

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

August 1, 2019  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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### **Commissioners Present**

Chair Montero  
Vice Chair Mork  
Commissioner Davis  
Commissioner Lin  
Commissioner Malek  
Commissioner Maul

### **Staff Present**

Rachael Markle, Director, Planning and Community Development  
Steve Szafran, Senior Planner, Planning and Community Development  
Catie Lee, Associate Planner  
Carla Hoekzema, Planning Commission Clerk

### **Commissioners Absent**

Commissioner Craft

### **CALL TO ORDER**

Chair Montero called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

### **ROLL CALL**

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Montero, Vice Chair Mork, and Commissioners Davis, Lin, Malek and Maul. Commissioner Craft was absent.

### **APPROVAL OF AGENDA**

The agenda was accepted as presented.

### **APPROVAL OF MINUTES**

The minutes of the July 18, 2019 regular meeting were approved as submitted.

### **GENERAL PUBLIC COMMENT**

There were no general public comments.

## **STUDY ITEM: TOWNHOUSE DESIGN STANDARDS CODE UPDATE**

Ms. Lee advised that this is the Commission's first study session on the proposed Townhouse Design Standards Code Update. There will be a second study session in September. She explained that both the 145<sup>th</sup> and 185<sup>th</sup> Street Station Subarea Plans envision townhouses included in a mix of housing options. She shared photographs and illustrations from the two subarea plans. She reviewed that townhouses have been allowed in Shoreline since the City was incorporated in 1995, but with the light rail station area rezoning, this type of housing is becoming increasingly popular.

Ms. Lee provided a chart depicting the growth in townhouse permitting in the Mixed Use Residential (MUR) 35' and 45' zones. Townhouses are not an allowed use in the MUR-70' zone. The chart also depicts permitting in the Residential (R) and Town Center (TC) 4 zones. She summarized that, for the 2-year period from January 2015 to February 2017, the City approved 16 new townhouse units, and 5 were in the MUR zones. In the 2-year period from March 2017 to March 2019, the City approved permits for 69 new townhouse units, and 49 were in the MUR zones. There are 258 new townhouse units currently under review, and 211 are in the MUR-35' and MUR-45' zones. She explained that townhouse development is attractive because it allows fee-simple ownership of the units and land. Also, townhouses are typically 3 stories so builders can stay in the International Residential Building Code instead of the International Commercial Building Code, which is more complex.

Ms. Lee said that, currently, townhouse design is governed by the Multifamily and Single-Family Attached Residential Design Standards (SMC 20.50.120 through SMC 20.50.210), which are better suited for apartment buildings than townhouses. With the higher number of new townhouse developments, the community has indicated a desire for new standards that will result in a higher quality of design. To truly achieve the vision that was set forth in the subarea plans, the City must not only provide more housing units, but more units that are quality design.

Ms. Lee said she researched other cities and counties around the Pacific Northwest to determine which ones have design standards specific to the townhouse building type and a summary was attached to the Staff Report. She summarized that all of the jurisdictions that have design standards specific to townhouses have provisions aimed at achieving better modulation and massing to break up the boxy look of the buildings.

Ms. Lee said City staff also met with internal and external stakeholders, including the Developer Stakeholder Group, which meets quarterly and consists of local developers who provide feedback on City codes and processes. They also met with utility purveyors and the Fire Department. They held a total of 9 meetings, which are detailed in an attachment to the Staff Report. An on-line visual preference survey was conducted in April, asking a series of questions about townhouse design preferences. There were 534 respondents and 216 left written comments as well. Design preferences learned from the survey included a desire for traditional design and an emphasis on pedestrians over vehicles. The last question on the survey allowed respondents to write anything they would like, and some of the common themes included consideration for accessibility and aging in place, consideration for families with children, fit with neighborhood character and the importance of landscaping and open space. There was a dislike of the sideways building orientation, and people wanted to see variation in design between and within developments to avoid a cookie-cutter appearance. Also, there was a dislike for the lack of modulation.

She noted that a summary of the survey results was attached to the Staff Report, and the full results are available on the project website. Lastly, she advised that a public workshop was held just prior to the Commission meeting, and staff will present the feedback collected at the Commission's next study session in September.

Ms. Lee referred to the proposed amendment (SMC 20.50.220 through SMC 20.50.2500). She shared examples and highlighted the following provisions:

- Landscaping would be required along the interior setbacks. In the typical MUR zone, that would be 5 feet on the side and 5 feet on the rear. Landscaping would also be required between the building and the street.
- Outdoor space would be required, and a project could meet this requirement by providing space for each unit (private balcony, patio, yard, etc.) or through common space (rooftop deck, shared garden, etc.).
- Each unit would be required to have a covered entry.
- Sideways building orientation would be prohibited, and at least 40% of the units would have to be oriented towards the street.
- Blank facades would not be allowed, and 30% of the building facing the street would have to have doors, windows and/or landscaping. On all other sides of the building, at least 15% would have to be doors, windows and/or landscaping.
- Garages that face the street could only take up 50% of the width of the building.
- Front facades would have to incorporate at least 3 of the 8 options listed to break up the massing or boxiness of a building. This requirement could be met by recessing some units in while punching others out, changing the roof line, increasing the number of doors and windows, etc.

Ms. Lee provided a table to show how the proposed new code provisions compare with the current code requirements. It also illustrated how comments from the survey would be addressed by the proposed new code. She highlighted the following:

- **Vehicle Access onto Site.** The current code requires an applicant to provide access to parking from an alley where possible. This provision is problematic because there aren't a lot of alleys in Shoreline. In addition, the term "where possible" is ambiguous. The survey results indicate a desire for vehicle access behind the buildings with garage parking. The draft code proposes that vehicle access must meet the Engineering Development Manual and lots with dead-end access longer than 150 feet must provide a turnaround for emergency and delivery vehicles. If adjoining lots are developed at the same time and under the same ownership, access points must be consolidated.

- **Pedestrian Access onto Site.** The current code requires an applicant to provide pedestrian access from the building entry to the sidewalk and that access drives must be lined on both sides with 5-foot walkways and/or landscaping. She shared an example where this requirement resulted in a 13-foot wide asphalt strip with 5-foot wide concrete walkways on each side. The asphalt strip and walkways were flush so that vehicles could use them to access garages. The survey results indicated a strong desire for pedestrian access from a public sidewalk. The draft code proposes that applicants must provide a raised or separated walkway, at least 5-feet wide, from the public sidewalk to the entryway of each unit. Another option would be to provide a shared space that accommodates vehicles, pedestrians and bicycles. When combining all of the users into a shared space, an applicant would have to provide traffic-calming elements (trees, raised planters, bollards, etc.) that are spaced no more than 25 feet apart. The entire shared space would have to be constructed with decorative concrete or bricks.
- **Building Orientation.** The current code requires that primary facades and building entries must face the street to the maximum extent feasible. Survey results indicated a strong desire for the front of the building to be oriented to the street. The draft code proposes that 40% of the units must be located within 25 feet of the front property line. The idea is to create some outward orientation to the public realm to create the type of street presence that is desirable in the station areas.
- **Location of Trash Storage and Collection.** The current code has three options for storage, but it does not speak to collection. For storage, you can store inside a garage, outside a garage or in an outdoor enclosure. The current code prohibits outdoor enclosures between buildings and streets. The survey indicated a desire to put trash containers in the garage of each unit for storage and in the alley for collection. There aren't a lot of alleys in Shoreline, so this would be difficult to achieve. The draft code proposes multiple storage options: inside the garage for each unit, a common trash room or a common outdoor enclosure. Collection options include: in the amenity zone between the curb and sidewalk, in the front setback or along the access drive.
- **Outdoor Space.** There is currently no code requirement that townhouse projects have outdoor space. As per the survey results, the Number 1 ranked image was a rear patio with yard. Several other images scored high, as well. The takeaway is that the community wants outdoor space, and not necessarily one specific option. In the draft code, a developer could meet this requirement by providing 150 square feet of private outdoor space (balcony, deck, porch, patio or yard) for each unit. The other option would be to provide 800 square feet of common space (rooftop deck, common garden or common courtyard) per development or 50 square feet per unit, whichever is higher.
- **Landscaping.** The current code does not specifically require landscaping for townhouses. The survey results indicated that front-yard landscaping with screening was the most desirable. The draft code would require that townhouse projects provide interior landscaping along the side and rear setbacks. It would also require landscaping in the front yard to equal the width of the front setback. The landscaping would be located close to the building.

- **Building Modulation.** The current code requires that buildings longer than 50 feet have to break up the façade facing the street every 30 feet by providing elements like porches, courtyards, bays, balconies, etc. It also requires that buildings with rooflines exceeding 60 feet must have roofline variation through a variation of roof pitch or an offset in the ridge gables or dormers. The survey results identified building offsets as the preferred solution. The draft code proposes that each unit would have to provide a covered entry a minimum of 30 square feet, with no dimension less than 5 feet. It also would require each unit to have at least three variation techniques. The list includes a setback minimum of 4 feet between units, diminishing upper floors, a change in roofline, balconies, locating the garage doors to the side or rear of the building, dormers a minimum of 3 feet wide, living green wall minimum of 100 square feet or a minimum of 40% windows, doors or landscaping. The proposed code would also prohibit blank facades. The code would require 30% windows, doors and landscaping on the front façade and 15% on all other sides.
- **Façade Articulation.** The current code requires that building exteriors be constructed from quality and durable materials and that insubstantial materials are not permitted. The survey results ranked color variation and material change as the most important. As per the draft code, if multiple materials are used, the heavier materials must be located below the lighter materials. Architectural elements must be a contrasting color to the dominant material color, and insubstantial materials would not be permitted.

Commissioner Maul asked staff to define “insubstantial material.” Ms. Lee said several are listed in Attachment E of the Staff Report. The list includes fiberglass, t1-11 plywood, etc.

Commissioner Lin asked how the front façade would be measured when determining the amount of landscaping, windows, etc. that would be required for a project. Ms. Lee shared an example of how the façade area would be calculated by measuring the height and width of the building. Commissioner Lin asked how the landscape area would be calculated. For example, would a long, columnar tree in front of a building be calculated based on mature height? Ms. Lee said landscape requirement would be calculated based on the dimensions of plantings at the time of installation.

Commissioner Davis commented that the proposed design standards are wonderful. However, she asked if it would be possible to include a minimum dimensional requirement to ensure that all of the required outdoor space is useable. Ms. Lee responded that, as proposed, no single outdoor space that is less than 50 square feet would be counted. Commissioner Davis said she would like to see a minimum depth requirement, too.

Commissioner Maul asked if the proposed code would require 150 square feet of private open space, as well as a common area. Ms. Lee said it would be a choice. Many of the smaller projects would have a hard time meeting the common area requirement, so they would be given the option of providing private open spaces. The developer of a larger townhouse project may want to provide some of the more common green spaces. Commissioner Maul suggested that common area should be required for larger projects, and private open space should be required for all townhouse development. Larger developments concentrate a lot of people in a small space, and a common outdoor play area or open space would seem appropriate. Ms. Lee agreed to consider this option.

Commissioner Maul pointed out that if 40% of the units must be oriented towards the street front, it would be impossible to develop more than two units on a 7,200 square foot lot. He cautioned that it could be contrary to the intended purpose of the MUR-35' and MUR-45' zones. Ms. Lee provided several illustrations of projects that meet the 40% requirement. Commissioner Malek emphasized that one of the objectives of the MUR-35' and MUR-45' zones is to increase the density and concentrate it towards the multimodal transportation. The Commission discussed various options for addressing this concern such as tying the requirement to lot size or lot width and reducing the requirement for smaller lots; requiring that the units fill the entire frontage, with the exception of a driveway; and reducing the requirement to something less than 40%. Ms. Lee pointed out that staff is also proposing a design review process. For lots that are difficult to develop, an applicant could apply for administrative design review. As long as a project still achieves the purposes of the section, deviations can be approved administratively.

Commissioner Lin asked if the proposed code would allow a 4-foot sidewalk with no landscape or setback requirement. Ms. Lee said the code would require a 4-foot-wide direct connection from the public sidewalk to the front door. A separate 4-foot-wide pedestrian path would also be required to provide access to the units at the back of the property. The walkway must either be raised, or there must be landscaping between the access drive and the walking path. Commissioner Davis asked if there could be a scenario where the sidewalk would be right up against the entry, with no planting buffer between the building and the public way. Ms. Lee explained that, with the exception of 185<sup>th</sup> and 145<sup>th</sup>, the setback requirement on arterials is zero. Buildings can be constructed right to the property line, so a building could be designed to provide access to the building directly from the sidewalk. Commissioner Lin asked if the covered walkway requirement would help address concerns, and Ms. Lee answered that projections are not allowed into the public right-of-way. Entryways on buildings with a front setback of zero would have to be set back a few feet in order to accommodate the covered entry.

Ms. Lee explained that the front landscape requirement would be equal to 50% of whatever the front setback is. Therefore, no landscaping would be required where the front setback is zero. However, the landscape requirement would apply to the interior setbacks (side and rear).

Vice Chair Mork asked what would be required to prevent situations where there is zero setback and buildings are located right at the sidewalk. Ms. Lee said one way to accomplish this would be to require landscaping regardless of what the setback is. Commissioner Davis suggested that, rather than requiring landscaping along the entire front façade, perhaps the requirement could apply to a certain percentage of the frontage or at the entryway. Commissioner Lin agreed that this approach would provide some relief from the sidewalk. Ms. Lee summarized that the Commissioners favor a requirement for landscaping at the entry where the setback is zero.

Commissioner Maul referred to an illustration provided by staff and pointed out that requiring a walkway from the public right-of-way to every unit could result in a walkway in front of the garage doors. He asked if the code allows walkways to cross driveways. Ms. Lee said the scenario assumes that once you get from the public sidewalk back to the rear building, the pedestrian would be able to navigate between the units via a walkway that crosses the driveways. Commissioner Maul voiced concern that the language could be taken literally and it wouldn't be possible to get a sidewalk to each of the entryways.

Ms. Lee summarized that it appears the Commission favors design standards that continue to allow development of the single, mid-block lots. However, she commented that it is more difficult to achieve a higher quality of design and create a street presence without more specific provisions such as the 40% rule.

Commissioner Malek said he was surprised by the significant increase in townhouse development, particularly in the station areas. If the goal is to implement the vision in the subarea plans and stay true to a better design standard (form-based design), perhaps they need design standards in place that force developers to purchase two or more interior lots to create a more sellable project. Maintaining character and quality is important to the community.

Ms. Lee said that, for the next study session, she will identify the design standards that will need to be eliminated from the proposal in order to accommodate the development of single, mid-block lots. This will enable the Commissioners to evaluate the changes and provide better policy direction.

Commissioner Davis said she is not in favor of allowing sideways townhouse development on narrow, skinny lots. She wants the townhouses to have a presence on the street to create a neighborhood feel, and having units face the street will help in that regard. She suggested that the best approach might be to create design standards that allow some variation based on lot size and width. Rather than continuing to allow what developers are accustomed to, there are ways to put requirements in place that address special circumstances. She challenged staff to come back with potential design standards that address both larger developments and developments on small lots.

Vice Chair Mork asked if there is a way to incentivize developers to put in fire sprinklers with townhouse development. Director Markle said they are already required, but Vice Chair Mork suggested the requirement is based on square footage. Director Markle said she is not aware of any townhouses that have been developed without sprinklers, but she would check and report back.

Ms. Lee announced that the Commission would continue their study session on this agenda item on September 5<sup>th</sup>.

### **STUDY ITEM: 2019 COMPREHENSIVE PLAN AMENDMENTS**

Mr. Szafran explained that the State Growth Management Act (GMA) limits review of proposed Comprehensive Plan Amendments to once a year. To ensure the public can view the proposals within a citywide context, the GMA directs cities to create a docket that lists the amendments to be considered in the once-a-year review. The amendments are created throughout the year, with a deadline of December 1<sup>st</sup>. The Preliminary 2019 Comprehensive Plan Amendment Docket is comprised of two privately-initiated amendments and two carry-over amendments from the previous docket. The Planning Commission voted to forward the docket to the City Council for consideration without including the carry-over amendments, which had to do with Point Wells and the annexation of 145<sup>th</sup> Street. On April 25<sup>th</sup>, the City Council set the final 2019 docket, with the three amendments outlined in the Staff Report. He reviewed each of the amendments as follows:

- **Amendment 1** is a privately-initiated amendment that seeks to change the land use designation and zoning of two parcels at 1510 and 1517 NE 170<sup>th</sup> Street from Medium Density Residential (MDR) to Mixed Use 2 (MU2) and concurrently rezone the properties from Residential 8 (R-8) to Community Business (CB). The current Comprehensive Plan Map shows the properties as MDR, which is a land use that allows single-family dwelling units, duplexes, triplexes, zero-lot-line houses, townhouses, and cottage housing. Apartments may be allowed under certain conditions, and the permitted base density for the designation may not exceed 12 dwelling units per acre. The applicant has requested to change the land use to MU2, which is a designation that encourages walkable places that integrate a wide variety of retail, office and service uses. The MU2 designation provides for retail, offices, greater residential densities and promotes pedestrian connections to transit and amenities.

Mr. Szafran explained that the current zoning on the two subject parcels is R-8 and the applicant has requested to change the zoning to CB. The applicants, Joseph and Melissa Irons, have been operating a remodeling and construction services office at 1510 NE 170<sup>th</sup> Street since 2008, but that use is not allowed in the R-8 zone. They have elected to request a Comprehensive Plan amendment and concurrent rezone to allow the continuation of that business. The applicants also purchased the property directly across the street at 1517 NE 170<sup>th</sup> Street with the intent of using the site as a residential dwelling and storage, including vehicles for the construction company. The newly purchased site is also zoned R-8 and is located between existing commercial on 15<sup>th</sup> Avenue and single-family to the east.

Mr. Szafran referred to the Staff Report, which points out there are many existing parcels throughout the City that are adjacent to CB and MB zones. Staff has consulted with the Customer Response Team (CRT), the agency that takes complaints, and found there are not too many examples of complaints being called in when this situation exists. The most common complaints include illegal dumping, lights shining on residential homes, parking of commercial vehicles on neighborhood streets and commercial traffic. However, these issues are citywide and not specific to the parcels in question.

Mr. Szafran shared examples of where residential RS zones directly abut CB and MB zones, pointing out where there are adequate buffers between the commercial and residential uses, as well as where the buffers are insufficient.

Mr. Szafran said the Staff Report lists the pros and cons of the proposed amendment. Pros include the retention and expansion of existing businesses, a mixture of residential and commercial activity and bringing a legal, nonconforming building into compliance. Cons include accommodation of more intense commercial uses, more noise generated, employee/customer traffic, delivery and commercial truck traffic, spillover traffic onto residential streets and lights shining onto residential properties. If the parcels ever redevelop, the CB zone would allow buildings up to 60 feet tall, and there would be no maximum density. In this case, no landscape buffer would be required because it is an existing building.

Mr. Szafran advised that, when evaluating the proposed amendment, the Commission could elect to change the zoning of both properties (1517 and 1510) to MU2 as requested by the applicant, or

they could consider re-designating them to a high-density residential (HDR) designation (perhaps R-18) with a concurrent rezone, which would allow office uses at that location with a Conditional Use Permit (CUP). He reminded them that two parcels are included in the request, and the Commission could also consider the proposed change for just one parcel instead of both. There is an existing business on the 1510 parcel, but there is currently no commercial activity on the 1517 parcel.

Commissioner Maul pointed out that the applicant currently parks construction vehicles on the 1517 lot, which would be considered a commercial activity. Director Markle said she hasn't spoken to the applicant about vehicles being parked on that lot for six or more months. However, when she originally spoke to them about the use, she was informed the vehicles were largely related to the construction permits they have out on 1517 NE 170<sup>th</sup> Street. Mr. Szafran added that the applicant originally submitted a building permit to remodel the existing home, but it was later changed to demolish the structure and replace it with a new single-family home. If the rezone is granted as proposed, the structure could be developed as a legal duplex. There is a large garage already on the lot, with a conditioned area above. If the rezone is approved, the applicant would like to store materials and equipment inside this existing garage.

Commissioner Malek requested more information about the option of re-designating the properties as HDR and rezoning the property to R-18, which would allow office uses with a CUP. Mr. Szafran said the Staff Report lays out the possibility of the R-18 zone being a transition zone between the commercial zoning fronting 15<sup>th</sup> Avenue and the single-family residential zoning to the east. Commissioner Malek said he would be interested in pursuing this option further. The applicant's seem like quality people with a quality company. He has no doubt they would keep the property to the highest standard. However, there would be no guarantee if the property is sold at some point in the future. Mr. Szafran said the R-18 zone permits office uses with a CUP, but it would not fit the applicant's needs exactly. They would have to change how they operate out of that location. For example, the storage of commercial vehicles would not be allowed.

Vice Chair Mork asked what the height limit is for the R-18 zone, and Mr. Szafran answered the maximum height in that zone is 35 feet and 40 feet with a pitched roof.

- **Amendment 2** is also a privately-initiated amendment to change Natural Environment Goal V to set local goals to reduce greenhouse gas (GHG) emissions in support of the Paris Climate Accord threshold to limit global warming to less than 1.5°C above pre-industrial levels. The language submitted by the applicant would read:

*“Protect clean air and the climate for present and future generations by limiting greenhouse gas emissions to 1.5°C of global warming above pre-industrial levels and promotion of efficient and effective solutions for transportation, clean industries, and development.”*

Mr. Szafran said staff recommends rephrasing the language slightly to be clear that GHG emissions, themselves, are not to be limited to a number of degrees, but that reducing local GHG

emissions is the most effective contribution to the attempt to limit catastrophic levels of global warming. Staff's recommended language would read:

*“Protect clean air and the climate for present and future generations by limiting greenhouse gas emissions, to support Paris Climate Accord targets of limiting global warming to less than 1.5°C above pre-industrial levels. Local reduction targets will also promote efficient and effective solutions for transportation, clean industries, and development.”*

Commissioner Maul said the Staff Report indicates that adopting the proposed amendment would require changes to the Climate Action Plan. He asked what those changes would be, and Mr. Szafran answered they are unknown at this point. As part of future updates to the Comprehensive Plan, the City would also have to review its goals and policies for transportation, utilities, etc. to strengthen the environmental regulations. For the next study session on September 5<sup>th</sup>, Commissioner Maul asked staff to identify at least some of the impacts the proposed amendment would have on the Climate Action Plan and Comprehensive Plan.

- **Amendment 3** would amend Land Use Policy 2 to allow for professional offices in the MDR land use designation. Initially, the applicants of Amendment 1 were given three options that could potentially allow for permitting of an office, showroom and remodeling construction business at the current location of 1510 NE 170<sup>th</sup> Street. Although the applicants of Amendment 1 chose to pursue the Comprehensive Plan and concurrent rezone amendments, the City Council added this option to the docket for analysis. In addition to changing the language in the Comprehensive Plan, there would be a concurrent Development Code amendment that would add “professional offices” as a conditional use permit in the R-8 and R-12 zones.

Mr. Szafran said the pros of pursuing the amendment are that it would encourage more economic activity throughout the City and allow lower-impact uses to occur within existing single-family neighborhoods. The cons are the potential for housing capacity to be taken away by businesses, and office uses may not be compatible with some neighborhoods. The City already allows home-based businesses in R-8 zones under certain conditions, and there is a low demand for additional office space. There are also concerns about additional traffic, parking and general intensification in existing residential neighborhoods.

Mr. Szafran noted that staff has not provided recommendations for any of the amendments. The purpose of this meeting is for the Commission to discuss the amendments and request additional information from staff. A second discussion on the amendments is scheduled for September 5<sup>th</sup>, and staff will present a formal recommendation at the public hearing on October 3<sup>rd</sup>. The proposed amendments, along with the Commission's recommendations, are scheduled to be presented to the City Council on October 28<sup>th</sup>, with potential adoption on November 18<sup>th</sup>.

Commissioner Davis requested more details about the alternative option (Amendment 3) referred to in the Staff Report for permitting the existing office, showroom and remodeling construction business at the current location. Mr. Szafran said this option was offered to the applicant when proposed Amendment 1

was presented to the City Council to establish the docket. Although the applicant did not choose that approach, the City Council included it on the docket (Amendment 3) as an option to study.

Commissioner Maul asked staff to outline the difference between what the code currently allows in terms of home office uses versus what would be allowed by proposed Amendment 3. Mr. Szafran explained that home occupations are currently allowed but owner-occupancy is required and the office use is limited to just 25% of the structure. Two, non-resident full-time employees are allowed, and the number of vehicles allowed is also limited. Proposed Amendment 3 would allow for office uses with a CUP, and there would be no owner-occupancy requirement.

Commissioner Lin asked if the property would have to conform to the current zoning requirements if it is rezoned as proposed in either Amendment 1 or Amendment 3. Mr. Szafran answered that no changes would be required unless the existing building is redeveloped or significantly remodeled. Commissioner Maul asked if the City could require the structure to comply with current codes if the use is changed at some point in the future, and Mr. Szafran answered that the building could remain as is even if the use is changed. Commissioner Maul asked if the property owner would have to apply for a change of use, and Director Markle answered that the City does not require a change of use permit. There could be some discussion if the changes that occur over time are not legally permitted for commercial uses. Mr. Szafran said any modifications to the existing structure would still have to meet the threshold for value in order to trigger site improvement requirements. Commissioner Maul asked how parking would be addressed if a use were to change, and Mr. Szafran answered that it would not.

**Yoshiko Saheki, Shoreline**, voiced opposition to proposed Amendments 1 and 3 regarding the two properties on NE 170<sup>th</sup> Street. She expressed her belief that the amendments would set a bad precedent to change zoning so that a current, illegal use of property could be made legal. If the rezone is approved, it will send the message that anyone can change zoning by first using a property illegally and then saying that rezoning is necessary to accommodate the current use. This type of modus operandi would not reflect well on the City. She also pointed out that a large number of immediate and nearby neighbors are against the proposed rezone.

Ms. Saheki said her last comment has to do with the North City Neighborhood along and near 15<sup>th</sup> Avenue and NE 175<sup>th</sup> Street. They lost the post office to a future large apartment complex, and the former Texaco Station in the heart of the North City Business District will also become an apartment building. Both of these properties are zoned as CB. Mayor Hall has advised her that the City has a poor tax base because there aren't enough areas zoned for business, and residential property owners are reluctant to have their properties rezoned for business uses. He pointed out that, in the case of the two properties on NE 170<sup>th</sup> Street, a residential property owner wants to rezone for business, implying this is a rare and good opportunity. However, from her perspective, even though the amendment is all about the Comprehensive Plan, the whole of what the City is doing to North City doesn't make sense to her. The zoning laws should have required businesses on the ground floors of the two apartment complexes now under construction, and possibly even at Polaris and Arabella. If the City required areas in North City that are currently zoned as CB to actually have businesses, there would not be a shortage of commercial properties. At the same time, changing MDR properties on NE 170<sup>th</sup> Street to CB will only add to the zoning muddle in North City.

**Lee Keim, Shoreline**, said she was present to comment on Proposed Amendment 2, which would limit the level of GHG emissions allowed in the Shoreline Comprehensive Plan. She explained that, today, the atmosphere is dangerously close to reaching the carbon dioxide cap (1.5°C above pre-industrial levels) that was suggested under the Paris Climate Accord. Global emissions must peak in the next decade and quickly decline to allow the world to avoid the most catastrophic impacts to the environment. She noted that the impacts associated with global warming are talked about in the news every day and they will change the world drastically. She thanked the City staff for presenting an excellent analysis of the consequences of adopting the amendment. She said more aggressive GHG emission targets in a revised Climate Action Plan are needed. Adoption of proposed Amendment 2 will require significant changes in energy use, transportation and building codes. These changes are necessary, and government leadership is needed. She observed that other cities, counties and regional councils in the Pacific Northwest are doing this same analysis about how they will change their climate action plans. Her hope is that Shoreline planners will show the way.

**Kristy Rettmann, Shoreline**, said she has lived in North City for over 10 years and is a member of the Save Shoreline Neighborhood Community Group, consisting of about 215 residents and counting. The group is in complete opposition to proposed Amendments 1 and 3. The applicant, Irons Brothers, has operated at 1510 NE 170<sup>th</sup> Street since 2008 completely out of compliance with the land use requirements of the Shoreline code. Rather than move to a business-zoned parcel, they invested significant dollars to intentionally expand their business on a lot that is currently zoned as R-8. Approval to continue studying Amendments 1 and 3 would send the message that the needs of a single business are greater than those of the surrounding neighborhood. It would do so using valuable taxpayer dollars and City staff time. Given all of the very quick and widespread development around Shoreline, the neighborhood is justifiably concerned about the level of redevelopment that could occur on these two parcels if they are rezoned to CB. Just because a current use has been implemented on a parcel for years, doesn't make it right. Nor does it excuse that practice. The precedence set by allowing Amendments 1 and 3 to be studied or approved sends the message that a business can do what it wants and after the fact request the Comprehensive Plan be changed solely for that business. It sends the message that the Comprehensive Plan and Development Code are simply words without merit. She said she hopes the City can be on the side of what is right and just. We need an unbiased and impartial message sent to the other code-abiding business owners and residents of Shoreline. She asked them to reject Amendments 1 and 3 from further review.

**Pam Cross, Shoreline**, commented that when Irons Brothers moved to its current location, the site had already been occupied by a commercial use. The neighbors have lived with the occupancy of these two parcels as commercial uses. The 1517 property was occupied as a large and well-known dance studio that had regular events that generated a lot of traffic in and out. Irons Brothers does not intend this type of intense use. The office space on the 1510 property can be visited by appointment only, and they have adequate parking on site. She summarized that the impact to the neighborhood would be upsetting if the properties hadn't already been occupied as a commercial use. She noted that the commercial vehicles associated with the business enter and exit the site from 15<sup>th</sup> Avenue, and they don't drive through the neighborhood. In addition, the two properties act as a transition between the true commercial and residential uses. She noted that, when standing on the subject properties, you can see the residential district. You can also see the more intense businesses on 15<sup>th</sup> Avenue where there is a big intersection and a lot of traffic. If the City does not grant some leniency, the property will not be marketable as is. It is likely a developer will

purchase the property and construct a large development. While she understands the neighbors' concerns, it is important to listen to the other side, as well.

**Dean Williams, Attorney with Johns, Monroe, Mitsunaga Kolouskova**, said he was present to represent Irons Brothers, the applicant for Amendment 1. He said he is currently reviewing the analysis contained in the Staff Report and hopes to work with the staff in the coming weeks and provide comments at the next study session. The applicant supports either Amendment 1 or Amendment 3 and asks that the study session for both continue.

**Tom Poitras, Shoreline**, expressed his belief that Amendments 1 and 3 should not even be considered. It is absurd for someone to be able to break the zoning laws for several years without punishment, and then have the City bend over backwards to accommodate them.

Chair Montero asked if the subject parcels were used as commercial prior to the applicant's occupancy in 2008. Director Markle said she was not aware of a commercial use on the site prior to 2008. She explained that once the City officially confirmed that Irons Brothers was operating on the site, staff informed them that they had to come into compliance or they would receive a Notice and Order and a deadline to correct the violation. Staff had discussions with the property owner about how to correct the violation, including ceasing operations or applying for a rezone. She referred to a letter that was included in the Staff Report, which started the enforcement process about 1.5 years ago.

Chair Montero asked if the City received any complaints about the property prior to the enforcement letter. Director Markle answered that the City received one complaint in 2014, notifying them that the property owner was operating a business. The complaint focused on parking. Mr. Szafran added that there was one complaint prior to 2014 that had to do with illegal dumping, but it was not specific to the business operation. Director Markle advised that the City has received a few more complaints about the property over the past year.

Commissioner Maul said he has a hard time with Amendments 1 and 3. The applicant does not currently comply with the 20-foot setback required between the R-6 and CB zones, and compliance would not be required if the properties are rezoned. He does not believe that would be fair to the neighbors who live next door. The code is intended to provide predictability so people know what they can do on their properties.

Mr. Szafran asked if the Commission would be interested in staff preparing an analysis for a potential change to a different zone or land use designation. Commissioner Maul referred to staff's earlier comment that this would not solve the applicant's problem. He questioned the expenditure of staff time to explore the option further. He said his business was previously located in a single-family house. As it grew over time, it became apparent that the business needed to relocate, and he found a legal place to put it. He commented that Amendment 3 is enticing. He would love to relocate his business to a house in the City that is not zoned commercial, but there are none. He said he does not agree that should be an option.

Commissioner Davis said she understands that Irons Brothers is a good business and provides numerous benefits to the City, but she stands by the facts in the zoning code. A lot of time goes into figuring out

how zoning will work best. She anticipates that a lot of development will occur in Shoreline over the next few years, and she doesn't want to set a precedent.

Commissioner Lin said that if the City is interested in accommodating more businesses, they should consider opportunities in a more holistic way rather than piecemeal.

Commissioner Malek concurred. Regardless of whether or not a business was operating on the site prior to the Irons Brothers moving in and there was a dance on the property across the street, that is not what the zoning allows. The two lots are part of the single-family zoning. He pointed out nearby R-48 and CB zoned properties that abut R-8 zoned properties. He imagines that some type of landscape buffer was required in these locations. However, if the properties are rezoned as requested, the applicant would not be required to provide a landscape buffer unless the properties are redeveloped or significantly remodeled. While he is sympathetic to the Irons Brothers situation, he is concerned about setting a precedent that creates a lot of work for the staff and Commission to review applications from other property owners who want to do the same thing.

Vice Chair Mork said she agrees with Commissioner Lin that opportunities for providing more commercial space should be considered holistically and not for a single property. She cannot imagine how the City would look the neighbors in the eye and approve a rezone to address an illegal situation.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

There was no new business.

### **REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

Commissioner Malek announced that the judge granted an extension for the Point Wells developer's appeal. They have until December 18<sup>th</sup> to comply. He noted that numerous extensions have been granted, and the developer has not delivered on many fronts. There are three major outstanding issues: roadways in and out, where development lies within median tide, and where the buildings are positioned against the steep slope. In addition, the requirement for multimodal transportation infrastructure has not been addressed. Although a train runs through the site, no platform is planned to support it and it is not part of Sound Transit's routine. Without multimodal transportation options, the size of the project will need to be reduced. Lastly, he said there are issues with wastewater infrastructure. The Snohomish County Council has said they would prefer their own utility to handle any large-scale waste associated with the development versus Ronald Wastewater. Ronald Wastewater is currently appealing that decision.

Commissioner Mork clarified that Ronald Wastewater has served the Point Wells area for a long time. It has been proposed that service be changed to a different utility, but it is totally unclear how that would happen.

Chair Montero thanked the Bylaws Subcommittee for their hard work.

**AGENDA FOR NEXT MEETING**

Chair Montero announced that the Commission's retreat is scheduled for August 15<sup>th</sup> starting at 5:30 p.m. Dinner will be served and a field trip is planned. The September 5<sup>th</sup> meeting agenda will include continued study sessions on the Townhouse Design Standards Code Update and 2019 Comprehensive Plan Amendments.

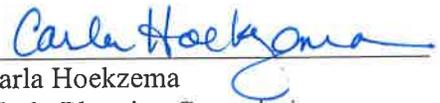
**ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.



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William Montero  
Chair, Planning Commission



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Carla Hoekzema  
Clerk, Planning Commission