

DRAFT

These Minutes Subject to
June 16th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

June 2, 2011
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Wagner
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
David Levitan, Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m. She recognized the attendance of Mayor McGlashan.

ROLL CALL

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

APPROVAL OF AGENDA

Approval of the minutes of April 21st and May 5th was removed from the agenda because the minutes were not included as part of the Commission's packet. The remainder of the agenda was approved as presented.

DIRECTOR'S COMMENTS

Mr. Tovar distributed copies of a new handout containing the Vision 2029 portion of the Comprehensive Plan. He advised that while the vision statement and framework goals contained in the document are not new, they have been reformatted to make the document more useful and easier to read. He suggested that the Commissioners place the document in the front of each of their Comprehensive Plan binders.

Vice Chair Perkowski questioned how the document would be used. Mr. Tovar answered that at their recent retreat, the City Council talked about how to make the vision statement and framework goals more evident to the citizens. They agreed to reformat the document and distribute in a number of ways. It will be available on the City's webpage, and copies will be provided at each of the Commission meetings. Staff is also developing a large poster format, including graphics, which can be used as a prominent display at City Hall. Also at their retreat, the City Council members each read a section of the document, which helped them focus on the balance of the subjects at their retreat. This exercise was so useful that they discussed the idea of creating a video involving a reading of the document. He concluded that the goal is to put the document out into the public so they have a clear understanding of the vision statement and Comprehensive Plan update. He invited the Commissioners to share their ideas, as well.

GENERAL PUBLIC COMMENT

Laethan Wene, Shoreline, said he and his neighbors are tired of being kept awake at night as a result of the Aurora Corridor Project. He suggested it is time for the City to establish a noise ordinance to prevent these situations in the future.

LEGISLATIVE PUBLIC HEARING ON TOWN CENTER SUBAREA PLAN AND DEVELOPMENT CODE

Chair Wagner reviewed the rules and procedures for the legislative public hearing and noted that at the conclusion of tonight's meeting, the hearing would be continued to June 16th. She then opened the hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the Commission to Staff

Mr. Tovar advised that Paul Cohen, project manager, would walk the Commission through the materials contained in their Commission packet, as well as the desk packet they received just prior to the meeting. David Levitan, project manager for the preparation of the draft Environmental Impact Statement (EIS) on the Town Center Subarea Plan Development Code, was also present to answer the Commission's questions about the draft EIS. He noted that written comments related to the draft EIS can be submitted until June 9th. He emphasized that the Planning Commission and City Council will use the Draft EIS and Final EIS as a tool in making decisions about the Town Center Subarea Plan Development Code. He noted that the responses to comments on the EIS would be available for Commission review at the continued hearing on June 16th. If necessary, the Commission could continue the public hearing/Commission deliberations to their regular meeting on July 7th. Another option would be to schedule an extra Commission meeting on June 30th. He advised that the City Council would like to receive the Commission's recommendation sometime in July so they could potentially take final action before their break in August.

Because the Commission has spent a fair amount of time reviewing the proposal on previous occasions, Mr. Tovar suggested they focus their comments on new items and perhaps provide some preliminary

direction to staff in preparation for the continued public hearing on June 16th. He suggested that rather than crafting specific language now, the Commission could provide direction for staff to compose the appropriate language for their future review. He invited Commissioners to also meet or talk individually with staff to prepare draft language, as well.

Mr. Tovar referred to a letter from Carter Subaru dated June 1st, requesting an opportunity to meet with staff to discuss their concerns and consider some options. They may also address the Commission during the hearing; however staff is not prepared to provide a response tonight about what they asking the Commission to consider. They will provide this response on June 16th.

Mr. Cohen referred to the feedback and questions presented by the Commission on May 5th and provided the following response:

1. Computer Videos.

Mr. Cohen presented two, short-animated videos that staff prepared for the Van Guard/Interurban Building and Fred Meyer/Ice Arena sites. He noted that the computer models were presented previously to the Commission, but they have been refined. He cautioned that neither rendering represents actual proposals by the property owners to develop the sites. Rather, they represent two of multiple possibilities assembled by staff using the proposed development code. Mr. Tovar added that the purpose of the videos is to illustrate form and possibilities under the standards of the draft code. The uses within the building envelopes are speculative. The form-based concept would leave use decisions to the market. Mr. Cohen noted that both videos are available for the public to view on the City's website.

2. Green Factor

Mr. Cohen recalled that at their May 5th meeting, staff raised the possibility of using a concept similar to that used by the City of Seattle called the "Green Factor." It uses a scoring system to grade a development on the types of sustainable development techniques that are implemented. After further research staff concluded that it is not advisable for Shoreline to implement a program of this type. He reminded the Commission that the City's goal is to streamline their review processes, and implementing this concept would be complicated. In addition, staff believes it would be redundant in light of the fact that the City has or will soon have code standards that address many sustainability issues such as:

- The Town Center Development Code proposes a tree preservation requirement. Currently, there are no tree preservation requirements in any commercial zones.
- The City's Storm and Surface Water Comprehensive Plan has been updated to include an emphasis on low-impact development, higher standards, and more flexibility. The standards will likely be updated again in the future to require that stormwater be dealt with on site.
- The Commission discussed the parking standard for the Town Center subarea, specifically the provision that would allow the director to reduce the parking requirement up to 50% if a developer can meet specific criteria. This is another way to support sustainable development by encouraging fewer cars whenever possible.
- Town Center Policy TC-18 directs the City to support adoption of the International Green Building Code, which should occur in 2012.

- The bus rapid transit program will be implemented in 2013.

Mr. Cohen said staff is recommending the City pursue the above mentioned provisions, but not necessarily the Green Factor program that is used by the City of Seattle.

Commissioner Broili asked staff to share examples of how implementing the Green Factor program would be complicated. Mr. Tovar answered out that the program is outlined in an extensive amount of text, maps and charts, and it would take a significant amount of effort to review and implement a similar program in Shoreline. Mr. Cohen clarified that implementing this program would be another layer on top of all the other processes and code requirements.

3. Survey of Development Thresholds

Mr. Cohen recalled that staff is proposing a development threshold that would require full site improvements in the Town Center Subarea for any completely new development and any development where the construction valuation is greater than 50% of the assessed property and buildings. The Commission asked staff to research how this issue is addressed in other jurisdictions. He reported that Mill Creek, Redmond, Edmonds, Lynnwood and Covington, Kirkland, Mountlake Terrace and Bothell all indicated that they do not have specific development thresholds for when full site improvements are required. Staff has concluded that the City is likely ahead of other cities in developing this concept, and they are confident that the City's existing provision has worked well.

Commissioner Kaje asked if these other jurisdictions require site improvements automatically for all development. Mr. Levitan said some cities automatically require site improvements and others allow the City the discretion to discuss the requirement with developers but have no specific requirement on the books. Many indicated that site improvements have not been an issue because redevelopment has occurred wholesale, requiring the developer to redo everything. Commissioner Behrens questioned how cities can apply the site improvement requirements fairly if they have no established standards and decisions are made on an informal basis. Mr. Tovar agreed this would be staff's concern, as well. Mr. Tovar said it is always good to look at what others do; but just because Shoreline's provision is unique, does not mean it is wrong. Staff recommends they maintain the current provision for site improvement requirements.

4. Transition Overlay

Mr. Cohen recalled that at their last meeting, the Commission raised questions about the proposed transition overlay between commercial and single-family residential zones. They requested additional information to help them decide whether the current proposal is equitable and provides enough protection for the two different scenarios in the transition areas. Staff is now recommending two types of transition overlays that have different yet equitable standards:

- **Transition Area 1** would apply to all properties within the subarea that directly abut single-family residential properties such as Firlands Way and behind City Hall. As currently proposed, the overall transition width would be 100 feet. Type I landscaping would be required in the first 20 feet adjacent to the single-family residential properties. The first edge of the building could be located 20 feet from the property line and permit a height of up to 35 feet. The building

height would be allowed to increase by 10 feet for every additional 20 feet a portion of the building is stepped back from the property line.

- **Transition Area 2** would apply to all properties within the subarea that are located across the street from single-family residential properties such as Linden Avenue and south of Top Foods. A 15-foot setback would be required. The building height at the setback line would be limited to 35-feet, and additional 10 feet of height would be allowed for every additional 10 feet that a portion of the building is stepped back from the property line.

Commissioner Behrens said he visited the site that is currently being designated as Transition Area 1, and he is concerned that future development could result in a massive building that would cover about two-thirds of the length of Firlands Way. Even without acquiring adjacent properties, the building on the existing lot within the triangle could be much larger than what is illustrated in the drawing. Chair Wagner noted that the current code language would already allow the building to be significantly larger than what currently exists. She asked staff to identify the delta between what is currently allowed and what is proposed to be allowed. Mr. Cohen answered that the property is currently zoned Office, with Mixed Use zoning on the southern end of Firlands Way. The current height limit is 35 feet for office uses, but in a mixed use building, residential development would be allowed a height of up to 50 feet. While there would be some setback requirements, it would not be as substantial as the proposed 20-foot landscaped setback area. No step back would be required under the current code. He summarized that the current zoning would allow for a taller building with a larger building envelope than what currently exists.

Commissioner Behrens asked staff to prepare a mock up drawing of what the lot would look like under maximum development based on the current and proposed code requirements. Chair Wagner suggested that because the geography of this particular scenario is unique, the mock up should broadly take grade changes into consideration. Commissioner Broili specific asked that the mock up identify the sharp elevation change along the west to east property line of properties 0045, 0040, 0035 and 0030 that are noted in the drawing.

Mr. Cohen shared a cross section drawing to illustrate the property line that separates the single-family zone from Town Center. The drawing identifies the potential size and height of what could be built on the single-family lot. It also identifies the potential height and size of a building that could be constructed on the Town Center side and the required landscape buffer. He noted that the building height would be limited to 35 feet at the 20-foot setback line, with the potential of increased height the further the building is setback from the property line. The portion of the property located outside the transition area allows for building heights of up to 70 feet. The intent of the transition zone is to mirror the type of development that is allowed in the abutting single-family residential zone.

Commissioner Broili noted that the triangular property on Firlands Way is a corner lot. He recalled that at the last meeting there was some confusion about which property line would be considered the rear and which would be the side. Mr. Cohen said the property along Firlands Way would be the front yard, and the code allows the director to determine the rear yard on odd shaped lots. Everything else would be considered a side yard. Commissioner Moss requested clarification about how the front, side and rear yard setbacks would be defined in the transition areas. Mr. Cohen pointed out that the proposed dimensional standards treat the side and rear setbacks within transition areas the same (20 feet). Mr.

Tovar added that there is flexibility in the code to administratively allow setback averaging to address unique situations. He observed that the 20-foot landscape requirement on the north side of the triangular property would effectively be a “front yard” that has trees in it.

Commissioner Behrens pointed out that the location of the access to the triangular property can have a significant impact on the abutting single-family residential properties. If the driveway is established along the northern border, the impact to the residential properties would be much greater than if the access were provided on the southern end. The same would be true for parking, garbage enclosures, etc. They should try to move these impacts as far away from the single-family residential development as possible. Mr. Tovar recalled that when discussing zoning for the Aldercrest site, the Commission talked about the notion of requiring the driveways to be placed a certain distance from the single-family residential property line. Mr. Cohen pointed out that the driveway would not be allowed within the 20-foot landscape buffer.

Mr. Cohen provided two drawings to illustrate there would be 115 feet between the maximum height allowed in the single-family residential zones (35 feet) and the maximum height allowed in the proposed Transition Overlay 1 zone in the Town Center Subarea. The distance would be 125 feet for the proposed Transition Overlay 2 zone. He summarized that the separation and height are quite similar in both overlay zones. However, in Transition Overlay 2, the buildings would be separated by approximately 60 feet of right-of-way with traffic. The separation in Transition Overlay 1 would be less, but there would be a 20-foot landscaped area with no traffic. The step back requirement in Transition Overlay 1 would be 20 feet compared to 10 feet in Transition Overlay 2. That means the height would increase more gradually in Transition Overlay 1.

Commissioner Kaje said he supports staff’s argument that the step back requirement should be different in the two proposed transition overlay zones because of the right-of-way presence in Transition Overlay 2. He observed that the Seattle City Light right-of-way is actually 100 feet instead of 60 feet, so the separation would be even greater in this one location. However, staff is still recommending a 10-foot step back requirement. Mr. Cohen concurred.

Vice Chair Perkowski asked where the step back requirements for the two transition overlay zones is covered in the text of the proposed Development Code language. Mr. Cohen answered that staff is seeking feedback from the Commission before incorporating the Transition Overlay 2 concept into the proposed language. Table 20.92.020(B) describes the Transition Overlay 1 zone, and another column would be added for the Transition Overlay 2 zone.

Commissioner Esselman said she supports the concept of requiring a greater setback in transition areas that immediately abut single-family residential zones. As a result of the required step backs, the maximum 70-foot height of buildings within the transition area would not be visible from the single-family residential properties.

Commissioner Kaje observed that the concept outlined in Transition Overlay 1 is consistent with the transition overlay identified in the Aldercrest zoning, which provides 125 feet from the single-family residential property line before a proposed building can reach its maximum height of up to 65 feet. He

said he would prefer to use a similar approach as opposed to creating a new and perhaps biased approach for different parts of the City.

Chair Wagner suggested that the residential properties on Linden Avenue might expect a slightly more intense use, particularly since there is already commercial development located across the street. She said it seems almost flip to her that someone who is already living across from commercial development would have a further distance to go before the maximum height is reached.

5. Creation of a TC-5 Zone and Firlands Way Policies

Mr. Cohen recalled that at their May 5th meeting, the Commission heard a proposal to create a TC-5 zone for the area around Firlands Way that would have a 35-foot height limit throughout. The Commission asked staff to explain why they decided to eliminate the TC-5 zone from their proposal. After further review, he clarified that the original proposal never identified a TC-5 zone for Firlands Way. Instead, it identified a TC-5 zone for properties on Stone Avenue and a TC-4 zone for properties on Linden Avenue. Upon further review, staff did not feel a separate zone was needed for the properties on Linden Avenue because of the proposed transition area. The TC-4 zoning designation was removed from Linden Avenue and placed on Stone Avenue. The TC-5 zoning designation was eliminated.

Chair Wagner asked if staff believes the creation of Transition Overlay 2 would adequately respond to the concerns that were raised specific to the Firlands Way properties. Mr. Cohen said the rationale for proposing a TC-5 zone for these properties was to respect the historic heights of buildings that used to exist in the area and improve views of area trees. He also recalled that a Commissioner commented that the greater building height would diminish pedestrian activity at the street level. Staff recommends against creating a TC-5 zone with limited heights because they believe pedestrian activity is determined by what is happening at the ground floor, and not what is happening above. They also believe that having a residential population in the area would actually feed the street activity and help the businesses to thrive. He suggested that more activity on the street level would draw even more people. However, he cautioned that pedestrian activity also depends on how you treat the first floor level, and many of the street and frontage improvement requirements proposed for both Midvale Avenue and Firlands Way (TC-3 zone) are oriented towards this goal (i.e. sidewalks, commercial standard spaces, slower traffic, back-in parking). He specifically noted that Policy TC-17 talks about Midvale Avenue being a slower street, and he suggested they include Firlands Way in this policy, as well. Regarding the desire to respect what historically was located on the site, it is important to keep in mind that the original development consisted of one and two-story buildings that were farm houses and some commercial buildings. He noted that the proposed design standards would have to be changed in order to be consistent with how the site was historically developed.

Commissioner Broili said that while he understands staff's point regarding height and historic aspect, he would support the creation of a TC-5 zone for the property on Firlands Way to address the issues listed under Item 5 on Page 11 of the Staff Report that are unrelated to height and historic issues. Mr. Cohen said if the Commission recommends a TC-5 zone, it would be helpful to identify specifically how the standards would differ from the other proposed zones. Commissioner Broili expressed his belief that the potential opportunities for redevelopment of properties along Firlands Way are much different than the Midvale Avenue area. He pointed out that Firlands Way is an unusual diagonal street, and the access

coming from Aurora Avenue North and 185th Street is strange, as well. In addition, there may be opportunities to create incentives to achieve a more walkable area in this location that serves the City's long-term goals and opportunities much better.

Commissioner Broili referred to the last sentence in Item 5 on Page 11 of the Staff Report in which staff states their belief that an incentive approach would "deter future development rather than encourage it." He said he is not sure he agrees with this statement, and he has a concern about development being given precedent over the long-term goals, interests and services that might be engendered from a different approach to the area. He recalled that staff earlier stated that it would be a disincentive to envelop this property under the Green Factor, as well. He cautioned against having a blanket policy of not considering standards or requirements that deter development of any kind. He said he is opposed to giving away something just to get a property developed without considering the full weight of the potential opportunity that may exist. He would like this property to be zoned separately to allow the City more flexibility to deal with this unique area.

Mr. Tovar clarified that staff is suggesting two different ways to articulate the uniqueness of the properties on Firlands Way. They could talk about the City's aspirations for this area explicitly in the subarea plan, or they could address the area's unique circumstances in the Development Code language. If the Commission supports the concept of creating a TC-5 zone, they must identify specifically how the TC-5 zoning standards would be different than the TC-3 zoning standards. He agreed that the diagonal location of Firlands Way offers an interesting place-making opportunity. If the Commission believes this opportunity would primarily take place within the right-of-way by way of pedestrian improvements, street furniture, or special marketing for the history of the bricks, they could address this goal as a policy statement in the subarea plan rather than creating a separate TC-5 zone. Commissioner Broili said he would support this approach, as long as the opportunities are protected. Staff agreed to propose policy language for the Commission's consideration at the continued hearing.

Mr. Cohen pointed out that in Item 5 on Page 11 of the Staff Report, staff recommends that Policy TC-23 be amended to include a list of things they consider historic in this general area. In addition, the proposed language in Section 20.92.050 talks about street frontages and includes a specific provision that the City should try to expose the old brick road on Firlands Way where feasible and possible. Staff is hoping that both of these changes would further emphasize that Firlands Way is a historic area.

Commissioner Broili said he would like to pursue the concept of developing incentives to aggregate properties along Firlands Way. He recalled that at a previous meeting, a Commissioner articulated the vision of this area being a walkable, open street fair area, which he supports. He felt this concept is embraced by the Town Center goals and policies, as well.

Commissioner Kaje said that while the proposed new Transition Overlay 2 zone addresses some of his concerns related to the Firlands Way properties, he also shares Commissioner Broili's concern about protecting the unique attributes of these properties. He said he would support the staff's recommendation that the vision for this area can be accomplished using the code language proposed for the TC-3 zone. However, he felt the proposed policy statement revision is insufficient. He recommended an additional policy statement be created to specifically focus on the uniqueness of the

setting and the opportunities that exist. For example, he would not want a future City Council or Commission to alter the right-of-way in such a way that they lose some of the dynamic opportunity.

Mr. Tovar agreed to work with staff to create additional policy language to address the Commission's concerns. He cautioned that the policy statement should use modest action verbs such as consider, examine, and promote as opposed to dictating that the City allocate significant funding to redo Firlands Way. Commissioner Behrens suggested staff research what the City of Bothell has done to recognize the historic nature of their downtown. Chair Wagner suggested the street front standards for Firlands Way should be consistent with the historic charm of the area.

6. Industrial Uses

Mr. Cohen recalled that at their last meeting, the Commission asked if the prohibition on industrial uses in the Town Center Subarea would also prohibit non-polluting manufacturing uses such as software development or small computer hardware assembly. He explained that the City uses the North American Industry Classification System (NAICS) Manual, which uses the term "manufacturing" instead of "industrial" uses. Manufacturing uses can range from heavy, polluting types to light, non-polluting types. Staff is recommending that the land use chart be amended to either specify the types of exempt manufacturing or be more general and exempt light manufacturing that is non-polluting and requires no outdoor storage. He said would prefer the latter approach, and the proposed code language was actually changed to implement this concept. Commissioner Moss said she supports the idea of being more general. The code language could remain in place for many years. Using a more specific approach would require frequent updates since the types of industrial uses will change over time.

Chair Wagner suggested that light industrial should be identified as a permitted use, so it is explicit that the use is allowed in all of the Town Center zones. Commissioner Kaje said that to be consistent, perhaps light industrial uses should be allowed in the TC-1, TC-2 and TC-3 zones, but not in the TC-4 zone. He noted that the proposed language already lists uses that are prohibited in the TC-4 zone. The majority of the Commission concurred. The majority also concurred with the more general approach that was recommended by staff.

Public Testimony

Boni Biery, Shoreline, recalled that the concept of having a separate zoning designation for the Firlands Way area was eliminated at the design charrette when someone suggested that Midvale Avenue and Firlands Way were the same and should not have separate zoning designations. The change was made immediately with no opportunity for further comment and she remembers because she was furious. Ms. Biery noted that, as per the proposed code language, a building on Firlands Way could be 0 to 10 feet from the front property line. She asked if the maximum building height of 70 feet would apply from the front of the property, with step backs as the building gets closer to the single-family residential development. She said she would like clear information about what a potential building could look like compared to what currently exists and what would be allowed by the current code.

Ms. Biery asked if the code addresses the issue of balconies. She said her property is about one story below the ground level of nearby business properties. The back yards of her home and those of her

neighbors are currently entertainment for the people that use the building, which is very disquieting. She agreed that Firlands Way has always been a combination of mixed-uses, and the pictures she submitted provide evidence that there were storefronts and small homes that were setback from the property line. Nothing was over two stories. She said it would be worthwhile to keep the height limit at 35 feet.

Chair Wagner suggested that Ms. Biery speak with Mr. Cohen regarding the potential size of a proposed building and what the setbacks would be. She said she also appreciated the comments Ms. Biery made about the origin of the TC-5 zone and how it was eliminated. However, rather than merely suggesting there needs to be a specific zone for the Firlands Way area, the Commission would appreciate information about how the new zone should be different than the proposed TC-3 zone. She invited Ms. Biery to submit these comments in writing.

Kristine Wilson, Perkins Coie, said she represented Carter Subaru. She expressed appreciation for staff's willingness to talk to them and address their questions, and they look forward to meeting with staff again soon. She referred to a letter that was submitted yesterday on behalf of Carter Subaru, which was included in the Commission's desk packet. She summarized that Carter Subaru is very pleased to be part of the City's Town Center. However, they do have some concerns about how some of the design standards would be applied to existing uses going forward. They believe design review is an appropriate process to take into account the specifics of the design code as it is applied to particular uses, but they want the Director to have sufficient authority to consider specific impacts. As requests for design departures are made, it is important that the purpose and intent of allowing the use as a permitted use is considered. Ms. Wilson emphasized that outdoor vehicle display is important to successful vehicle sales and leasing uses, so they are particularly concerned with respect to how the proposed street frontage, lighting, parking and circulation standards would be applied to their permitted use. She said they look forward to continuing to work with the City staff in the coming weeks, and they support continuing the open public hearing to allow these discussions to move forward.

Laethan Wene, Shoreline, disagreed with Mr. Cohen's comments about pedestrian-friendly access on Linden Avenue. He felt that Linden Avenue should be included because it is used by pedestrians.

Continued Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the Commission to Staff and Applicant

The staff and Commission reviewed the proposed Development Code language as follows:

- Mr. Cohen advised that **Table 20.92.020(A)** was amended to add "shipping containers" as a prohibited use. While shipping containers are allowed in commercial areas with a conditional use permit, staff is recommending they be prohibited throughout Town Center.

Chair Wagner asked how prevalent the shipping container problem is. She suggested that if they are currently in use by a business, there may be a reason to allow them for at least a short period of time. Mr. Cohen said that shipping containers that are legally located would be allowed to remain as legal non-conforming uses, but no new shipping containers would be allowed. Mr. Tovar asked for an opportunity to discuss this issue further amongst staff before making a final recommendation. He

explained that Mr. Cohen's recommendation is in response to concerns and complaints the City has received from the residential neighborhood on the west side of Linden Avenue related to noise, aesthetics, etc. Their issues are legitimate, but he has also heard from property owners who need the containers and would like other options for dealing with the concerns without actually prohibiting the use. He suggested perhaps it would be better to approach the issue via screening and performance standards.

Commissioner Broili said he tracks innovative design throughout the world and some very creative things have been done using old shipping containers as actual structures, etc. He expressed concern that they not limit the opportunity for these types of creative design.

- Vice Chair Perkowski noted that **Table 20.92.0209(A)** makes reference to **Table 20.40.120**, which talks about conditional and special uses. He recalled previous discussion that language should be added to make it clear that they are only talking about the uses and not the processes identified in Table 20.40.120. Staff agreed to make this change.
- Mr. Cohen said **Section 20.92.040.E** was amended to make it clear when traffic studies are required and how impacts identified in the studies would be addressed. As currently proposed, developers would be required to complete a traffic impact study if the proposal exceeds the threshold. Additional traffic that is projected to use non-arterial streets would be required to implement traffic mitigation measures, which are approved by the City's Engineer in collaboration with the abutting neighborhoods.

Commissioner Kaje noted that the proposed language would be clearer if the words "and developed" were inserted after "traffic engineer." This would make it clear that the neighborhoods would help to define the types of mitigation measures that are most appropriate, but they would not be involved in the final approval.

Commissioner Moss noted that the language related to cut-through traffic and parking impacts was deleted from Section 20.92.040.E. She asked if the proposed language would require the City and the neighborhood to agree upon a reasonable way to mitigate the impacts or would the City Engineer be able to make the final decision if a compromise cannot be agreed upon. Mr. Cohen clarified that the City Engineer would make the final decision on how to mitigate the impacts. While the neighborhood would be invited to participate in the process, they would be choosing the ultimate solution.

Chair Wagner suggested the language be amended further to make the neighborhood collaboration process clearer. Mr. Tovar said the intent of the proposed language is to provide an opportunity for the public to understand the issue and try to persuade the outcome. He asked the Commission to provide feedback about whether or not the City Engineer's decision should be appealable to the Hearing Examiner. This would give more weight to the neighborhood's sentiment. He reminded them that the goal is to balance the Traffic Engineer's technical judgment with the need to fairly consider people's opinions. Chair Wagner suggested that before they make a decision regarding appeals, the language should be expanded to identify the threshold that would trigger the study requirement, as well as decision criteria. Mr. Tovar suggested that perhaps the decision should be administrative, appealable to

the Hearing Examiner. Allowing the City Engineer to make the final decision with no appeal would be a more direct way to deal with the issue, but it would be less responsive to the neighborhood input.

Commissioner Behrens suggested they utilize the Neighborhood Safety Committee to consider the traffic impacts and work with the City Engineer to mitigate the issues. Mr. Cohen said the spirit of the proposed language was that the neighborhoods would be consulted, and he agreed that it would be appropriate to invite the Neighborhood Safety Committee to organize the neighborhood meetings. Commissioner Behrens recalled a public meeting he attended in which 125 people voiced opposition to a particular proposal, yet it was approved by the City anyway. He cautioned that a neighborhood's role in the final decision should be clearly defined. Again, Mr. Tovar suggested there must be clear decision criteria. Commissioner Behrens suggested staff invite the Traffic Engineer to help create measurable criteria. Mr. Cohen agreed to contact the Traffic Engineer for additional information.

- Mr. Cohen pointed out that **Section 20.92.060.2** was amended to require transparent windows on 60% of the first floor façade on boulevard streets.

Mr. Cohen said that, as per the amendment, both storefront and boulevard streets would require that 60% of the ground floor façade be placed in windows at certain heights. Green streets are a separate category that requires 15% transparent windows.

- Commissioner Behrens referred to the map in **Section 20.92.030**, which identifies 178th, 180th, and 183rd Streets as storefront streets, which require 10-foot sidewalks. He reminded the Commission that the right-of-way on these streets is only 40 feet. A 10-foot sidewalk, along with a 6-foot parking strip on both sides of the street would result in only an 8-foot lane width.

Mr. Cohen clarified that while the existing road width might be less now, the actual right-of-way ownership is 60-feet wide. This would allow space for 10-foot sidewalks on each side of the street, as well as two travel lanes. Commissioner Behrens said he measured the streets from setback to setback and found the rights-of-way to be 40-feet wide. Commissioner Broili pointed out that it is not possible to measure the rights-of-way unless you have clear information about where the actual property lines are located. Mr. Cohen agreed to meet with Commissioner Behrens to review the right-of-way widths.

- Commissioner Esselman referenced **Section 20.92.060.C.2.a**, which calls for a 20-foot beveled building corner with entry and 80% of the first floor in transparent glass. She suggested that perhaps the 80% requirement is too much considering the structure of a building and 60% would be a better number. Also, if the intent is to require that 60% of the corner be transparent in addition to the 60% required for the building façade, then **Section 20.92.060.B.2.a** should also be amended.

Mr. Cohen said the intent is that transparency should be emphasized on the street corner. Commissioner Esselman noted that, depending on the size of a building, a developer could put all the transparency on the corner and have none on the rest of the building. Mr. Cohen said the language would require an average of 60% transparency over the entire first floor façade of a building. However, the corner facades could be no less than 60%. Commissioner Esselman suggested the language should require an

additional amount at the corner. Mr. Cohen agreed to discuss the issue further with Commissioner Esselman and come up with language to address her concerns.

- Commissioner Esselman referenced **Section 20.92.060.C.3** and suggested that a simpler approach would be allow whichever street specification has the highest requirements to dictate what happens at the corner.

Mr. Cohen noted that sometimes there is a combination of street fronts that culminate at a corner. As per Commissioner Esselman's suggestion, the requirements would be based on the street specification that has the greatest requirements. The Commission agreed this change would be appropriate.

- Mr. Cohen referred to **Section 20.92.060.E.1**, which originally proposed different parking standards for residential, office and retail uses. The standards have been amended to use the City's current city-wide parking standards. Modifications would be allowed based on the criteria identified in the proposed language.

Mr. Cohen recalled that a Commissioner suggested that the criteria that any developer could meet merely by being located within the Town Center Subarea should be removed because they could not be considered incentives. Therefore, Items d (a transit stop within ¼-mile radius) and e (an off-street public parking lot within ¼-mile radius) were eliminated. Item h (neighborhood meeting to discuss impacts of traffic and parking) was also removed because it did not really have any teeth to it and traffic and parking impacts are already addressed in the transition area standards.

Commissioner Moss pointed out that staff is proposing to eliminate the two items that reference a ¼-mile radius because all properties within the subarea would meet these criteria. She reminded the Commission that she asked staff to apply the radius index concept to see if that would still be the case.

- Commissioner Kaje said the commute trip reduction program in **Section 20.92.060.E.1.e** sounds nebulous. While he is an advocate for commute trip reduction programs, he suggested they either need to define some standards for the program or eliminate it. He said he is in favor of incentives that result in benefits to the community.

Mr. Cohen said there is a staff person who coordinates commute trip programs for businesses over a certain size in the City, and there are applicable standards. Commissioner Kaje suggested that reference be made to the City's existing program. He asked staff to provide information about the City's existing standards. Commissioner Moss said the State also provides guidelines for commute trip reduction programs. However, she is not sure the businesses currently located in the Town Center Subarea would trip the threshold for these standards. Mr. Cohen agreed that only City Hall would meet the threshold.

- Commissioner Moss referenced **Section 20.92.060.E.1.c**, which appears to require one parking space per 4,300 net square feet of retail/office space.

Mr. Cohen said the strike out is not visible over the 4. The requirement would be one parking space for every 300 square feet of retail/office.

- Mr. Cohen advised that **Section 20.92.060.I.2** was amended to include improved design standards for screening roof and ground-mounted mechanical equipment. Rather than just allowing them to be painted gray, they would like to increase the requirement so there is a separate screen that matches the architecture of the building.

Commissioner Broili said the language is fairly specific that the screening must be constructed using the main building façade material, and he is not sure that actually accomplishes the intended goal. He suggested a better approach would be to require screening that is complimentary to the overall design. He said he can see cases where using the same siding around the rooftop mechanical equipment would look odd. The goal is to mask and/or hide the equipment so it is not an eyesore. Mr. Tovar agreed that the proposed language is a good first attempt, but it needs to say more.

- Chair Wagner noted that **Section 20.92.070.B.1** makes reference to “two architectural features listed below.” There are actually three. She also noted that earlier in the same paragraph references is made to Items a and b only. There is no mention of Item c.

Commissioner Moss pointed out that the picture provided in this section breaks up the text, making it more difficult to read. She agreed that the language should be amended to be clearer.

- Mr. Cohen advised that **Section 20.92.070.B.4** was amended to clarify that a building would be required to have a minimum 30-foot wide section that is offset at least by 20 feet through all floors for each 150 feet in length along the street front.

Chair Wagner referred to a situation where an entryway extends over the sidewalk to the street edge, with space for people to walk through. She felt this approach would break up the façade of the building and would not be out of context with the spirit of still allowing sidewalk through passage. She suggested this should be allowed as an exemption. Commissioner Broili said perhaps they could allow a developer to push the modulation out instead of back. The developer could offer environmental opportunities as a trade off. Mr. Cohen noted that the proposed language does not say whether the offset has to go forward or backwards. Chair Wagner pointed out that if a development is required to be setback from the property line by a certain distance, any modulation would have to be pushed back rather than forward unless there is a specific exemption that allows them to push forward into the right-of-way.

Mr. Cohen suggested that the provision that requires developers to provide plaza space would allow the feature described by Chair Wagner to be built over top of the plaza space. Covered plaza space would be allowed as long as it is open air.

- Mr. Cohen advised that the language in **Section 20.92.070.B** was amended to eliminate the option of using color to provide the window trim contrast. T

Mr. Cohen explained that the rationale for the amendment is that colors can change over time, and the contrast could potentially be eliminated. There are other options for providing this contrast.

- Mr. Cohen referred to **Section 20.30.297** and recalled that the language presented to the Commission in May included four criteria. However, staff is recommending that Criteria 2 and 3 be deleted because they are difficult to define and difficult for the developers and the community to understand what they can expect.

Mr. Cohen explained that requiring a development to use materials and architectural elements that are compatible with the context of other development in the vicinity (Criteria 3) may not be desirable, particular where there is older development that is inconsistent with the goals of the Town Center Subarea. He noted that this would likely be the case in the majority of situations.

Final Questions by Commission

Commissioner Moss referred to the written comments she sent to her fellow Commissioners a few hours earlier. Rather than debating the issues she raised, her intent was to bring them to the attention of the Commission and perhaps generate conversation at the continued public hearing. She particularly noted the following items:

- There is currently no mention about bicycling in the Vision Statement. However, some of the Town Center Subarea Plan policies mentioned the activity as something that is important. Was this omission intentional?
- Has the City actually adopted Engineering Development Design Criteria? Mr. Cohen answered affirmatively.
- What is the articulation for bench and wall seating and how is it addressed in the code?

Commissioner Moss said she did some research on the correct use of the term “foot-candle,” which is defined as the amount of light that is put off from one candle at one foot away. She suggested that instead of “foot-candle” the proposed language should use terms that are current, straightforward and easy to measure. She reminded the Commission that the goal is to prevent light from becoming disruptive to neighboring buildings or residential houses across the street. Mr. Cohen agreed to research the latest standards for measuring illumination. Commissioner Moss pointed out that the American National Standards Institute states that “foot-candles” is an antiquated term that should be replaced.

Commissioner Moss expressed her belief that **Section 20.91.040** creates confusion because it talks about the Ridgecrest Planned Area. While she understands that the language was changed for consistency when the Ridgecrest Planned Area was adopted, she suggested staff provide preface language to explain the rational for including the language as part of the Town Center zoning.

Commissioner Moss complimented Mr. Levitan for the draft EIS. However, as she reviewed the document, she was unsure how important it was that the information in the draft EIS match exactly with the language in the proposed Town Center zoning language. Mr. Levitan said the intent of the draft EIS was to evaluate the proposed Town Center Subarea Plan and code language. It was largely written in March and April. Since that time the proposal has been changed in some areas, such as the parking requirements. These changes would be addressed as part of the final EIS. If there had been no changes since the draft EIS was prepared, the fact sheet would be the only requirement. If there are minor changes, an addendum could be done to explain the changes. An addendum could also be done as a

separate process to an existing environmental document. In the case of the parking requirement changes, the impacts would be less because the parking requirements have been increased and the impacts decreased. While the change would not be considered minor, it would be identified as a net benefit that could be captured by an addendum to the draft EIS rather than a re-write of the entire transportation chapter.

Commissioner Broili referred to **Section 20.92.050.1**. He said he understands that lighting is necessary for safety. However, they are learning more about the intrusiveness of lighting and keeping it task specific so it does not violate another person's space. He suggested there should be some reference in the propose code language that talks about this aspect of lighting standards. Mr. Cohen said the code has a general standard that requires shielding of outdoor lighting so that no direct light enters adjacent property. He suggested this general language could be added to the proposed Town Center zoning code, as well.

Vice Chair Perkowski pointed out that **Section 20.30.297.2** makes reference to **Table 20.92.030**, which does not exist. The correct reference is **Table 20.92.020**, which contains the dimensional standards.

Vice Chair Perkowski referenced **Section 20.92.040.G** and recalled the Commission's discussion about the rationale for not using the Green Factor. Tree preservation is specifically sited and he questioned if staff has done any analysis to identify the number of significant trees on proposed TC-4 parcels and Transition Overlays 1 and 2. While he supports tree preservation, he suggested this statement may not be meaningful. He suggested there be some sort of vegetation requirement if the 20% preservation requirement is not pertinent. Commissioner Broili agreed it would be appropriate to talk about vegetation preservation as opposed to tree preservation. Mr. Cohen noted that this provision is the current standard for single-family residential zones. It is a high number, and he agreed that there are only a few parcels in the Town Center Subarea that have sufficient trees for the provision to be applicable. He reminded the Commission that the landscaping standards in the general code would apply. The landscaping, street trees and buffer requirements would ensure that vegetation is planted. Vice Chair Perkowski agreed, but suggested that tree preservation should not be used as a meaningful rationale for why the City should not implement the Green Factor concept.

Commissioner Esselman referred to Town Center Policy TC-5, which talks about having retail, service, grocery and restaurants for people that live, work or can walk to the town Center. However, the Vision Statement also talks about providing these services for people who live elsewhere in Shoreline or who pass through Shoreline. This is not addressed in the proposed code language. Mr. Tovar agreed this would be a good point to address. It might also be appropriate to address what will happen when the bus rapid transit (BRT) program is fully implemented on Aurora Avenue in 2013. People within walking distance of Aurora Avenue North would be able to get to Town Center without using a car. In their recent research, the Urban Land Institute found that in Snohomish County, many of the trips on the Swift BRT are local trips within a two or three mile travel shed of Aurora Avenue North. It may be important to point out in the Subarea Plan that access to the goods, services and amenities in Town Center will be made available to people within the City. Some will be driving cars, but many will arrive on foot by using the BRT. Staff agreed to come up to language to address this issue, as well as a separate policy statement that addresses the desire for the Town Center Subarea to become a regional destination, as well.

Mr. Tovar asked if the Commission would like the staff to propose possible language for their recommendation to the City Council as a starting point for their continued discussion. The Commission agreed that would be appropriate. Chair Wagner encouraged the Commissioners to review the proposal again and submit their additional comments to staff by June 7th.

Continuation of Public Hearing

COMMISSIONER KAJE MOVED THAT THE PUBLIC HEARING ON THE DRAFT TOWN CENTER SUBAREA PLAN AND ZONING CODE BE CONTINUED TO JUNE 16, 2011. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Mr. Tovar did not have any additional items to report to the Commission.

UNFINISHED BUSINESS

No unfinished business was scheduled on the agenda.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Behrens said he recently had a conversation with two people from the Masonic Temple who indicated they would be doing a major remodel on the building. He asked if staff had been contacted by these individuals to obtain more information about their historical status and how this could help them obtain funding for the building redesign. Mr. Cohen answered that he has not been contacted yet.

AGENDA FOR NEXT MEETING

Chair Wagner noted that the agenda for June 16th would be the continued hearing for the Town Center Subarea Plan and Zoning Code.

ADJOURNMENT

The meeting was adjourned at 10:00 P.M.

Michelle Linders Wagner
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

TIME STAMP
June 2, 2011

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA: 0:34

DIRECTOR'S COMMENTS: 1:29

APPROVAL OF MINUTES: none

GENERAL PUBLIC COMMENT: 6:50

**LEGISLATIVE PUBLIC HEARING ON TOWN CENTER SUBAREA PLAN AND
DEVELOPMENT CODE: 7:55**

**Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the
Commission to Staff and Applicant: 9:32**

Public Testimony: 1:45:11

Final Questions by Commission: 1:53:24

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 2:58:25

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