

# DRAFT

These Minutes Subject to  
June 16<sup>th</sup> Approval

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

May 5, 2011  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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#### **Commissioners Present**

Vice Chair Perkowski  
Commissioner Behrens  
Commissioner Broili  
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**

Chair Wagner

#### **CALL TO ORDER**

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

#### **ROLL CALL**

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

#### **APPROVAL OF AGENDA**

The agenda was approved as presented.

#### **DIRECTOR'S COMMENTS**

Mr. Tovar did not provide any comments during this portion of the meeting.

## **APPROVAL OF MINUTES**

No minutes were available for Commission's approval.

## **GENERAL PUBLIC COMMENT**

**Ken Howe, Shoreline**, said he has participated on numerous citizen committees and has lived in the City for 30 years. He expressed concern that the Transportation Master Plan proposes amendments that would change his neighborhood into a series of arterials, yet the changes were never discussed by either the neighborhood transportation committee or the citywide pedestrian bicycle committee, both of which he participated on. He said it is critical that Linden Avenue between 175<sup>th</sup> and 185<sup>th</sup> Streets be classified as a neighborhood street, and the City has given assurance that this would be the case throughout the entire Town Center Subarea process. He suggested that either the Transportation Master Plan work was never coordinated with the Town Center Subarea Plan work or there has always been a plan to ignore the input from the citizens. He asked the Commission to remember that this portion of Linden Avenue is the dividing line between neighborhoods and commercial properties. Forcing this portion of the street to become an arterial would have a significant impact on the neighborhood.

## **LEGISLATIVE PUBLIC HEARING ON TOWN CENTER SUBAREA PLAN AND DEVELOPMENT CODE**

Vice Chair Perkowski reviewed the rules and procedures for the legislative public hearing. He emphasized that the hearing would be continued to June 2<sup>nd</sup>, and most likely to June 16<sup>th</sup>, as well. However, the Commission may choose to limit new testimony on those dates to specific items or issues. He explained that at the conclusion of tonight's hearing, the Commission would decide what limits, if any, they would place on the written or oral testimony that would be accepted following the hearings. He opened the public hearing.

## **Staff Overview**

Mr. Tovar referred to the Staff Report and briefly reviewed the process that has taken place over the past four years to reach the point of a public hearing before the Commission on the proposed Town Center Subarea Plan and Development Code. He reported that a draft Environmental Impact Statement (EIS) was completed and staff would spend the next few days editing the document. It would then be posted on the City's webpage and forwarded to the Commissioners. It would be entered into the record when the public hearing continues on June 2<sup>nd</sup>. He informed the Commission that the next edition of *CURRENTS* incorrectly states that the hearing would be continued to May 19<sup>th</sup>. A new notice would be published to announce the correct date for the June 2<sup>nd</sup> continued hearing.

Mr. Tovar advised that, aside from providing a map to identify the boundaries of the Town Center Subarea as requested by the Commission, no substantive changes have been made to the subarea plan since the last time it was reviewed. Therefore, staff would not spend a significant amount of time reviewing the document prior to the hearing. Instead, Mr. Cohen would focus most of his presentation on the changes made to the Development Code.

Mr. Cohen, Project Manager, reminded the Commission of the City Council's Goal 1, which calls for implementing the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods and businesses. He also referred to the criteria for adopting Comprehensive Plan amendments and pointed out that the Growth Management Act, the county's planning policies, and the City's Comprehensive Plan all support the concept of city centers (urban centers) that condense sprawl, encourage efficient use of transportation, and incorporate transportation-oriented design. The City's newly adopted Vision Statement and Framework Goals also support the city center criteria. The criteria for Development Code amendments talk about consistency with the Comprehensive Plan.

Mr. Cohen reported that the Town Center Development Code proposal has not changed since it was last presented, but a number of issues were raised by the Commission. He reviewed each one as follows:

- Transition Overlay – Mr. Cohen explained that the overlay is applied to the Town Center where adjacent property is zoned R-4 or R-6. The purpose of the overlay is to provide buffers and transitions between Town Center and the adjoining single-family neighborhoods by modifying building bulk, landscaping requirements, access, etc. He recalled that the Commission raised the issue of how the transition overlay would remain applicable if adjoining parcels were to be rezoned. To answer this question, staff is recommending a section be added to the transition overlay (20.92.040.B) that states that “the transition overlay shall be applied to all Town Center zones that abut or that are directly across the streets from R-4 or R-6 zoning. . .” He explained that, as proposed, the transition overlay would change if a rezone occurs.

Mr. Cohen said the Commission also raised a concern about the few isolated parcels on Midvale Avenue that are zoned R-6, even though the majority of the area is zoned R-8. He explained that these two lots are access easements tracts and cannot be developed as single-family. He suggested they keep the transition overlay intact no matter how small the adjacent parcels are.

Commissioner Behrens asked if the transition overlay would provide protection to the four, single-family lots that abut a three-story commercial building (dentist's office) at the corner of 188<sup>th</sup> Street and Firlands Way if redevelopment were to occur. Mr. Cohen answered affirmatively.

Commissioner Kaje asked staff to display Figure 1 (20.92.020) on the overhead screen. He noted that the copy provided in the Staff Report is in black and white, and it is difficult to see the transition overlay. Commissioner Moss said that while she understands the maps are available to view online, it would be helpful for staff to provide copies of colored maps to the Commissioners so they can have a clear understanding of the scale. Mr. Cohen used the map to point out the location of the single-family properties referenced earlier by Commissioner Behrens. He commented that the transition overlay has been applied wherever there is single-family zoning across the street or adjacent to the subarea. He said the transition area standards would also apply to the TC-4 portion of the subarea, which has mostly R-8 zoning across the street, to designate it as a zone that only allows residential types of development.

Commissioner Moss used Figure 1.20.92.020 to identify the location of the R-6 parcels along Midvale Avenue north of North 185<sup>th</sup> Street that are actually access easement tracts. She asked for further clarification about how the transition overlay would be applied to these very small parcels. Mr. Cohen acknowledged that the situation would be awkward. The proposed language would apply the transition overlay to all zones that abut or are directly across the street from R-4 and R-6 or have residential development potential, and these two small tracts do not have residential development potential. Commissioner Moss suggested there is at least some residential development potential if and when adjacent properties are redeveloped at some point in the future. Mr. Cohen noted the developments are fairly new, and the tracts are essential to provide access to the houses at the far end of the development. He acknowledged that far off into the future the properties could redevelop and the lots could be reconfigured, but the transition overlay would be applied directly to the portion of the subarea that is located across the street from the isolated R-6 lots.

Commissioner Kaje suggested that, because neither of the access easement tracts has homes located on them, perhaps the zoning could be changed to match the zoning of the single-family development for which they provide access. This would avoid a potential future complication. He noted that the transition overlay would not provide protection to the single-family homes, just the two small access easements. Mr. Tovar agreed this situation could become a problem, and no purpose is served by having single-family zoning on parcels that can never be developed as such. He suggested the Commission could recommend the City Council add rezoning the subject property to match the adjacent single-family zoning to their long-term work program.

- Parking Standards – Mr. Cohen said the Commission noted that the proposed parking requirement is less than the current requirement in the Mixed-Use Zone (MUZ). For example, the proposed parking ratio of .75 stalls per bedroom is half the requirement of studio and one-bedroom units in the MUZ zone, but is equivalent for 2 and 3 bedroom units in MUZ. In addition, the proposed parking requirement for commercial space is between 25% and 40% less than the current requirements. He noted that more one-bedroom apartments are being constructed now than any other size. He recommended the parking standards revert to the current standards but keep the proposed criteria to reduce the parking requirements as incentive to reduce traffic and encourage other forms of transportation.

Mr. Cohen said the Commission also noted that the criteria allows the parking standard to be reduced for development located within ¼ mile of a transit stop. The Commission raised concern because a ¼-mile radius would be measured by a straight line and rarely is there a straight line between where someone lives and a transit stop. He noted that the width of the Town Center Subarea from Linden Avenue to Stone Avenue is just over ¼ mile. That means anything within Town Center would have access to transit along Aurora Avenue North, and would therefore, meet the criteria. He recommended the standard be changed to use a more standard practice of calculation based on the ratio of straight-line distance divided by the actual walking-route distance. He suggested another option would be to remove the radius and require that the transit access must be within a certain walkable distance using approved surfaces.

Commissioner Kaje commented that being located near a transit stop should not be considered a legitimate incentive for reducing parking standards when it applies to every property within the Town Center Subarea. He suggested that some of the incentives seem appropriate for residential development, but not for commercial. He recalled that at their last meeting he expressed concern that if they reduce the amount of parking required for multi-family development because there is a commercial parking lot nearby, residents could end up parking in the commercial parking areas for days at a time. He said he hopes the Commission can improve upon the incentive concept as the public hearings move forward. He said he is not opposed to well-thought-out incentives for reducing parking, but they need to be matched to commercial and residential development. They should eliminate those criteria that all properties can meet.

Commissioner Behrens observed that, as currently worded, all properties within the subarea would meet the criteria of being located within ¼ mile radius of a transit stop. That means a developer would only need to meet one additional criterion in order to obtain a reduction in the parking requirement. He agreed with Commissioner Kaje that the incentives that qualify a developer for a parking reduction should be meaningful and provide an actual benefit to the community. He said he is not sure the proposed incentives are enough to outweigh the potential burden to the community of having insufficient parking places.

Commissioner Behrens recalled that at a previous meeting, he suggested that impacts be one topic of discussion at the required neighborhood meetings. However, staff did not provide a response. He said he would like Section 20.92.060.E.1.h to be stringently reviewed at the public meeting to ensure there are no negative impacts to the neighborhood. He recalled there are several situations in the City where development has resulted in overspill parking. Mr. Cohen noted that Item 4 on Page 10 of the Staff Report address traffic impact studies for individual developments. Commissioner Behrens said it only speaks about neighborhood traffic, which is a legitimate issue that needs to be addressed. However, his concern is more specifically oriented towards what happens to neighborhood streets when adjacent large residential developments do not provide enough parking and people end up parking on the streets. Mr. Cohen said he understands Commissioner Behrens' point.

Commissioner Moss said it does not appear that most of the information in the proposed Town Center Development Code (Exhibit 4) has changed since the last time it was reviewed by the Commission. Mr. Cohen clarified that the Staff Report is intended to provide an overview of proposed changes, but no changes have been made yet. The proposed language would be adjusted once the Commission has provided further direction to staff. The next Staff Report would clearly identify the changes. Mr. Tovar encouraged the Commissioners to share their suggestions and concerns and request additional clarification, but he emphasized no final judgment or conclusion about the proposed language would be made by the Commission until after the public hearings have concluded.

Commissioner Moss said she believes there is value in the Commission discussing the parking standards and the radius distance index that gives a value as to how walkable it is. However, she questioned how "walkability" would be measured. For example, if multi-family housing is built

along Stone Avenue, would the City determine that the north end of the complex would meet the criteria but the south would not?

Commissioner Moss referred to the map in Section 20.92.030, which identifies street types and pedestrian circulation. There are several through connections identified on the west side of Aurora Avenue North, but none on the east side. Mr. Cohen explained that North 178<sup>th</sup>, North 180<sup>th</sup>, and North 183<sup>rd</sup> would continue the through connections identified on the west side of Aurora, but they would be located on actual streets where there would be ample pedestrian facilities to connect the neighborhoods to the Town Center Subarea. Mr. Tovar suggested that perhaps it would be helpful to carry the brown lines all the way from Linden Avenue to Stone Avenue. Commissioner Moss agreed. She summarized that the circulation would extend all the way from Stone Avenue to Linden Avenue. However, the connections on the east side would be storefront streets, and the connections on the west would have a more residential feel. Mr. Cohen advised that Stone Avenue would have Green Link Street Standards, which would continue up the side streets until they blend into the storefront street standards. All will have pedestrian facilities. Mr. Tovar suggested they come up with some other type of symbol to identify the Green Link Streets.

- Full Site Improvements Threshold – Mr. Cohen explained that when a proposal is of large enough scale or value, the City needs clear thresholds to identify when full site improvements are required. He specifically referred to one of the thresholds in Section 20.92.015 (expand the square footage of an existing structure by 20%, as long as the original building footprint is a minimum size of 4,000 square feet). He said staff is proposing to remove this criterion in Town Center because it does not take into consideration the size of the entire lot and the proportionality of required full site improvements. For example, a minimal 800 square foot addition (20% of 4,000 square feet) on a 130,000 square foot site would require full site improvements. He reminded the Commission that the intent of this threshold is to prevent incremental development from avoiding full site improvements. However, staff is not convinced of this threshold's standard or effectiveness.

Vice Chair Perkowski expressed concern that the language in Section 20.92.015 is vague and offers an opportunity for developers to find loopholes. He asked if staff has solicited information about how other jurisdictions handle site improvement thresholds for town center type developments. He noted the proposed language does not identify a time frame. In addition, the word "completely" could offer a loophole. Mr. Cohen said the 50% valuation is used widely, but he agreed to conduct a small survey of other jurisdictions. He suggested it would be helpful for him to provide three examples, using the proposed criterion. Staff agreed to provide examples of what other jurisdictions do in their town centers to provide a range of choices for the Commission to consider.

- Traffic Impact Study – Mr. Cohen referred to the Commission's earlier suggestion that the proposed language should provide more clarity about when a traffic study would be required. He agreed that the language in Item E (Traffic Impacts) in Section 20.92.040 (Neighborhood Protection Standards) does seem vague. He explained that the Transportation Master Plan and

EIS would analyze the impacts of traffic for the Town Center Subarea overall. In addition, all individual developments that generate more than 20 vehicle trips during the PM peak hour would be required to submit a traffic study. The intent of the required traffic study is to analyze whether additional traffic is projected to flow onto non-arterial streets, in which case mitigating measures can be required by the City Engineer. He suggested the language be changed to clearly articulate this intent.

Commissioner Behrens commented that parking should be considered when identifying traffic impacts. He specifically referred to the parcel on 192<sup>nd</sup> Street adjacent to the Echo Lake development. He pointed out that the street has been narrowed due to the addition of a sidewalk and the string of cars that park along the street on busy Saturdays. There is one section where the road is literally down to one lane, and the Interurban Trail crosses right in the middle of this section. There is also an access out of the back end of Sky Nursery. The trucks, pedestrian traffic, parking, additional traffic, and a street light create a very difficult situation. He has noticed that the majority of houses on one side of 192<sup>nd</sup> Street have all been sold since the Echo Lake development went in. He recalled a written comment from a gentleman about a traffic plan for that particular street. He suggested it is important to make sure the small streets that connect Stone and Midvale Avenues and potentially Meridian Avenue are not made too narrow because cars are allowed to park on both sides. A traffic/parking plan could identify where cars should and should not park so that traffic and parking problems are not compounded.

- Property Tax Exemption – Mr. Cohen recalled the Commission raised the question about whether property tax exemptions would be applied before or after development. The answer is that the property tax exemptions would apply to the assessed value of the new development. Commissioner Kaje said the question was actually if it would be to the increment of increased property value or to the total new property value. He said he has seen it handled in different ways. A property owner may be eligible for an exemption for the increased value of a property, but they would continue to pay the tax on the value they started with. Mr. Tovar said the City's only experience with the property tax exemption is in North City. He agreed to request additional information from the Economic Development Manager and provide a response to the Commission.
- Subarea Plan Area Map – Mr. Cohen reported that, as requested by the Commission, a map was inserted into the Town Center Subarea Plan to identify the subarea's boundaries and streets.
- Land Use Table – Mr. Cohen said the Commission asked that specific uses be listed under each of the land use categories. Staff suggests the land use chart should directly refer to the Development Code General Land Use Table 20.40.120, with the exception that conditional and special-use permits would not be required. Mr. Tovar explained that the only reason to go to Table 20.40.120 would be to look at the use listing, and not to determine if a use on the table would require a conditional or special-use permit.

Chair Perkowski announced that since the Staff Report was prepared, the City received a comment letter from Janet Way, President of the Shoreline Preservation Society, dated May 5, 2011. The letter was identified as Exhibit 7.

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

Commissioner Broili referred to Item B.1.g of the State Environmental Policy Act (SEPA) Environmental Checklist (Exhibit 5), which refers to the entire subarea as urban and developed and nearly 100% impervious. He reminded the Commission of the information they received at their last meeting regarding the City's current tree canopy and the comment he made at the joint City Council/Commission meeting about the 10% increase in impervious surface since 1992. While the proposed language addresses a lot of issues, it does not address the reduction of impervious surfaces. He suggested language be added to address this issue as part of the design and building standards in the proposed Town Center Development Code. Mr. Tovar observed there is a lot of language in the subarea plan that talks about sustainability and natural systems, but the proposed Development Code language does not include similar standards. Staff recently became aware of work that is being done in Seattle that could be used as a model. He suggested staff bring back additional language to address the Commission's concerns related to impervious surfaces. The public could be invited to comment on this new language at the continued hearing on June 2<sup>nd</sup>.

### **Public Testimony**

**Vicki Westburg, Shoreline**, said she was present to comment on the historical aspects of Town Center. She suggested that Town Center needs to be a destination for residents and tourists, and many things will make it just that. The red brick road will turn 100 years old in 2012, and the idea of a centennial walk over historical bricks would enhance the system of walking trails in the City by adding a unique dimension. In addition, Firlands Way could have a special designation, such as a pedestrian/bicycle only street with amenities such as informational signage that would point out historic sites of interest, shops, and other businesses. She observed that this would involve the uncovering of the old red brick road and extending it in each direction from where it appears now at 175<sup>th</sup> Street. She explained that the point is to revitalize the area, and surely they can do this; but not at the expense of the historical elements, a sense of pride in our past, or future income through the business of heritage tourism.

Ms. Westburg reminded the Commission that there are many historic sites, and their irretrievable loss would be devastating. She summarized that the exact boundaries of the Town Center are from 170<sup>th</sup> Street to 188<sup>th</sup> Street and from Stone Avenue to Linden Avenue. Although the Ronald School Building, the Historical Museum and the Masonic Lodge are some examples of what is not officially a part of the Town Center Subarea Plan, they are right at the edge of it and would have a visual and physical presence within easy reach. They should, therefore, be kept in mind as plans are drawn. She said the presence of such sites lends a great deal to the overall essence and purpose of a town center where visitors can be informed and residents can be truly proud of.

**Boni Biery, Shoreline**, referred to a letter she submitted previously to the Commission, which is her best attempt to address her concerns about the residential properties located northwest of 185<sup>th</sup> Street and



Aurora Avenue North. She expressed her belief that the transition overlay is wonderful, but she is very concerned about the potential of a 70-foot high building in this location, which is what is currently allowed. She noted that this happens to be her fence line, and she lives in a single-story home. She proposed that the Commission go back to their original proposal of five zones, with a separate zone for this unique area. She noted that the properties adjacent to the dentist office are single-family homes that are primarily one story in height. Ms. Biery referred to the idea raised by Ms. Westburg about lifting the pavement and exposing the brick on Firlands Way. She said that putting in 70-foot buildings in this location would compromise the historic scale of the street. Again, she proposed that a separate zone be created that allows the same uses as the TC-3 zone, as well as the protections that are afforded the residential properties on Stone Avenue.

**Ken Howe, Shoreline**, referred to the Fred Meyer remodel, which had a horrendous impact to the surrounding residential properties. They violated the noise regulations every night. The most offensive was that the City allowed them to use semi-truck containers along the back side of the building for storage, and stuff was even stacked on top of the containers. He said it is important to tighten the standards for remodel projects so they are not offensive to adjacent residential property owners.

**Scott Becker, Shoreline**, underscored the comments made by Commissioner Broili about the need to implement sustainability goals. The new Shoreline City Hall made a statement in terms of sustainability, and this came about through community awareness and participation. He suggested that part of sustainability is finding a more systemic way of looking at the transportation system within the urban ecology of Town Center they are working to create. He commented that the Sketch Up Models are a good step towards helping the City get beyond the traditional way of planning. However, it is also important to show public places and connective tissue, as well as pedestrian walkways, etc.

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

Commissioner Esselman asked if some of the east/west connections would be pedestrian only. She pointed out that Aurora Avenue splits the Town Center Subarea. Therefore, it is important to have activity on either side by providing good connections and attractive facades. They could also create activity pockets (sculpture, benches, kiosk, etc.) to draw people in either direction.

Commissioner Moss referred to Item B.8.i of the SEPA Checklist (Exhibit 5) on Page 85 of the Staff Report, which states that approximately 1,200 new jobs would be added to the subarea over the next 20 years. She noted that while a fair amount of attention has been given to housing issues, the proposed language does not specifically talk about how the additional jobs would be created. She asked staff to provide clarification about how the City would accomplish this goal. Mr. Tovar responded that some of the information about the types of jobs could be contained in the EIS, which will be available next week. Staff could also provide more information at the continued hearing if it is not adequately addressed in the EIS. Mr. Tovar explained that it is much easier to answer the question of how many people would work on the site if there is a real project. But this is a non-project action subarea plan and code for a large area that they are not sure what actually is going to be built. He emphasized that the EIS is not intended to be a forecast of what the City expects to happen or can force to happen. Instead it is

intended to describe the maximum impact that might occur given what is allowed by the proposed action.

Commissioner Moss noted that the Town Center vision talks about being a good place to work, live and play. If that is the case, there needs to be a mix of services and jobs. She agreed it would be helpful to have more information about what staff envisions the jobs would be. Mr. Tovar said they could describe possibilities and provide some numbers. However, he recalled that one philosophy of this type of form-based code is to let the market decide what the uses will be. The proposed code language is permissive in many ways and does not presume that the City can predict what the balance will be. The bookend of 1,200 jobs and 1,200 households is intended to represent a maximum impact scenario. Commissioner Moss recognized that the staff cannot provide this precise information, but she is looking for a sense of types of businesses that would be allowed.

Commissioner Broili requested clarification of how Section 20.91.040 would be applicable to the Town Center Subarea. He also asked who would be responsible for design review. Mr. Tovar answered that the proposed design review process is outlined in Section 20.30.297. Sections 20.91.021 and 20.91.040 attempts to make design review consistent everywhere, whether a property is located in the MUZ zone, the Ridgecrest Planned Area, etc.

Commissioner Kaje asked the width of the transition overlay. Mr. Cohen explained that a transition overlay's depth is determined by requirements on building bulk and step backs. By the time you can get to the full development potential of 70 feet, the transition overlay would be 80 feet. Commissioner Kaje said Ms. Biery's letter points out some interesting factors about how the north edge is fundamentally different from other places where the transition overlay would be applied. For their next hearing, he asked staff to provide a mock up of what development in this overlay zone could look like. He said he appreciates Ms. Biery's concern about potential height. However, he hesitates to put too much weight on the fact that the homes there are primarily one-story today because the single-family zones allow development up to 35 feet in height. Because there would be no street between potential developments and the existing single-family homes in this area, he felt it would be appropriate for the Commission to discuss Ms. Biery's suggestion that these properties should have a zoning designation that is fundamentally different, with perhaps lower height limits. Mr. Cohen agreed to provide a mock up drawing. He pointed out that the setbacks for the transition area from single-family creates the same 20-foot backyard dimension that is required of single-family. He also pointed out that the height of the building would initially start at 35 feet, which matches the potential height of the single-family zone. The height could increase for the portion of the building that is further back into the site. Commissioner Kaje expressed his belief that the step back requirement would make a huge difference in terms of solar exposure and sight line.

Commissioner Behrens pointed out that while there would be a 20-foot buffer between the residential property and the potential commercial development, the back of the building, as it abuts the residential lot, could reach a height of 70 feet because there is no street setback. Mr. Cohen clarified that the height of the commercial development would start at 35 feet, and taper up as you move away from the residential properties. Commissioner Behrens suggested this is not clear in the proposed language.

Because Ms. Biery's property is a corner lot, Commissioner Broili questioned which would be considered the backyard. He also asked staff to refresh his memory as to why this area was changed from TC-5 to TC-3. Mr. Cohen agreed to check his notes. Commissioner Broili said Ms. Biery raised a good point, especially about the historical aspects of Firlands Way. This is a unique area, and he is not clear that it mimics the Midvale Avenue scenario. He suggested perhaps they should consider the option of going back to five Town Center zones. Mr. Tovar said staff would come back to the next meeting with an answer to the setback questions with respect to Ms. Biery's property. They could also work with Ms. Biery to prepare a proposal of what a TC-5 zone might look like. The Commission could consider this as an alternative at the next hearing.

Commissioner Behrens pointed out that Policy TC-23 (Page 27 of the Staff Report) states that the City should "celebrate the heritage of the community through preservation, education and interpretation of artifacts and places in or near the Town Center." He said he had a conversation with Mr. Cohen via Plancom regarding the potential of designating the red brick road as historic. He said he would be interested in knowing if a historic road designation would aid the City in obtaining funding to expose the bricks and remodel the road. He observed that one thing he finds missing in the plan is a community center; and the Masonic Temple, which is located directly across the street from the Historical Museum and adjacent to Town Center, seems to be a custom-made location for this type of use. There is potential for grant funding to remodel the building because it is historic. He suggested that, at some point, they should have a discussion about whether it would be appropriate to recommend the City Council consider the red brick road and the Masonic Lodge in their long-term plans.

Mr. Tovar explained that none of the discussion or proposed language has included the historic properties that are next to town center. However, he recognized there is a relationship between the historic properties and Town Center, and the properties could be included as part of a heritage walk. But that does not mean the properties are part of Town Center, and expanding the land use area to include the historic properties could cause confusion and delay. He recommended the Commission be careful about acknowledging or talking about properties that are located outside of the Town Center other than referencing their obvious relationship. He cautioned against conveying to the public that the Town Center Subarea Plan would regulate what can and cannot happen on properties that are outside of the subarea. They could forward a recommendation to the City Council to consider the concept of a community center in the Masonic Lodge, but this discussion should take place outside of the Town Center Subarea Plan discussion.

In response to Commissioner Behren's comment, Mr. Cohen said there is a provision in the proposed language that requires that the brick road underneath Firlands Way be exposed and restored when the area is improved. If restoration of the brick road is unfeasible and/or cannot meet City road standards, the City would design a slow-traffic street where pedestrians and cars could mix. Mr. Cohen further explained that actual funding to do the work would not be addressed as part of the Development Code. However, the City could take this on as a project. Commissioner Behrens said he did not intend for the brick road and Masonic Lodge to be included as part of the Town Center Subarea Plan. However, the plan does refer to the historical context of adjacent properties. His intent was to point towards a potential source of income or revenue for the City to actually restore or improve these sites by designating them as historic. Mr. Tovar agreed that adding language regarding the brick road underneath

Firlands Way would be appropriate for inclusion in the Development Code language because it is located within the Town Center Subarea.

Commissioner Broili suggested that if they do not want to include anything related to historic structures outside of the Town Center Subarea, they may want to strike the words “or near” from Policy TC-23. Mr. Tovar explained that the current language allows the City to acknowledge that there are adjacent historic buildings that may be related to the identity of the Town Center. His concern is that the City not convey that the land use would change on these properties as a result of the subarea plan. He suggested that if Policy TC-23 is eventually adopted, the Commission could forward a recommendation to the City Council regarding the future adjacent historic properties.

Commissioner Esselman pointed out that Section 20.92.060.B.1.b states that 60% of the ground floor facade on storefront streets must be transparent window. Green Link Streets require that 15% of the entire facade must be transparent window. Boulevard Streets allow a developer to use either Storefront or Green Link Street Standards. Mr. Cohen agreed that is what the language says, but he is not sure that is the intent. He agreed to review this issue further and report back.

Commissioner Kaje recalled that throughout the Commission’s discussions about the Town Center Subarea Plan over the past two years, the properties along Firlands Way have jumped out to him as having great potential. He said he finds the idea of creating a type of pedestrian/bicycle boulevard with businesses on both sides appealing. However, he cautioned that this would likely require developing the entire square as part of one vision as opposed to a property-by-property approach. He said he is leaning towards at least exploring the option of bringing back the TC-5 zone. He asked if it would be possible to include language that would allow the City to entertain this possibility should there be the opportunity in the future. Mr. Tovar agreed that staff could propose language to accomplish this goal. He referred to a policy statement that talks about the potential future relocation of the intersection at 182<sup>nd</sup> Street to 180<sup>th</sup> Street, contingent upon property owner assembling property and wanting to do it. This same type of language could be composed for Firlands Way. Mr. Cohen observed that the City has control of this street right-of-way, which is larger than a typical right-of-way. Commissioner Kaje said he understands that the City has the ability to designate the type of street. However, if the properties are owned and redeveloped parcel-by-parcel, it would be difficult to implement the concept and still provide adequate access to the properties. Again, he said it would be difficult to implement a pedestrian/bicycle vision absent of a larger scale comprehensive development plan for the corner. Mr. Tovar agreed that a policy statement that talks about the possibility would be appropriate, but it would not be necessary to add a lot of additional language to the development code language if the TC-5 zone is reinstated.

Vice Chair Perkowski pointed out that Policy TC-15 talks about considering the creation of new rights-of-way or the vacation of other rights-of-way in order to facilitate better vehicular and pedestrian circulation. It also encourages parcel aggregation and more comprehensive site development designs. This is consistent with the concept brought forward by Commissioner Kaje. He asked if there is language in the proposed development code that encourages parcel aggregation. Mr. Tovar explained that, typically, the City has used increased development intensity to encourage developers to do certain things. However, because much of the philosophy of the Town Center Development Code language is to describe the building envelope and step backs and then let the market do what it wants, increased density

would not really be considered an incentive. He explained that another option would be to offer a right-of-way vacation as a potential incentive to encourage the aggregation of private parcels.

Commissioner Moss referenced Section 20.92.070.B.4, which would require buildings that exceed 150 feet in length along the street front to have a minimum 30-foot wide section that is offset at least by 20 feet through all floors. While this requirement appears to make perfect sense, she questioned how it would be applied to buildings that are very long. Mr. Tovar clarified that an offset would be required for every 150 feet of building façade. A 450-foot long building would require three offsets. Commissioner Moss expressed concern that the intent is not clear in the proposed language. Mr. Tovar agreed to insert “for each 150 feet” at the end of the sentence.

Commissioner Moss noted that Section 20.92.070.B.5 talks about window trim that is of a color that contrasts with the façade color. She questioned if the City has the ability to enforce a mechanism about painting after the original development. Mr. Tovar agreed that it is very difficult to control these situations because the City does not require permits for painting. The City would only be able to enforce the standard when a building is remodeled or developed. Commissioner Moss questioned if it would be appropriate to create code language that provides the desired façade articulation upfront so the City does not have to rely on color in the future. Mr. Cohen said he also noted this concern. Because the City cannot control color into the future, he agreed they should look for other ways to get the articulation. Mr. Tovar recommended they delete “or a color that contrasts with the façade color,” recognizing a developer could suggest a design departure and make a case using paint to provide the articulation. This would require the developer to sign a covenant that that the contrast would continue when the building is painted in the future.

Commissioner Broili said that while he understands Commission Moss’ concern about enforcement, using paint to provide the contrast would model good behavior. He recognized that a property owner would have the ability to change the paint and eliminate the contrast, but at least there would be a clear example of what it could and should be.

Commissioner Esselman pointed out that buildings less than 60-feet wide would be exempt from the façade articulation requirements. Mr. Cohen said the idea is that these buildings would be small enough that their impact on the overall street front would be minimal. Commissioner Esselman questioned if the impact to the overall street front would be impacted more significantly if two or more small buildings were constructed next to each other. Mr. Cohen said the exemption would only apply to small buildings on separate lots. Two small buildings on a single lot would require the developer(s) to work together as one development.

## **2<sup>nd</sup> Public Hearing on June 2, 2011**

Vice Chair Perkowski reminded the Commissioners and the public that another public hearing would be held on June 2<sup>nd</sup>.

Commissioner Kaje noted that the Commission raised a lot of issues and perhaps some interesting ideas will come forth at the next hearing. Therefore, he did not believe it would be appropriate to limit the

scope or comments provided by the public at the hearing on June 2<sup>nd</sup>. The remainder of the Commission concurred that it would be appropriate to invite the public to comment on any item related to the proposed Town Center Subarea and Development Code.

## **DIRECTOR'S REPORT**

Mr. Tovar recalled that at the last meeting he reported that the May issue of *CURRENTS* would include many articles related to planning activities, including a picture and article about the Planning Commission, as well the Aldercrest Master Development Program, Town Center Subarea Plan, Point Wells, Tree Canopy Study, how to interact with the City and the Planning Commission on various land use matters, and public notice signs.

Mr. Tovar clarified that while *THE SEATTLE TIMES* indicated that Snohomish County has issued a permit for the Point Wells Development, it is not true. He explained that a permit application has been made by the developer, and it is currently being processed. The Growth Hearings Board decision invalidated the County's urban center plan designation for Point Wells for numerous reasons. The Board concluded that Point Wells is not the proper location for an urban center under the County's own definition and the Puget Sound Regional Council's definition for a regional growth center. They also noted the amount of traffic that would be generated from the property into the City's road network. The Board emphasized that allowing the property to be developed as an urban center would make the City of Shoreline's capital facilities element non-conforming with the Growth Management Act (GMA) because the level of service standard would be exceeded.

Mr. Tovar further announced that the Growth Hearings Board found that Snohomish County's Urban Center code was compliant with the requirements of the GMA but noncompliant with the goals of the GMA. He said he found it interesting that the Board could find the code regulations compliant with GMA when they are based on a plan that has been invalidated for noncompliance with the requirements of the GMA goals. He announced that today the City and the group, Save Richmond Beach, have filed a petition asking the Growth Hearings Board to reconsider their findings. The motion would be posted on the City's webpage. He explained that language stating that local codes must be consistent with their comprehensive plans is repeated three times in Section .040 of the GMA. However, the petition filed by the City of Shoreline, the Town of Woodway and Save Richmond Beach used an incorrect citation. The request for reconsideration suggests that this is a harsh and extreme outcome given that the error was marginal and technical. He said the group also reasserted their request that the Board invalidate the urban center code since they previously concluded that it does not comply with the goals. Mr. Tovar explained that if the Board rules in favor of the motion for reconsideration, Snohomish County and/or the developer may file an appeal, which would be forwarded to the judicial system. He cautioned the Commission against making any public pronouncements about the entire issue. At some point in the future, they may be asked to consider amendments to the City's policies which describe what can and cannot happen at Point Wells.

Mr. Tovar announced that on May 9<sup>th</sup> the City Council would conduct a study session on the tree regulations. He recalled that at their joint meeting with the Council, some Commissioners questioned if the 31% tree cover identified by the study is accurate as a flat trend line. He summarized that the City

Council's general sense was that there does not appear to be an alarming upward trend of loss of canopy. As the City Council discusses what the scope of the regulations should be, staff will recommend that the question of tree canopy be referred to the Comprehensive Plan update. Staff believes that more work and discussion should take place to identify a specific target number. Pervious surface could also be part of this discussion. He said staff would also raise the issue of whether or not the City should pursue volunteer efforts as one way to increase the tree canopy in the residential parts of the City.

Commissioner Moss said she recently spoke to a friend who lives in the City of Seattle, who mentioned that she voluntarily conducted a tree inventory for her neighborhood. She pointed out that while talking to her neighbors, she was able to raise awareness about the value of trees. She suggested the City of Shoreline consider this as one option to encourage public knowledge about the tree inventory. Mr. Tovar explained that the life cycle of the City over the past 15 years was very much focused on capital projects. Now that most of the projects have been completed, staff will suggest to the City Council that the focus should shift to programs that build community and offer opportunities for the citizens to volunteer their services.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

#### **Planning Commission Retreat Agenda**

Mr. Cohn referred the Commission to the proposed agenda for their retreat, scheduled for May 19<sup>th</sup>. The focus of the discussion will be how the Planning Commission can work better together and develop a more functional Planning Commission by focusing on interaction with each other, the public and staff.

Mr. Cohn specifically noted that the Commission would have a discussion on how formal their deliberations should be. He recalled that some Commissioners have commented that past discussions have been awkward. He invited the Commissioners to provide their comments to staff so they could be included as part of the discussion and staff could be prepared to respond. He said the Commission will also discuss their role during deliberations to ensure the discussions stay on task. It is also important that the Commission's conclusions are clearly outlined after each discussion. He invited the Commissioners to share their thoughts about the proposed agenda.

Regarding the issue of how formal deliberations should be, Commissioner Kaje said he suggested they could benefit from a refresher course on the use of Robert's Rules of Order. Ms. Simulcik Smith said the Commission's Bylaws state that the current edition of Robert's Rules of Order shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission. Commissioner Broili noted there are several levels of Robert's Rules of Order. While he would not want the Commission to use the formal version, it is helpful to use the abbreviated version to keep the process focused and moving forward. Mr. Cohn said staff would provide some suggestions to facilitate the Commission's retreat discussion.

## **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

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

## **AGENDA FOR NEXT MEETING**

The Commission's retreat is scheduled for May 19<sup>th</sup>.

## **ADJOURNMENT**

The meeting was adjourned at 9:35 P.M.

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Ben Perkowski  
Vice Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission



Time Stamp  
May 5, 2011

**00:16        ROLL CALL**

**00:38        APPROVAL OF AGENDA**

**00:50        DIRECTOR'S COMMENTS**

**01:01        GENERAL PUBLIC COMMENT**

**03:45        LEGISLATIVE PUBLIC HEARING ON TOWN CENTER SUBAREA PLAN AND  
DEVELOPMENT CODE**

**05:23        Staff Overview**

**01:04:28     Questions by the Commission to Staff**

**01:10:13     Public Testimony**

**01:19:06     Discussion and Final Questions by the Commission**

**02:05:55     Continue Public Hearing to June 2, 2011**

**02:06:27     DIRECTOR'S REPORT**

**02:23:42     UNFINISHED BUSINESS**

**02:23:52     NEW BUSINESS – PLANNING COMMISSION RETREAT**

**02:32:30     REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

**02:32:35     AGENDA FOR NEXT MEETING**

**ADJOURNMENT**