



## **SHORELINE HEARING EXAMINER AGENDA**

### **PLN 21-0008 Site Specific Rezone Application**

**March 17, 2021 ♦ 6 PM**

Held remotely via Zoom

<https://us02web.zoom.us/j/83004672341>

### **Site Specific Rezone Application**

1. Introductory Remarks by Hearing Examiner Andrew Reeves
2. Presentation by City Staff
3. Public Testimony
4. Response by City Staff
5. Closing Remarks by Hearing Examiner

*NOTE: The Hearing Examiner may deviate from this agenda if necessary, to allow for efficiency and fairness of the hearing process.*

# Rezone Application PLN21-0008

## List of Exhibits

<i><b>EXHIBIT</b></i>	<i><b>DOCUMENT NAME</b></i>
<i>Exhibit 1</i>	Staff Report
<i>Exhibit 2</i>	Site Plan
<i>Exhibit 3</i>	Vicinity Map
<i>Exhibit 4</i>	Zoning Map
<i>Exhibit 5</i>	Aurora Zoning Map
<i>Exhibit 6</i>	Comprehensive Plan Map
<i>Exhibit 7</i>	Neighborhood Meeting Summary March 5, 2021
<i>Exhibit 8</i>	Notice of Application and Public Hearing February 12, 2021
<i>Exhibit 9</i>	Public Comment Letters and Photos
<i>Exhibit 10</i>	SEPA Determination of Nonsignificance January 28, 2021
<i>Exhibit 11</i>	Development Examples in the MB and Like Zones

**CITY OF SHORELINE**  
**PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT**

**PROJECT NAME:** Former Oakes Nursing Facility Rezone Application

**PROJECT FILE:** PLN21-0008

**REQUEST:** The City of Shoreline requests application approval for a rezone of one (1) parcel from Residential 48-units per acre (R-48), a high density residential zone and Residential 18-units per acre (R-18), a high density residential zone to Mixed-Business (MB), a mixed-use zone.

**GENERAL INFORMATION:**

Applicant: City of Shoreline  
17500 Midvale Avenue N.  
Shoreline, WA 98133

Property Owners: King County Housing Authority

Property Location: 16357 Aurora Avenue N, Shoreline, WA 98133

Tax Parcel Number: 3293700010

Legal Description: HIGHLAND ACRES ADD ALL LOTS 1 THRU 4 TGW E 125 FT LOT 24  
LESS ST HWY #1 LESS POR FOR RDS PER REC # 20050223001128

**PROJECT DESCRIPTION:**

The City proposes to rezone a parcel located at 16357 Aurora Avenue N. from R-48 and R-18 to MB. While the property owner intends to utilize the parcel in the near future for an Enhanced Shelter, a type of homeless shelter, and redevelop the property for high density multi-family housing after that, rezoning to MB would allow for a variety of more intense residential and commercial uses not currently permitted in the R-48 zoning district. Rezoning this parcel to MB is consistent with other similarly situated properties abutting Aurora Avenue N.

**PROPERTY DESCRIPTION:**

The parcel is 115,868 square feet (2.66 acres). There is currently a vacant one-story, 36,538 square feet, former nursing home built in 1953 that is being renovated to provide for an Enhanced Shelter (**Attachment 1 – Site Plan**).

The parcel is located adjacent to Aurora Avenue North on the east side and adjacent to North 165<sup>th</sup> Street on the north side (**Attachment 2 – Vicinity Map**). The Subject Property is relatively flat with no known critical areas present. In addition to the existing building, the site is mostly developed with asphalt parking areas, gravel/dirt parking areas, outside lawns and patios, trees,

shrubs, and other landscaping. There are existing sidewalks along Aurora Avenue North and no sidewalks exist along North 165<sup>th</sup> Street.

### **ZONING and LAND USE:**

The Subject Property is currently zoned R-48 and R-18 (**Attachment 3 – Zoning Map**).

The surrounding zoning to the north and south along the entirety of the Aurora Corridor are zoned Mixed-Business or Town Center (**Attachment 4 – Aurora Zoning**). Parcels to the west are zoned R-6 and are developed with single-family homes. The parcels to the north and northwest, across N. 165<sup>th</sup> Street, are zoned MB and include a warehouse building that houses a baseball school and warehouse. Also, to the north is a truck rental facility on the corner of N. 165<sup>th</sup> Street and Aurora Avenue. Parcels to the south are zoned MB and R-48 and are developed with multifamily dwellings and vacant restaurant building. The parcels to the east, across Aurora Avenue North, are zoned MB and include a bank, a plumbing store, and an outdoor furniture store.

The subject parcel and the parcels to the north, south, and east have a Comprehensive Plan Land Use designation of Mixed Use 1 (**Attachment 5 – Comprehensive Plan**). As provided in Comprehensive Plan Policy LU9:

*The Mixed-Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions.*

The Mixed-Use 1 designation is the City's most intense Comprehensive Plan Land Use designation and is intended to apply to parcels that are easily served by rapid transit, provide residents with commercial and service uses, and provide new multifamily uses that will provide maximum densities in order to meet the City's population and employment goals.

The parcels to the west have a Comprehensive Plan Land Use designation of Low-Density Residential.

### **PUBLIC NOTICE AND COMMENT:**

Staff analysis of the proposed rezone considered information gathered from a neighborhood meeting on February 18, 2021, public comments, site visits, the Shoreline Comprehensive Plan, and the Shoreline Municipal Code, Title 20 Unified Development Code.

Per SMC 20.30.060 and 20.30.090, the City held a neighborhood meeting via Zoom on February 18, 2021. Comments raised at the neighborhood meetings related to the rezone pertained to increased development potential allowed in the MB zone, including density, and building height. However, most of the public comment received related to the proposed Enhanced Shelter use at the subject site. Comments were related to theft, drugs, alcohol,

increased police and fire service calls, graffiti, and loitering by future residents of the shelter.  
**(Attachment 6 – Neighborhood Meeting Summary)**

As required by SMC 20.30.120 and 20.30.180, public notice of the rezone application and public hearing for the proposal was posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website on February 12, 2021 **(Attachment 7 – Notice of Application and Public Hearing)**.

The City received five (5) public comment letters in response to the proposed rezone. The public comment letters are included as **Attachment 8 – Public Comment Letters**.

### **ENVIRONMENTAL REVIEW:**

The City of Shoreline is acting as Lead Agency for the SEPA review and environmental determination. The City issued a SEPA Determination of Non-Significance (DNS) on January 28, 2021 (See **Attachment 9 – SEPA DNS**). The SEPA DNS had a 14-day public comment period and the City received five (5) comments (See Attachment 8).

### **DEPARTMENT ANALYSIS:**

The process to rezone property is defined in Shoreline Municipal Code (SMC) 20.30.320. The purpose of a rezone is to change the zoning assigned to a property to modify the development regulations applicable to the property, including the addition of uses. Changes to a parcel's zoning are considered amendments to the City's official zoning map.

SMC 20.30.060 classifies a rezone as a Type C decision. Pursuant to SMC Table 20.30.060, the City of Shoreline Hearing Examiner, after holding an open record public hearing and preparing findings and conclusions, makes a recommendation to the City Council on whether or not a proposed rezone should be approved, approved with modifications, or denied based on compliance with the Decision Criteria codified in SMC 20.30.320(B). The City Council is the final decision-making authority on a rezone.

### **Rezone Applications – Legal Standard**

Three general rules apply to rezone applications: (1) there is no presumption of validity favoring a rezone; (2) the rezone proponent must demonstrate that circumstances have changed since the original zoning; and (3) the rezone must have a substantial relationship to the public health, safety, morals, and general welfare. *Phoenix Development Inc. v. City of Woodinville*, 171 Wn. 2d 820, 834 (2011) (citing *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wash. 2d 861, 947 P.2d 1208 (1997)). However, as is the case for the present rezone application, when a proposed rezone implements the policies of a comprehensive plan, the rezone proponent is not required to demonstrate changed circumstances. *Bjarnson v. Kitsap County*, 78 Wash. App. 840, 899 P.2d 1290 (1995).

The decision criteria set forth in SMC 20.30.320(B) address these general rules as well as other considerations the City has established for determining whether a rezone should be granted.

### **Decision Criteria – SMC 20.30.320(B)**

Decision criteria that the Hearing Examiner must examine for a rezone are set forth in SMC 20.30.320(B). City staff has analyzed each of the criteria below.

The following is the staff analysis for how the proposed rezone at 16357 Aurora Avenue N. meets the criteria for a rezone. While, as a general practice, staff does not evaluate a rezone based on a single use, even if it is highly likely the property will be used for that purpose following the rezone. Instead staff analyzes the proposed new zone with all possible permitted uses in mind. Staff have elected to do both for the rezone of this site to acknowledge the parallel decisions and processes that are occurring in relation to this site.

#### **1. The rezone is consistent with the Comprehensive Plan.**

The rezone request is a change from the existing zone of R-48 and R-18 to the proposed zone of MB. The Comprehensive Plan Land Use designation of the site is Mixed Use 1. Comprehensive Plan Policy LU9 reads:

*The Mixed-Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions.*

The MB zoning district is considered an implementing zone for this designation. In contrast, the R-48 and R-18 zoning districts are considered to be implementing zones for the High Density Residential Comprehensive Plan Land Use designation. As residential zones, those zoning districts have limited opportunity for commercial or a mix of uses and, therefore, are inconsistent with the intent of the MU1 designation.

The proposed rezone also meets the following Goals and Policies:

*Goal LU I: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.*

*Goal LU II: Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment, recreation.*

The MB zoning district is the City's most intensive zoning district. While the immediate future use of the property does not plan for redevelopment, rezoning the property to MB will still allow a variety housing opportunities, employment and services that are accessible to the neighborhood and the region if circumstances change. The rezone will also allow development that promotes walking, transit, and employment that furthers the City's Comprehensive Plan Goals LUI and II, even if used for a shelter.

*LU8: Provide, through land use regulation, the potential for a broad range of housing choices and levels of affordability to meet the changing needs of a diverse community.*

*T28. Encourage development that is supportive of transit, and advocate for expansion and addition of new routes in areas with transit supportive densities and uses.*

The proposed rezone will allow this parcel to site an Enhanced Shelter that will provide housing for the most vulnerable population. The proposed use of the Enhanced Shelter and potential future development of the site into multifamily housing or commercial uses will both be supported by transit since the King County Metro E-line is adjacent to the site.

*Goal H II: Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.*

*Goal H V: Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities.*

*H1: Encourage a variety of residential design alternatives that increase housing choice.*

*H3: Encourage infill development on vacant or underutilized sites.*

*H23: Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.*

The proposed rezone will encourage a mix of housing choices, in this case, an Enhanced Shelter in the near term and mixed use high-density residential development in the future. The use of the subject site for an Enhanced Shelter will activate a currently vacant nursing home. The Enhanced Shelter is a housing choice that is lacking in Shoreline and the greater north King County region.

Any future development of the site must comply with transition area standards as required by SMC 20.50.021. These transition standards create effective transitions between high intensity uses along the Aurora Corridor and the lower residential densities to the west.

Based on the noted Comprehensive Plan Goals and Policies and the Mixed-Business zone being one of the implementing zones of the Mixed-Use 1 Land Use Designation, the proposed rezone is consistent with the Comprehensive Plan and meets criteria #1.

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

The rezone will not adversely affect the public health, safety, or general welfare for the following reasons:

The Subject Property is on the Aurora Corridor where almost the entirety of the corridor has already been zoned to either MB or the Town Center zones. The parcel is adjacent to parcels zoned MB to the north and south and east on the east side of Aurora Avenue. The existing R-6 zoned parcels to the west of this site will be directly affected by the current proposed use of the site and, potentially, future impacts depending on how the property redevelops.

The proposed impacts of an Enhanced Shelter will be mitigated through indexed criteria including:

1. *It shall be operated by state, county, or city government, a State of Washington registered nonprofit corporation; or a Federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage an enhanced shelter.*
2. *It shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection by the Shoreline Fire Department is required prior to occupancy.*
3. *It shall develop and enforce a code of conduct acceptable to the City that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against criminal activities, such as theft and threats or acts of violence, and the sale, purchase, possession, or use of alcohol or illegal drugs within the facility or on the facility grounds.*
4. *The maximum number of residents in an enhanced shelter shall be determined by the general capacity of the building and the level of staffing to be provided but shall in no case exceed 100.*
5. *A solid, 6-foot tall fence shall be provided along all property lines that abut residential zoning districts.*
6. *Submittal of a parking plan acceptable to the City prior to occupancy; and*

*Staffing plans:*

1. *Requirements for regular reports to the City on how the shelter is meeting performance metrics.*
2. *An agreement that if calls for law enforcement service exceed an agreed upon threshold in any given quarter, the shelter operator will work with the City to reduce calls below the threshold level.*
3. *A coordination plan with the Shoreline Police Department which shall include protocols for Police response to the shelter and to shelter clients throughout Shoreline.*
4. *Requiring adherence to a good neighbor plan that addresses how the shelter operator will address litter, noise, security procedures, and other issues that may be of concern to the surrounding community.*
5. *Criteria to determine if/when to discontinue the shelter use if documented violations of the operational agreements are not addressed in a timely manner.*
6. *Provisions for City approval of any proposed change in shelter operator.*

If the site redevelops in the future, any new development must meet all regulations in effect at the time of development. This includes height, setbacks, building step-backs from single-family residential, hardscape, transition area requirements, intense landscape buffers, and site lighting directed away from residential uses. Development along the Aurora Corridor has seen an



increase over the last 5-10 years and many of those sites were subject to the transition area requirements identified in SMC 20.50.021. Staff has included examples of recent development along the Aurora Corridor that is adjacent to single-family and medium density zones (see **Attachment 10 – Development Examples**).

The rezone will not adversely affect the public health, safety or general welfare since the proposed Enhanced Shelter must meet indexed criteria to mitigate the anticipated impacts of that use on neighboring parcels and any future redevelopment of the site will be required to meet then current dimensional and transition standards as required in the City's Development Code.

This proposed rezone meets criteria #2.

### **3. The rezone is warranted to achieve consistency with the Comprehensive Plan.**

The rezone is warranted to achieve consistency with the Comprehensive Plan. RCW 36.70A.060 requires that the City's development regulations, which a zoning district is, must be consistent with and implement the Comprehensive Plan. A rezone to MB will satisfy this statutory mandate.

As noted in Section 1 above, the property maintains Comprehensive Plan Land Use designation of MU1. The MB zone is an implementing zone for the MU1 Comprehensive Plan Land Use designation and satisfies the intent of that designation. The proposed MB Zone is in an area near employment, commercial areas, and where high levels of transit are present.

In contrast, the current zoning of R-48 and R-18, which are not form based density zones, in that density is capped at 48 and 18 units per acre rather than by form (height, lot coverage, setbacks, lot dimensions), is inconsistent with the MU1 designation's desire for form-based maximum density residential uses. .

This proposed rezone meets criteria #3.

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

The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone because this site and the area around this proposed rezone, with the exception of the low-density residential, has been designated for commercial and mixed-use development since the incorporation of the City in 1995. The Aurora Corridor was almost entirely zoned Regional Business when Shoreline incorporated save for the subject parcel and two or three others further north on Aurora Avenue. When the City adopted its first zoning, the City adopted the existing zoning under King County. Subsequently, the City has developed its own zoning and Comprehensive Plan, under which the subject parcel designated for commercial and mixed-use land uses since at least 2005.

Any new development on the subject parcel will be required to comply with the City's Municipal Code, Stormwater Manual, Engineering Development Manual, and other City relevant codes that ensure the site will be developed with the latest building and engineering codes.

Because this site is directly adjacent to single-family zoning to the west, any future development must comply with transition area standards as required in SMC 20.50.021. In this case, transition area requirements include:

1. A 35-foot maximum building height for 25 feet horizontally from the required 20-foot setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone.
2. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area.
3. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director of Public Works to be technically not feasible or in conflict with State law addressing access to State highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

Future re-development may be required to install frontage improvements on N. 165<sup>th</sup> Street which will improve pedestrian safety. New development will be required to provide surface water improvements (if needed) which will mitigate drainage around the site. New development will also be required to provide sufficient parking onsite to mitigate any effects of street parking on the adjacent right-of-way.

Because the Aurora Corridor has been identified in the Comprehensive Plan as an area to provide high-density housing, commercial and mixed-use buildings of the greatest intensity, with application of Development Code regulations to provide protections to adjacent single-family housing, this proposed rezone meets criteria #4.

## **5. The rezone has merit and value for the community.**

The proposed rezone and subsequent re-development have merit and value for the community. The proposed rezone is implementing the City's vision for this area as stated Comprehensive Plan Policy LU-9. This location was chosen for allocation of the City's population growth and the

rezone will allow this site to redevelop to provide additional density and/or employment opportunities. Commercial uses have been and are planned for the Aurora Corridor which locates intense, regional commercial and services uses to a major transportation corridor and out of the low-density, single-family residential areas of the City. Any future development will be required to install full frontage improvements that include sidewalk, curb, gutter, and landscape/amenity zone adjacent on N. 165<sup>th</sup> Street thereby alleviating the neighborhood concerns of unsafe walking surfaces for pedestrians. In addition, new residential development will require the payment of transportation, park, and fire impact fees, thereby allowing for system-wide improvements that are being required due to growth within the community.

This proposed rezone meets criteria #5.

**DEPARTMENT RECOMMENDATION:**

Based on the above applicant response to the rezone criteria, the Planning & Community Development Department recommends **APPROVAL** of the Rezone for file PLN21-0008.




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Steve Szafran, AICP, Senior Planner

March 1, 2021

**Attachments:**

- Attachment 1 – Site Plan
- Attachment 2 – Vicinity Map
- Attachment 3 – Zoning Map
- Attachment 4 – Aurora Zoning Map
- Attachment 5 – Comprehensive Plan Land Use Map
- Attachment 6 – Neighborhood Meeting Summary
- Attachment 7 – Notice of Application / Public Hearing
- Attachment 8 – Public Comment Letters
- Attachment 9 – SEPA Determination of Nonsignificance
- Attachment 10 – Aurora Avenue Development Examples

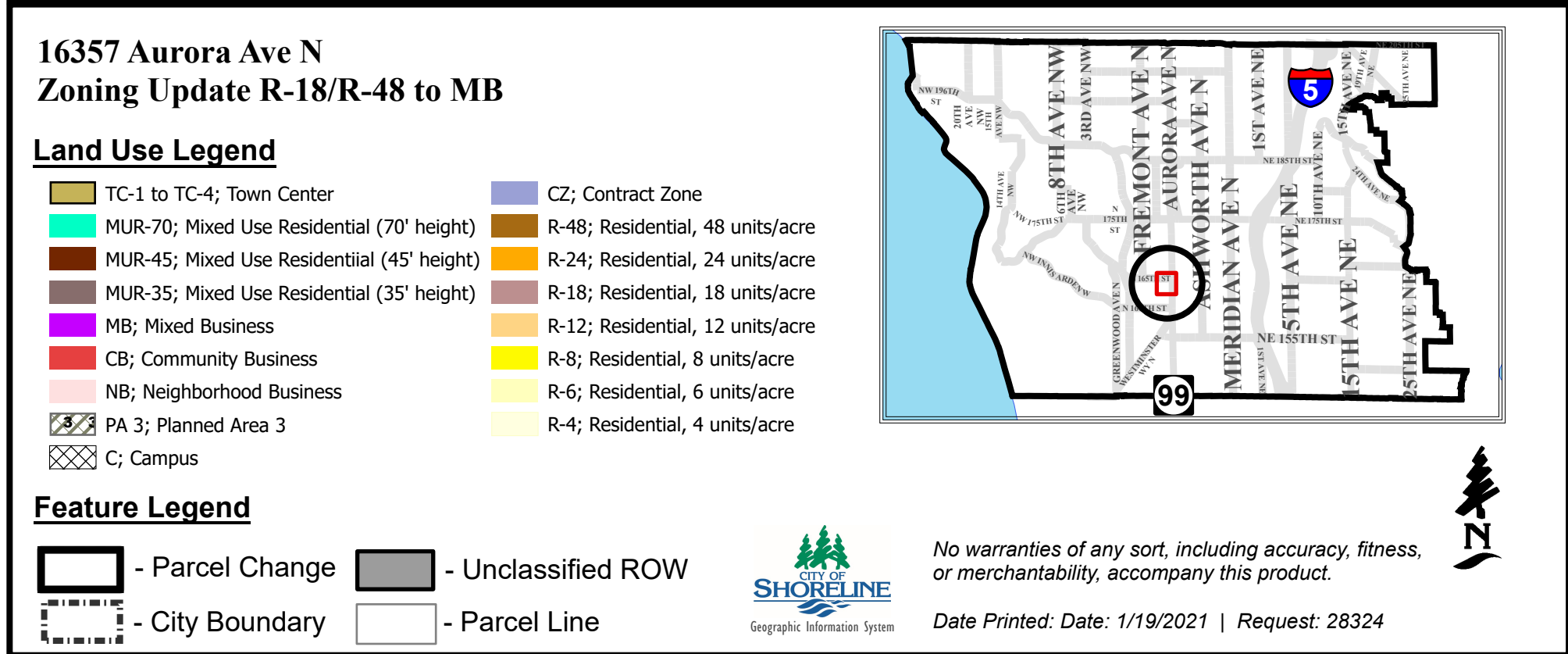
Site Plan



Vicinity Map



## Exhibit 4





Aurora Zoning Map



Comprehensive Plan Map







## Planning and Community Development

17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
(206) 801-2500 ♦ Fax (206) 801-2788

March 5, 2021

### Neighborhood Meeting Summary

City of Shoreline Planning Staff held a Neighborhood Meeting for the proposed rezone at 16357 Aurora Avenue North on February 18, 2021 at 6:00 pm via Zoom.

Staff started the meeting with an introduction and a PowerPoint presentation –

Slide 1 – Proposal, change the zoning from R-18 to R-48 to Mixed-Business.

Slide 2 – Staff conducted a SEPA review and issued a DNS on January 28, 2021.

Slide 3 – Staff explained the procedural requirements of a rezone application.

Slide 4 – Staff noted that there is a related action to the rezone. The City is proposing amendments to the Development Code that will allow Enhanced Shelters to be a permitted use in the MB zone. The site of the subject rezone is also the site of a proposed Enhanced Shelter.

Slide 5 – Staff presented a zoning map of the site.

Slide 6 and 7 – Staff presented the Comprehensive Plan Land Use Map of the site and showed Policy LU9 which explains the Mixed-use 1 designation of which the site is designated.

Slide 8 – Staff showed an aerial phot of the site and parcels surrounding the subject site.

Slide 9 – Staff showed a zoning map of the Aurora Corridor to illustrate the zoning of the three-mile corridor.

Slide 10 through 19 – Staff showed examples of recent development in the MB zone. These slides were meant to illustrate the type of development the public can expect in the MB zone.

Slide 20 – The last slide included Development Code regulations that would apply to any new development in the MB zone.

After staff's presentation, the meeting was open to public comment and questions. There were seven (7) citizens in attendance at the meeting and their comments are noted below.

*Ms. Slater – Wanted to know if the zoning change applied to other properties around the subject site. Staff informed her that the rezone only applies to the subject site. She also asked if the proposed Enhanced Shelter could be located at the site under the current R-48 zoning. Staff conformed that the Enhanced Shelter can be in the R-48 zone on a temporary basis.*

*Mr. Ken Ritland – Asked if King County initiated the rezone and could the County build a larger facility on the site. Staff indicated that the Shoreline City Council initiated the rezone and if rezoned, the property owners could be a larger facility under the MB zone.*

*Nancy Pfeil – Commented that the Enhanced Shelter is there on a temporary basis to 2023. If the site is rezoned, the site could accommodate up to 250 units. Stated that other shelters have increased police and fire calls. King County Housing Authority bought the property assuming the Council would change the zoning to MB. Concerned the Council shouldn't be biased toward the rezone. Council should be impartial, fair, and transparent. Concerned about site conditions including erosion hazards, slopes, sinkholes, noxious weeds, erosion flowing into Boeing creek where Chinook and Coho salmon have been seen, increased sediment in Boeing Creek, and property owners diverting water onto adjacent property to the west.*

*Stacy Ciez – Owns warehouse building to the north. Worried about increased loitering, drugs, needles, and increased activity from the Methadone Clinic. Wonders why the City wants a shelter at this location and what the City is doing to combat illegal activity from the homeless population.*

*Gary Turner – Comments about the proposed Enhanced Shelter use on the site, vandalism, stolen property, and break-ins at his property. Wonders how the City is going to regulate the proposed shelter on the subject site.*

*Unknown commenter – The City should consider the residents of Shoreline and not focus on the population living at the Enhanced Shelter.*

*Beverly Hawkins – On the Board of Directors for Camp United We Stand. Commented that not all homeless people are involved with illegal activity and the City has a need to house the homeless population.*

Staff informed the commenters that the public hearing for this rezone is on March 17 and comments will be accepted up until the close of the hearing.



## **City of Shoreline Notice of Application and Virtual/Electronic Public Hearing of the Shoreline Hearing Examiner**

The City of Shoreline Hearing Examiner will hold an Electronic Public Hearing on Wednesday, March 17, 2021 at 6:00 p.m. Pursuant to the Governor's Emergency Proclamation 20-28 the public hearing will be held electronically due to health concerns from COVID-19. The hearing and public participation will be held completely remotely using an online application.

**Applicant:** City of Shoreline.

**Application Number:** PLN21-0008.

**Permit Requested:** Rezone of Property and Zoning Map Change.

**Location:** 16357 Aurora Avenue N.

**Description of Project:** Rezone the property from R-48 and R-18 zones to Mixed-Business (MB). This site is the former Oakes Nursing home on the corner of Aurora Avenue N and N. 165<sup>th</sup> Street and is proposed to be used for an Enhanced Shelter operated by King County. There is a related project to amend the City's Development Code to add Enhanced Shelters as a permitted use in the MB zone with additional indexed criteria (conditions). Although the City is requesting a zone change to the property, there are no plans to change the existing structure on site.

**Environmental Review:** The City issued a SEPA Determination of Nonsignificance (DNS) on January 28, 2021 on this project. A copy of the threshold determination may be obtained upon request.

**Public Comment:** This public comment period for this rezone application ends **March 17, 2021 at 5:00 p.m.** Interested persons are encouraged to mail, fax (206) 801-2788 or deliver comments to City of Shoreline, Attn. Steven Szafran, 17500 Midvale Avenue N, Shoreline, WA 98133 or email to [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov). You may also request a copy of the decision once it has been made.

**Public Hearing:** An open record public hearing is scheduled for **March 17, 2021** at 6pm via Zoom. All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Written comments should be submitted to Steven Szafran, Senior Planner, at [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov) by no later than 4:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing is encouraged to register via the Remote Public Comment Sign-in form on the City's webpage at least thirty (30) minutes before the start of the meeting. Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83004672341>

Or iPhone one-tap:

US: +12532158782,83004672341# or +16699009128,83004672341#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 253 215 8782

Webinar ID: 830 0467 2341

International numbers available: <https://us02web.zoom.us/j/kcsaU9uaBQ>

**17500 Midvale Avenue N, Shoreline, Washington 98133-4905**  
Telephone (206) 801-2500 Fax (206) 801-2788 [pcd@shorelinewa.gov](mailto:pcd@shorelinewa.gov)

A request to sign-up can also be made directly to the Hearing Examiner Clerk at (206) 801-2232. Any questions or comments prior to the hearing date should be addressed to the Hearing Examiner Clerk at [hearingex@shorelinewa.gov](mailto:hearingex@shorelinewa.gov).

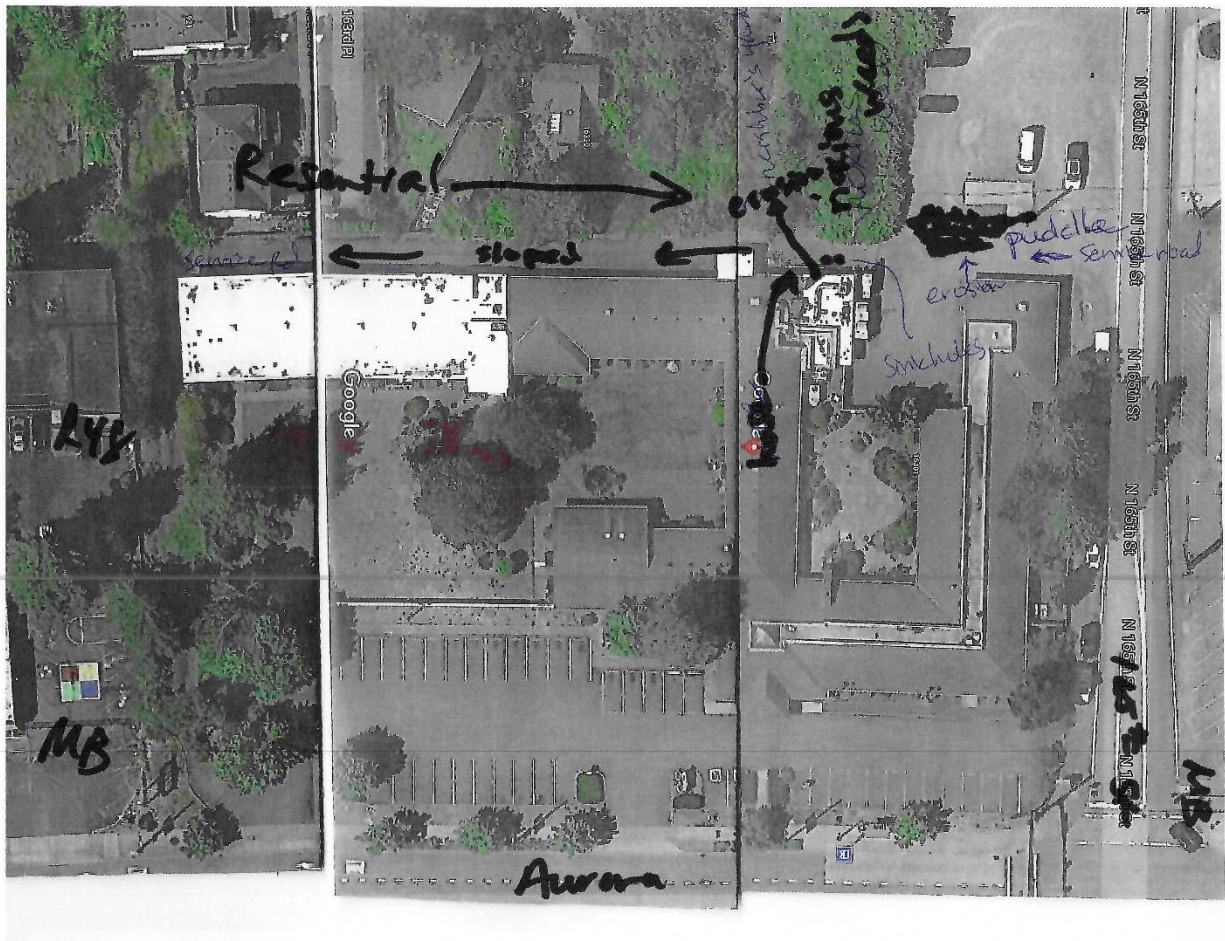
Copies of the SEPA Threshold Determination, application materials and applicable codes are available for review at City Hall, 17500 Midvale Avenue N.

Any person requiring a disability accommodation should contact the Hearing Examiner Clerk at [hearingex@shorelinewa.gov](mailto:hearingex@shorelinewa.gov) in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

#### **NOTICE OF DISCLOSURE**

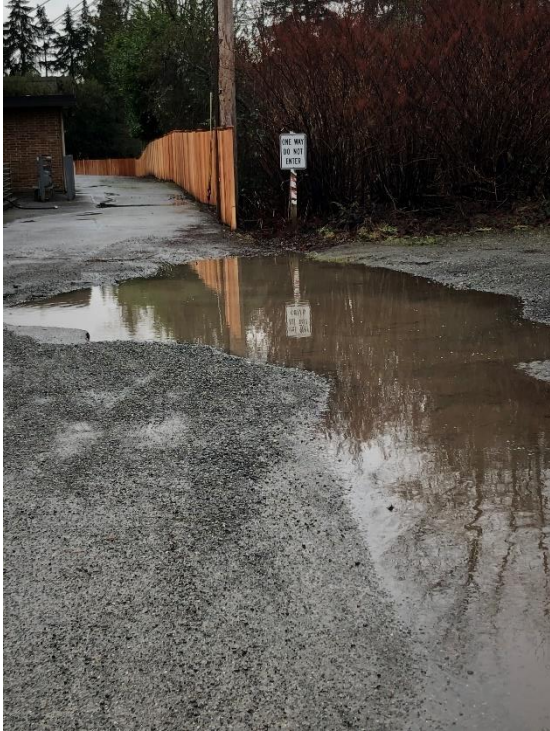
The City of Shoreline will enter all comments received into the public record and may make these comments, and any attachments or other supporting materials, available unchanged, including any business or personal information (name, email address, phone, etc.) that you provide available for public review. This information may be released on the City's website. Comments received are part of the public record and subject to disclosure under the Public Records Act, RCW 42.56. Do not include any information in your comment or supporting materials that you do not wish to be made public, including name and contact information.

Photos from Public Comment Letter



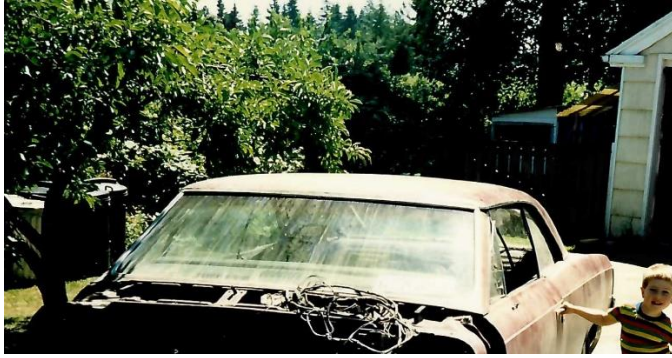


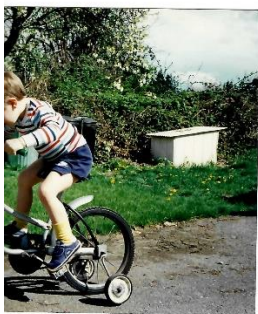
















### **Public Comment Letters (Alphabetical by Last Name)**

**Bachelder** – The City's proposal to rezone the property at 16357 Aurora Av N from Residential to Mixed Business Use is of concern to us, since we own a residential property directly adjacent to this site and must oppose the zoning change. We do not have the necessary computer equipment to attend the 2/18/21 meeting but do want our objection included in the meeting discussion.

It is our position that it is the City's and County's sacred mission to supply adequate housing to Shoreline in the midst of housing shortage but not to apply a quick-fix band aid to simply address homelessness. The proposed zoning change has already imposed a financial burden us now and the loss in equity will soon be felt by the neighborhood property owners who will find the market values for their properties are less than the mortgaged amounts.

We already have experienced evidence of this after finding potential purchasers of our property at 16344 Linden Av N unwilling to pursue any purchase after learning of the City's plan. "The buyer realized that the homeless shelter would drop the value of the homes in that area substantially. They have decided to withdraw their offer." The neighbors on the Linden Avenue block will soon find the same painful reality that their properties suddenly become undesirable through no fault of their own but because a shelter is allowed to operate right by the residential area.

The City and the County should not be allowed to impose disproportionate financial sacrifices on us and our neighbors who have been dutifully paying property taxes. We support any well-planned housing development on the old nursing home lot but strongly oppose re-zoning simply to allow for the operation of a shelter.

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**Dillon** – I write this email as a direct reaction to receiving the SEPA Environment notice sent via mail service and recognizing the impact the rezoning will have for the City of Shoreline and, more specifically, my neighborhood and 'back yard'.

I plan to submit an appeal (PFA) to the Hearing Examiner and will pay the associated fee. The Grounds for Administrative appeal will be based on the findings, conclusions or decision prepared by the Director or review authority are not supported by substantial evidence. (Ord. 238 Ch. III § 5(e), 2000). I look forward to any comments you may have in regard to this appeal, either prior to or after formal submission.

Being less formal than the appeal, my concern is that there has not been an appropriate level of environmental analysis as to the impact this shelter will have to the adjacent neighborhood nor even comparable information provided for such a shelter in proximity to the residential makeup of the neighborhood. I have lived at my address in Shoreline

for 8+ years with my son and 7 (about to be 8) year old granddaughter. In that context, I am concerned that the process and oversight of the shelter will not properly address the safety concerns of the neighborhood regarding those residents and staff when they are just outside the perimeter of the shelter. As I believe this will impact public services, e.g. Local & County Law Enforcement, that are already under greater scrutiny given the recent political climate, I am also concerned that the City and County are not taking appropriate measures to address what will inevitably lead to a gap that puts my family and neighbors having to cope with these impacts.

I do agree that there is a need for more 'Low Income' Housing in North King County, and I would prefer that this specific zoning stay as it is, R-48, to allow the possibility for this type of residential conversion to the existing property. However, I do not agree with allowing the 'convenience' to the county of converting this existing facility (with very little conversion required) into a shelter with little to no project changes that doesn't seem to consider several other viable and available locations that are in less residential areas (e.g. the Aurora corridor from 125<sup>th</sup> to 145<sup>th</sup> in Seattle), that are already zoned Mixed Businesses, and seem to be a more logical choice for a shelter given other related service needs to the homeless (e.g. the Social Security office, Unemployment office at NSCC and other related facilities).

As I have also received the follow-up notice for the neighborhood meeting/zoom call on February 18, I plan to attend to ask questions regarding the 'indexed criteria'. As security of personal property and safety are my, and several of my neighbor's, concern, my focus of questions will be on how the city and county will continue to adequately provide this and what steps will be available if/when these basic city services are lacking. If there are impacts that are directly attributable to the rezoning, I may have no other choice except to find the city culpable. I just hope it doesn't come to that.

p.s. As one of the comments discussed increased vehicle and pedestrian traffic that would be directed into the neighborhood, I should mention that there is almost no paved sidewalk on 165<sup>th</sup> west of Aurora and no paved sidewalk on Linden Ave N, from 163<sup>rd</sup> to 170<sup>th</sup>.

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**Dillon** - Under section 20.40.355 "Enhanced Shelter"

While under subsection C, there are rules and regulations for the shelter and under subsection I.1 How often are 'regular reports' to the city? Will these metrics be made available and public?

I.3 Who will establish or control the threshold level? Will law enforcement calls that involve shelter residents that are in the nearby neighborhood(s) be measured counted against the threshold?

I.4 Where will the coordination plan be published? Who establishes, manages, and has authority over the coordination plan?

I.5. Where will the good neighbor plan be published? How will these metrics be collected and published?

#### Development Code Amendment Decision Criteria

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

Please provide more details regarding the index criteria mentioned in the Staff Analysis.

**Pfeil** - I am not your boss's favorite person and you aren't going to like what I say so I rather get this in correctly. I haven't quite finished, but I'll send this part now.

Your SEPA checklist has been done in a very haphazard manner. Currently this property is zoned R-48, and you wish to rezone it as Mixed Business. Mixed Business will allow for things to be sited here that would otherwise not be and at a higher density. You are about to open a door that will allow things to be placed here and at higher density that, otherwise, would not be allowed. Before you open that door, you need to consider what that impact could have both to the environment and the surrounding neighbors because once that door is opened, you may not get very much input and can have extremely serious detrimental impacts that you can do nothing about because you've already, essentially, given the consent by changing the zone.

In the SEPA checklist you state that the surrounding areas are also zoned Mixed Business and only the properties to the west are zoned low density residential. That is correct but it gives a false impression of things. The property at 16357 Aurora Ave. N. shares its north property line with 165<sup>th</sup> St. and its east property line with Aurora. It shares its south property line with 1 Mixed Business zoned property and a property that is zoned R-48 and has an apartment complex. The other property lines are shared with five R-6 residential properties. Most of the commercially developed properties "surrounding" this property are over 300 feet away across Aurora or about 50 feet away across 165<sup>th</sup>. With the exception of the Mixed Business property that shares the border to the south of this property, there are "transitions" and "buffers" between this property and the other mixed business zones, in the form of 165<sup>th</sup> St. and Aurora. As you stated in your checklist there is no transition or buffer between this property and the residential properties.

Also, as stated, most of the impacts are going to be felt by the residential property owners.

**Question A7: *Do you have any plans for future additions, expansion, or further activity related to or connected with this project? If yes, explain:***

You state no propose actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there is definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie

Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it **VERY** clear that they were interested in this parcel of land **if** they could be guaranteed that it would be zoned for higher density. King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

Specifically, KCHA likes it for the “potential to transition to permanent supportive housing” but they want “A change in zoning to allow for higher density is what makes this property most attractive to KCHA.” (July 23, 2020 Debby Tarry Memo)

Facts that, at least some individuals in the city, are extremely aware of, and it is very evident in emails back and for from the city and various other entities. There are emails to this fact between Colleen Kelly and Mark Ellerbrook (Dept of Community and Human Services)

To put in public supportive housing or low income housing the current building would have to go. Most likely it needs to go anyway; it is old and has many issues, not the least of which is constant flooding.

Question A11. ***Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)***

There are several errors and omissions in your response. You state that King County plans on converting the nursing home to an Enhanced Shelter. Unless something has changed, it is the King County Housing Authority that will own this property. King County Housing Authority is **NOT** King County even though King County is in the name. Additionally, it is well known by the city, county, and some members of the public that King County Housing Authority only plans on using this site as an Enhanced Shelter on a short-term basis. The ultimate plan is to turn it into public support housing in the not-too-distant future. This is again documented in the July 23, 2020 memo mentioned previously. It states: “will be able to be utilized as a shelter in the short term.”

I noticed that you chose your words very carefully. “There may be interior modifications to the existing structure but there are no plans to increase the square footage of the structure.” That, at face value, is true. There are no plans to increase the square footage of the structure. The plans are to tear the building down after the shelter runs its course. There have been emails back and forth between the city and various other entities as to this fact. When asked by the city, KCHA was very clear that they are “not in the business of shelters” they are in the “business of housing”. It’s like their own version of a conditional use permit. “Okay, you can use our property as a shelter but in

a couple of years, this is our plans for it....” (Note: This is not a quote but a summation of what they said.)

Question B1a: ***General description of site:***

It states that this property is mostly flat. That is again incorrect. Portions of this property may be flat, but it is also sloped. The service road has a distinct slope to it and there is also a man-made deep ditch all along the property line of the R18 portion of this property and the property at 16344 Linden Ave. (Image 1 and Image 2 and Image 1b) Because of this sloping there are already issues with flooding on this property. You want to increase the density, how is that going to increase the existing flood issues.

Question B1b. ***What is the steepest slope on the site?***

Again, you respond that it is generally flat. Again, not accurate. The service road is sloped so my guess it is that technically the building is also on a slope too. The service road is sloped enough to cause major flood issues. They used to have sandbags along the building to help with the issues, but it didn't help very much. There is also the ditch/crevice that was created when they razed the parking lot. It is hard to tell in the pictures, but I would say it is about 2-3 feet deep. (Image 1 and 2)

Question B1d: ***Are there surface indications or history of unstable soils in the immediate vicinity?***

There was a good size sinkhole on the service road directly behind the building. It appeared around one-two years ago and it was “patched” up. There is another one beginning to form. Regardless of whether you choose to acknowledge the plans to build a much larger building at this location or not. Rezoning it Mixed Business opens the door to that possibility. There is evidence of unstable ground at this location while it has a lower density use. You want to increase the density; what impact is the increased density going to have on the unstable ground? What impact could this have on the properties around this property? If you allow for an increase in density is there a potential of larger sink holes to occur? Will it encompass some of the surrounding neighbors' properties?

Question B1f: ***Could erosion occur as a result of clearing, construction, or use?***

There is an issue with some extensive erosion at present located along the service road. This is not helped by the nursing home's “pond”. Whenever it rains there is an extremely large puddle. (Image 4) The “boundaries” of the puddle are growing over time, in part due to the crumbling of the road. It will often “overflow” and cover the service road. (Not seen in image)

There is more erosion located along the property line between the service road and one of the residential properties. This has been compounded by nursing home property. Flooding is a major issue on this property (has been for years). It is not an uncommon sight to see the “nursing home” funneling water into one of the neighbor's



yards after heavy rain. (It depends on where the flooding occurred as to where they “dump” it. We have witness this on countless occasions. I’m not sure if the more recent water “dumping” is from flooding or some other issue. We took a video of it the last time. They have a hose that they run over to the neighbor’s yard) (Image 5). Will allowing an increase density to exacerbate the issues?

**Question B3a1: *Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.***

Again, you provide only a half answer. Boeing Creek empties out into Puget Sound and goes into Hidden Lake. Hidden Lake has some sediment build up issues; a fact that is well documented by the city. According to the city of Shoreline, these issues were created because of “major development along Aurora Ave N. which greatly increased storm runoff flows to the creek which, in turn, have caused erosion issues with the Boeing Creek ravine.”

So, the city knows that increase storm runoff due to the development of Aurora Ave N. has caused problems with erosion along Boeing Creek and that it has resulted in a very expensive problem that Shoreline is having to resolve. Elsewhere in this checklist you acknowledge that increase density can increase storm runoff. Increase storm runoff from development on Aurora has already had significant negative environmental impacts. You are proposing to increase the density of a large parcel. What impact is that increase density going to have on the existing problem and could it result in future issues in Boeing Creek ravine? Will this increase the rate of erosion already occurring and speed up the problems at Hidden Lake? I have not fully read up on the Hidden Lake project plans but will mitigation measures being taken be sufficient to prevent further erosion in Boeing Creek ravine? If the storm runoff increases, will those measures be enough?

This cause and effect is exactly the type of thing that the SEPA checklist is supposed to help identify. Maybe, if a similar checklist had been done all those years ago, we would not currently be faced with the situation and costs we are currently faced with at Hidden Lake. They could have identified the potential for future problems and planned mitigation strategies to prevent it. Of course, if they had responded to the question like you are responding to it currently, then, yes, we would still be in the same boat. You are considering rezone for mixed business. You have the dimensions of the property; you can’t figure out what the maximum size of building could exist here and calculate the potential increase in storm run off? There is another property in Shoreline that is zoned Mixed Business, it is little more than half the size of this property. The plan is for a six-story building with 173 (or 179, can’t remember which) units. What is the maximum number of units that could go this property? Doesn’t have to be accurate. THAT can happen at the planning stage. All you have to do is estimate worst case scenario and consider the impact that could have.

Also, you state that Boeing Creek is a non-fish habitat. Yet in another project done in this exact same area, Boeing Creek was identified by NOAA Fisheries as to the potential presence of Chinook and Coho salmon. I also know that students release salmon into Boeing Creek and that Boeing Creek is part of the WRIA Salmon Habitat Project List. (WRIA is the Water Resource Inventory and Assessment Effort). As already shown by the damage with Hidden Lake, what happens at one end of the creek can have major negative impacts down the line of the creek.

So again, what impacts would allowing an increased density have to Boeing Creek, Hidden Lake, and the restoration and preservation of a salmon habitat?

Question B3c: ***Water runoff (including stormwater):***

As I mentioned above, storm water is a major issue on this property. The building itself has been flooded many times from the rain. Numerous times we have seen them pumping water out of the building and dumping the water in the neighbor's yard.

(If I had to guess, at least with the respect of the nursing home property, I do not think the drains are position right for proper drainage and there is an overall lack of drains. I know you said the property is flat, but it is not really. It has enough sloping to it that it hinders draining. Rainwater does run uphill.)

Question B4e. ***List all noxious weeds and invasive species known to be on or near the site.***

Japanese knotweed and blackberry bushes are on this property in the R18 zone. These two plants have been having a large impact on the two properties surrounding it. The R18 portion of the property was originally covered in both Japanese knotweed and blackberry bushes and came right up to where our fence currently stands and ended about a small car length from the side of the road (165<sup>th</sup>). In 1992/1993, the owners of the nursing home at that time razed it down and created the parking lot. (We have quite a few photos of this) (They did not do this with any permits or anything) They did not properly remove these noxious weeds. For the last 17 years my mother has been working hard to keep the knotweed out of our yard. As recommended in the King County brochure she cuts the stems to the ground every two weeks along where are property lines meet. In the last year or so the knotweed has been winning and has breached the perimeter of our yard. About ten years ago the knotweed got its foothold into the property to the south of us (16344 Linden Ave. N.). There was a fence between the two properties, but the knotweed destroyed that then the blackberry bushes and knotweed invaded.

The blackberry bushes are a Class C noxious weed in Washington state. The Japanese knotweed is a class B noxious weed in Washington state. Japanese Knotweed is also listed by the World Conservation Union as one of the world's worst invasive species because it is aggressive and destructive. It can grow as much as 4 inches a day during its growing season. It is very easily spread from shoes or clothes

and can grow from the smallest of rhizome fragments. MB designation increases density and foot traffic which could lead to further dispersal of this weed. Also, as you also stated, an increase in density can increase storm runoff which will also provide a method of transportation further contamination. There are no rules that state they have to remove it per se. Removal is extremely difficult and labor intensive. The roots can go down at least 10 feet cause major issues with erosion and soil instability. (Images 6-24)

Question 6b:

If a building is 70 feet tall, exactly what is the maximum shadow it would cast? How many properties would sit in its shadow and for how long (would their houses always fall in the shadow or would they be shadowed half the day, that is what I mean). People need sunlight. Living in a home that is forever in the shadows can have detrimental effects on a person. Granted they are talking about something else, but it should also be asked how will this impact neighbors ability to grow their own food or gardens. These things need sunlight and you may be cutting people off from that.

Question 7a3

You state this is a non-project action because it is for a new zoning designation and will not result in storage of toxic or hazardous chemicals. This statement is incorrect. You wish to change this property from a residential zone to a mixed business zone. We know what the immediate plans are for the property based on who owns it and their stated intent. However, at any point, this property could be sold and any one of those things you listed for this question could be placed at this site. As you have already stated in this checklist, there is no transition between this property and low-density residential homes. What would be the impact should one of those types of businesses operate near residential homes? By changing the zoning to Mixed Business you are opening the door for the potential, so if this were to happen, what would be the impact on the property owners surrounding this property?

Question B7a5

As above. This would allow commercial use such as you describe in Question 7a3. Despite what we know the plans are, plans can change and properties can be sold. It will already be zoned Mixed Business so any one of those things can go in here. If this property was purchased at a future date and they chose to put in an automotive repair shop how do you plan to mitigate environmental health hazards to the surrounding neighbors? Contrary to how you portray it, residential homeowners are the closest to this property, they are the ones that will be feeling the effects of this. As you said, there is no buffer or transition? Would allow this site to be Mixed Business, is there anything that could go here that would cause environmental health hazards to the homeowners given how close they are?

Question B7b

Again, what are you opening the door to? As you stated there is no transition between this property and low-density residential homeowners. Even though we know the plans are for this property, at any time in the future this property could be sold. What if an auto repair shop went in here? The constant use of tools and equipment would create a definite noise level that would impact the residential neighbors. You said that could occur would be consist with surrounding uses. The residential users are the closest ones to the property. So, can you really state that the noise level of something like an automotive repair shop will have the same noise level as a low-density residential zone? Even if a 200-250 unit dwelling was placed here, would it really be the same noise/commotion level as the single family residential zones surrounding it? King County Housing Authority wants to put in public supportive housing. If a 200-250 unit for public supportive housing was placed there, would it really have the same noise level as the surrounding users? The Morrison Hotel, also public supportive housing, is 190 units. In 2019 it had over 2500 police calls to the property, averaging seven a day. The majority of these calls were in conjunction with the Fire Dept./Medics.

Question B8a.

As I mentioned in the first part, you state that there is no transition zone from the more intensive zoning to the lower intensity zoning. Thus, any impacts would be most likely directed to the lower density areas. These are people's homes, let's put a little more thought process into this. Two of the criteria for making a determination on rezoning that the council has to consider are 1) Whether the rezone will adversely affect the public, public health, safety, or general welfare and 2) Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

How about a more thorough assessment on how the increased density could impact the adjacent residential users? You know there will be impacts and that the impacts are going to be mostly felt by the adjacent residential users? How is the city council supposed to meet their criteria if you do not properly analysis what these impacts will be and how much impact will they have?

Question B8d. Ask if there are plans to demolish the existing structure on site.

You state not however I have read emails between the city of Shoreline and numerous other entities that state this is untrue. It was very clear that an enhanced shelter would be placed there on a temporary basis, possibly two years. Colleen Kelly sent an email asking about the potential of this going on longer and the response back was that King County Housing Authority is in the business of housing, not shelters. They have no problem doing so on a short-term basis, but they will not be doing so on a long-term basis.

Question D1.

You acknowledge that stormwater runoff would occur. As stated above, development along Aurora Ave N. has already resulted in increased stormwater runoff into Boeing

Creek which has resulted in erosion in Boeing Creek ravine and buildup of sediment in Hidden Lake. How will this exacerbate this problem?

Question D2.

As stated above, development of Aurora Ave N. has resulted in increased water runoff into Boeing Creek, increase water runoff has led to erosion of Boeing Creek ravine and buildup of sediment in Hidden Lake. Boeing Creek is a salmon habitat. How could this impact the salmon habitat?

Description of images:

Image 1 is circa August 1993 after they razed down the knotweed and blackberry bushes to create the parking lot. They did not make it level with the surrounding properties.

Image 2 is September 1993, one month later, slightly different angle. I did change the saturation and such on it just to make it clearer for you to see in the scan. The fence is the one between the R18 zone and 16344 Linden Ave. All that vegetation is there only one month (at most a month and a half) after razed everything. (That is the time difference between when Image 1 was taken and Image 2). This "ditch" is still there under all the knotweed and blackberry bushes.

Image 4: The large puddle. This is several days after rain. The left side is on the service road. The road has eroded away there.

Image 5: This is part of the hose that they use and they run it into the neighbor's yard. It is always there. There was a similar one down further where the worse of the flooding would occur. Again, I don't know if this particular one is from flooding issues or something else, but it is a frequent occurrence).

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Image 6: This was taken after they razed down the R18 side. Sorry for the white strip. Because this is a public document, I blocked out the person in the picture. The greenery behind the backhoe (?) are the tops of the apple trees in the backyard of the property on 16344 Linden Ave. The building to the right of the strip is their garage. The greenery in front of that is some grape vines that they had and our garden.

For anyone that is born after 1990, that may ever read this document. This is an actual photograph. It was taken with a camera that had film. Digital photography did not exist back then, at least it wasn't as mainstream as it is now. I'm sure there is some fancy way I could do this with some program, but I went with what works- a strip of white paper over the photo.

Image 7: Same thing but different view before the fence was put up between the R18 portion and the neighboring property on 165<sup>th</sup>. Greenery in corner on left is again, the garden.

Image 8: Razing in progress This time facing what is now the School for Baseball (at the time it was the Meyer's Sign Company)

Image 9: This is an image of the R18 portion of the property as it was being razed. This shows the portion of the lot that is closer to the property at 16344 Linden Ave.

Image 10: This was in the winter of 1989 (I believe, or 1990). This is the R18 portion of the property. The tall stuff is the Japanese Knotweed. The brambles are the blackberry bushes. The view is diagonal. If the bushes weren't there, I believe you would be looking at the portion of the building where the kitchen is.

Image 11: This is again looking towards the R18 property. The tree to the left is a fruit tree, the dark tree back by the fence is an old cottonwood tree. All the other green is blackberries and knotweed. And I also obviously didn't do a good job cropping.

Image 12: That is the cottonwood tree and the greenery underneath is the R18 lot. These are very good shots and, if I hadn't been in a rush, I probably wouldn't have included them.

Image 13: This picture I messed with the filters things a bit so you could see it better. In the picture on the left there is the fence post. The dark spot just above that is a man. There is a dark line that you can see that seems to start near the lower orange spot. That is the back fence. The dark man is standing just on the OTHER side of that fence. Everything behind him is the blackberry bushes on the R18 lot. (The real photo is much clearer).

Image 14: Again, razing the blackberry bushes and knotweed. Top picture is facing nursing home. Bottom picture is facing Meyer Sign Company (School for Baseball)

Image 15: These images are from 1989-1990. Top one is blackberry bushes and the tall stuff to the right in the picture is the knotweed. Lower picture, another shot of blackberry bushes.

Image 16: More shots of the it all coming down. That is U-Haul behind the vehicle. To the left is the Japanese Knotweed, in front is blackberries, I'm not sure what is on the right. It looks like a tree. Which is possible. The bottom picture. The dark shaded portion in the middle of the picture, just above the dirt, is the neighbor's fence. Just above that is their grape vines. The greenery above that is the tops of their apple trees.

Image 17: More razing shots. U-Haul is clearer now. The greenery on the left is Knotweed.

Image 18: Greenery is top of knotweed.

Image 19: Winter of 1989 (or 90). Blackberry bushes smushed under a lot of snow. Building in back is nursing home.

Image 20: The apple orchard covered in snow in the backyard of 16344 Linden Ave. N (1989)

Image 21: The neighbor's yard today. Looking into the apple orchard from a different angle. There is apple tree in all that. The rest is blackberries and knotweed from the R18 lot. (Owner of property lives out of state and it was a rental. Owner had no idea that their property was being overrun).

Image 22: Winterized knotweed from several weeks ago. Looking towards School for Baseball and U-Haul.

Image 23: Winterized knotweed. The dark brown is what is left of the neighbor's fence that used to exist between the R18 portion and 16344 Linden Ave. (The fence seen in Image 1 and 2). The other wood is a wood pallet that someone dragged back there.

Image 24: Winterized knotweed. Looking directly facing nursing home.

Difference between their side and our side picture: It is as it sounds. After they finished razing the property. We did not have the crevice that existed between them and the property on Linden but there was a good 6-9-inch difference.

Map:

The property is quite large, and I wanted it close enough up, so I printed it in three sections and put them together. The word sort of above the larger white building is "Sloped" and I drew arrows the direction it was sloped. The word above that is "Residential" The smaller white portion has a word to the left of it; that is "hose" and the

arrow is directing where the hose is located (at least the one in the image already sent). The arrow that goes across from that shows general area where the water gets funneled to. That is where erosion is happening because of the water. The words on the green is "Noxious Weeds" That is where the blackberries and Knotweed are. The black mark is where the major puddle is. In purple, which is hard to see, I drew an arrow where the erosion of the road is along the puddle edge. The words under "puddle" are "service road" indicating that is where the "service road" "starts". The rest of it shows that the property has one Mixed Business property to the south. An R-48 residential zone also to the south. Residential all down the side of the service road (I think they are all R-6). It is bordered by Aurora on one side and 165<sup>th</sup> St. to the north and Mixed Business to the north of that. Your map and statements are very misleading. You try to make it sound like this property is just a R-48 island surround by a sea of mixed business. It is and it isn't. You talk of things such as "transitions" and "buffers" that typically exist between Mixed Business and residential zones. You acknowledge these are not present between this property and the residential properties. That is correct as you can see. However, the "transitions" and "buffers" DO exist between THIS property and the OTHER MIXED BUSINESS properties in the forms of Aurora and 165<sup>th</sup> St.

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**Pfeil** – Something else came to mind. With regards to toxic/hazardous chemicals. There is going to come a time in the not so distant future that the Knotweed and Blackberry bushes are going to need to be dealt with particularly if this property is rezone Mixed Business. There is no point in having a higher density if you are not planning on using it. Knotweed is HARD to get rid of. If toxic chemicals are used what will be the impact on the surrounding properties? Those roots can go down 10 feet or more (particularly since knotweed has been present on that property for over 40 years). This property sits a lot higher than the surrounding properties and who knows how extensive the root system is. What is going to be the impact to the neighbors and their properties?

Also, based on the evidence, I would guess there is some underground water source. Cottonwood, Japanese knotweed, and blackberry bushes all require a great deal of water and are usually found near a water source. Then you also have the flooding that happens along the back side of the Linden property and along the service road. That all lines up with the U-Haul property which used to be a water pump station that supplied water to a large area. Is there a water source of some kind that we are unaware of? Could chemicals used for the knotweed potentially contaminate other areas? With Boeing Creek being so close, is there any chemical used could get into the creek and poison it for the salmon, or could it get into Puget Sound?

It has never been an issue before because no one did anything about it, other than my mother constantly cutting it back like you are supposed to. If this is rezone Mixed



Business with the idea to have higher density and use more of the property, something will have to be done. What impact can that have?



## Planning & Community Development

17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
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### SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

#### PROJECT INFORMATION

DATE OF ISSUANCE: **January 28, 2021**  
 PROPONENT: **The City of Shoreline**  
 LOCATION OF PROPOSAL: **16357 Aurora Avenue N, Shoreline, WA 98133**  
 DESCRIPTION OF PROPOSAL: **Rezone one parcel from Residential 48-units per acre (R-48) and Residential 18-units per acre (R-18) to Mixed-Business (MB).**  
 PUBLIC HEARING **Tentatively scheduled for February 24, 2021**

#### SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 15 days from the date below.

RESPONSIBLE OFFICIAL: **Rachael Markle, AICP**  
**Planning & Community Development, Director and SEPA Responsible Official**  
 ADDRESS: **17500 Midvale Avenue North** PHONE: **206-801-2531**  
**Shoreline, WA 98133-4905**

DATE: January 23, 2021 SIGNATURE: Rachael Markle, AICP *electronic approval*

#### PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION

The public comment period will end February 12, 2021. This DNS may be appealed by any interested person to the City of Shoreline Hearing Examiner as provided in SMC 20.30 Subchapter 4 and SMC 20.30.680 no later than fourteen (14) calendar days after the date of issuance. Appeals must be submitted in writing to the City Clerk with the appropriate filing fee and received by 5:00 pm on the last day of the appeal period. The written appeal must contain specific factual objections related to the environmental impacts of the project. An appeal hearing on the DNS will be consolidated with the open record hearing on the project application.

Documents and environmental information for this proposal are available for review during regular business hours at the Shoreline City Hall, 17500 Midvale Ave N., 3rd floor – Planning & Community Development; by contacting Steven Szafran, AICP, Senior Planner at [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov) or 206-801-2512; or on the City's land use noticing page at <https://www.shorelinewa.gov/government/departments/planning-community-development/records-notice-and-maps/land-use-action-and-planning-notice>.

Due to the COVID-19 pandemic, City Hall is currently closed to the public. If you are not capable of accessing the proposal's information on the City's website, please contact Steve Szafran and arrangements can be made.

## Development Examples in the MB and Other Like Zones



