design criteria.

Vice Chair Perkowski referred to Page 153 of the Commission packet, which is the Risk and Safety Assessment (Attachment 7). The last paragraph states that the current version of the Emergency Response Plan had several missing, incomplete or inconsistent sections. It also states that the response plan does not provide adequate protection, and then it lists modifications that need to be made. Williams said they are working on the modifications, which must be finished before they receive an occupancy permit for the addition they are currently constructing. Vice Chair Perkowski asked if nearby facilities and the community would be involved in the preparation of the Emergency Response Plan. Mr. Williams answered affirmatively and added that parts of the plan have already been done.

Robert Soldier, Public Health Lab Assistant Director, reported that in April, all of the Shoreline Fire Department visited the laboratory and gave their input on how they would operate in the case of an emergency. In addition, the applicant has had conversations with their emergency responders on how they would access various locations in the lab. Vice Chair Perkowski asked if the first responders assigned to the PHL would need to be specially trained for the specific situations that might occur. Mr. Soldier answered that they do not provide them with any special training because they have already been specially trained to work in hazardous environments, but it is important that they know the specific hazards that exist in the lab. Vice Chair Perkowski asked if situations could occur at the lab that overwhelm the capacity of first responders in the area. If so, is this concern addressed in the Emergency Response Plan? Mr. Soldier explained that the laboratory staff will take care of situations that involve particular skills, so the Fire Department does not need to have those skills.

Vice Chair Perkowski asked staff if they believe the laboratory is adequately qualified to conclude that all of the modifications identified in Attachment 7 have been completed. Mr. Szafran said the Fire Department must approve the Emergency Response Plan before a Certificate of Occupancy would be issued for the new addition. Vice Chair Perkowski said he is concerned about biological hazards, and the Fire Department may not have the required expertise. Staff agreed to provide more information to address this concern.

Commissioner Moss recalled from a previous meeting that people can occupy a building temporarily with a temporary rather than a formal Certificate of Occupancy. She questioned how biohazards, etc. would be addressed during temporary occupancy to ensure the safety of the workers and the community. Mr. Szafran agreed to obtain feedback from the Building Official as to how the temporary occupancy permit process works.

Public Testimony

Jim Hardman, Seattle, said he is the president of Friends of Fircrest. He is also the guardian of about two dozen people who live at Fircrest. He noted that Friends of Fircrest is a stakeholder in the proposed MDP, and they have been at the table with the Department of Health since the inception of the safety and risk assessment process. He explained that the assessment started off with a few glitches, which were addressed to the satisfaction of Friends of Fircrest as the process went along. His concern is for the safety of the residents at Fircrest, and he is convinced that the PHL would be safe for them. Their concerns were taken into consideration and very adequately addressed during the planning process.

Mr. Hardman said the north parking area, including the raised parking, would be a stone's throw from living units on the Fircrest Campus, and he had concerns about traffic and lighting. The concerns were addressed adequately. They believe the impact on the residents would be very slight and not negative. Friends of Fircrest is prepared to endorse the process because they believe the residents would be well served by the Department of Health's presence in the area.

Bill Bear, Shoreline, said that at the time of the initial plan for the lab, he was director of the Briarcrest Neighborhood Association. He has been very involved for many years in looking at development and its potential harmful impacts to the neighborhood. Through the process of the Safety and Risk Assessment, the applicant very diligent to make sure that people working at the facility, as well as people in the community, would have assurance of their health and safety being protected. It is not lightly that he says he would feel safer in the PHL while they are working than crossing Northeast 145th Street and 15th Avenue Northeast. The reason for the BSL-3 designation has to do with the nature of the material and the generalization of rules for safety; but the quantities of materials are very, very small, and the procedures are safe. He summarized that risk and safety experts evaluated all of the activities that take place on the site.

Mr. Bear said he is very enthused about the way the whole process was conducted. He thinks taking the neighborhood and community needs into account from the beginning of the difficult process was instrumental in people feeling comfortable with the proposal. The Briarcrest Neighborhood Association supports the proposal as presented.

Final Questions by the Commission

None of the Commissioners had additional questions during this portion of the hearing.

Deliberations

COMMISSIONER KAJE MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT AS PROPOSED BASED ON STAFF'S ANALYSIS OF THE COMPREHENSIVE PLAN AMENDMENT CRITERIA ON PAGE 112 OF THE COMMISSION PACKET. AS PROPOSED LU 43 WOULD READ IN PART:

- **THE FIRCREST CAMPUS IS AN APPROXIMATELY 78 ACRE SITE.**
- **PUBLIC HEALTH LABORATORY CAMPUS: AN APPROXIMATELY 12.6 ACRE SITE . .**

VICE CHAIR PERKOWSKI SECONDED THE MOTION.

Commissioner Kaje said it has been clearly demonstrated that the shift of the property is being taken care of. The proposed change represents a straightforward transfer of property from one category to another.

Chair Wagner reviewed the Comprehensive Plan Amendment Criteria as follows:

- **Criterion 1.** *Is the amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies?* Staff has determined that the amendment is consistent with the Growth Management Act and would provide more employment opportunities to meet the economic development goals of the City. It would also encourage development in an urban area where adequate public facilities exist.
- **Criterion 2.** *Does the amendment address changing circumstances, changing community values, incorporate a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan?* Staff has determined that the amendment addresses changing circumstances. At one time, it was thought that a Fircrest-related use might expand onto this property. Now the State has concluded that Fircrest-related activities will not require use of this property which frees it to be used by another State facility.
- **Criterion 3:** *Will the amendment benefit the community as a whole and not adversely affect community facilities, the public health, safety or general welfare?* Staff determined that the community would benefit if the PHL expands in order to fulfill its mission as a BSL-3 facility. The Comprehensive Plan limits development of the site to those uses required at a BSL-3 facility, which, according to the State's analysis, will not adversely affect the nearby Fircrest facilities or the public's health, safety or general welfare.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER KAJE MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE PROPOSED REZONE OF THOSE SAME FIVE ACRES FROM FIRCREST ZONE (FCZ) TO PUBLIC HEALTH ZONE (PHZ) BASED ON STAFF'S ANALYSIS OF THE REZONE CRITERIA ON PAGES 112 AND 113 OF THE COMMISSION PACKET. COMMISSIONER ESSELMAN SECONDED THE MOTION.

Commissioner Kaje reviewed the rezone criteria as follows:

- **Criterion 1.** *Is the rezone consistent with the Comprehensive Plan?* Given the Comprehensive Plan designation of “Campus,” there is no question about whether or not the rezone would be consistent with the Comprehensive Plan.
- **Criterion 2.** *Will the rezone adversely affect the public health, safety or general welfare?* Based on the record and the materials presented, he has no concerns that the public health, safety or general welfare would be affected.
- **Criterion 3.** *Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?* The rezone follows directly from the amendment previously approved for the Comprehensive Plan.
- **Criterion 4.** *Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?* The Commission heard that the Fircrest Campus, the closest neighbor to the subject property, indicating they are satisfied that safety issues have been addressed. In addition, the PHL has been thoughtful about what Fircrest is doing with their master plan related to trails and coordinating access. He does not see anything about the proposal that would suggest significant or notable impacts on other neighbors.
- **Criterion 5.** *Will the rezone have merit and value for the community?* This is a very valuable facility to begin with. It is always good to have additional jobs in the community, as well. This is the type of facility they want to keep in the community, and it is in a place where there is room for it to grow.

Chair Wagner referred to Criterion 2 and recalled the concerns raised by Vice Chair Perkowski regarding the Emergency Response Plan and the Safety and Risk Assessment. There was some indication that the applicant had done some analysis on fire response to chemical incidents, and the lab had a lower incidence of required responses for safety concerns. It is important to indicate there is already interaction and that the PHL is working with the Fire Department. They are responding to various types of incidents at the lab already. This gives her additional reason to believe that Vice Chair Perkowski’s concerns would be adequately addressed by the Fire Department.

Commissioner Moss referred to the list of modifications that must be made to the Emergency Response Plan (Page 154 of the Commission Packet), and she assumes that because this list of modifications was included as part of the MDP proposal, the City would ensure that the changes occur. Mr. Szafran agreed.

THE MOTION CARRIED UNANIMOUSLY.

Commissioner Kaje referred Finding 59 on Page 115 of the Commission Packet, which states that, “in order to more fully meet Criterion 4, the Planning Commission finds the following condition shall be added to the MDP: An updated air quality study shall be submitted and approved with each successive permit for addition to the laboratory building.” He asked for clarification since the Commission has not yet made any specific findings regarding the MDP. Mr. Cohn explained that staff is recommending the Commission add this condition. Chair Wagner added that the other conditions were proposed by the

applicant, and this one was proposed by staff. Ms. Collins further explained that staff prepared the proposed findings, recommendations and conclusions so the draft report was ready for the Commission to sign and forward to the City Council. However, she acknowledged that the Commission could make changes to the draft proposal, as well.

Vice Chair Perkowski referenced Finding 69 related to the MDP Criterion 8, which states that the PHL's Risk and Safety Assessment indicates the lab is in compliance with applicable regulations that protect laboratory workers and the community. He suggested language should be added to require the applicant to address all of the Emergency Response Plan modifications listed on Page 154 of the Commission Packet.

COMMISSIONER KAJE MOVED THE COMMISSION APPROVE THE MASTER DEVELOPMENT PLAN PERMIT AS PROPOSED, INCLUDING THE CONDITION PROPOSED BY STAFF REGARDING THE AIR QUALITY STUDY AT EACH SUCCESSIVE PERMIT FOR THE LABORATORY BUILDING. COMMISSIONER MOSS SECONDED THE MOTION.

Commissioner Kaje reviewed the Master Development Plan Criteria as follows:

- **Criterion 1:** *The project is designated as either campus or essential public facility in the Comprehensive Plan and Development Code and is consistent with goals and policies of the Comprehensive Plan.* As stated in the report, it is very clear the property is designated as a PHL Zone, so this criterion would be met.
- **Criterion 2:** *The master development plan includes a general phasing timeline of development and associated mitigation.* The Commission was provided with a phasing table, and they also heard in the presentation that, at times, State facilities take an extended period to construct. The proposed 20-year phasing for the project appears to be reasonable.
- **Criterion 3:** *The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.* To the Commission's knowledge based on the information they have been given, there are no critical areas present on the PHL Campus.
- **Criterion 4:** *The proposed development uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design (including low impact development stormwater systems and substantial tree retention) to mitigate impacts to the surrounding neighborhoods.* The reports provided show that future development would be guided by sustainable design, and they have been informed in the report that the State of Washington requires LEED Construction for all structures over \$5 million. They have also heard in the presentation about integration of some innovative storm water management systems, etc. In addition, based on the City's code, all storm water improvements must be in accordance with the 2005 Department of Ecology Manual. As the Commission has discussed in the past, modern stormwater controls often lead to a better outcome even if the footprint is expanded. There is some lack of clarity on exactly how many trees would be retained, and it would be good for the record to make this clear. While the

actual report identified a larger number of trees lost than what was stated by the applicant, it by far exceeds the code requirements. It appears the applicant would attempt to retain as many significant trees as possible. He appreciates this since trees are an important part of the City's identity. He specifically referred to Finding 59, which would be a recommendation from the Planning Commission that an updated air quality study shall be submitted and approved with each successive permit for addition to the laboratory building.

- **Criterion 5:** *There is either sufficient capacity or infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.* The transportation impact analysis suggested there would be no change in the level of service. It provided estimates of the number of vehicle trips per day. He noted the Commission had a few questions about whether the traffic from both the Fircrest and PHL Campuses would be channeled onto Northeast 150th Street, and they heard that is not the case. The Fircrest Master Plan would continue to identify access from 15th Avenue Northeast. In addition, the Commission read in the proposal that there would be some improvements to sidewalk sections on Northeast 150th Street. Based on the information provided, the Commission believes that Criterion 5 would be met.
- **Criterion 6:** *There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.* The Commission heard from the applicant that there is sufficient capacity, and they have heard they are addressing some stormwater needs and changing the way that storm water leaves the site. Their proposed plans sound sensible, and there appears to be no issue about capacity with water or sewer. They would upgrade some of their plumbing, which is a good idea for aging infrastructure.
- **Criterion 7:** *The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.* He is pleased that trails would be provided for both the Fircrest residents and others to use. The Commission had some questions about the exact number of trees that would be retained, and these numbers should be clarified in the final report to the City Council. Regarding vehicular access, the Commission was not provided any information to suggest the plan would create a conflict with surrounding neighborhoods.
- **Criterion 8:** *The applicant shall demonstrate that proposed industrial, commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.* The

Commission has been provided some safety studies, and they heard from a resident who participated in the processes that there has been great attention to safety for the Fircrest residents and the neighborhood as a whole. He is confident the proposal meets Criterion 8.

Commissioner Moss reminded the Commission of their desire to add language to Finding 69 on Page 117 of the Commission packet that requires the applicant to come up with a specific plan to implement the Emergency Response Plan modifications listed on Page 154 of the Commission packet. She recognized that some of the modifications may have already been addressed. However, it is important to make sure that the Risk and Safety Assessment is repeated whenever there is an expansion or development. Mr. Cohn suggested Finding 69 be changed to read, "The PHL is not introducing any changes in use on the campus and is consistent with the PHZ zoning land use matrix. Further, the Risk and Safety Assessment completed for the PHL proposes mitigations that are included in the plan and that, when implemented, will ensure that the PHL is in compliance with applicable regulations that protect laboratory workers and the community in which the laboratory operates."

Commissioner Moss referred to Finding 55 on Page 115 of the Commission packet, which references the 2005 Department of Ecology Stormwater Manual. Given this is a project that would take place over a 20-year time period, she suggested the language reference the currently accepted standard at the time of permit. The Commission agreed to amend the first sentence of Finding 55 to read, "The City of Shoreline requires all storm water improvements to be in accordance with the storm water regulations in effect at the time of permit application."

Chair Wagner referenced Finding 65 on Page 116 of the Commission packet and suggested that rather than identifying the specific number of trees that would be retained, the language should identify the percentage of trees that must be retained. She noted that Finding 58 on Page 115 of the Commission packet requires 62% tree retention. Mr. Cohn suggested that Finding 65 be deleted since tree retention is already addressed in Finding 58. Ms. Collins suggested it would also be important to include the sentence from Finding 65, which states that "the Shoreline Municipal Code requires 20% significant tree retention." This would make it clear that the applicant would retain substantially more trees than the current code requires.

The Commission agreed that Finding 65 should be deleted and Finding 58 should be amended to read, "The proposal retains 62% of the significant trees on campus based on a survey submitted at the time of the first permit submittal. The Shoreline Municipal Code requires 20% significant tree retention. Retention of significant trees adds to LID measures to mitigate stormwater runoff and meets the intent of Decision Criterion 4."

Commissioner Moss reminded the Commission that they are also in the process of reviewing the tree ordinance. Mr. Cohn clarified that, as currently proposed, this process would not affect Campus zones. If it is expanded to include Campus zones, the Commission would have additional discussion regarding the issue.

Chair Wagner suggested that Finding 59 on Page 115 of the Commission packet (related to the air quality study) be moved from Criterion 4 to Criterion 8. She explained that Criterion 4 relates to

innovative, aesthetic, energy efficient and environmentally sustainable architecture, and Criterion 8 relates to safety for the surrounding neighborhoods. The Commission agreed that Finding 59 should be placed under Criterion 8.

Once again, the Commission discussed Finding 68 (formerly 69) on Page 117 of the Commission packet. Mr. Cohn explained that the applicant has indicated they would look at both the Risk and Safety Assessment and the Emergency Response Plan on a regular basis, at least every two years. He said the applicant is comfortable with the wording he suggested earlier.

Commissioner Esselman noted that the second sentence references the Risk and Safety Assessment document, and everything contained within that report would need to be in compliance. She suggested the assessment document be highlighted. She also suggested the applicant should be required to remain in compliance with subsequent recommendations and future risk and safety assessments. Chair Wagner raised concern that this type of requirement could be logistically challenging. Commissioner Esselman agreed she does not want the requirement to be an undue burden, but she wants to make sure they continue with the process. Ms. Collins pointed out that this is an additional condition that is being recommended by the Commission, and was not proposed by the applicant as part of the MPD Proposal.

The Commission agreed to change Finding 68 (formerly 69) to read, “The Public Health Lab is not introducing any changes in use on the campus and is consistent with the PHL zoning land use matrix. Further, the *Risk and Safety Assessment* completed for the PHL indicates the Lab is in compliance with applicable regulations that protect laboratory workers and the community in which the laboratory operates.”

The Commission discussed potential amendments to new Finding 69 (formerly Finding 59). Commissioner Kaje suggested that before the applicant submits their first permit application, it is important to ensure that they are in full compliance with the Emergency Response Plan conditions outlined in the Risk and Safety Assessment. Chair Wagner observed that, ultimately, the applicant is in compliance. The list identifies recommendations for improvement, but the issues were not grossly concerning to the people who performed the assessment. If the issues had been considered significant, they would have shown up in the report as noncompliant. She concluded that only a few of the air quality standards were exceeded by a very minimal amount.

Commissioner Kaje pointed out that there are State and Federal Standards the applicant must meet. He questioned if it would be reasonable to require the applicant to conduct this type of assessment for each permit application. However, it would be reasonable to make sure that this one set of recommendations (Page 154 of the Commission Packet) has been followed through on completely. Beyond that, he suggested the Commission may be overstepping their purview.

Commissioner Moss questioned if the Commission would like to add language that requires an additional Safety and Risk Assessment at some point during the MDP’s 20-year time span. She agreed it would not be appropriate to require a new study for each permit application. However, she is interested in ensuring the safety of the workers, the environment and the neighborhood as new things come to light without creating more reports and assessments than are warranted. Chair Wagner asked if

the applicant would already be required to comply with a threshold for performing this type of assessment. Mr. Cohn said his understanding is that this is an on-going exercise every two years because the applicant knows it is very important. He also reminded the Board that the Commission would have another opportunity to review the MDP in 10 years. Commissioner Kaje suggested the City could direct the PHL to keep the City of the results of future risk assessments and any recommendations therein. Chair Wagner suggested a better approach would be to require the applicant to share the most current version of their risk assessment at the time of future permit applications.

The Commission agreed to change Finding 69 (formerly Finding 59) to read, "In order to more fully meet criterion 8, the Planning Commission finds the following conditions shall be added to the MDP: An updated air quality study shall be submitted and approved with each successive permit for addition to the laboratory building." They further agreed to add a second sentence to read, "The PHL must show full compliance with the Emergency Response Plan conditions contained in the risk and safety assessment dated November 21, 2008. The PHL will provide the City with the most current risk and safety assessments at the time of future permit applications."

COMMISSIONER KAJE MOVED TO AMEND HIS MOTION AS FOLLOWS: THAT THE COMMISSION RECOMMEND APPROVAL THE MASTER DEVELOPMENT PLAN PERMIT AS PRESENTED, WITH THE FOLLOWING MINOR CHANGES:

- **Delete Finding 65 regarding significant trees because the issue is covered separately under Finding 59**
- **Move Finding 59 regarding an updated air quality study to under Criterion 8, which requires the applicant to demonstrate he proposed industrial, commercial or laboratory uses will be safe for the surrounding neighborhood and for the other uses on the campus.**
- **Finding 68 (formerly 69) would read, "The Public Health Lab is not introducing any changes in use on the campus and is consistent with the PHL zoning land use matrix. Further, the Risk and Safety Assessment completed for the PHL indicates the Lab is in compliance with applicable regulations that protect laboratory workers and the community in which the laboratory operates."**
- **Finding 69 (formerly Finding 59) would read, "In order to more fully meet Criterion 8, the Planning Commission finds the following conditions shall be added to the MDP:**
 1. **An updated air quality study shall be submitted and approved with each successive permit for addition to the laboratory building."**
 2. **"The PHL must show full compliance with the Emergency Response Plan conditions contained in the risk and safety assessment dated November 21, 2008. The PHL will provide the City with the most current risk and safety assessments at the time of future permit applications."**
- **Finding 55 would read, "The City of Shoreline requires all stormwater improvements to be in accordance with the stormwater regulations in effect at the time of permit application."**
- **Finding 58 would read, "The proposal retains 62% of the significant trees on campus based on a survey submitted at the time of the first permit submittal. The Shoreline Municipal Code requires 20% significant tree retention. Retention of significant trees adds to LID measures to mitigate stormwater runoff and meets the intent of Decision Criterion #4."**

THE MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

Chair Wagner thanked the applicant for demonstrating a fantastic effort working with the community. This was invaluable in making the process very smooth and friendly. She also thanked staff for helping to facilitate the process.

Closure of Public Hearing

The public hearing was closed.

DIRECTOR'S REPORT

Mr. Cohn informed the Commission that the City Manager has announced his resignation/retirement effective the end of February.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Kaje informed the Commission that yesterday evening was the first meeting of the Aldercrest Task Force, which is composed of representatives of the school district, the City, Friends of Aldercrest, and the Ballinger Neighborhood Association. He noted that he represents Friends of Aldercrest, and not the Planning Commission, on the task force. He expressed his belief that the process will be good, and the Commission will likely see a proposal from them in the future that will create both park space and development opportunities. He said his neighborhood is very excited about the process.

Ms. Simulcik Smith reminded the Commission of the email she sent out regarding the American Planning Association Conference in Kennewick, Washington. A registration form was provided in the Commission packet, and money has been budgeted to send all of the Commissioners to the event. She asked interested Commissioners to submit their applications as soon as possible. The deadline is September 20th.

Commissioner Moss noted that a free workshop on "livable/sustainable communities" is scheduled for Thursday, which happens to be the same day as the Planning Commission meeting. She said she would be willing to attend any or all of the sessions, depending on what the City is willing to support. Staff agreed to provide additional information to the Commissioners about the funding level for the conference.

AGENDA FOR NEXT MEETING

Mr. Cohn advised that the September 2nd agenda would include a discussion on Town Center. The Commission would also spend time talking about topics for the retreat that is scheduled for the end of September. They may have a study session on another item, as well. The September 16th agenda includes a public hearing on some development code amendments, and there would likely be other items scheduled on the agenda, as well.

ADJOURNMENT

The meeting was adjourned at 9:56 P.M.

Michelle Linders Wagner
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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| AGENDA TITLE: Proposed Amendments to the Development Code |
| DEPARTMENT: Planning and Development Services |
| PREPARED BY: Jeff Forry, Permit Services Manager Steven Cohn, Senior Planner |

SUMMARY

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

The purpose of this public hearing is to:

- Briefly review the proposed Development Code Amendments
- Respond to questions regarding the proposed amendments
- Gather public comment
- Deliberate and, if necessary, ask further questions of staff
- Develop and forward a recommendation to the City Council

BACKGROUND / ANALYSIS

Amendments to the Development Code are used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. This group of development code amendments includes three components:

- Modify Chapter 20.30 regarding certain aspects of SEPA (State Environmental Policy Act), including:
 1. Remove requirement for SEPA review of categorically exempt projects within critical areas;
 2. Amend appeal process for Type C quasi-judicial actions.

- Rewrite Chapter 20.70 SMC including:
 1. Remove technical standards from Chapter 20.70 SMC;
 2. Modify provisions for single family frontage improvements.
- Adding a section to the SMC (Development Code, 20.30.340(c)) that formalizes the process to create an annual docket of Comprehensive Plan Amendment for Council review.

A summary of proposed amendments can be found in **Attachments 1-4**.

TIMING & SCHEDULE

The following is a chronology of the amendment process for the proposed amendments:

Application #301642 – Modify Chapter 20.30 re: SEPA and rewrite Chapter 20.70

| | |
|--|-----------------|
| Notice to Washington State Dept. of Commerce | June 15, 2010 |
| Planning Commission Study Session | June 17, 2010 |
| SEPA determination issued | June 30, 2010 |
| Public Hearing Notice | August 30, 2010 |

Application #301650 – Adding a section to SMC 20.30.340 that addresses the Comprehensive Plan Amendment annual docket process

| | |
|--|--|
| Notice to Washington State Dept. of Commerce | July 12, 2010 |
| Planning Commission Study Session | July 15, 2010 |
| SEPA determination | Categorically exempt per WAC 197-11-800 |
| Public Hearing Notice | August 30, 2010 |

BACKGROUND / ANALYSIS

In April of 2010 the Council adopted a series of goals that provide direction to departments and assistance in developing their respective workplans. Included in Council goal number one is a desire to implement the Community Vision by updating key development regulations and to make the permit process clear, timely and predictable through appropriate planning tools. Periodically staff reviews various sections of the Development Code with this goal in mind and identifies candidate amendments.

Issue 1 – Environmental Review Procedures

❖ Critical Areas

GMA (Growth Management Act) cities and counties considering adjustments to their categorical exemptions should consider whether the exemption would apply to a project proposed within a critical area. The administrative rules in WAC 197-11-908 provide that:

1. *Each county/city may select certain categorical exemptions that do not apply in one or more critical areas designated in a critical areas ordinance adopted under GMA (RCW 36.70A.060). The selection of exemptions that will not apply may be made from the following subsections of WAC 197-11-800: (1), (2)(a) through (h), (3), (5), (6)(a), (13)(c), (23)(a) through (g), and (24)(c), (e), (g), (h).*

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within a critical area. Exemptions selected by an agency under this section shall be listed in the agency's SEPA procedures (WAC 197-11-906).

2. *Proposals that will be located within critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.*

It is generally recommended that exemptions not apply in critical areas unless the city or county has updated its critical areas policies and regulations to include best available science under RCW 36.70A.172.

The City's critical area regulations were originally adopted under Ordinance 238 and subsequently amended by Ordinance 324 and 398. The regulations, adopted under RCW 36.70A.060, include best available science and accordingly provide optimum levels of mitigation for categorically exempt projects. The City also employs qualified

professionals as necessary in reaching its decisions on development in or adjacent to critical areas. Accordingly, there is no net loss of environmental evaluation caused by eliminating environmental review for categorically exempt projects.

Staff is recommending removal of review under SEPA for projects proposed within critical areas and their buffers that are categorically exempt. It should be noted that in review the procedures in 20.30.560 the City has not taken steps to “select certain categorical exemptions” as required in WAC 197-11-908.

❖ **Appeals**

The amendment corrects a conflict with State law requiring that procedural SEPA appeals be consolidated with the predecision hearing if one is held. It also satisfies the requirement that the appeal be heard by the same hearing body or officer conducting the predecision hearing. Currently, in the City’s code the SEPA appeal is heard by the Hearing Examiner in all cases but the predecision hearing is held by the Planning Commission for most Type C actions. The Hearing Examiner is currently conducting predecision hearings on certain actions as authorized by the City Council. The amendment removes the administrative appeal for a DNS on Type C actions where the Planning Commission or Hearing Examiner makes the recommendation to City Council after the predecision hearing.

The amendment also removes administrative SEPA appeals that challenge the City’s use of its substantive authority under SEPA to condition a DNS or deny all Type C actions. Substantive appeals unlike procedural SEPA threshold appeals may not be consolidated with a predecision hearing on the merits of the proposal, but must be consolidated with an administrative appeal of the decision itself. There is no local agency appeal authority of Type C action, these SEPA appeals must be brought together with appeal of the underlying decision in Superior Court. Former subsections B, C and D are combined in new A (1) and (2) to specify when substantive appeals are allowed rather than using the existing “if any” language.

Finally the provision allowing an extra seven days for a SEPA appeal is clarified to emphasize that the additional requirement of WAC197-11-680(3)(vi)(D) applies only to a permit decision that is filed at the same time as the DNS and not simply all DNS that receive public comment. The City uses the optional DNS process for most permits which avoids duplicate comment on the DNS and for which additional appeal time is not required.

Comparison with Other Jurisdictions

At the June 17 study session, a Commissioner raised a question about how neighboring jurisdictions handle SEPA appeals. Staff has researched several codes and offers the following information:

Several cities were sampled and it was evident that they employ different methods to meet the statutory requirements for public hearings, decision makers, and SEPA appeals (and none are the same.) This is due to different governmental philosophies and interpretation of the regulations.

Each jurisdiction grants different authorities to planning commissions, hearing examiners, planning directors and city councils. Their processes and procedures reflect the authorities, making a direct comparison of such things as SEPA appeals extremely difficult. However, having talked with Shoreline's City Attorney, it is staff's understanding that the process being proposed (specifically-- SEPA appeal of Type C actions) is appropriate given the City's adopted procedures and is consistent with the concepts in SEPA.

Issue 2 – Engineering Standards – Chapter 20.70

Periodic review of adopted standards and regulations is necessary to insure that there is consistency between policies and the regulations. Review of the Engineering and Utility Development Standards (Chapter 20.70 SMC) was required as a result of the adoption of the 2005 Washington State Department of Ecology Stormwater Manual and modifications to technical manuals employed by the City during development review.

Given the number of recommended changes the chapter has been rewritten and reformatted. In reviewing Chapter 20.70 the following issues were identified:

1. Many of the codified standards were excerpts from various technical manuals that are not referenced in the chapter so their origins are unknown. Technical standards are subject to change and some of the information contained in this chapter is inconsistent with technical engineering manuals employed by the City, State and other local agencies.
2. The City requires frontage improvements for a variety of development activities including individual new single family residences and additions or remodels to single family dwellings where the value exceeds 50% of the improved value of the property. Frontage improvements are intended to offset the impact of the development activity.

Evaluation of this practice indicates that it is inconsistent with the policies in the Comprehensive Plan. Additionally, several court cases at the state and federal levels have caused re-thinking of this requirement.

Standards revisions

Generally, technical manuals are adopted in their entirety by reference. Subsequent to the adoption of Chapter 20.70 in 2000 an Engineering Development Guide (EDG) was published. The EDG is prepared under the authority granted the director in section 20.70.020 SMC and contains specifications, standardized details, and design

standards. The current edition of the EDG establishes the technical manuals (including the 2005 DOE Stormwater Manual) and standards employed for public works projects and development. The intent of the EDG is to provide a set of technical and procedural criteria.

During the most recent review cycle the EDG was reviewed against the provisions in Chapter 20.70. Inconsistencies were identified in the technical standards adopted in this chapter and the technical manuals employed in the EDG.

Procedural criteria are also published in Chapter 20.70. Criteria are established for dedications, streets, sidewalks, and the undergrounding of utilities. This criteria was evaluated against other sections of the SMC and revisions are proposed as necessary to maintain consistency.

Frontage improvements

Comprehensive Plan policy T35 provides that development regulations “require all commercial, multi-family and residential short plat and long plat developments to provide for sidewalks or separated all weather trails, or payment in-lieu of sidewalks.” This policy provides clear direction relative to the types of projects that must install sidewalks aka frontage improvements. The authority for mitigation of the impacts on infrastructure for this level of development is provided in the Revised Code of Washington (RCW) and through the use of the City’s substantive authority under SEPA. This policy was developed after the adoption of the Development Code and does not extend to individual single family dwellings.

For determining the level of impact of development, the RCW defines “development activity” as any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities. In reviewing current regulations a nexus cannot be drawn to demonstrate that the level of mitigation required for development or redevelopment of an existing platted single family lot is reasonably related to the development. Nor can it be demonstrated that this level of development “creates additional” demand and need for public facilities.

Issue 3 – Adding a section to SMC 20.30.340 that addresses the Comprehensive Plan Amendment annual docket process

Most cities have regulations that detail the process for developing a Comprehensive Plan docket, which is required by GMA. Shoreline never formalized its process, and while it did not vary a great deal from year to year, there has been some variation. To provide some certainty to the public, staff proposes a process which will be codified.

AMENDMENT CRITERIA

Section 20.30.350 lists the decision criteria for amendments to the Development Code. Amendments are the mechanism used by the City to bring the land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City. The City Council has identified a need to update key development regulations and to make the permit process clear, timely and predictable through appropriate planning tools. The proposed amendments have been reviewed for consistency with this vision and the following criteria:

1. The amendment is in accordance with the Comprehensive Plan.

One of the thirteen statutory goals of the GMA incorporated into the Comprehensive Plan is to “encourage predictable and timely permit process.” Inconsistencies in appeal processes between local ordinances and SEPA is a cause for delay and potential liabilities in the permitting process. Issue 1 strives to resolve this conflict.

To further support this goal, technical standards for development should support and supplement development regulations. Ad-hoc, piecemeal recital of various standards intertwined with regulation does not give a clear concise guide for City and private improvement projects. Cities routinely maintain administrative guides or manuals that provide the basis for technical engineering decisions. It is with this in mind and in accordance with the authorities in SMC 20.70 that the amendments to Chapter 20.70 SMC are proposed.

The Citizen Participation section of the Comprehensive Plan includes policies that encourage more active citizen participation. These would be enhanced with a formalized Comprehensive Plan Amendment Process so that, on a yearly basis, citizens will know when and where they can find information about proposed amendments and the schedule for review.

2. The amendment will not adversely affect the public health, safety or general welfare.

Re: SEPA. Amendments to the appeal provisions provide consistency between the City’s environmental regulations and SEPA. Providing consistency does not adversely affect the general public welfare.

Re: Engineering Standards. The constant of employing technical resources that are consistent with recognized standards provides for a safe-built environment. A safe-built environment protects the public health, safety and general welfare.

Re: Formalizing the Docket Process. Proposed amendment clarifies and codifies the rules for proposing amendments for the annual review process. This

will make the process more predictable, and will not adversely affect the public health, safety or welfare.

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The amendments are consistent with the Community Vision adopted as part of the City Council goals. In establishing these goals Council was acting on behalf of the citizens and property owners. Given the amendments are consistent with the vision they are “not contrary to the best interest” of the citizens.

AMENDMENT FORMAT

The attachments include a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. In some cases the amendments are too extensive to provide them in legislative format. In those instances a summary of the proposed changes is provided.

OPTIONS

1. Recommended approval of Proposed Development Code Amendments; or
2. Modify or delete selected Proposed Development Code Amendments.

NEXT STEPS

At the September 16 meeting, accept and consider public testimony and make a recommendation to the Council. If you have questions or comments prior to the meeting, please contact Steven Cohn at 206-801-2511 or email him at scohn@shorelinewa.gov.

ATTACHMENTS

- Attachment 1:** Amendments to 20.30, Subchapter 8 – Environmental Procedures
Attachment 2: Amendments to Chapter 20.70 – Engineering and Utilities Development Standards.
Attachment 3: Amendments to Chapter 20.30.340 – Amendment and Review of the Comprehensive Plan
Attachment 4: Administrative amendments supporting issues 1 & 2

ATTACHMENT 1

20.30.550 Categorical exemptions and threshold determinations – Adoption by reference.

The City adopts the following sections of the SEPA Rules by reference, as now existing or hereinafter amended, as supplemented in this subchapter:

WAC

- 197-11-300 Purpose of this part.
 - 197-11-305 Categorical exemptions.
 - 197-11-310 Threshold determination required.
 - 197-11-315 Environmental checklist.
 - 197-11-330 Threshold determination process.
 - 197-11-335 Additional information.
 - 197-11-340 Determination of nonsignificance (DNS).
 - 197-11-350 Mitigated DNS.
 - 197-11-355 Optional DNS process.
 - 197-11-360 Determination of significance (DS)/initiation of scoping.
 - 197-11-390 Effect of threshold determination.
 - 197-11-800 Categorical exemptions (~~flexible thresholds~~).
- Note: the lowest exempt level applies unless otherwise indicated.*
- 197-11-880 Emergencies.
 - 197-11-890 Petitioning DOE to change exemptions.

(Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(g), 2000).

20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; ~~2) the proposal would alter the existing conditions within a critical area or buffer;~~ or ~~2~~3) a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of four dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for 20 automobiles.
- C. The construction of a parking lot designed for 20 automobiles.
- D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

ATTACHMENT 1

20.30.680 Appeals

- A. Any interested person may appeal a threshold determination ~~or and~~ the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.
- ~~B. Appeals of threshold determinations are procedural SEPA appeals which are conducted by the Hearing Examiner pursuant to the provisions of Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals, subject to the following:~~
1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.
 2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.
 3. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.
 4. All SEPA ~~An~~ appeals of a DNS for actions classified in SMC 20.30, Subchapter 2, Types of Actions, as Type A ~~or~~ B, ~~or C~~ actions in Chapter [20.30](#) SMC, Subchapter 2, Types of Actions, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC [20.30.150](#), Public notice of decision; provided, that the appeal period for a DNS for Type A, ~~or~~ B, ~~or C~~ actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.
 5. For Type L or Type C actions ~~with the Planning Commission as Review Authority~~ not classified as Type A, B, or C actions in Chapter [20.30](#) SMC, Subchapter 2, Types of Actions, no administrative appeal of a DNS is permitted.
 6. The Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.
- ~~C. The Hearing Examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.~~
- ~~D. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal. See Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearing and Appeals.~~

ATTACHMENT 1

E.B. Notwithstanding the provisions of subsections (A) through (D) of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director's determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action

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ATTACHMENT 2

Chapter 20.70 Engineering and Utilities Development Standards

Subchapter 1. General Engineering Provisions

20.70.010 Purpose.

Reworded purpose statement. Removed regulatory language.

20.70.020 Engineering Development Guide.

Reworded for clarification and added cite to 20.10.050. A clear link to the authority granted to the director to publish standards and procedures is established.

20.70.030 Required street improvements.

Moved to 20.70.310 – Subchapter 4

Clarified when frontage improvements are required to address nexus to impact. Clarification lead to a change in voluntary contributions (fee in-lieu) collected for system improvement. Provides consistency with RCW 82.02 and court decisions regarding voluntary payments.

~~20.70.035~~ Required stormwater drainage facilities.

Moved to 20.70.220 – Subchapter 4

Subchapter 2. Dedications - Section Renumbered/reorganized

20.70.040 Purpose.

Summarized purpose statement and added a new General section to identify when dedications could be required

20.70.050 Dedication of right-of-way.

Clarified wording

20.70.060 Dedication of stormwater facilities – Drainage facilities accepted by the City.

20.70.070 Dedication of stormwater facilities – Drainage facilities not accepted by the City.

Combined .060 and .070 into one section.

20.70.080 Dedication of open space.

Wording modified to include critical areas.

20.70.090 Easements and tracts.

Added language to clarify that tracts do not represent a building site.

Subchapter 3. Streets - Section Renumbered/reorganized

20.70.100 Purpose.

Wording changes throughout to incorporate Transportation Master Plan

20.70.110 Street classification.

20.70.120 Street plan.

~~20.70.130 Street trees.~~

Deleted to eliminate duplication. Landscaping chapter (20.50.480) provides Chapter 12 SMC regulates activities in the right-of-way. Specific criteria for street landscaping/trees are based on the street classification and specific street segment. This will be further clarified by the

ATTACHMENT 2

Transportation Master Plan. Landscaping provisions requiring street trees has also been modified to permit flexibility.

~~20.70.140 — Truck routes.~~

Deleted section. Discussion of truck routes is not necessary.

20.70.150 Street naming and numbering.

20.70.160 Private streets.

~~20.70.170 — Sight clearance at intersections — Purpose.~~

~~20.70.180 — Sight clearance at intersections — Obstruction of intersection.~~

~~20.70.190 — Sight clearance at intersections — Sightline setbacks for intersection types.~~

~~20.70.200 — Sight clearance at intersections — Obstructions allowed.~~

Deleted sections. Conflict with WSDOT Manual and other technical standards and do not provide a comprehensive evaluation of access management. General engineering principles for access management have been added to the Engineering Development Guide.

Subchapter 4. ~~Sidewalks, Walkways, Paths and Trails~~

Created new subchapter 4 and incorporated required improvements for frontage, stormwater, pathways. Wording in these sections was changed to meet reformatting.

~~20.70.210 — Purpose.~~

~~20.70.220 — Required installation.~~

~~20.70.230 — Location.~~

Subchapter 5. Utility Standards

Clarified language by adding the term service connection. Title 13 regulates when Utilities must underground their facilities, the Development Code specifies when development triggers for undergrounding of service connections.

Reformatted section

20.70.440 Undergrounding of electric and communication facilities – Purpose.

20.70.470 Undergrounding of electric and communication facilities – When required.

ATTACHMENT 2

Chapter 20.70 Engineering and Utilities Development Standards

Subchapter 1. General Engineering Provisions

- 20.70.010 Purpose.
- 20.70.020 Engineering Development Guide

Subchapter 2. Dedications

- 20.70.110 Purpose.
- 20.70.120 General.
- 20.70.130 Dedication of right-of-way.
- 20.70.140 Dedication of stormwater facilities.
- 20.70.150 Dedication of open space.
- 20.70.160 Easements and tracts.

Subchapter 3. Streets

- 20.70.210 Purpose.
- 20.70.220 Street classification.
- 20.70.230 Street plan.
- 20.70.240 Private streets.
- 20.70.250 Street naming and numbering.

Subchapter 4. Required Improvements

- 20.70.310 Purpose
- 20.70.320 Frontage improvements.
- 20.70.330 Stormwater drainage facilities.
- 20.70.340 Sidewalks, walkways, paths and trails.

Subchapter 5. Utility Standards

- 20.70.410 Purpose.
- 20.70.420 Utility installation and relocation.
- 20.70.430 Undergrounding of electric and communication service connections.

ATTACHMENT 2

SUBCHAPTER 1. General Engineering Provisions

20.70.010 Purpose.

The purpose of this chapter is to establish engineering regulations and standards to implement the Comprehensive Plan and provide a general framework for relating the standards and other requirements of this Code to development.

20.70.020 Engineering Development Guide.

Pursuant to SMC Section 20.10.050 The Director is authorized to prepare and administer an “Engineering Development Guide”. The Engineering Development Guide includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development. The specifications shall include, but are not limited to:

- A. Street widths, curve radii, alignments, street layout, street grades;
- B. Intersection design, sight distance and clearance, driveway location;
- C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;
- D. Streetscape specifications (trees, landscaping, benches, other amenities);
- E. Surface water and stormwater specifications;
- F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and
- G. Other improvements within rights-of-way.

SUBCHAPTER 2. Dedications

20.70.110 Purpose.

The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City.

20.70.120 General

- A. Dedication shall occur at the time of recording for subdivisions, and prior to permit issuance for development projects.
- B. Dedications may be required in the following situations:
 1. When it can demonstrated that the dedications of land or easements within the proposed development or plat are necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply;
 2. To accommodate motorized and nonmotorized transportation, landscaping, utilities, surface water drainage, street lighting, traffic control devices, and buffer requirements as required in subchapter 4, Required Improvements, and subchapter 5, Utility Standards;
 3. Prior to the acceptance of a private street, private stormwater drainage system or other facility for maintenance;
 4. When the development project abuts an existing substandard public street and additional right-of-way is necessary to incorporate future frontage improvements as set forth in the Transportation Master Plan and the Engineering Development Guide for public safety; or

ATTACHMENT 2

5. Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

20.70.130 Dedication of Right-of-Way

- A. The Director may grant some reduction in the minimum right-of-way requirement where it can be demonstrated that sufficient area has been provided for all frontage improvements.
- B. The City may accept dedication and assume maintenance responsibility of a private street only if the following conditions are met:
 1. All necessary upgrades to the street to meet City standards have been completed;
 2. All necessary easements and dedications entitling the City to properly maintain the street have been conveyed to the City;
 3. The Director has determined that maintenance of the facility will contribute to protecting or improving the health, safety, and welfare of the community served by the private road; and
 4. The City has accepted maintenance responsibility in writing.

20.70.140 Dedication of stormwater facilities

- A. The City is responsible for the maintenance, including performance and operation, of drainage facilities which the City has accepted for maintenance. The City may require the dedication of these facilities.
- B. The City may assume maintenance of privately maintained drainage facilities only if the following conditions have been met:
 1. All necessary upgrades to the facilities to meet current City standards have been completed;
 2. All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;
 3. The Director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
 - a. Flooding;
 - b. Downstream erosion;
 - c. Property damage due to improper function of the facility;
 - d. Safety hazard associated with the facility;
 - e. Degradation of water quality or in-stream resources; or
 - f. Degradation to the general welfare of the community; and
 4. The City has accepted maintenance responsibility in writing.
- C. The Director may terminate the assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
 1. Flooding;
 2. Downstream erosion;
 3. Property damage due to improper function of the facility;

ATTACHMENT 2

4. Safety hazard associated with the facility;
 5. Degradation of water quality or in-stream resources; or
 6. Degradation to the general welfare of the community.
- D. A drainage facility which does not meet the criteria of this section shall remain the responsibility of the persons holding title to the property for which the facility was required.

20.70.150 Dedication of open space.

- A. The City may accept dedications of open space and critical areas which have been identified and are required to be protected as a condition of development. Dedication of such areas to the City will be considered when:
1. The dedicated area would contribute to the City's overall open space and greenway system;
 2. The dedicated area would provide passive recreation opportunities and nonmotorized linkages;
 3. The dedicated area would preserve and protect ecologically sensitive natural areas, wildlife habitat and wildlife corridors;
 4. The dedicated area is of low hazard/liability potential; and
 5. The dedicated area can be adequately managed and maintained.

20.70.160 Easements and tracts

The purpose of this section is to address easements and tracts when facilities on private property will be used by more than one lot or by the public in addition to the property owner(s).

A. Easements.

1. Easements may be used for facilities used by a limited number of parties. Examples of situations where easements may be used include, but are not limited to:
 - a. Access for ingress and egress or utilities to neighboring property;
 - b. Design features of a street necessitate the granting of slope, wall, or drainage easements; or
 - c. Nonmotorized easements required to provide pedestrian circulation between neighborhoods, schools, shopping centers and other activity centers even if the facility is not specifically shown on the City's adopted nonmotorized circulation plan maps.
2. Easements granted for public use shall be designated "City of Shoreline Public Easement." All easements shall specify the maintenance responsibility in the recording documents.

B. Tracts

1. Tracts should be used for facilities that are used by a broader group of individuals, may have some degree of access by the general public, and typically require regular maintenance activities. Examples of facilities that may be located in tracts include private streets, drainage facilities serving more than one lot, or critical areas.

ATTACHMENT 2

2. Tracts are not subject to minimum lot size specifications for the zone, although they must be large enough to accommodate the facilities located within them.
3. Tracts created under the provisions of this subchapter shall not be considered a lot of record unless all zoning, dimensional, and use provisions of this code can be met.

SUBCHAPTER 3. Streets

20.70.210 Purpose.

The purpose of this subchapter is to classify streets in accordance with designations of the Comprehensive Plan and to ensure the naming of new streets and assignment of new addresses occurs in an orderly manner.

20.70.220 Street classification.

Streets and rights-of-way are classified in the Transportation Master Plan.

20.70.230 Street plan.

Streets shall be designed and located to conform to the adopted plans. Where not part of an adopted plan, new streets shall be designed to provide for the appropriate continuation of existing streets.

The Public Works Department shall maintain a list of public streets maintained by the City.

20.70.240 Private streets.

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and
- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:
 1. The street would ultimately serve four or fewer single-family lots; or
 2. The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or
 3. The private street would serve developments where no circulation continuity is necessary.

20.70.250 Street naming and numbering.

ATTACHMENT 2

The purpose of this section is to establish standards for designating street names and numbers, and for addressing the principal entrances of all buildings or other developments.

- A. All streets shall be named or numbered in the following manner:
 - 1. Public or private street names and/or numbers shall be consistent with the established grid system as determined by the Department. Named streets can only be assigned when the numbered grid is determined infeasible by the Department. The Department may change the existing public or private street name if it is determined to be inconsistent with the surrounding street naming system.
 - 2. All streets shall carry a geographic suffix or prefix. Streets designated as “Avenues” shall carry a geographic suffix and be in a north-south direction, and streets designated as “Streets” shall carry a geographic prefix and be in an east-west direction. Diagonal streets are treated as being either north-south or east-west streets. Names such as lane, place, way, court, and drive may be used on streets running either direction.
 - 3. Only entire street lengths or distinct major portions of street shall be separately designated.
 - 4. In determining the designation, the Department shall consider consistency with the provisions of this section and emergency services responsiveness including Emergency-911 services.
- B. Building addresses shall be assigned as follows:
 - 1. New Buildings. The assignment of addresses for new buildings shall occur in conjunction with the issuance of a building permit.
 - 2. New Lots. The assignment of addresses for new lots created by subdividing shall occur during project review and be included in the recording documents.
 - 3. Previously Unassigned Lots. Lots with no address of record shall be assigned an address and the property owner shall be notified of the address.
 - 4. The assignment of addresses shall be based on the following criteria:
 - a. Even numbers shall be used on the northerly side of streets named as east-west and on the easterly side of streets named as north-south.
 - b. Odd numbers shall be used on the southerly side of streets named as east-west and on the westerly side of streets named as north-south. Addresses shall be assigned whole numbers only.
 - c. In determining the address assignment, the Department shall consider the consistency with the provisions of this section, consistency with the addressing needs of the area, and emergency services.
- C. All buildings must display addresses as follows:
 - 1. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.
 - 2. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed

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on a portion of the site that is clearly visible and no greater than 20 feet from the street.

3. The address numbers shall be easily legible figures, not less than three inches high if a residential use or individual multifamily unit, nor less than five inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night.

SUBCHAPTER 4. Required Improvements.

20.70.310 Purpose

The purpose of this subchapter is to provide safe and accessible transportation facilities for all modes of travel as described in the Comprehensive Plan, Transportation Master Plan, and the Parks, Recreation and Open Space Plan.

20.70.320 Frontage improvements.

Frontage improvements required for subdivisions pursuant to RCW 58.17 and SMC 20.30, Subchapter 7, and to mitigate identified impacts, shall be provided pursuant to this section. When required, frontage improvements shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment

- A. Standard frontage improvements consist of curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements, and pavement overlay to one-half of each right-of-way abutting a property as defined for the specific street classification. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility under grounding, street lighting, signage, and channelization.
- B. Frontage improvements are required for:
 1. All new multifamily, nonresidential, and mixed-use construction;
 2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, as long as the original building footprint is a minimum of 4,000 square feet, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
 3. Subdivisions;
Exception:
 - i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
 4. ~~New development on vacant lots platted before August 31, 1995.~~
- C. Exemptions to some or all of these requirements may be allowed if the street will be improved as a whole through a Local Improvement District (LID) or Capital

ATTACHMENT 2

Improvement Project scheduled to be completed within five years of permit issuance. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from an LID. An LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

- D. Required improvements shall be installed by the applicant prior to final approval or occupancy.
- E. For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440.

20.70.330 Surface water facilities.

- A. All development and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements that meet the minimum requirements of 13.10 SMC.
- B. Development proposals that do not require City-approved plans or a permit must meet the requirements specified in 13.10 SMC.
- C. Required improvements shall be installed by the applicant prior to final approval or occupancy.
- D. For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440.

20.70.340 Sidewalks, Walkways, Paths and Trails.

- A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.
- B. Walkways, paths or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City's planned street system, may be located across private property in a pedestrian easement or tract restricted to that purpose.
- C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.
- D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval.

SUBCHAPTER 5. Utility Standards

20.70.410 Purpose.

The purpose of this subchapter is to establish when new and existing service connections including telephone, cable television, electrical power, natural gas, water, and sewer, are to be installed and/or placed underground.

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20.70.420 Utility installation

Required utility improvements shall be installed by the applicant prior to final approval or occupancy. For subdivisions the applicant shall complete the improvements prior to final plat approval or post a bond or other surety with the utility provider.

20.70.430 Undergrounding of electric and communication service connections

- A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located within and directly serving the development from the public right-of-way, excluding existing or relocated street crossings.
- B. Undergrounding of service connections and new electrical and telecommunication facilities defined in chapter 13.20 SMC shall be required with new development as follows:
 - 1. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.
 - 2. All new residential construction and new accessory structures or the creation of new residential lots.
 - 3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection to the structure.
- C. Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:
 - 1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and
 - 2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application.

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Amendment to SMC 20.30.340, adding a section to describe the CPA annual docket process

The City of Shoreline's process for accepting and reviewing Comprehensive Plan amendments for the annual docket shall be as follows:

- A. Amendment proposals will be accepted throughout the year. The closing date for the current year's docket is the last business day in December.
- B. Anyone can propose an amendment to the Comprehensive Plan.
 - There is no fee for submitting a General Text Amendment to the Comprehensive Plan.
 - An amendment to change the land use designation, also referred to as a Site Specific Comprehensive Plan amendment requires the applicant to apply for a rezone application to be processed in conjunction with the Comprehensive Plan amendment. There are separate fees for a Site Specific CPA request and a rezone application.
- C. At least three weeks prior to the closing date, there will be general public dissemination of the deadline for proposals for the current year's docket. Information will include a staff contact, a re-statement of the deadline for accepting proposed amendments, and a general description of the amendment process. At a minimum, this information will be advertised in the newspaper and available on the City's website.
- D. Amendment proposals will be posted on the City's website and available at the Department of Planning and Development Services.
- E. The DRAFT Docket will be comprised of all complete Comprehensive Plan amendment applications received prior to the deadline.
- F. The Planning Commission will review the DRAFT docket and forward recommendations to the City Council.
- G. A summary of the amendment proposals will be published in the City's newspaper of record.
- H. The City Council will establish the FINAL docket at a public meeting.
- I. The City will be responsible for developing an environmental review of combined impacts of the proposals on the FINAL docket. Applicants for site specific Comprehensive Plan Amendments will be responsible for providing current accurate analysis of the impacts from their proposal.
- J. The FINAL docketed amendments will be reviewed by the Planning Commission in publicly noticed meetings.
- K. The Commission's recommendations will be forwarded to the City Council for adoption.

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Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time limits for Decisions

| Action | Notice Requirements for Application and Decision ^{(5),(6)} | Review Authority, Open Record Public Hearing ⁽⁴⁾ | Decision Making Authority (Public Meeting) | Target Time Limits for Decisions | Section |
|--|---|---|--|----------------------------------|-----------------------------------|
| Type C: | | | | | |
| 1. Preliminary Formal Subdivision | Mail, Post Site, Newspaper | PC ⁽³⁾ City | Council | 120 days | 20.30.410 |
| 2. Rezone of Property ⁽²⁾ and Zoning Map Change | Mail, Post Site, Newspaper | PC ⁽³⁾ City | Council | 120 days | 20.30.320 |
| 3. Special Use Permit (SUP) | Mail, Post Site, Newspaper | PC ⁽³⁾ City | Council | 120 days | 20.30.330 |
| 4. Critical Areas Special Use Permit | Mail, Post Site, Newspaper | HE ⁽⁴⁾ | | 120 days | 20.30.333 |
| 5. Critical Areas Reasonable Use Permit | Mail, Post Site, Newspaper | HE ⁽⁴⁾ | | 120 days | 20.30.336 |
| 6. Final Formal Plat | None | Review by the Director – no hearing | City Council | 30 days | 20.30.450 |
| 7. SCTF – Special Use Permit | Mail, Post Site, Newspaper ⁽⁷⁾ | PC ⁽³⁾ City | Council | 120 days | 20.40.505 |
| 8. Street Vacation | PC ⁽³⁾ PC | ⁽³⁾ City | Council | 120 days | Chapter 12.17 SMC |
| 9. Master Development Plan ⁽⁸⁾ | Mail, Post Site, Newspaper ⁽⁷⁾ | PC ⁽³⁾ City | Council | 120 days | 20 |

Including consolidated SEPA threshold determination appeal.

~~⁽⁴⁾Including consolidated SEPA threshold determination appeal.~~

⁽²⁾The rezone must be consistent with the adopted Comprehensive Plan.

⁽³⁾PC = Planning Commission

⁽⁴⁾HE = Hearing Examiner

⁽⁵⁾Notice of application requirements are specified in SMC [20.30.120](#).

⁽⁶⁾Notice of decision requirements are specified in SMC [20.30.150](#).

⁽⁷⁾a. Notice of application shall be mailed to residents and property owners within 1,000 feet of the proposed site.

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- b. Enlarged notice of application signs (a minimum of four feet by four feet) as approved by the City of Shoreline shall be posted on all sides of the parcel(s) that front on a street. The Director may require additional signage on large or unusually shaped parcels.
 - c. Applicants shall place a display (nonlegal) advertisement approved by the City of Shoreline in the Enterprise announcing the notice of application and notice of public hearing.
- ⁽⁸⁾Information regarding master development plans will be posted on the City's website and cable access channel regarding the notice of application and public hearing.

20.50.520 General standards for landscape installation and maintenance – Standards.

O. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature canopy and root mat width. Root mat width is assumed to be the same width as the canopy unless otherwise documented in a credible print source. Mature tree and shrub canopies may reach an above ground utility such as street lights and power-lines. Mature tree and shrub root mats may overlap utility trenches as long as approximately 80 percent of the root mat area is unaffected. Adjustment of plant location does not reduce the number of plants required for landscaping. Site distance triangle shall be established for visual clearance consistent with the Engineering Development Guide ~~SMC 20.70.170~~ for all driveway exits and entrances and street corners.



Memorandum

DATE: September 9, 2010

TO: Shoreline Planning Commission

FROM: Joseph W. Tovar, FACIP, Director
Paul Cohen, Senior Planner

RE: Draft Town Center Design Standards

On August 19th staff oriented the Planning Commission to the draft Town Center Design Standards. The draft included most of the improvements that the community preferred plus improvements that were compatible but not fully articulated by the community. While some of these are desirable, we have opted to scale it back to avoid confusion and volume. We think it is important for applicants as well as neighbors to understand the regulations and likewise for the staff to be able to administer them.

On September 16th staff would like to explain the list below of organizational and fundamental changes to further refine the design standards. Technical changes will be forthcoming. Staff would like to hear your responses to these changes and any other suggestions for us to consider.

1. Thresholds for Review (20.92.010) – Repeat the threshold used in other parts of the development code for when full site or just the areas proposed for change must meet code requirements. The proposed additions and remodels threshold is problematic with the tracking of changes over 3 years and, secondly, basing this threshold on footprint percentage will be inequitable either with a 50% change to a small 200 SF building or to a 50,000 SF building. This threshold does not work well with site improvements such as plazas or parking areas. Of course, any changes to a portion of building or site would have to meet the design standards. I suggest that a next section C should be the ADR review process. That section needs criteria and clarification. I suggest that we want ADR for design departures and for proposals that meet the base threshold of 50%+ of assessed value. That will include all new buildings and be proportional to any additions.
2. NE 180th St and Aurora Intersection - The concept map may be better located in the subarea plan with this possible intersection identified accompanied with a

policy. “Pursue the development of a signalized intersection at Aurora Ave N and N 180th St. to facilitate vehicular and pedestrian access to and across Aurora Avenue. Approval of this intersection should be coordinated with the vacation and closure of N 182nd between Midvale Ave and Linden Ave.”

3. Zoning Map – Convert subdistrict TC-4 into an overlay zone and locate only where the Town Center is opposite single family zones. The overlay width can be reduced to about 80 feet if the stepback requirements are changed from 40 to 20 horizontal foot increments.
4. Building Height.1 - Section 20.92.040.B can be deleted because it tries to fine tune the heights near Stone and Linden Avenue but has little improvement and is confusing. Move stepback charts into Neighborhood Protections section. Amend stepbacks to 20’ wide x 10’ high after an initial 40-foot stepback. In reshaping the building bulk standards to remove development potential adjacent to the single family neighborhoods we are shifting and therefore balancing the building potential toward the interior of the Town Center.
5. Building Height.2 - Remove height bonuses because they are not incentives when “green” building standards will be a part of the building code. Also, they may become disincentives considering the higher site, building, and sign design standards and the current lack of development market for such higher development standards. Internal to the Town Center maximum height is 70 feet which allows a 15 foot concrete base (commercial standards) plus 5, 10-foot stories plus 5 feet to accommodate roof designs.
6. Neighborhood Protections – Add stepback charts, traffic diversion, parking, and vehicle access standards to Neighborhood Protections section.
7. Change section heading from "Streetscape" to "Street Frontage" because it only addresses curb, amenity strip, and sidewalk but not lane configuration or street parking.
8. Change section heading from "Street Frontage" to "Site Design" because it addresses how the site development interfaces with the street frontage, open space, internal circulation, landscaping, street corners, lighting, fences, parking, etc.
9. Change section heading from "Commercial, Mixed-Use, and Multifamily Design Standards for Town Center" to "Building Design" to separate it from the bulky site design section. This section should only address scale, façade, blank walls, windows, roof design, mechanical equipment, etc.
10. Relabel street types to "Boulevard, Storefront, Greenlink" streets because they more accurately convey the desired function and character of these streets.
11. Subsection removals – The following design items are recommended to be set aside: building material and colors, roofline modulation, window detail,

secondary entries, solar access, privacy, and stoop and light courts. Once there is a smaller, cleaner draft then we can discuss whether they are needed and should be returned to the draft.

12. Combine some of the terms and requirements for “Focal Open Space, Public Gathering Space, Internal Open Space, and Open Space for Multifamily”. Currently, it is not clear how they are different and whether they are collectively a too large requirement when applied to one site.
13. Do not require that commercial uses be located on ground floors of residential buildings but do require that commercial construction standards be used on ground floors so that the spaces can be converted when the market for small commercial space is relevant.
14. Remove guideline language such as “should, suggest and encourage” and either use the code language of “shall” or offer a menu of requirements in which to select a specific number from.

Next Steps

Staff will return in November with a polished proposal and illustrations how they would apply to several test sites and provide a Sketch-up model to view how the entire subarea could be assembled. A public hearing will be scheduled at that time.

Attachment

1. New Zoning Map

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Draft

**Shoreline
Town Center
Zoning**

-  Town Center Boundary
-  TC-1 (Aurora-South-West)
-  TC-2 (Aurora)
-  TC-3 (Midvale/Firlands)
-  TC-4 (Stone Ave Transition)
-  Transition Overlay

0 100 200 400 600 800 Feet

March, 2009
Aerial Photography



Plot date: 9/8/2010

Filename: TownCenterConcept_8511v2.mxd

