

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 493, rezoning the properties located at 14549, 14551, 14709, 14721, 14723, and 14727 32 nd Avenue NE and 3124 NE 147 th to from R-12 and R-18 to R-24 File No. 201599 and 301436
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Steven Szafran, AICP, Associate Planner

PROBLEM/ISSUE STATEMENT:

The issue before the City Council is a Site Specific Rezone for seven parcels located at 14727, 14723, 14721, 14709, 14551 and 14549 32nd Avenue NE and 3124 NE 147th Street. The Planning Commission recommends that the parcels be rezoned from R-12 (Residential 12 dwelling units per acre) and R-18 (Residential 18 dwelling units per acre) to R-24 (Residential 24 dwelling units per acre).

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. An open record public hearing was conducted before the Planning Commission on January 17, 2008 and the Planning Commission entered its Findings, Conclusion and Recommendation in support of the rezone after receiving public testimony. Council's review must be based upon the Planning Commission's written record and no new testimony may be accepted.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

- The Council could adopt the zoning recommended by the Planning Commission and Staff and supported by the applicant (a rezone from R-12 and R-18 to R-24).
- The Council could deny the request, leaving the zoning at R-12 and R-18 (as it currently exists)
- The Council could remand the request back to the Planning Commission for additional review and analysis on specified criteria.

FINANCIAL IMPACTS:

- There are no direct financial impacts to the City.

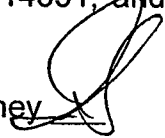
RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No.493, (Attachment A) thereby approving the rezoning from R-12 and R-18 to R-24 of seven

parcels located at 14727, 14723, 14721, 14709, 14551, and 14549 32nd Ave NE and 3124 NE 147th Street.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The quasi-judicial action item before the Council is a request to change the zoning of seven parcels at 14727, 14723, 14721, 14709, 14551 and 14549 32nd Avenue NE and 3124 NE 147th Street from R-12 and R-18 to R-24. (The address of the parcel noted as 14707 32nd Avenue NE in the Planning Commission's Findings, Conclusion and Recommendation is actually 3124 NE 147th Street. 14707 32nd Avenue NE does not actually exist. The parcel was correctly identified in the maps attached to the findings.)

A public hearing before the Planning Commission occurred on January 17, 2008. The Planning Commission unanimously voted in approval of the rezone to R-24. The Planning Commission Findings, Conclusion and Recommendation are attached as **Attachment B**.

BACKGROUND

In 1998 the City of Shoreline adopted its first Comprehensive Plan. This document includes a map that identifies future land use patterns by assigning each area a land use designation. The seven subject parcels have a land use designation of High Density Residential (5 of the parcels) and Mixed Use (the other two parcels). All of the surrounding parcels to the north, south, east and west have a land use designation of High Density Residential or Mixed Use. Parcels further to the west, west of 31st Ave NE, have a land use designation of Briarcrest Special Study Area.

The subject parcels are zoned R-12 and R-18. Appropriate zoning designations for the parcels' current land use designations of High Density Residential and Mixed Use include R-18 through R-48. Mixed Use also allows for all commercial and industrial zoning categories.

The parcels to the west of 31st Ave NE have current zoning designations ranging from R-6 to R-48; this area has been designated as the "Briarcrest Special Study Area," which is intended to keep existing zoning in place until a special study is conducted. Parcels to the north are zoned R-12, parcels to the east are zoned R-18 and R-24, and parcels to the south are zoned R-18 and R-24.

Five of the parcels subject to the rezone are developed with single-family homes with one of the parcels being developed as a duplex and another as a four-plex. Most of the structures on the seven parcels are used as rental housing with three of the properties being owner-occupied. One of the applicants owns three of the subject parcels.

APPLICATION PROCESS

The application process for this project began on July 27, 2007, when the applicant held a pre-application meeting with city staff. A neighborhood meeting was held on August 9, 2007 with property owners within 500 feet of the proposed rezone. The formal

application was submitted to the city on August 23, 2007 and was determined complete on September 18, 2007.

The requisite public hearing was held before the Planning Commission on January 17, 2008. After deliberation, the Planning Commission voted 7-0 to recommend approval of the rezone to R-24.

PUBLIC COMMENT

The City received 12 comment letters during the required comment period regarding the rezone: 11 in support, 1 in opposition. At the public hearing before the Planning Commission 15 people commented on the rezoning proposal: 10 in support, 3 in opposition and 2 had questions or comments that were addressed at the meeting. Public comment letters are included as **Attachment B4**.

PLANNING COMMISSION RECOMMENDATION: Rezone seven parcels from R-12 and R-18 to R-24

The applicant has requested that the subject parcels be rezoned to R-24. The Planning Commission in its Findings and Determination found that a rezone to R-24 has been evaluated and found to be consistent with the rezone decision criteria, listed below, provided in Section 20.30.320(B) of the Development Code.

- Criteria 1: The rezone is consistent with the Comprehensive Plan.*
- Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.*
- Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.*
- Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.*
- Criteria 5: The rezone has merit and value for the community.*

The above zoning decision criteria was evaluated at length in the Planning Commission Findings and Determinations included as **Attachment B**.

OPTIONS FOR CITY COUNCIL

The options available to the City Council are:

- 1) Adoption of the Planning Commission and Staff's recommendation to R-24.
- 2) Remand the rezone back to the Planning Commission for additional review on specified criteria.
- 3) Denial of the rezone request. The Council may review the written record and determine that the existing designation of R-12 and R-18 zoning is the most appropriate designation for the subject parcels.

RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No. 493, (Attachment A) thereby approving the rezone from R-12 and R-18 to R-24 of seven parcel located at 14727, 14723, 14721, 14709, 14551 and 14549 32nd Avenue NE and 3124 NE 147th Street.

ATTACHMENTS

Attachment A: Ordinance No. 493

Attachment B: Planning Commission Findings and Determination- January 17, 2008

B1: Findings and Determination for application #201639

B2: Vicinity Map with Comprehensive Plan Land Use Designations

B3: Vicinity Map with Zoning Designations

B4: Public Comment Letters

Attachment C: Planning Commission Minutes- January 17, 2008

ORDINANCE NO. 493

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING FROM R-12 (RESIDENTIAL, 12 UNITS PER ACRE) AND R-18 (RESIDENTIAL, 18 UNITS PER ACRE) TO R-24 (RESIDENTIAL, 24 UNITS PER ACRE) FOR THE PROPERTIES LOCATED 14727, 14723, 14721, 14709, 14551 AND 14549 32ND AVENUE NE AND 3124 NE 147TH STREET, PARCEL NOS. 1568100415, 1568100420, 1568100425, 1568100430, 1568100315, 1568100320, 1568100435

WHEREAS, the subject properties, located at 14727, 14723, 14721, 14709 32nd Avenue NE and 3124 NE 147th Street are zoned R-12, Residential, 12 units per acre; and

WHEREAS, the subject properties located at 14551 and 14549 32nd Avenue NE are zoned R-18, 18 units per acre; and

WHEREAS, the owners of the seven properties have applied to rezone the properties to R-24, Residential, 24 units per acre; and

WHEREAS, the rezone of the properties is consistent with the Comprehensive Plan land use designations of High Density Residential and Mixed Use; and

WHEREAS, the Planning Commission considered the applications for zone change at a public hearing on January 17, 2008, and has recommended approval of the rezones; and

WHEREAS, a Determination of Non-Significance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council concurs with the Findings and Recommendation of the Planning Commission and determines that the rezone of the seven properties should be approved to provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses consistent with the goals and policies of the City's Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings. The Planning Commission's Findings and Recommendation to approve rezone of the parcels, attached hereto as Exhibit A, are hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of those certain properties depicted

in Exhibit B attached hereto, from R-12, Residential, 12 units per acre, and R-18, Residential, 18 units per acre, to R-24, Residential, 24 units per acre.

Section 3. Effective Date and Reversion. This ordinance shall go into effect five days after passage and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON March 24, 2008.

Cindy Ryu, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

CITY OF SHORELINE
PLANNING COMMISSION

FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: Change the zoning of seven parcels from R-12 and R-18 to R-24 for future development.

Project File Number: 201677

Project Address: 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE, Shoreline, WA 98155

Property Owner: Catalina Company (authorized agent).

SEPA Threshold: Determination of Non-Significance (DNS)

Staff Recommendation: Recommend approval of the rezone of seven parcels to R-24.

INTRODUCTION

A rezone of one parcel (14727 32nd Avenue NE) from R-12 to R-24 was previously considered by the Planning Commission on June 7, 2007. The Planning Commission denied that rezone because they concluded that the rezone did not meet the decision criteria for a rezone from R-12 to R-24. See Commission Findings dated November 1, 2007 attached as **Attachment 1**. The rezone from R-12/R-18 to R-24 that is under consideration tonight is for seven parcels (14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE). The concerns raised by the Commissioners in the denial of the 14727 32nd Avenue NE rezone are addressed in detail under the Conclusion section below.

FINDINGS OF FACT

Current Development

1. The parcels at issue are located at 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE.
2. The subject parcels range in size from 7,387 to 8,504 square feet and are developed with a 6 single-family homes and one four-plex. Five of the parcels are zoned R-12 and two of the parcels are zoned R-18. The five parcels north of NE 147th Street have a Comprehensive Plan Land Use designation of High Density Residential ("HDR"). The two parcels south of NE 147th Street have a Comprehensive Plan Land use designation of Mixed-Use ("MU"). See **Attachment 2** for surrounding Comprehensive Plan designations and **Attachment 3** for surrounding zoning designations.

3. If the request is approved, the combined development potential of the 7 sites is 35 dwelling units.
4. There are no existing sidewalks along 32nd Avenue NE adjacent to the subject properties. Right-of-way improvements are required when the applicant applies for building permits and include sidewalk, street lighting and curb and gutters.

Proposal

5. The applicant proposes to rezone the parcels from R-12 and R-18 to R-24.
6. A pre-application meeting was held with the applicant and City staff on July 27, 2007, the applicant held the requisite neighborhood meeting on August 9, 2007, and a Public Notice of Application was posted at the site.
7. Comments received at the neighborhood meeting included:
 - "I'm in support of the rezone",
 - increased property values,
 - older single-family homes should be preserved,
 - (concerns about) high water table.
8. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on August 30, 2007. A revised Notice of Application was issued September 27, 2007. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on October 16, 2007. Public comment letters can be found in **Attachment 4**.
9. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on October 16, 2007. The DNS was not appealed.
10. An open record public hearing was held by the Planning Commission for the City of Shoreline on January 17, 2008.
11. The City's Long Range Planner, Steven Cohn, and Associate Planner, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to R-24.

Comprehensive Plan Land Use Designations.

12. Parcels to the north have a Comprehensive Plan Land Use designation of High Density Residential, Low Density Residential and Private Open Space (cemetery).

(See Attachment 2). Parcels to the south, west and directly east have a designation of High Density Residential and Mixed Use. Parcels further to the east, across 31st Avenue NE, are designated Briarcrest Special Study Area Mixed Use and zoned R-24, R-18, R-12 and R-6.

13. The Comprehensive Plan describes High Density Residential as "intended for areas near employment and commercial areas; where high levels of transit service are present or likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted".
14. The Comprehensive Plan describes Mixed Use as "intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses.
15. The Comprehensive Plan describes Special Study Areas as "areas designated for future subarea planning, watershed planning, special districts, neighborhood planning, or other study. It is anticipated that the underlying zoning for this designation shall remain." The Briarcrest area will be the subject of a subarea planning study beginning in the 1st quarter 2008.

Current Zoning

16. A majority of the parcels in the immediate area are zoned R-12 with parcels zoned R-18 and R-24 scattered throughout the area (see Attachment 2). The parcels at issue are zoned both R-12 and R-18. R-48 and Neighborhood Business zoning is located along and adjacent to Bothell Way and NE 145th Street. The area is developed with older single-family homes, duplexes, triplexes, apartment buildings, condos and newer townhome developments. There are older commercial developments along Bothell Way.
17. The purpose of R-12 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities, in a manner that provides for additional density at a modest scale."
18. The purpose of R-18 and R-24 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses."

Proposed Zoning

19. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:

- The rezone is consistent with the Comprehensive Plan; and
 - The rezone will not adversely affect the public health, safety or general welfare; and
 - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
 - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
 - The rezone has merit and value for the community.
20. The purpose of an R-24 zoning district, as set forth in the Shoreline Municipal Code 20.40.030, is to "provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses." The R-24 zoning category allows all residential land uses, including detached single-family dwelling units (if a Conditional Use Permit is secured).

Impacts of the Zone Change

21. The following table outlines the development standards for the current zoning (R-12), (optional zoning) R-18 and the requested zoning (R-24):

	R-12 (Current)	R-18 (Possible)	R-24 (Proposed)
Front Yard Setback	10'	10'	10'
Side Yard Setback	5'	5'	5'
Rear Yard Setback	5'	5'	5'
Building Coverage	55%	60%	70%
Max. Impervious Surface	75%	85%	85%
Height	35'	35'(40' with pitched roof)	35'(40' with pitched roof)
Density (residential development)	12 du/ac	18 du/ac	24 du/ac

CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

Rezone criteria

REZONE CRITERIA 1: Is the rezone consistent with the Comprehensive Plan?

3. The rezone complies with the following Comprehensive Plan Goals and Policies:

Land Use

- Land Use Element Goal I - ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline's sense of community.
- Land Use Element Goal III - Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.
- Land Use Element Goal XVII – Manage the storm and surface water system through a combination of engineering solutions and the preservation of natural systems.
- LU14 – The High Density Residential designation creates a transition between high intensity uses (commercial) to lower intensity residential uses.
- LU99 and LU102 – Enforcement of construction and erosion control standards and allowing land alteration only if plans adequately prevent environmental impacts.
- LU152 – Seek opportunities for on-site water quality systems to support economic development and the efficient use of land.

Housing Goals

- Goals HI, HII, and HIII – Provide sufficient development capacity, pursue opportunities to develop housing for all economic segments of the community, and maintain and enhance multi-family residential neighborhoods with new development that is compatible with the neighborhood and provides effective transitions between different uses.
- H1 and H5 – Increase housing opportunities that is compatible with the character of existing residential and require new residential development to meet the minimum density as allowed in each zone.
- H24, H27 and H28 – Promote first time home ownership, anticipate future restoration needs of older neighborhoods and assure that design guidelines create effective transitions.

Transportation Goals

- TI, TIII, TIV, TVI, and TVII – All of the transportation goals speak to safe and friendly streets, access to transit, livability and safety of residential neighborhoods, and encouragement of use of alternative modes of transportation.
- T17, T26, T27, and T29- These transportation policies speak to minimizing traffic on local streets and installing sidewalks for new construction projects to improve pedestrian safety.
- T45 – Reduce speeds and cut-through traffic on local streets while maintaining connectivity to the transportation system.

The R-24 rezone proposal is consistent with all of the above Comprehensive Plan Land Use Element Goals and Policies because more intense residential zoning should be encouraged in areas designated for both Mixed Use and High Density Residential land uses, as these parcels are designated.

The R-24 zoning would allow greater development intensity and be compatible with the already approved townhome development to the south and west. Although the current R-12 and R-18 zoning category is consistent with the HDR and Mixed Use designation, the existing detached single-family homes on this site and in the surrounding neighborhood are not consistent with the vision of development in the HDR designation, because although all housing types are permitted under HDR and MU, more intense residential zoning is encouraged in this area.

Rezoning the parcels to R-24 is consistent with the Comprehensive Plan as it would allow more intense residential uses, and is supported by land use, housing, clean air, transportation and community design goals of the Comprehensive Plan. R-24 zoning would allow for infill development that is compatible with recently built and planned housing types and provide densities that are envisioned for the HDR and MU land use designations.

Other Considerations

The Planning Commission previously recommended denial of the rezone of one of the parcels (14727 32nd Avenue NE) from R-12 to R-24. The concerns raised by the Commissioners associated with criteria number 1 are set forth below. The applicant has gathered information to address the Commissioners' concerns. Staff reviewed the information and offers our analysis based on the new information that has been submitted:

Concern #1: Consistency with Goal #1, specifically whether there is a high water table on the site. In the discussion of the previous rezone request, a

Commissioner suggested that Goal #1 requires the City to preserve environmental quality by taking into account the land's suitability for development. He noted that the public believes that a high water table exists in the area, and that when the water table is very high, a developer's options are very limited because they can't get infiltration on site.

The applicant has submitted a preliminary geotechnical evaluation for three of the subject parcels, 14709, 14721, and 14723 32nd Avenue NE. Three test pits were dug at a depth of 6 feet. No ground water was observed in any of the three pits. Additionally, geotechnical reports were submitted with a new 5 unit townhome development at 14539 32nd Ave NE. Those reports are consistent with the applicant's reports showing no groundwater problems. Because of this additional information, the staff concludes that there is not a high water table in the rezone area.

Concern #2: Consistency with Land Use Policy 149, specifically whether there is there a reason to restrict development on the site in order to maintain the current amount of pervious surface. One of the Commissioners cited Comprehensive Plan Land Use Policy 139 and suggested that this policy calls for restricting the water runoff rate and restoring water quality to predevelopment levels for all new development and redevelopment. He concluded that because of the high water table in this area, allowing 80% of the site to be developed as impervious surface would make it very difficult to meet the requirement of this policy.

Again, geotechnical reports show no high water table in the immediate area. Managing runoff will be considered once building permits are submitted. Given the current development regulations, staff believes that a rezone allowing for an increase in the maximum impervious surface is appropriate.

Concern #3: Consistency with Community Design Goal #1, specifically whether this rezone encourages community development and redevelopment that is consistent with the City's vision. The Commissioners suggested that they would be more likely to support upzoning the subject property if it were done in the context of a subarea plan that was carefully considered to balance the neighborhood goals.

Staff does not believe that a subarea plan is necessary to develop a vision for this portion of Briarcrest because it already has a Comprehensive Plan Designation of Mixed Use and High Density Residential. In that sense, it is different from the area west of 31st Avenue NE, which does not have a Comprehensive Plan Designation.

Both the Mixed Use and High Density Residential designations allow a wide range of zoning choices. They offer a way to transition between more intense

uses and single family zones. In the case of the subject parcels, the transition could occur in two directions:

1. From 145th north to the cemetery.
2. From Bothell Way west to 30th Avenue NE.

Since the Comprehensive Plan does not directly set forth transition options and what was envisioned for the area, we look at the policy options that were available to choose from at the time of Comprehensive Plan designation. For the lower half of this area, i.e., south of 147th, the comprehensive plan could have called for commercial uses, but didn't. Or it could have designated the area as HDR. But that wasn't chosen either. Choosing Mixed Use suggest that the plan envisions commercial uses along 145th, and transitioning north to multifamily uses.

When we look at the upper half (north of 147th), the plan could have called for MDR (R8 and R12) as a transitional use. But it didn't. It calls for HDR. This suggests that the plan contemplates zoning of R-18 and above. One can imagine some combination of R-48, R-24, and R-18 as you transition from east to west.

Therefore, staff concludes that the Comprehensive Plan does offer concrete ideas re transition areas and overall future development of the area.

REZONE CRITERIA 2: Will the rezone adversely affect the public health, safety or general welfare?

4. Staff believes the rezone and associated future development will positively affect the neighborhoods general welfare. Codes have been revised and offer greater protection of downstream effects of development (drainage, in-street improvements, safer building codes, environmental quality, etc...) Both the GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City's development standards in its zoning regulations for the R-24 zone protect against uses that would be contrary to the public health, safety or general welfare. New development requires improvements to access and circulation through curb and gutters, sidewalks and street frontage landscaping. Allowing this rezone and new development in general improves public health, safety and general welfare.

New development will look different than the existing one-story single-family homes that were built decades ago. However, these homes will be in place indefinitely. All of the adjacent zoning currently allows for more density, it will only be a matter of time before the sites are redeveloped.

REZONE CRITERIA 3: Is the rezone warranted in order to achieve consistency with the Comprehensive Plan? The Commission previously concluded that the rezone was not

warranted in order to achieve consistency with the Comprehensive Plan because both the existing R12 and the proposed R-24 zoning would be consistent with the Comprehensive Plan... There is no preference in the Comprehensive Plan for preserving one zoning designation over another.

5. Both R-12 and R-18 (current) and R-24 (proposed) zoning maintains consistency with the Comprehensive Plan. However, the Comprehensive Plan designation calls for High Density Residential on five of the seven parcels at issue. As noted above, R-24 is appropriate in the High Density Residential land use category and more closely meets the intent of the district than does the current R-12 zoning. R-24 zoning also provides a better transition from more intense uses to the east along Bothell Way and between existing R-12 zoning directly to the west.

This area is envisioned to transition from high intensity commercial zoning along Bothell Way to lower densities as you approach 30th Ave NE to the west. The proposal for R-24 meets this long term vision for the area as higher densities are expected within this area.

REZONE CRITERIA 4: Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?

In discussion of an earlier rezone proposal for one parcel in June 2007, a Commission expressed a concern with criteria #4.

Concern #1: The Commissioner indicated the City doesn't have a clear idea of the existing drainage conditions and what facilities are available. The existing zoning allows up to 75% impervious surface, and the proposed R-24 zone would allow 85%. The Commissioner believed that it would be inappropriate to allow more impervious surface without addressing the drainage issues in a more comprehensive fashion.

6. After reviewing the information submitted by the applicant, staff concludes that the proposed rezone will not have an impact to the existing single-family properties in terms of traffic or drainage. As noted under the discussion for criteria # 1, the applicant submitted a soils/drainage report that explains there is not a "high water table" in the immediate area and civil plans from recent develops also highlight this fact (14515 and 14539 32nd Ave NE).

The traffic report submitted explains traffic around the proposed rezone is relatively light. Adding traffic associated with 25 additional units is minor and will not cause additional delays in the area.

Under the current codes, townhomes as well as single-family homes may be 35 feet in height (40 feet with pitched roof). This rezone could potentially add 25 additional units (10 units exist now, current zoning will allow 16 units;

rezone would permit up to 35 units). This increase in additional units is not detrimental to the property in the vicinity because appropriate infrastructure is in place, multi-family zoning is currently in place for all of the seven parcels, traffic study indicates little impact to existing traffic patterns, and new development triggers public amenities such as curb, gutter, sidewalks and updated drainage facilities.

A DNS has been issued, and no environmental issues remain.

REZONE CRITERIA #5: Will the rezone have merit and value for the community?

In discussion of an earlier rezone proposal in this area, the following concerns were raised:

- *The City should adopt a "vision" for the area and stop "piecemeal zoning" of the area;*
- *a comprehensive drainage plan for the Briarcrest Neighborhood should be addressed before more density can be built;*
- *a traffic analysis should be performed around the area of the rezone to address cut-through traffic;*
- *Small houses and seemingly affordable housing will be demolished for new development.*

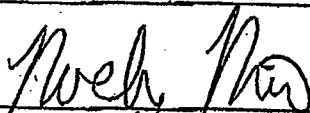
Staff has reviewed the applicant's materials and believes that the issues raised in the past have been adequately addressed.

- By rezoning 7 lots the Commission will be implementing the vision that has been adopted and avoid the site by site rezoning that has occurred in the past;
- Drainage and traffic issues have been analyzed—there are no drainage issues and traffic impacts can be handled by the existing infrastructure.
- This rezone will encourage redevelopment of the area, but, given the adopted Comprehensive Plan designation of MU and HDR and current multi-family zoning, redevelopment of this area is to be expected.

RECOMMENDATION

The Planning Commission recommends that the City Council approve a rezone of seven parcels at 14727, 14723, 14721, 14709, 14707, 14551 and 14549 32nd Avenue NE from R-12 and R-18 to R-24.

Date: 11 FEB 2008

By: 
Planning Commission Chair

ATTACHMENTS

Attachment 1- November 1, 2007 Findings and Conclusions for application #201639

Attachment 2 - Comprehensive Plan Map

Attachment 3- Zoning Map

Attachment 4- Public Comment letter and email.

CITY OF SHORELINE
PLANNING COMMISSION

FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: Change the zoning of one parcel from Residential 12 dwelling units per acre (R-12) to Residential 24 dwelling units per acre (R-24).

Project File Number: 201639

Project Address: 14727 32nd Avenue NE, Shoreline, WA 98155

Property Owner: Cascade Real Estate Investments.

SEPA Threshold: Determination of Non-Significance (DNS)

Staff Recommendation: Recommend approval of the rezone of one parcel to R-24.

FINDINGS OF FACT

Current Development

1. The parcel at issue is located at 14727 32nd Avenue NE.
2. The parcel (tax ID # 1568100415) is 8,460 square feet and is developed with a single-family home. The site is zoned Residential 12 dwelling units per acre ("R-12") and has a Comprehensive Plan Land Use designation of High Density Residential ("HDR"). See Attachment 1 for surrounding Comprehensive Plan designations and Attachment 2 for surrounding zoning designations.
3. If the current application is approved, the parcel will be able to develop with a maximum of 5 dwelling units.
4. There are no existing sidewalks along 32nd Avenue NE adjacent to the applicant's property. Street improvements will be required when the applicant applies for building permits and include sidewalk, street lighting and curb and gutters.

Proposal

5. The applicant proposes to rezone the parcel from R-12 to R-24.
6. A pre-application meeting was held with the applicant and City staff on April 10, 2007, the applicant held the requisite neighborhood meeting on April 16, 2007, and a Public Notice of Application was posted at the site.

7. Comments received at the neighborhood meeting included "increased traffic and increased density" and "it might adversely affect surrounding property values". The applicant indicated these were the only negative comments received.
8. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on April 26, 2007. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on May 10, 2007.
9. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on May 10, 2007. The DNS was not appealed.
10. An open record public hearing was held by the Planning Commission for the City of Shoreline on June 7, 2007.
11. The City's Long Range Planner, Steven Cohn, and Planner II, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to R-24.

Comprehensive Plan Land Use Designations.

12. Parcels to the north, south and west have a Comprehensive Plan Land Use designation of High Density Residential, which allows R-12 through R-48; parcels to the east, across 32nd Avenue NE, are designated Mixed Use, which allows R-8 through R-48 and all commercial and industrial zoning categories.
13. The Comprehensive Plan describes High Density Residential as "intended for areas near employment and commercial areas; where high levels of transit service are present or likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted".

Current Zoning

14. Parcels immediately north and west of the subject parcel are zoned R-12 and developed with single-family homes; the parcel to the south is zoned R-18 and developed with single-family home; and parcels to the east are zoned R-18 and developed with single-family homes and duplexes.
15. The purpose of R-12 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of single-family homes, duplexes, triplexes, townhouses,

and community facilities, in a manner that provides for additional density at a modest scale.”

Proposed Zoning

16. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:
- The rezone is consistent with the Comprehensive Plan; and
 - The rezone will not adversely affect the public health, safety or general welfare; and
 - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
 - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
 - The rezone has merit and value for the community.
17. The purpose of an R-24 zoning district, as set forth in the Shoreline Municipal Code 20.40.030, is to “provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses.” The R-24 zoning category allows all residential land uses, including detached single-family dwelling units, if a Conditional Use Permit is secured.

Impacts of the Zone Change

18. The following table outlines the development standards for the current zoning (R-12) and the requested zoning (R-24):

	R-12 (Current)	R-24 (Proposed)
Front Yard Setback	10'	10'
Side Yard Setback	5'	5'
Rear Yard Setback	5'	5'
Building Coverage	55%	70%
Max. Impervious Surface	75%	85%
Height	35'	35'(40' with pitched roof)
Density (residential development)	12 du/ac	24 du/ac

CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

Rezone criteria

Is the rezone consistent with the Comprehensive Plan?

3. The Commission's conclusion is that the facts are inclusive as to whether the rezone is consistent with the Plan:

The following facts show consistency with the Plan:

- Land Use Element Goal I of the Comprehensive Plan is to "ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline's sense of community."
- Land Use Element Goal III of the Comprehensive Plan is to "Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents."

The R-24 rezone proposal is consistent with Land Use Element Goal I and III because more intense residential zoning should be encouraged in areas designated for High Density Residential land uses.

The R-24 zoning would allow greater development intensity and be compatible with some of the already approved townhome development to the south and west. Although the current R-12 zoning category is consistent with the HDR designation, the existing detached single-family homes on this site and in the surrounding neighborhood do not comply with the goals and policies of the HDR designation since more intense residential zoning is encouraged in HDR areas.

The following facts show inconsistency with the Plan:

- **Comprehensive Plan Land Use Policy 1:** Commissioner Hall believes that this goal requires the City to preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources. He noted concerns raised by the public about the high water table that exists in the area. He noted that when the water

table is very high, a developer's options are very limited because they can't get infiltration on site.

- **Comprehensive Plan Land Use Policy 139:** Commissioner Hall reviewed that this policy calls for restricting the water runoff rate and restoring water quality to predevelopment levels for all new development and redevelopment. Because of the high water table in this area, allowing 80% of the site to be developed as impervious surface would make it very difficult to meet the requirement of this policy.
- **Community Design Goal 1:** The Commission noted that this goal encourages the promotion of community development and redevelopment that is carefully considered, aesthetically pleasing, functional, and consistent with the City's vision. The Commissioners suggested that they would be more likely to support upzoning the subject property if it were done in the context of a subarea plan that was carefully considered to balance the neighborhood goals.
- **Community Design Goals 2 and 4:** These goals talk about ensuring that development proposals contribute to the community and compliment adjacent development. In the past, the Commission has looked unfavorably at rezone proposals that propose significantly greater density than that permitted by the zoning of any of the adjacent parcels. Though there is a scattering of R-18 and R-24 zones in the vicinity, rezoning the subject property to R-24 would make it a higher density than any of the immediately adjacent parcels, including those across the street. The Commission was not convinced this would complement the adjacent development.

Will the rezone adversely affect the public health, safety or general welfare?

4. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City's development standards in its zoning regulations for the R-24 zone protect against uses that would be contrary to the public health, safety or general welfare. New development requires improvements to access and circulation through curb and gutters, sidewalks and street frontage landscaping. Allowing this rezone and new development in general improves public health, safety and general welfare.

Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?

5. Both R-12 (current zoning) and R-24 (proposed zoning) zoning maintains consistency with the Comprehensive Plan.

The area in question (145th to the south, Bothell Way to the east, 30th Ave NE to the west and NE 149th to the north) has seen significant development interest in the last few years. Attachment 3 shows parcels that have been involved in pre-application meetings with staff, are new developments or have recently been rezoned to a higher density.

This area, as described above, is an area envisioned to transition from commercial zoning along Bothell Way to lower densities as you approach 30th Ave NE to the west.

The Commission concludes that a rezone is not warranted in order to achieve consistency with the Comprehensive Plan because both the existing R12 and the proposed R-24 zoning would be consistent with the Comprehensive Plan... There is no preference in the Comprehensive Plan for preserving one zoning designation over another.

Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?

6. The Planning Commission believes the rezone will be materially detrimental to uses or property in the immediate vicinity for the following reason:

Commissioner Broili expressed his concern that the City doesn't have a clear idea of the existing drainage conditions and what facilities are available. The existing zoning allows up to 75% impervious surface, and the proposed R-24 zone would allow 85%. He expressed his belief that it would be inappropriate to allow more impervious surface without addressing the drainage issues in a more comprehensive fashion.

Will the rezone have merit and value for the community?

7. The Planning Commission believes the rezone will not have merit and value for the community based on the following reasons:

The City should adopt a "vision" for the area and stop "piecemeal zoning" of the area; a comprehensive drainage plan for the Briarcrest Neighborhood should be addressed before more density can be built; a traffic analysis should be performed around the area of the rezone to address cut-through traffic; Small houses and seemingly affordable housing will be demolished for new development.

RECOMMENDATION

The Planning Commission recommends that the City Council deny a rezone of one parcel at 14727 32nd Ave NE to R-24.

Date: 1 NOVEMBER 2007

By: Wesley Howard

Planning Commission Chair

ATTACHMENTS

- Attachment 1- Comprehensive Plan Map
- Attachment 2- Zoning Map
- Attachment 3- Recent Development Map
- Attachment 4- Public Comment

SITE

LAND USE MAP

Land Use Designation Legend

BasSA	Ballinagar Special Study Area	PF	Public Facility
BrSSA	Briarcrest Special Study Area	PSSA	Paramount Special Study Area
CB	Community Business	PROS	Private Open Space
HDR	High Density Residential	PubOS	Public Open Space
LDR	Low Density Residential	RB	Regional Business
MDR	Medium Density Residential	SFI	Single Family Institution
MU	Mixed Use	SSA	Special Study Area
NCBD	North City Business District		

Feature Legend

- Map Title Lines
- City Boundary

 -Unclassified ROW
 -Parcel Line

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

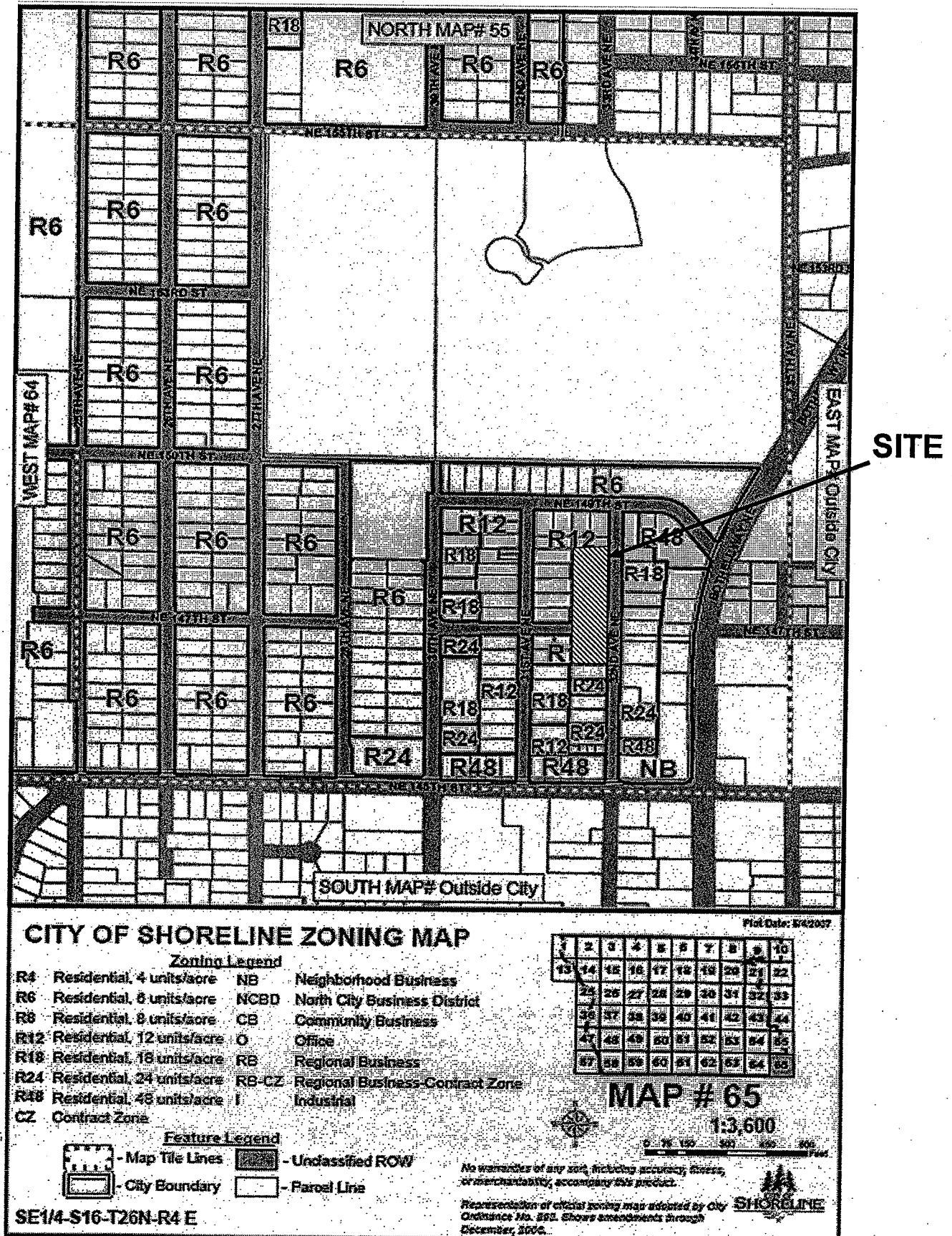
Representation of official Comprehensive Plan land use map adopted by City Ordinance No. 292. Shows amendments through June 27, 2003.

MAP # 65
1:3,600

0 75 100 300 450 600

SE1/4-S16-T26N-R4 E





Dear Mr. Szafran,

I wanted to write you to express my concerns about the proposed rezoning of 32nd Avenue (proposal #201677). We purchased our home in Briarcrest over 4 years ago specifically because we wanted a neighborhood that wasn't congested with townhomes crammed onto a lot that previously occupied a single home. We moved away from Greenwood, in Seattle, to get away from just this type of development. In our experience, townhomes do NOT add to the quality of life in a neighborhood. In Greenwood, we saw crime go up, and congestion increase as more and more single family, detached homes on a single lot were torn down to make way for townhomes and condos.

Those of us who have recently purchased homes (within the last 5 years) in Briarcrest intend to stay here for the long haul. We do NOT want our neighborhood made into a random patchwork of tall, close to zero lot line attached "family homes." Many of us chose to buy homes and live here because of the character of the neighborhood--single family detached homes/1 per lot. There is nothing more frustrating than going out into your backyard, only to have a wall of townhome windows staring down onto you. The loss of privacy that tall townhomes would bring is not something I would welcome in Briarcrest.

I am very concerned that this type of rezoning will greatly diminish the quality of our neighborhood by bringing increased congestion. We love the quiet in Briarcrest. Adding 4 attached homes per lot will only increase the number of cars, traffic and people throughout our neighborhood. There are 3 schools in our area, and many children who walk to/from school. We already have traffic congestion issues without adding more people and cars to the area. I recognize the concern of some neighbors who feel that crime is already an issue, and therefore, they believe that this type of development could bring more homeowners to the area, and in their minds, less crime. Yet, I do not agree that this proposed rezoning and development would decrease crime. Townhomes and condos can be rented out just as easily as a single family (detached) home--this isn't the solution for mitigating crime!

Instead, why not continue to work on a traffic flow plan with the neighbors and city? Why can't we partner with the police to create a more active police and community presence along 32nd Ave? Again, if our experience in Greenwood is any indication, building townhomes isn't going to make crime or congestion go away! In our experience, it made both worse! I do not want Briarcrest to become the "townhome/condo capital" of Shoreline. This frustrates me, as I doubt this type of rezoning would be proposed in the area of single family, detached homes in Richmond Beach. We moved here specifically because we are close to the Burke Gilman trail, close to schools, close to 522 and I-5 for commuting purposes, close to Third Place and a short drive to Central Market. We love the fact that our neighborhood is dominated by owner occupied detached single family homes, with a range of ages, and tenure in the area from 50+ years to less than 1 year. We love the fact that we have a quiet, friendly, and fairly uncongested neighborhood. The benefits purported by some neighbors and the developers who back this project are, in my opinion, falsehoods, and in reality, would take away from the quiet area we enjoy.

I appreciate you taking the time to review my concerns, and I hope to attend the November 15th Planning Commission meeting. If you have further information about this proposal, I would appreciate receiving (either in print or electronic form) a copy of the proposal and any other supporting documentation about the proposed project.

Thank you again!

Sincerely,

Jennifer Gallison
Home Owner
Briarcrest Neighborhood
Shoreline, WA

Attachment 4

Hello Steve,

I need to know what specific addresses are being discussed on this proposal #201677. I live on 32nd Ave NE and want to comment.

Can you please send me the proposal document and list the specific addresses being discussed?

Thanks,
David Antieau
Resident on 32nd Ave NE

E-mail: dantieau@korry.com

To: City of Shoreline Planning Department/ Planning Commission

It has come to my attention via a mailing I received that 3 different property owners totaling 5 properties are requesting a re-zone from R-12/R18 to R-24. I am in favor of this re-zone.

The property addresses are: 3124 NE 147th St; 14709 32nd Ave NE; 14721 32nd Ave NE; 14723 32nd Ave NE; and 14707 32nd Ave NE, all in Shoreline, Wa.

The mailing I received was due to my property being within a 500 foot radius of the proposed re-zoning properties.

I would like to be considered in favor of this re-zone as evidenced by my signature below.

Thank you.

Print Name

Keith Foe

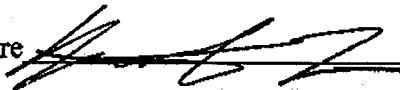
Date

8/3/2007

Address

14554 31st Ave NE
Shoreline, WA 98155

Signature



Happy for
Re-Zone

To: City of Shoreline Planning Department/ Planning Commission

It has come to my attention via a mailing I received that 3 different property owners totaling 5 properties are requesting a re-zone from R-12/R18 to R-24. I am in favor of this re-zone.

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I would like to be considered in favor of this re-zone as evidenced by my signature below.

Thank you.

Print Name Gary Watts

Date 8/7/07

Address 1326 Bacon Way S.
Rainier WA 98057

Neighboring property address:

14722 32nd Ave NE
Shoreline, WA 98155

Signature Gary Watts

To: City of Shoreline Planning Department/ Planning Commission

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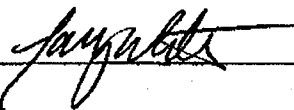
Thank you.

Print Name Briza LLC

Date 8/7/07

Address PO Box 1754
Renton, WA 98057

Neighboring address:
14727 Bothell Way NE
Shoreline WA 98155

Signature 

To: City of Shoreline Planning Department/ Planning Commission

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The property addresses are: 3124 NE 147th St; 14709 32nd Ave NE; 14721 32nd Ave NE; 14723 32nd Ave NE; and 14707 32nd Ave NE, all in Shoreline, Wa.

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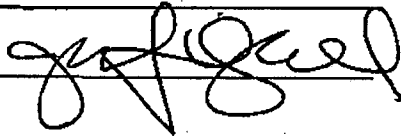
I would like to be considered in favor of this re-zone as evidenced by my signature below.

Thank you.

Print Name JENNIFER KRIBBEL

Date 8/8/07

Address 14721 32ND AVE NE .
SHORELINE 98155

Signature 

To: City of Shoreline Planning Department/ Planning Commission

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I would like to be considered in favor of this re-zone as evidenced by my signature below.

Thank you.

Print Name

GREG SANKEY

Date

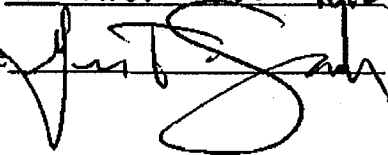
08/09/07

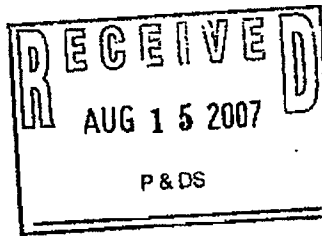
Address

10212 5th AVE NE #20

SEATTLE WA 98125

Signature





To: City of Shoreline Planning Department/ Planning Commission

It has come to my attention via a mailing I received that 3 different property owners totaling 5 properties are requesting a re-zone from R-12/R18 to R-24. I am in favor of this re-zone.

The property addresses are: 3124 NE 147th St; 14709 32nd Ave NE; 14721 32nd Ave NE; 14723 32nd Ave NE; and 14707 32nd Ave NE, all in Shoreline, Wa.

The mailing I received was due to my property being within a 500 foot radius of the proposed re-zoning properties.

I would like to be considered in favor of this re-zone as evidenced by my signature below.

Thank you.

Print Name JAY FINNEY

Date 8/13/07

Address 14539 32nd AVE NE
SHORELINE, WA
98155

Signature Jay H. Finney

To: City of Shoreline Planning Department/ Planning Commission

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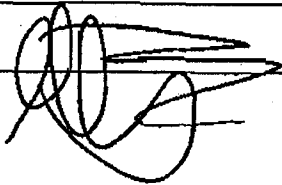
Thank you.

Print Name Anthony R. Johnson

Date 8/9/07

Address 14555 - 31st Ave NE
Shoreline, WA 98155

Signature



To: City of Shoreline Planning Department/ Planning Commission

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The mailing I received was due to my property being within a 500 foot radius of the proposed re-zoning properties.

I would like to be considered in favor of this re-zone as evidenced by my signature below.

Thank you.

Print Name

SHIGERU HAYASHI

Date

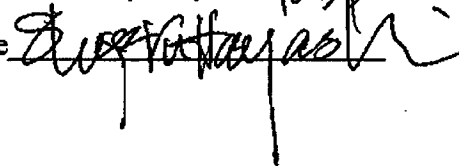
08-01-2007

Address

14714 31ST AVE NE

SEATTLE WA 98147

Signature



9-7-07

To: City of Shoreline Planning Department

It has come to my attention that several property owners have applied to the city of Shoreline to rezone up to 8 properties along the north side of 32nd Ave N.E. between N.E. 145th and N.E. 148th to a zone of R-24.

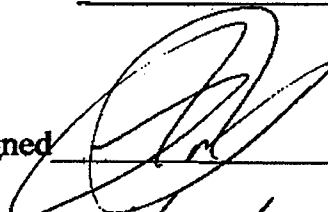
Let it be known that I am in favor of this rezone as evidenced by my signature below.

Thank you.

Name Scott Selberg

Address PO Box 65044
Shoreline WA
98155

Phone _____

Signed 

Date 8/1/07

Re: ^{owner}
14709 - 14721 -
14723 properties
32nd NE

9-7-07

To: City of Shoreline Planning Department

It has come to my attention that several property owners have applied to the city of Shoreline to rezone up to 8 properties along the north side of 32nd Ave N.E. between N.E. 145th and N.E. 148th to a zone of R-24.

Let it be known that I am in favor of this rezone as evidenced by my signature below.

Thank you.

Name

James Salley OWNER 14709, 14721, 14723

Address

P.O. Box 65049
Shoreline, WA
(2020 NE 177th St)

Phone

206-769-7958

Signed

James Salley

Date

8-1-07

These Minutes Approved
February 7th, 2008

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

January 17, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Commissioner Broili
Commissioner Phisuthikul
Commissioner McClelland
Commissioner Harris
Commissioner Hall
Commissioner Pyle

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
David Levitan, Associate Planner, Planning & Development Services
Flannary Collins, City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

COMMISSIONERS ABSENT

Vice Chair Kuboi
Commissioner Wagner

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:08 p.m. He announced that Commission conducted an informal dinner meeting to review their work program. In addition, they discussed items that were part of the Director's Report.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro and Commissioners Broili, Phisuthikul, McClelland, Harris, Hall and Pyle. Vice Chair Kuboi and Commissioner Wagner were excused. Commissioner Hall left the meeting at 8:00 p.m.

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF MINUTES

The minutes of January 3, 2008 minutes were approved as corrected. Chair Piro announced that the City Council has started their review of the Planning Commission's recommendation related to the Ridgcrest Commercial Neighborhood zoning.

GENERAL PUBLIC COMMENT

Les Nelson, Shoreline, questioned the City's plan for doing the 2008 Comprehensive Plan amendments. He reminded the Commission that the amendments must be packaged into a once-a-year amendment process that includes extensive public involvement. He pointed out there was only one Comprehensive Plan amendment in 2007. He said that although he has studied the State's Growth Management Act, he is unclear about the Comprehensive Plan amendment process. He suggested there are so many changes being considered at this time that it is difficult for the public to keep track of what is going on.

Chair Piro explained that the Growth Management Act requires Comprehensive Plan updates every seven years, and limits amendments to not more than once a year. The City would be required to update their Comprehensive Plan in 2011. However, the Planning Commission is in the process of preparing a Comprehensive Plan amendment docket, and they plan to conduct an initial study session on this issue on February 7th. Mr. Cohn added that the 2008 Comprehensive Plan amendment docket would not include any privately initiated amendments. The Commission would review the docket list of amendments and then forward a recommendation to the City Council, who would be responsible for making the final decision.

PUBLIC HEARING ON REZONE REQUEST FROM CATALINA COMPANY FOR PROPERTY LOCATED AT 14727 - 24549 32ND AVENUE NORTHEAST (FILE NUMBER 201677)

Chair Piro reviewed the rules and procedures for the quasi-judicial public hearing. He swore in all those who wanted to provide testimony during the public hearing. He reminded the Commissioners of the Appearance of Fairness Rules and invited them to disclose any discussions they might have had regarding the subject of the hearing outside of the hearing. Commissioner Pyle disclosed that he has been involved in several community meetings regarding this particular area in Shoreline. While he has not had any specific conversations about this application, he has been involved in conversations about the future of the area. He indicated that none of his discussions have led him to make a decision on the subject application. None of the other Commissioners disclosed ex parte communications, and no one in the audience voiced a concern, either. Chair Piro opened the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Szafran provided an overview of the proposed rezone application submitted by the Catalina Company. The proposal is to change the current zoning of seven parcels from R-12 and R-18 to R-24 for future development of the site. Using the zoning map, Mr. Szafran identified the subject parcels and

reviewed the current zoning of adjacent and surrounding properties. He noted the five parcels north of 147th Street have a Comprehensive Plan designation of High-Density Residential (HDR), and the two parcels south of 147th Street have been designated as Mixed-Use (MU). Properties to the west of 31st Avenue have been identified as part of the Briarcrest Special Study Area, and properties to the north have been designated as Low-Density Residential (LDR). He provided pictures to illustrate the existing development in the surrounding area, which includes older single-family homes, duplexes, triplexes, apartment buildings, condominiums, and newer town homes. There are also older commercial developments that front on Bothell Way.

Mr. Szafran reviewed how the proposed application would meet the zoning criteria as follows:

- Would increase the number of housing units.
- Would increase the choice of housing options.
- Would locate higher-density housing in an appropriate area directed by the Comprehensive Plan.
- Would locate higher-density housing adjacent to public transportation and major arterial streets.
- Would be consistent with the HDR and MU goals and policies.
- Would be consistent with the recent rezone request in the immediate area.
- Bulk and size would be consistent with what current zoning allows.

Mr. Szafran reviewed that the proposed application would comply with Comprehensive Plan Land Use (LU) Policies. He referred to LU14 and pointed out that the parcel's current HDR designation, which is consistent with R-18 through R-48 zoning, would create a transition between higher-intensity uses and lower-intensity uses. He also referred to the LU12, which states that appropriate zoning for the Medium-Density Residential (MDR) designation would be R-8 and R-12. He summarized that even though the applicant's parcels are currently zoned R-18 and R-12, they are actually identified in the Comprehensive Plan as HDR.

Next, Mr. Szafran reviewed the following public comments that were received regarding the application:

- The high water table in the area was voiced as a concern. The applicant conducted preliminary soils tests on the subject property, and no water was found.
- Concern was raised about cut-through traffic in the immediate area, but actual traffic counts done by the City's Traffic Engineer identified a decrease in traffic since improvements were completed on Bothell Way.
- Concern was voiced about town homes being constructed next to single-family residential homes. The Development Code has standards to lessen the impact, but current zoning would already allow the properties to be redeveloped with town home type development.
- It was suggested there is no community vision for the neighborhood. The Comprehensive Plan identifies the subject property as HDR and MU, which staff considers being the vision for the area.

Mr. Szafran advised that staff's preliminary recommendation is approval of the proposed R-24 zoning.

Applicant Testimony

Scott Solberg said he was present to represent the Catalina Company, as well as other property owners in the area who have been involved in the rezone request. He reviewed how the proposed application would meet the following rezone criteria.

- **The rezone must be consistent with the Comprehensive Plan Land Use Goals.** Mr. Solberg explained that the proposed rezone application would be consistent with the Comprehensive Plan because:
 - The Comprehensive Plan Land Use Map identifies five of the parcels as HDR and two as MU.
 - The proposed zoning is consistent with the Comprehensive Plan Land Use Map.
 - It would create an environment for diverse and creative development.
 - It would encourage quality housing for future residents.
 - It would reduce sprawl through the efficient use of land.
 - It would allow the City to effectively manage surface and storm water.
- **The rezone must positively affect the public health, safety or general welfare.** Mr. Solberg advised that the proposed rezone would positively impact on the public health, safety and general welfare by:
 - Promoting the redevelopment of the aging housing inventory.
 - Encouraging construction of new affordable, clean, quiet, energy-efficient town homes.
 - Improving infrastructure and public landscape.
 - Complementing and encouraging the improvement of immediate neighboring properties through example.
 - Improving the right-of-way through development.
 - Improving storm and surface water through engineering and natural alternatives.
 - Improving the quality of life through positive growth.
- **The rezone must be warranted to achieve consistency with the Comprehensive Plan.** Mr. Solberg pointed out that the proposed rezone would be warranted because it:
 - Provides higher density development near areas of employment and public transportation.
 - Makes it economically feasible to use the subject parcels as intended.
 - Provides an opportunity to construct smaller, more affordable homes.
 - Allows development to be consistent with other neighboring sites that have recently been rezoned.
 - Allows development to be consistent with SMC 20.40.030.C.
- **The rezone must not be detrimental to neighboring properties.** Mr. Solberg emphasized that the proposed rezone would actually improve the neighborhood character and increase neighboring property values.
- **The rezone must have merit and value to the community.** Mr. Solberg explained that the proposed rezone would provide merit and value to the community by:
 - Providing an opportunity to begin the necessary steps to improve a neighborhood that is currently in decline.

- o Providing examples to illustrate what is and what could be.

Mr. Solberg provided a picture of a development located on property that was rezoned from R-12 to R-24 in 2006. He referred to SMC 20.40.030.C, which states that the purpose of the HDR (R-18, R-24, R-36 and R-48) zones is to provide a mixture of predominantly apartment and town home dwelling units and other compatible uses.

Mr. Solberg also provided examples of the type of development that could occur on the site if the zoning were to remain R-12. He noted that all of the subject sites are nearly the same size at 8,460 square feet, which would yield 2.33 units per site. Because the City does not allow developers to round up, the only option would be to construct one house directly behind the existing one. This would result in piecemeal development that would be undesirable and economically unfeasible. The same would be true if the site were zoned R-18, which would allow 3.48 units per site. It would still not be economically feasible to remove the existing house, and people would not likely purchase a new unit behind an old house. Therefore, it is likely all properties would remain transient.

Next, Mr. Solberg provided an example of the type of density that could be developed if the site were rezoned to R-24, which would allow 4.66 units per site and offer the ability to round up to five units per site. The result of the rezone would be the removal of the older, non-energy-efficient, obsolete housing to make way for new sustainable housing. In addition, the new town homes would be affordable in comparison to the cost of the existing housing.

Mr. Solberg provided a graph to illustrate the differences between R-12, R-18 and R-24 zoning. He explained that R-18 and R-24 zones allow a maximum impervious surface coverage of 85%, and the R-12 zone would allow 75% lot coverage. The maximum building coverage allowed would be 70% for R-24 zoning, 60% for R-18 zoning, and 55% for R-12 zoning. The base height would be the same for all three zones. Therefore, all R-12 zones that abut R-24 zones allow the ability to develop to the same height as allowed in an R-24 zone.

Mr. Solberg pointed out that currently on the west side of the street from 145th Street to 149th Street, about 70% of the units are rentals and 30% are owner-occupied. On the east side of the street there are slightly more rentals. He provided graphs to illustrate the current property uses and current zoning on 32nd Avenue Northeast.

Mr. Solberg reported that several neighborhood meetings were conducted by the applicant, and the majority of the property owners along 32nd Avenue indicated their support of the increase in density from R-12 and R-18 to R-24. The rezone would make it economically feasible to improve all of the under developed properties in the area. He described the benefits of gentrification as follows:

- Reduction in crime and code violations.
- Reduction in the inventory of under developed land.
- Reduction in the inventory of economically obsolete housing.
- Increase in home ownership.
- Increase in sustainable housing.
- Increase in economically and environmentally efficient housing.

He further described the anticipated results of redevelopment as follows:

- Safer streets for children, pedestrians and cyclists.
- New sidewalks, curbs and gutters.
- New green ways and street trees.
- New energy efficient housing.
- Increase in off-street parking spaces.
- Better management of stormwater and surface waters.
- Improved visual streetscapes.

Mr. Solberg provided a satellite overview of the neighborhood, and specifically identified the areas where traffic counts were conducted at the behest of the City. He reported that, mostly due to mitigation that has already occurred along Bothell Way, the traffic counts identify a negative traffic impact associated with the proposed rezone.

Questions of the Applicant and Staff

Commissioner Hall pointed out that the chart on Page 40 of the staff report identifies an 80% maximum impervious surface coverage for R-18 zones, yet the applicant indicated the R-18 zone has an 85% impervious surface coverage requirement. Mr. Szafran answered the correct number is 80%.

Commissioner Broili asked the applicant to share his thoughts about what constitutes affordable housing. Mr. Solberg said he has researched median houses for King County, as well as the residences within the pocket of 30th Avenue between 145th and 149th Streets and Bothell Way that have sold within the past two to four years. It is his belief that the existing homes seem to be selling for more than the proposed town homes and the town homes that were recently completed off of 145th Street and 31st Avenue.

Commissioner McClelland questioned where the displaced residents would go. Mr. Solberg said most of the people he has talked to, including the applicants, plan on moving out of the neighborhood. Through his research, he has found that the existing single-family homes have more land than house. Therefore, they are more valuable regardless of the structure that's on them. He advised that he has data from a real estate broker that supports his comment that single-family homes with development potential in the neighborhood are selling in the \$400,000 range. The brand new town homes in the area that have more square footage and are energy efficient are selling for \$379,000. He said he estimates that the new units developed on the subject properties would probably sell for about \$350,000 compared to the cost of the dilapidated existing home (about \$400,000) that would require significant repair and maintenance.

Commissioner McClelland asked if Mr. Solberg is assembling the land himself. He said he does not own the parcel that is furthest to the north, nor the parcels to the south. The additional properties were added to the rezone application later during neighborhood meetings.

Diana Herbst, Shoreline, requested the applicant clarify his statement that there would be no negative traffic impact if the property were built out in its entirety. Mr. Solberg clarified that the traffic engineer compared the existing traffic situation to data that was collected by the City prior to the improvements.

on Bothell Way, and then estimated the impact associated with the proposed new development. Mr. Cohn added that while more units in the neighborhood would increase traffic, the traffic analysis suggests there would be less traffic in the future than there was two years ago before the change to Bothell Way was made.

Public Testimony or Comment

Dennis Lee, Shoreline, said he has been appointed to represent the Briarcrest Neighborhood Association. He said he met with Mr. Solberg who indicated a desire to work with neighborhood. However, there are no tools in the City's Development Code that would allow this to occur. He recalled that the current zoning and Comprehensive Plan land use designation for the subject property was inherited from King County before Shoreline was incorporated. Because there is no neighborhood plan in place for this area, owners have speculatively purchased properties that have become so rundown that the citizens in the neighborhood are glad when they are redeveloped into something else. He cautioned that just because a neighborhood is run down does not mean a developer has to fix the problem. The neighborhood can do this for themselves by utilizing a neighborhood subarea plan concept. He noted the market is moving towards more affordable housing, and condominiums and town homes are more affordable. However, they are not real property. They are partnerships between people about common land and over a given length of time they can become quite volatile in the market. Real property, meaning a duplex with a zero lot line or small houses on small lots, has never gone down in value, even when the larger houses were not sellable.

Mr. Lee pointed out that the real traffic problem is not within the neighborhood, but the access to and from the neighborhood. Lake City Way and 145th Street provide nearly the only access to the subject properties, except for an easement on the church property. He said he suspects there will be traffic problems in the future.

Mr. Lee pointed out that drainage is also a problem in the neighborhood, although perhaps not on the subject property. He noted that a perc test does not identify where the water goes. He suggested further study must be done to identify the current drainage situation on the subject property. In addition, neighbors are concerned about the impact a three-story building would have on their neighborhood. They are also concerned about the parking requirements. He summarized that a neighborhood plan could resolve many of these concerns.

Elaine Solberg, Shoreline, said she is a real estate broker. She expressed her belief that the homes her husband builds are beautiful and energy efficient. She said they have a vested interest in the community and would like to improve the area and develop more affordable housing. She submitted a comparable market analysis showing that many of the homes in the Briarcrest Neighborhood that have sold within the last few years were built in the 1940's and 1950's. The analysis was identified as Exhibit 1. Ms. Solberg said their intent is to replace the existing dilapidated homes with new units that attract families to the neighborhood. She said she is in favor of the proposed rezone. She corrected Mr. Lee's remark by clarifying that their town home development would not become shared property. Each individual owner would own everything within their space, and there would be no shared property.

Russel Pearson, Shoreline, said he has no vested interest in the proposed rezone application. However, he has been trying for years to get the neighborhood cleaned up, but he has experienced very little success or support from others in the area. He said he supports Mr. Solberg's proposal to improve the neighborhood. He expressed disappointment that none of the people who are opposed to the rezone have every helped him pick up garbage and clean up the streets in the neighborhood. While he doesn't want to sell his home and move away, he is tired of the dilapidated properties that surround him. He suggested that if people care about the neighborhood, they should have done something years ago. Now it is too late. None of the property owners live on the 32nd Avenue; the units are all being used as rentals. He summarized that the proposed rezone would accommodate development that would clean up the neighborhood, stop the crime, etc. The development would provide sufficient parking so cars are not spilling out all over the street.

Commissioner Hall left the meeting at 8:00 p.m.

Jennifer Kriebel, Shoreline, said she purchased her home about five years ago with the understanding that the subject property would eventually be converted into a high-density residential area. She said that while she has taken pride in ownership and has cared for her home, the area has gone down hill. She pointed out that, other than the applicants, no one lives on 32nd Avenue. She suggested the residents recognize the neighborhood for what it is. Directly across the street from her home is a fourplex, a 24 plus unit apartment building, and multiple rentals. The unit across the street from her is currently occupied by six to eight people with five cars. They double park and no one on the property takes care of the garbage. The City does not respond when there are problems. In addition, multiple billboards are located above the apartment buildings, as well as abandoned cars and a recreational vehicle. She summarized that development of the subject properties would increase and improve the area. If people are concerned about the infrastructure, they should recognize the developer would be required to pay for curbs, sidewalks, gutters, improved lighting, etc. These are improvements that cannot be funded by the City budget.

Kevin Dwinelle, Shoreline, said he lives in and owns the fourplex that is located on 32nd Avenue. He said he is not interested in changing his property, but he wants to support his neighbors in an effort to clean up the neighborhood. He said he has spent time over the past years renovating his fourplex unit, and he has received numerous compliments. But he can only do so much. The only way to improve the rest of the neighborhood is to allow developers to make changes. He said he supports the proposed rezone application and believes it would result in the necessary improvements. He noted that 32nd Avenue is located within an urban environment that needs multi-family housing opportunities.

At the request of Commissioner Pyle, Mr. Dwinelle clarified that his property is located at the corner on 147th Street. Commissioner Pyle noted that Mr. Dwinelle's property fronts on a non-passable street. He asked Mr. Dwinelle if he or neighboring property owners have ever considered approaching the City with a street vacation request that would allow the property to be granted back to the property it originally came from. Mr. Dwinelle said he did not even know this was an option, but he noted the street is used frequently by pedestrians.

Les Nelson, Shoreline, said he assumes the rezone would be accomplished as part of a Comprehensive Plan amendment. He expressed his belief that it would be appropriate to delay the Comprehensive Plan

amendment for the subject properties until the special study area work has been completed. He suggested that perhaps people are most concerned that there is no plan or clear direction for the future of the neighborhood. Commissioner McClelland clarified that no Comprehensive Plan amendment would be required to implement the proposed rezone. The rezone would bring the zoning on the properties into compliance with the Comprehensive Plans current land use designation for the sites.

Mr. Cohn reported that the area north of 145th Street from Bothell Way to 15th Avenue would be part of the Southeast Shoreline Subarea Plan, which would occur over the next year. Staff anticipates public meetings within the next few months, with the formation of a citizens' advisory committee who would work throughout the summer to develop a plan for the special study area. However, the subject properties, though they are in the Subarea Plan boundaries, are not in the special study area. The subject properties have already been identified in the Comprehensive Plan as MU and HDR. While it is conceivable that one outcome of the subarea plan would be to re-designate the subject properties, the rezone criteria requires the Commission to consider the current Comprehensive Plan designation, and not what the designation might be changed to in the future.

Matthew Gallagher, Lake Forest Park, said he represents the developer of the property two parcels to the south of the southernmost part of the subject property. He voiced his strong support for the rezone application. He expressed his belief that the properties along 32nd Avenue have the potential to be redeveloped to become a buffer to the Briarcrest Neighborhood. The proposed rezone would meet the Comprehensive Plan's goal for high density residential development by providing a variety of housing opportunities. He referred to the development that was completed 2½ years ago at 14513 – 32nd Avenue, as well as the vacant parcel for which development plans have already been submitted to the City. He said there have not been any water table issues on either of these properties.

Dennis Bruce, Shoreline, licensed geotechnical professional engineer, said he was asked by the applicant to conduct a preliminary soils and drainage study for the subject properties. He referred to the report he prepared in September of 2007. He explained that test pits found extremely dense native sands, but no ground water. He explained that while new developments must comply with a lot of expensive and rigorous drainage requirements, the older homes are allowed to simply dump their storm water onto the ground. He concluded there are no geotechnical or drainage issues that would preclude the applicant's proposed project, and specific additional studies would be required once the plans are formalized.

Commissioner Broili asked if Mr. Bruce is familiar with low-impact development practices. If so, he asked if the subject property would be appropriate for low-impact development projects. Mr. Bruce said he is familiar with low-impact development practices such as infiltration, etc. He said the sandy soil on the property would accommodate a very high infiltration rate. However, this type of concept would have to be considered in conjunction with the total picture.

Commissioner Pyle asked Mr. Bruce if he is a licensed engineer or licensed geologist. Mr. Bruce said he is a PE, with a practice in geotechnical specialty.

Bud Bennion, Shoreline, said he lives in the area identified in the Comprehensive Plan as special study area, just two blocks away from the subject properties. He emphasized there is a water problem in his

area, and he questioned how the situation would be impacted by development on the subject properties. Mr. Cohn invited Mr. Bennion to provide information to the City's stormwater personnel so they could research his situation. Mr. Szafran recalled that during the significant flood event that occurred in December of 2007, he checked with the City's Surface Water Department and learned that only one complaint was filed related to property on the west side of 30th Avenue.

Erik Spicer, Shoreline, said he is also one of the applicants and lives at 14549 – 32nd Avenue. He recalled that the big floods that occurred in December did not impact his property. He said he has no plans for developing a fourplex on his property. He has one of only two owner-occupied houses on the entire street. He said he supports the rezone so that the neighborhood could be improved.

Commissioner McClelland said she was under the impression that all applicants were working together to rezone and then redevelop the property. Now she is hearing there are multiple applicants requesting rezones for their individual lots, but there is no proposal for wholesale redevelopment of the properties. Chair Piro clarified that Mr. Solberg, the lead application for the rezone, owns three of the seven parcels, and he is planning to redevelop his properties. The other four property owners are parties to the rezone and their properties have been included in the application. Commissioner McClelland clarified that, regardless of whether or not Mr. Spicer has plans to redevelop his property now, he would have the ability to construct a duplex on the site if the rezone is approved as proposed.

Commissioner Pyle emphasized that the application is for a non-project rezone. No development proposal has been attached to the proposed action. He noted the City no longer conditions rezones, so the Commission could not adjust the zone. They must either recommend approval of the proposed R-24 zoning or not. Mr. Cohn clarified that the Commission could modify the rezone by suggesting a different density, but they could not place conditions on the rezone. Commissioner Pyle summarized that the Commission must take action on the non-project rezone application and the potential outcome that could be built on the site as a result.

Monica Anderson, Shoreline, expressed her belief that the neighborhood is not beautiful right now. She said she owns the house at the corner of 32nd Avenue and 147th Street. She lived there for a while herself, but was too embarrassed to have her friends visit because she had to call police almost everyday about cars that were dumped across the street from her. The neighborhood will never be a nice residential neighborhood as long as there is a huge parking lot. She said she has a difficult time renting her home. Her 4-bedroom home should rent for about \$1,600, but she has only been able to charge \$1,100. She expressed her belief that if the property were rezoned and redeveloped, the street could become a nice, residential street.

Diana Herbst, Shoreline, said she lives on 30th Avenue. She disputed comments that the neighborhood was never nice. She emphasized that the neighborhood is much more than just 32nd Avenue. The other streets are nice and beautiful and animals and birds often visit. The houses on her street were built in the 1960's, and surface water has been a problem in the past. She expressed her belief that redeveloping 32nd Avenue without a comprehensive overview could negatively impact and influence the future sub area plan.

LaNita Wacker, Shoreline, clarified an earlier statement by saying that the Comprehensive Plan of Shoreline was not inherited from King County. She said she ran for City Council in 1995 and participated with other citizens in many public hearings to create and adopt a new Comprehensive Plan for the City, which reflects the citizens' wishes, as well as the growth and vision associated with the Growth Management Act. She clarified that the zoning map was inherited from King County and has not been brought into compliance with the Comprehensive Plan. The current proposal for R-24 zoning is a simple request to make the zoning fit the Comprehensive Plan that was adopted by the citizens of the City. She expressed her belief that the request is reasonable. The residences in the general vicinity of the subject properties have, in many instances, reached functional obsolescence. They are two-bedroom, single-bathroom homes with old wiring and plumbing. They are ready for redevelopment since the value of the property lies in the land. The applicant has talked about utilizing green and sustainable concepts, etc. All of this would result in revitalization for the City. There are many areas in the City that have functionally obsolete housing. She urged the Commission to keep in mind that young families will not likely purchase homes that are functionally obsolete and require \$50,000 to \$100,000 worth of repairs in order to make them livable.

A member of the audience asked Ms. Wacker to identify the obsolete homes she referenced in her statement. Ms. Wacker answered that houses built in the 1960's and prior have single-pane windows, and because they are mostly rental homes, it is likely they also have old wiring, heating systems, etc.

Claire Snyder, Shoreline, said she lives in the home at 14723, and they were once the owners of the property. While they try to keep the property up, most of the other neighbors do not. She said she is in favor of the proposed rezone.

Jennifer Kriebel, Shoreline, said her home was built in the 1940's, and the plumbing and wiring is very outdated. Most people cannot afford to purchase homes in the area, and still have enough money to do the necessary repairs to make the homes livable and functional.

Cecilia Navaluna, Shoreline, said she owns at house at 14545 - 32nd Avenue. She said she supports the rezone application. She agreed with Ms. Anderson and said that even if she improved her home, it would still be difficult to find a good renter. If the rezone application is approved, she plans to demolish the home and possibly redevelop the property with a fourplex. Commissioner Broili asked if Ms. Navaluna is one of the applicants for the proposed rezone. Ms. Navaluna answered she is not. She said if she had been invited to participate in the rezone application, she would have done so.

Elaine Solberg inquired if Ms. Navaluna has been able to charge a rent that covers the payment on her home. Ms. Navaluna answered that she has owned the house since 1999 and has had four different tenants. The house has been vacant for about 1/3 of the time. Not only did she not get the monthly rent, but she has not been able to charge a high enough rent to cover the cost of the payments. However, they kept the property because of the land's value.

Presentation of Final Staff Recommendation

Mr. Cohn summarized that staff believes the Staff Report addresses the concerns raised by the public. Staff continues to support their original recommendation to approve the rezone application as presented.

He said Mr. Lee makes a good point that merely because the neighborhood is run down isn't a reason to change the zoning. However, that's not what the Staff Report suggests. The Staff Report points out the neighborhood is designated for High Density Residential, which means it is envisioned for higher density assuming issues such as traffic, drainage, etc. can be addressed. He referred to the Staff Report which provides evidence that these are not issues of concern for the proposed rezone.

Mr. Cohn recalled that a member of the public also suggested that the rezone could become an issue of precedent for the special study area. However, staff does not believe this would be the case. The special study area would stand on its own. The subject properties have already been identified in the Comprehensive Plan as High-Density Residential.

Final Questions by the Commission

Commissioner Pyle clarified that Mr. Lee did not appear to contest whether or not high-density zoning would be appropriate for the subject properties. He simply had a concern over the tools available in the Development Code with regards to the form of development that could occur on the site. He said he hears this concern often. He expressed his fear that patches of development could occur in the area that could make it impossible to realize the vision established through the study. He suggested that if they could align the timing right, they might even see the site targeted for R-48 or something similar to what is being considered for the Ridgecrest Neighborhood. On the other hand, Commissioner Pyle expressed his belief that the application meets all the rezone criteria, as well as the Comprehensive Plan's vision of high density.

Commissioner Broili agreed with Mr. Lee about the form of development, and he has spoken often about the need to move forward rapidly to amend the Development Code to be more stringent in that regard. However, that is not the issue before the Commission at this time. The Commission must consider the rezone application, which is consistent with the Comprehensive Plan. He said he sees no reason to recommend denial of the application.

Commissioner McClelland recalled that when just one of the properties came before the Commission previously for a possible rezone, the Commission indicated it would not be appropriate to rezone just one lot. She expressed her belief that the effect of the current rezone proposal would be similar to the rezone proposal that was previously considered. Unless all the properties are aggregated, future development would be limited. She suggested there might be an opportunity to implement a form-based zoning concept similar to what was done for the Ridgecrest Neighborhood so the City could address the whole neighborhood at the same time. She said she is not confident the proposed rezone application implements the vision of the Comprehensive Plan.

Mr. Cohn agreed that redevelopment on the subject properties would not take place all at the same time, and this would also be true if a form-based zoning concept were implemented. He recalled that when a rezone proposal was submitted for just the one property, the Commission expressed a desire for staff to look at the area more cohesively and include more parcels. The current proposal includes seven parcels that would be rezoned to R-24. The intent is that, at some point in the future, the rezone action would set a very precise number for development on 32nd Avenue.

Commissioner McClelland questioned if there is a way to get all property owners together to create a neighborhood development plan. Although the City cannot require a subarea plan at this time, perhaps they could facilitate the use of the concept for the subject properties, as well.

Commissioner Broili asked if any attempt has been made to include other property owners as part of the rezone application. Mr. Cohn said it is too late to add additional properties to the application. The hearing was advertised as a rezone proposal for just the seven properties identified on the application. However, the City could advise other property owners along the street to join together in an effort to rezone the remainder of the street. The City should not place themselves in the position of approaching property owners, but this could be one option discussed as part of the Southeast Shoreline Subarea Planning Process. Commissioner Broili encouraged staff to invite future applicants to reach out to adjoining property owners. Mr. Szafran said the applicant did make an effort to contact property owners along the street.

Mr. Solberg explained how he inherited the responsibility of being the lead applicant. He emphasized that, at that point, the City's notice of meeting and procedure had already been started. If there had been an opportunity to include other neighbors, he would have done so.

Mr. Solberg referred to Commissioner McClelland's concern and indicated he intends to redevelop his properties one at a time, and the other applicants would likely follow in the future. He said he would be willing to participate in the Southeast Shoreline Subarea Plan, and within one year they could end up with designations that oversee the entire neighborhood. If the subarea plan results in a legislative rezone of adjacent properties, the zoning of the subject properties would be taken into consideration. The end result would likely be in harmony with the neighborhood's vision.

Commissioner Harris agreed with Mr. Solberg that in the development community, it takes a "pioneer" to plant the seed of redevelopment, and then others follow. However, unless the City initiates a rezone process, it is customary for a property owner to do so. He summarized Mr. Solberg's comment that R-12 and R-18 zoning would result in an additional unit behind the existing unit. He noted that an R-24 zoning designation would allow at least five units per site, which would eliminate this type of situation and make it economically feasible to demolish the existing structures and redevelop with more uniform zoning along the street.

Ms. Solberg indicated that she and her husband would redevelop their property regardless of whether or not the rezone is approved. They cannot afford to keep supplementing the rent in order to make their monthly payments. They would rather build nice fourplex units rather than piecemeal development.

Commissioner McClelland questioned the worst that would happen if the applicants withdrew their application and reapplied for a rezone that included more properties. Mr. Solberg asked if the Commission has the ability to waive the rezone fee to bring the same applicants in with more people on board. He reiterated that the subarea plan would start within the next few months and would be in place before the street is significantly developed. He expressed his belief that the subarea plan would likely identify the property the same as what they are asking for now. The applicants are asking for a jump on what is already to come.

Chair Piro recalled that spot zoning was a key issue when the earlier rezone application was considered for just one of the properties. The Commission agreed it would not be appropriate to deal with zoning on a parcel-by-parcel basis. He said envisioned dealing with the zoning on 32nd Avenue on a block-by-block basis, so the seven-parcel application does not really satisfy his concerns. However, he has been swayed by the testimony not only from the applicants on 32nd Avenue, but other property owners as well, about the value of moving forward with the rezone application. Since they are approaching their work on the special study area, it might be appropriate to advance the rezone as a precursor, recognizing it does not satisfy all of the issues that were raised by the Commission a year ago.

COMMISSIONER HARRIS MOVED THE COMMISSION RECOMMEND TO CITY COUNCIL APPROVAL OF STAFF'S RECOMMENDATION TO REZONE SEVEN PARCELS AT 32ND AVENUE NORTHEAST FROM R-12 AND R-18 TO R-24. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Harris complimented Mr. Solberg for his well prepared presentation on behalf of the applicants. He pointed out that the testimony provided by property owners surrounding the subject parcels has been mostly in favor of the rezone. The rezone application meets the Comprehensive Plan Land Use Map zoning designations, as well. Commissioner Broili stated his belief that the rezone application is consistent with the Comprehensive Plan and makes sense for the neighborhood. He agreed with the comments provided earlier by Commissioner Harris.

Commissioner Pyle agreed the proposal meets the rezone criteria and is a step in the right direction. However, he expressed concern about the Southeast Shoreline Subarea Plan effort that is getting underway, especially in light of a comment made earlier by staff that the subarea planning effort might be pushed back later in the agenda for the year. Mr. Cohn said staff intends to start working with the public very soon. Commissioner Pyle reminded staff that while the subject properties are not part of the special study area, they are directly related. It is important to move ahead with the subarea planning effort as soon as possible. Perhaps they should consider postponing future rezone applications until the subarea planning process has been completed.

Closure of the Public Hearing and Commission Deliberation

COMMISSIONER MCCLELLAND MOVED THE COMMISSION CLOSE THE PUBLIC HEARING FOR THE CATALINA COMPANY 32ND AVENUE NORTHEAST REZONE REQUEST. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.

Vote by Commission to Recommend Approval or Denial or Modification

Commissioner McClelland suggested that as part of the Southeast Shoreline Subarea Plan, the City should consider opportunities for providing a gateway to the City near the intersection of 145th Street and 32nd Avenue. They should look for opportunities to pull properties west of 32nd Avenue into the City of Shoreline as something they can enjoy and be proud of.

THE MOTION TO RECOMMEND APPROVAL OF THE STAFF RECOMMENDATION WAS APPROVED UNANIMOUSLY.

PUBLIC HEARING ON REVISED PROPOSAL FOR HOUSING DENSITY IN COMMUNITY BUSINESS (CB) ZONES

Chair Piro reviewed the rules and procedures for the Type L Legislative Public Hearing, then opened the hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohn recalled that a proposal to allow additional housing density in CB zones was previously studied by the Commission in March and April of 2007. After a joint City Council/Planning Commission discussion on October 8, 2007, the City Council decided to send the item back to the Commission for additional review.

Mr. Cohn explained that the impetus behind the code revision was the realization that high-density residential development would not occur in CB zones because the current density limitation of 48 units per acre is too low a threshold to encourage residential development there. Staff believes the situation still exists. If the Development Code isn't modified, it is unlikely that CB zoned areas near Aurora Avenue and Ballinger Way would redevelop with residential uses even though they are logical areas for this type of use because they are close to retail stores and good transit service.

Mr. Cohn said the revised proposal would regulate density through height, bulk, setback and parking requirements rather than by an arbitrary density number. The proposed amendment would affect all CB zoned properties that are located:

- Within the Town Center Area or along Ballinger Way.
- At least 90 feet from single-family zoned properties.
- Within a 10 to 15-minute walk from Aurora Avenue North or Ballinger Way.

Mr. Cohn provided a map to illustrate the areas that would be affected by the proposal. Because the proposed changes would only apply to two specific areas, Mr. Cohn said staff believes they meet the intent of focusing increased residential densities in those areas with infrastructure to serve it. In addition, single-family zoned properties would be protected.

Questions by the Commission to Staff

Commissioner Pyle questioned how the areas would be measured. Mr. Cohn said his understanding is the areas would be measured the same way as the moratorium was measured: from the edge of the legal tax parcel boundary. Commissioner Pyle asked if the City's right-of-way is actually zoned. Mr. Cohn answered that, in most cases, the City's right-of-way is not zoned, but some pieces of the trail are zoned. Commissioner Pyle referred to Bellevue's transition areas, which are measured from the edge of the zone rather than the edge of the property boundary. Mr. Cohn said in most cases, the zone only goes to the property boundary, and not to the middle of the right-of-way. Commissioner Pyle asked if a property

would have to be located entirely within the green boundary in order to be eligible for the modified zoning. Mr. Cohn answered affirmatively.

Commissioner McClelland requested a map to identify the properties on Ballinger Way that would be eligible for the modified zoning. Mr. Cohn clarified that all properties that are adjacent to Ballinger Way would be eligible, and maps of Ballinger Way were included in the packet.

Public Testimony or Comment

Michelle Moyes, Shoreline, said she owns residential property in the area known as the Westminster Triangle, which would be very much impacted by the proposed new density. She asked the Commission to consider changing the eligibility criteria to be more than 90 feet away from the residential homes. Perhaps a better number would be 120 feet. She encouraged them to walk through the areas in question.

Mr. Cohn responded that the proposal would not apply to properties in or near the Westminster Triangle, It would only apply to the area on Aurora Avenue North that is located north of 170th Street. It would not apply to properties south of 170th Street.

LaNita Wacker, Shoreline, indicated her support for the proposal with some modifications. She emphasized that the proposal does not constitute a rezone. It is related to CB zoning that currently exists in the Comprehensive Plan. Utilization of the cubic space of the building would be up to the developer. She suggested that to avoid losing valuable commercial space to residential uses, it would be appropriate to require the first floor to be built to the commercial standards of the CB zone. This would create the potential for a mixture of retail and residential uses. Ms. Wacker disagreed with Ms. Moyes and suggested that 90 feet is too excessive. She pointed out that commercial properties are very expensive, and a 90-foot setback requirement would deny property owners the full use of their property and could constitute a taking situation. She expressed her belief that a 20-foot setback would be adequate. There are many good reasons to allow more residential development in the CB zone. Allowing density to be located near transportation service is good. Allowing the density to be controlled by development standards would also be appropriate.

Chair Piro asked if staff considered the option of requiring commercial development on the first floor in the CB zone. Mr. Cohn answered that staff did not consider this type of requirement.

Commissioner McClelland pointed out that the CB zone allows for development right up to the property line, with no setback. The 90-foot requirement means that the modified zoning would not be allowed within 90 feet of a single-family residential zone. Mr. Cohn agreed, noting that if a property is closer than 90 feet of a single-family residential zone, the modified zoning could not be applied.

Ms. Wacker expressed her concern that the bulk of a building in a CB zone would be the same whether it is next to a single-family home or Aurora Avenue North. The proposed code amendment would not change the outward appearance of development in the CB zone so it would have absolutely no visual impact to any of the surrounding residential property owners. However, the amendment would positively impact the City by creating the opportunity for more affordable housing.

Commissioner Pyle agreed that the visual impacts of the change would be negligible, but the community has indicated they are not comfortable with the number of parking spaces required and the opportunity for increased density. The community has expressed a desire for more control over these concerns. Ms. Wacker expressed her belief that the controls are already in the Development Code and would be triggered by the traffic impacts. She said one misconception is that the proposal would result in a significant change, but that is not the case.

John Behrens, Shoreline, suggested the map be made clearer by identifying which properties would be eligible for the proposed new zoning. He agreed that the City could easily prepare a map that would identify all of the parcels that are entirely within the green polygon identified on the map. Again, Mr. Behrens suggested the City clearly identify those properties that would be impacted by the change. He expressed his belief that the City would change as a result of the proposed amendment to the CB zone. He said he is not comfortable the City has done enough study to identify all of the impacts associated with the change. He noted that the properties lie within two very sensitive drainage areas, and there are already problems with flooding and stormwater runoff. Mr. Szafran clarified that the proposal is a change to the City's Development Code, not a rezone application.

Jim Abbott, Shoreline, said he supports the proposed amendment to the Development Code. He particularly agreed with the remarks provided by Ms. Wacker. He provided a site plan and concept that was prepared by his architect, Marlin Gabbert, for a project located within the area that would be affected by the code amendment. Regarding the parking concern, Mr. Abbott pointed out that if there is more housing and less commercial space, developments would require less parking and not more. He expressed his belief that the proposed code amendment would benefit the few properties that are close to Aurora Avenue North and Ballinger Way, and it would also provide an opportunity for more housing in an area that is close to businesses and transit service.

Les Nelson, Shoreline, expressed his belief that changing the definition of a zone is the same as changing the zoning. It requires a Comprehensive Plan amendment that would be more properly addressed from a comprehensive standpoint. He questioned why they should change the CB zone to be the same as the Regional Business (RB) zone just to meet the needs of a few developers. He voiced concern that this could set a precedent for the same action to occur elsewhere in the City. If they want to apply the RB zoning standards to properties along Aurora Avenue North and Ballinger Way, they should just change the zoning to RB rather than modify the CB zoning standards. He suggested the Commission wait to make their recommendation until after issues surrounding the current moratorium have been resolved.

Mr. Cohn explained that the Growth Management Act makes it clear that cities have the right to change the Development Code without changing the Comprehensive Plan. The intent of the CB zone is to allow residential, commercial, and office development. The Comprehensive Plan envisions that this area be a place for commercial and residential uses, which is consistent with CB zoning.

Mr. Nelson pointed out that the Comprehensive Plan does not address any residential density above R-48, so allowing unlimited density in the CB zone would be inconsistent with the Comprehensive Plan. The only way to make this change is through a Comprehensive Plan amendment to bring the code into conformance with the Comprehensive Plan.

Commissioner Pyle suggested that Mr. Nelson may be confusing the Comprehensive Plan's reference to R-12, R-18 and R-48 zones, which are specific zones in the City's Development Code, as a limit on density, but that is not the case. The Comprehensive Plan actually calls out a specific set of zoning controls, one of which is CB. The proposed action would amend the CB zoning controls to eliminate the cap on density.

Mr. Cohn suggested the Commission continue the public hearing to allow those who have not had an opportunity to address the Commission to do so at a later date. However, they should make it clear that those who have already had an opportunity to speak would not have another opportunity to speak.

COMMISSIONER BROILI MOVED THAT THE LEGISLATIVE PUBLIC HEARING FOR HOUSING DENSITY IN THE COMMUNITY BUSINESS (CB) ZONE BE CONTINUED TO THURSDAY, FEBRUARY 21, 2008. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

REPORTS OF COMMITTEES AND COMMISSIONERS

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

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

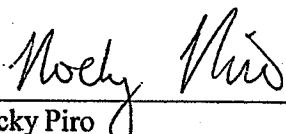
No announcements were made during this portion of the meeting.

AGENDA FOR NEXT MEETING

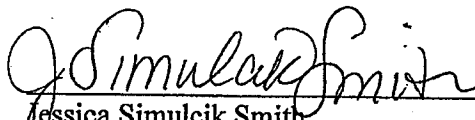
The Commissioners had no additional comments to make regarding the agenda for the next meeting.

ADJOURNMENT

COMMISSIONER BROILI MOVED THAT THE MEETING BE ADJOURNED AT 10:10 P.M.
COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.



Rocky Piro
Chair, Planning Commission



Jessica Simulcik Smith
Clerk, Planning Commission

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