

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	QUASI-JUDICIAL: Adoption of Ordinance No. 748 – Amending the Zoning Map at 1540 NE 175 th Street from Residential 12-units Per Acre (R-12) to Residential 24-units Per Acre (R-24)
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Daniel Wick (Horizon View Homes) requests an application for approval for a rezone of property, 1540 NE 175th Street, from Residential 12-units per acre (R-12), a medium density residential zone, to Residential 24-units per acre (R-24), a high density residential zone, for the purpose of building six (6) townhomes.

Per SMC 20.30.060 this request is Type C permit and therefore is a quasi-judicial decision. The public hearing on this rezone was held by the Hearing Examiner which created the record for the basis of a recommendation to the City Council. As such, the City Council cannot hear any additional public comment on this item and should not have external discussion regarding this request with members of the public.

The Council discussed proposed Ordinance No. 748 (**Attachment A**) on July 11, 2016, and voiced no concerns with the ordinance. Tonight, proposed Ordinance No. 748 is scheduled for adoption.

RESOURCE/FINANCIAL IMPACT:

The proposed rezone will not have a direct resource or financial impact to the City. The rezone does have the potential to add up to seven dwelling units adding to the City's property tax base.

RECOMMENDATION

The Hearing Examiner and staff recommend that the Council adopt proposed Ordinance No. 748.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

The property owner proposes to rezone the property at 1540 NE 175th Street from R-12 to R-24 for the purpose of constructing six (6) townhomes. Per SMC 20.30.060 this request is Type C permit and therefore is a quasi-judicial decision. The public hearing on this rezone was held by the Hearing Examiner which created the record for the basis of a recommendation to the City Council (**Attachment B**). As such, the City Council cannot hear any additional public comment on this item and should not have external discussion regarding this request with members of the public.

Project Description

The Applicant's plans show six (6) attached townhomes oriented to the west side of the property with a common drive aisle on the eastern portion of the site. Landscape buffers are shown on the east, north, and west sides of the parcel (**Attachment C**).

Property Description

The site is an approximately 12,675 square foot lot (.29 acres) located in the North City area of the City (**Attachment D**). There is currently a vacant single-family home on the parcel. The site is relatively flat with no known critical areas present. The site has a number of significant trees and there are no sidewalks along NE 175th Street.

Zoning and Land Use

The site is located approximately 370 feet east of 15th Avenue NE in the North City Business District (**Attachment E**). The site itself is zoned R-12. The parcel to the west is zoned R-12 and is developed with a single-family home. The parcel to the north and east is zoned R-12 and is currently redeveloping with a 12-bed center for traumatic brain injuries. The parcels to the south, across NE 175th Street, are zoned R-6 and are developed with single-family homes. To the west, in close proximity to this site, is commercial development (CB Zoning District), including a Walgreens and Safeway.

The site and all of the surrounding parcels have a Comprehensive Plan Land Use designation of High-Density Residential (**Attachment F**). The High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The permitted base density for this designation may not exceed 48 dwelling units per acre.

The current zoning of R-12 permits townhomes, however, this zoning district would permit the site to redevelop with only three (3) units. The proposed R-24 zoning also permits townhomes but would allow for greater redevelopment potential of seven (7) units.

The site is accessed by NE 175th Street which is classified as a Collector Arterial in the City's Transportation Master Plan.

Public Notice and Comment

Staff analysis of the proposed rezone considered information gathered from a pre-application meeting on March 1, 2016, a neighborhood meeting on November 30, 2015

(See **Attachment G** for neighborhood meeting summary), public comments, site visits, and various City documents.

As required by SMC 20.30.120 and 20.30.180, public notice of the rezone application for the proposal was posted on site, mailed to all residents within 500 feet (a total of 121 residents), advertised in the *Seattle Times*, and posted on the City's website on March 31, 2016 (**Attachment H**) and notice of public hearing for the proposal was posted on site, mailed to all residents within 500 feet (a total of 121 residents), advertised in the *Seattle Times*, and posted on the City's website on April 21, 2016 (See **Attachment I**).

The City received two public comment letters in response to the proposed rezone. These comments raised concerns regarding increased traffic, townhomes incompatible with existing single-family homes, lack of neighborhood parking, lack of sidewalks, and public health issues (See **Attachment J**).

Agency Comment

The Applicant's proposal was circulated among City departments and outside agencies for review and comment. The Public Works Department commented on the proposal and is requiring frontage and sidewalk improvements around the project site. The Applicant has submitted a Certificate of Water Availability from North City Water District and a Certificate of Sewer Availability from Ronald Wastewater District.

Environmental Review

The City of Shoreline is acting as Lead Agency for the SEPA review and environmental determination. The City issued a SEPA Determination of Non-Significance on April 21, 2016 (See **Attachment K**).

DISCUSSION

Rezoning is provided for in Shoreline Municipal Code (SMC) 20.30.320. The purpose of a rezone is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.

SMC 20.30.060 classifies a rezone as a Type C decision. Pursuant to Table 20.30.060, the City of Shoreline Hearing Examiner, after holding an open record public hearing and preparing findings and conclusions, makes a recommendation to the City Council. The City Council is the decision making authority on a Rezone.

Rezone Applications – Legal Standard

Three general rules apply to rezone applications: (1) there is no presumption of validity favoring a rezone; (2) the rezone proponent must demonstrate that circumstances have changed since the original zoning; and (3) the rezone must have a substantial relationship to the public health, safety, morals, and general welfare. *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wash. 2d 861, 947 P.2d 1208 (1997). However, as is the case for the present rezone application, when a proposed rezone implements the policies of a comprehensive plan, the rezone proponent is not required to

demonstrate changed circumstances. *Bjarnson v. Kitsap County*, 78 Wash. App. 840, 899 P.2d 1290 (1995).

The decision criteria set forth in SMC 20.30.320(B) address the other rules set forth by the courts for a rezone.

Decision Criteria – SMC 20.30.320(B)

Decision criterion that the Hearing Examiner must examine and the Council must approve for a rezone is set forth in SMC 20.30.320(B). The Applicant provided responses to the following decision criteria which are located in **Attachment L**.

SMC 20.30.320(B) provides that an application for a rezone of property may be approved or approved with modifications if:

1. The rezone is consistent with the Comprehensive Plan.

Applicant's Response:

The rezone request is a change from the existing zone of R-12 to the proposed zone of R-24. The Comprehensive Plan designation of the site is High Density Residential. The R-24 Zone is an implementing zone for the High Density Residential designation.

Comprehensive Plan Policy LU-3 reads, "The High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The permitted base density for this designation may not exceed 48 dwelling units per acre".

The site lies a ½ block from the intersection of NE 175th Street and 15th Avenue NE, which is a local commercial area. 15th Avenue NE is a major mass transit corridor which serves a number of bus routes including routes 348, 347, and 77x. The proposal is keeping in with the Comprehensive Plan Policy of allowing densities of less than 48 dwelling units per acre.

Staff Analysis:

In addition to the policy stated by the Applicant, the proposed rezone also meets the following Goals and Policies:

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

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

Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

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

Goal CD I: Promote community development and redevelopment that is aesthetically pleasing, functional, and consistent with the City's vision.

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

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

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

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

H3: Encourage infill development on vacant or underutilized sites.

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

NE1. Promote infill and concurrent infrastructure improvements in areas that are already developed in order to preserve rural areas, open spaces, ecological functions, and agricultural lands in the region.

Based on the noted Comprehensive Plan Goals and Policies, the proposed rezone is consistent with the Comprehensive Plan.

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

Applicant's Response:

The rezone is consistent with the comprehensive plan. This being the case, the intensity and type of use is considered appropriate from a long range planning standpoint. This proposed use only changes the upper limit of allowed density for this site. Other regulatory requirements for the site remain to control environmental impacts. Likewise, other developmental factors which would affect the public health, safety, and general welfare are within the control of local, state, and federal regulations. The design and impacts of the project are therefore limited and mitigated by virtue of the legal requirements that will be placed upon its development.

Staff Analysis:

The subject property is located adjacent to NE 175th Street which is identified as a Collector Arterial in the City's Transportation Master Plan. The site is bounded on three sides by parcels that are zoned R-12 with a Comprehensive Plan Land Use designation of High Density Residential. The parcel to the north and east is a 12-bed rehabilitation center for individuals with traumatic brain injuries.

The proposed townhomes are an approved use in the R-24 zone and will be required to fully comply with the City's Development Code.

The rezone will not adversely affect the public health, safety or general welfare since the Applicant is not introducing a use that cannot already be developed on the site. Townhomes are an approved use in both the R-12 and R-24 zones. The rezone will allow the Applicant to develop seven (7) townhomes (the applicant is proposing six (6) townhomes) instead of 3 townhomes which are currently allowed in the existing zone.

3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan.

Applicant's Response:

The rezone is consistent with the Comprehensive Plan. This rezone would increase potential density of the site to 24 units per acre. This designation is still only half the density considered appropriate for this location by the comprehensive plan.

Staff Analysis:

The rezone is warranted in order to achieve consistency with the Comprehensive Plan. Policy LU-3 states:

LU3: The High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The permitted base density for this designation may not exceed 48 dwelling units per acre.

The proposed rezone to R-24 is warranted since the proposal meets Land Use Policy LU-3. The proposed R-24 Zone is in an area near employment, commercial areas, and where high levels of transit are present. The proposed R-24 zone creates a buffer between the commercial uses to the west and the low-density residential uses to the east. The R-24 zone does not exceed 48 dwelling units per acre.

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

Applicant's Response:

Intense commercial and residential development exists within ½ block of the site on 15th Avenue NE. Properties adjacent to these projects are in transition; change to more intense use is happening, and must have happened to accommodate the intense growth now being experienced by the City. This location was chosen for allocation of some of that growth. The impacts of increase traffic and need for mass transit is well served at this location. With multifamily and commercial uses existing so closely, the increase in density proposed is appropriate and should not have a negative impact on adjacent properties.

Staff Analysis:

The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone. Any new development on the subject site will be required to comply with the City's Development Code, Stormwater Manual, Engineering Development Manual and other City codes that ensure the site will be developed with the latest building and engineering codes.

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

Applicant's Response:

The rezone is the implementation of the city vision for this area as established in its comprehensive plan. This location was chosen for allocation of the city's population growth. With existing commercial uses very close by; good access to major city arterials, highways and freeways; and with a mass transit corridor within a short walk, this is an ideal location for the proposal. The value to the community is found in locating of its population where the existing infrastructure can best serve the growth.

Staff Response:

The proposed rezone and subsequent development of townhomes has merit and value for the community. The proposed rezone is implementing the City's vision for this area as stated in the Comprehensive Plan. This location was chosen for allocation of the City's population growth. Existing commercial uses are in close proximity to the site and transit is a short walk from the site. The proposed development will be required to install full frontage improvements that include sidewalk, curb, gutter, and landscape/amenity zone adjacent to the sidewalk.

RESOURCE/FINANCIAL IMPACT

The proposed rezone will not have a direct resource or financial impact to the City. The rezone does have the potential to add up to seven dwelling units adding to the City's property tax base.

RECOMMENDATION

The Hearing Examiner and staff recommend that the Council adopt proposed Ordinance No. 748.

ATTACHMENTS

- Attachment A – Proposed Ordinance No. 748
- Attachment B – Hearing Examiner Decision
- Attachment C – Proposed Site Plan
- Attachment D – Vicinity Map
- Attachment E – Zoning Map
- Attachment F – Comprehensive Plan Land Use Map
- Attachment G – Neighborhood Meeting Summary
- Attachment H – Notice of Application
- Attachment I – Notice of Public Hearing
- Attachment J – Public Comment Letters
- Attachment K – SEPA Determination of Nonsignificance
- Attachment L – Applicant's Response to Decision Criterion

ORDINANCE NO. 748

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING THE HORIZON VIEW HOMES SITE-SPECIFIC REZONE APPLICATION TO AMEND THE CITY'S OFFICIAL ZONING MAP FROM R-12 TO R-24 FOR PROPERTY LOCATED AT 1540 NE 175th STREET

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, the applicant seeks a site-specific rezone of single tax parcel of 0.29 acres in size located at 1540 NE 175th Street, Tax Parcel 4024101295; and

WHEREAS, the request site-specific rezone would amend the City's Official Zoning Map for this parcel from its current zoning of Residential 12 units per acre (R-12) to Residential 24 units per acre (R-24); and

WHEREAS, the site-specific rezone implements the Comprehensive Plan land use designation for the parcel of High-Density Residential; and

WHEREAS, SMC 20.30.060 classifies a site-specific rezone as a Type C decision for which the City of Shoreline Hearing Examiner, after an open record public hearing, prepares findings and conclusions, and makes a recommendation to the City Council; and

WHEREAS, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on April 21, 2016; and

WHEREAS, the City of Shoreline Hearing Examiner held a properly noticed open record public hearing on May 11, 2016; and

WHEREAS, on May 13, 2016, the City of Shoreline Hearing Examiner issued her "Findings, Conclusions and Recommendation," finding that the site-specific rezone satisfied the criteria set forth in SMC 20.30.320; and

WHEREAS, the City of Shoreline Hearing Examiner recommended approval of the site-specific rezone; and

WHEREAS, pursuant to SMC 20.30.060, the City Council has final decision making authority and this decision is to be made at a public meeting; and

WHEREAS, the City Council concurs with the May 13, 2016 "Findings, Conclusions, and Recommendation" of the City of Shoreline Hearing Examiner and determines that the site-specific rezone should approved;

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

Section 1. Hearing Examiner’s Recommendation. The City of Shoreline Hearing Examiner’s May 13, 2016 Findings, Conclusion and Recommendation, attached as Exhibit A, is hereby adopted.

Section 2. Amendment. The City’s Official Zoning Map shall be amended to change the zoning designation for the property located at 1540 NE 175th Street Shoreline (Tax Parcel 4024101295), as depicted in Exhibit B, from Residential 12 units per acre (R-12) to Residential 24 units per acre (R-24).

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 25, 2016.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2016

Effective Date: , 2016

**CITY OF SHORELINE HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

PROPOSAL INFORMATION SUMMARY

Project: Horizon View Homes Rezone Application

File Number: 202135

Applicant: Laurey Tobiason for Daniel Wick

Property Location: 1540 NE 175th Street

Recommendation: Planning and Community Development Department:
Approve

Public Hearing: May 11, 2016

Introduction

The applicant seeks a rezone of property from R-12 to R-24 for construction of six attached townhomes. A public hearing on the application was held on May 11, 2016, in Council Chambers at Shoreline City Hall, 17500 Midvale Avenue North in Shoreline. The Planning and Community Development Department (“Department”) was represented by Steve Szafran, Senior Planner. The applicant, Daniel Wick, was represented by Laurey Tobiason. The Department’s Staff Report, with 10 attachments, was admitted into the record. The Hearing Examiner inspected the site following the hearing.

For purposes of this decision, all section numbers refer to the Shoreline Municipal Code (“SMC” or “Code”) unless otherwise indicated. After considering the evidence in the record, the Hearing Examiner enters the following findings of fact, conclusions and recommendation on the application.

Findings of Fact

1. The subject property is located approximately 370 feet east of 15th Avenue NE in the North City Business District. It is zoned R-12, as are the surrounding properties. It is relatively flat, with no identified critical areas.
2. The site and the parcel to the west are each developed with single-family residences. The parcel to the north and east of the site is currently being redeveloped with a 12-bed center for traumatic brain injuries. To the south, across NE 175th Street, is R-6 zoned property developed with single-family residences. To the west is a CB zoning district with commercial development.
3. The Comprehensive Plan Land Use designation for the site is High-Density Residential, which is intended for areas near employment and/or commercial areas, where high levels of

transit service are present or likely. The designation is intended to create a transition between commercial uses and lower intensity residential uses and also allows some commercial uses.

4. The site is accessed via NE 175th Street, which is designated a Collector Arterial. There are no sidewalks adjacent to the site. One-half block away is 15th Avenue NE, which is an arterial and a major transit corridor.

5. The range of densities within the Comprehensive Plan's High Density Residential designation is R-12 to R-48. Townhomes are a permitted use on the subject property. The existing R-12 zoning would allow redevelopment with three units. The proposed R-24 zoning would allow 6 units.

6. The Applicant seeks a rezone of the subject property to R-24 for purposes of constructing 6 attached townhomes, each of which would have parking space for two vehicles. Exhibit 1, attachment 1. The townhomes would be oriented to the west side of the property, with a common drive aisle on the east side. Landscape buffers are shown along the east, north and west sides of the property. The applicant will construct full frontage improvements.

7. The Staff Report recites the public notice and public involvement process for the application, as well as agency comment. Exhibit 1 at 2. The Department received two public comment letters expressing concern about a potential increase in traffic, lack of sidewalks, lack of neighborhood parking, incompatibility with single-family homes, and public health issues. Exhibit 1, attachment 8.

8. One member of the public testified at the public hearing on the proposal and expressed concern about the proposal adding vehicles to existing traffic and parking issues in the area, and the lack of sidewalks. The Department noted that the project would be fully reviewed for traffic concurrency, and that impact fees would be imposed if warranted.

9. The Department issued a SEPA Determination of Non-Significance for the proposal on April 21, 2016, which was not appealed. Exhibit 1, attachment 9.

10. The Department reviewed the proposal and recommends that the rezone be approved. Exhibit 1.

11. SMC 20.30.320 provides that a rezone may be approved if it meets the following criteria:

1. The rezone is consistent with the Comprehensive Plan; and
2. The rezone will not adversely affect the public health, safety or general welfare; and
3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
5. The rezone has merit and value for the community.


Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on this application pursuant to SMC 20.30.060.
2. Under Rule 3.6 of the Rules of Procedure for Administrative Hearings of the City of Shoreline, the applicant has the burden of establishing that the application complies with applicable laws and regulations.
3. Most of the public comments voiced concerns about existing traffic and parking issues in the area and an existing lack of infrastructure, such as sidewalks. These may be valid concerns, but existing conditions are seldom sufficient grounds on which to deny a proposal. That is particularly true in this case where: 1) the rezone is consistent with the Comprehensive Plan's designated density for the property; 2) the proposed development would be at the low end of the designation's density range; 3) The proposed development would provide a transition between single-family residential property on one side and nearby commercial uses on the other; and 4) the proposal will be required to meet all Code requirements.
4. The Department's Staff Report at pages 3-5 provides a thorough analysis of the application's consistency with each of the rezone criteria. That section of the Staff Report requires one correction. On page 5, #2, the last sentence of the fourth full paragraph is corrected to read as follows: "The rezone will allow the Applicant to develop six (6) townhomes instead of 3 townhomes which are currently allowed in the existing zone." As corrected, the Staff Report's rezone analysis is adopted by reference.
5. The application meets all the criteria for a rezone and should therefore be approved.

Recommendation

The Hearing Examiner recommends that the rezone application be approved.

Entered this 13th day of May, 2016.


Sue A. Tanner
Hearing Examiner


**BEFORE THE HEARING EXAMINER
CITY OF SHORELINE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings, Conclusions, and Recommendation** to each person listed below, or on the attached mailing list, in the matter of **Horizon View Homes Rezone Application**, Project No.: **202135** in the manner indicated.

Party	Method of Service
Bonita Roznos City Clerk's Office City of Shoreline 17500 Midvale Ave N Shoreline, WA 98133 broznos@shorelinewa.gov	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: May 13, 2016



Tiffany Ku
Legal Assistant

**CITY OF SHORELINE HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

PROPOSAL INFORMATION SUMMARY

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For purposes of this decision, all section numbers refer to the Shoreline Municipal Code (“SMC” or “Code”) unless otherwise indicated. After considering the evidence in the record, the Hearing Examiner enters the following findings of fact, conclusions and recommendation on the application.

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1. The subject property is located approximately 370 feet east of 15th Avenue NE in the North City Business District. It is zoned R-12, as are the surrounding properties. It is relatively flat, with no identified critical areas.
2. The site and the parcel to the west are each developed with single-family residences. The parcel to the north and east of the site is currently being redeveloped with a 12-bed center for traumatic brain injuries. To the south, across NE 175th Street, is R-6 zoned property developed with single-family residences. To the west is a CB zoning district with commercial development.
3. The Comprehensive Plan Land Use designation for the site is High-Density Residential, which is intended for areas near employment and/or commercial areas, where high levels of

transit service are present or likely. The designation is intended to create a transition between commercial uses and lower intensity residential uses and also allows some commercial uses.

4. The site is accessed via NE 175th Street, which is designated a Collector Arterial. There are no sidewalks adjacent to the site. One-half block away is 15th Avenue NE, which is an arterial and a major transit corridor.

5. The range of densities within the Comprehensive Plan's High Density Residential designation is R-12 to R-48. Townhomes are a permitted use on the subject property. The existing R-12 zoning would allow redevelopment with three units. The proposed R-24 zoning would allow 6 units.

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1. The rezone is consistent with the Comprehensive Plan; and
2. The rezone will not adversely affect the public health, safety or general welfare; and
3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
5. The rezone has merit and value for the community.


Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on this application pursuant to SMC 20.30.060.
2. Under Rule 3.6 of the Rules of Procedure for Administrative Hearings of the City of Shoreline, the applicant has the burden of establishing that the application complies with applicable laws and regulations.
3. Most of the public comments voiced concerns about existing traffic and parking issues in the area and an existing lack of infrastructure, such as sidewalks. These may be valid concerns, but existing conditions are seldom sufficient grounds on which to deny a proposal. That is particularly true in this case where: 1) the rezone is consistent with the Comprehensive Plan's designated density for the property; 2) the proposed development would be at the low end of the designation's density range; 3) The proposed development would provide a transition between single-family residential property on one side and nearby commercial uses on the other; and 4) the proposal will be required to meet all Code requirements.
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5. The application meets all the criteria for a rezone and should therefore be approved.

Recommendation

The Hearing Examiner recommends that the rezone application be approved.

Entered this 13th day of May, 2016.


Sue A. Tanner
Hearing Examiner

**BEFORE THE HEARING EXAMINER
CITY OF SHORELINE**

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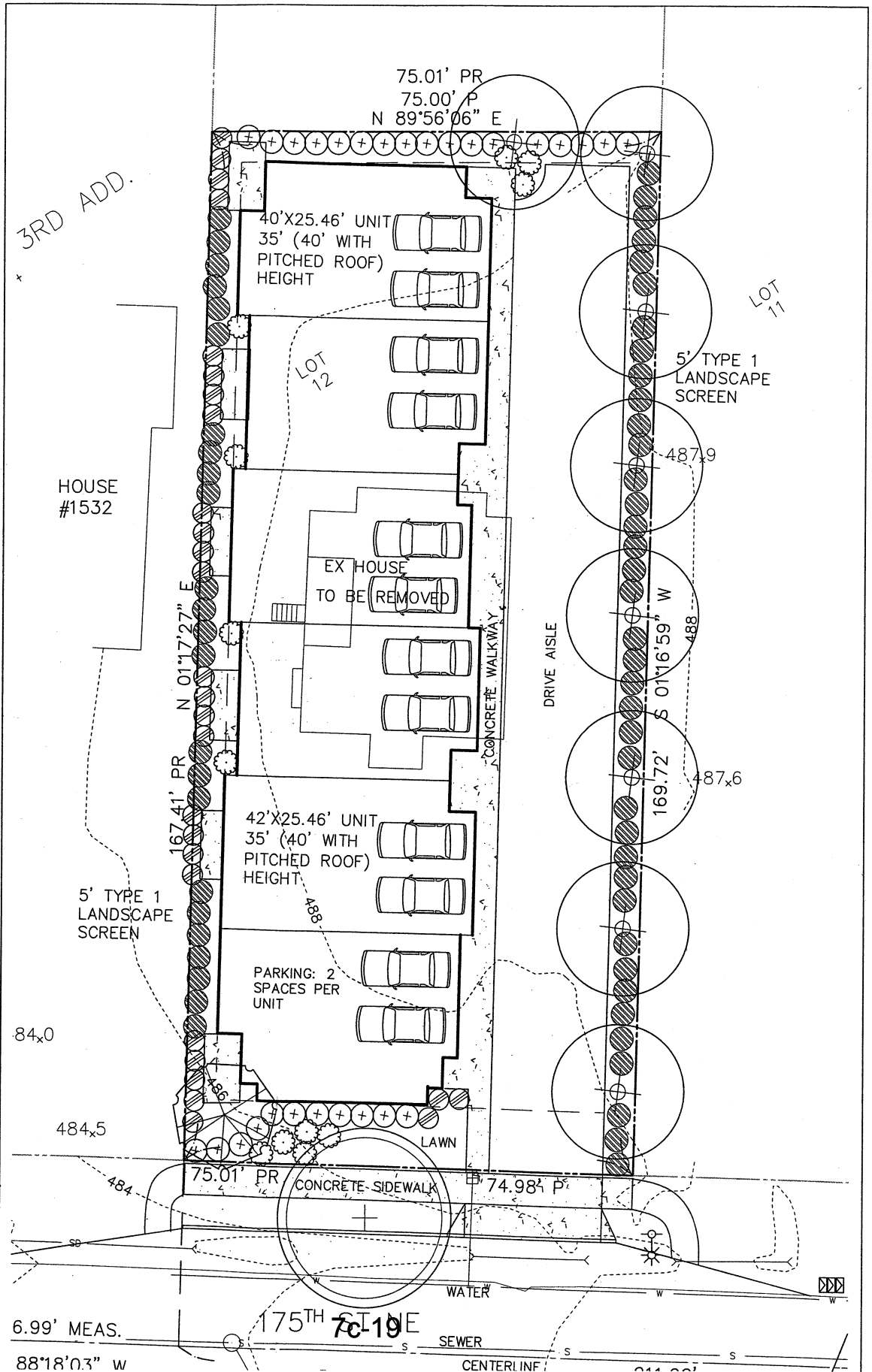
Dated: May 13, 2016

TK

Tiffany Ku
Legal Assistant

Site Plan

1540 NE 175th Street



To see the ac

175th ST E
7c-19



NE 177th St

NE 177th St

North City Lounge

15th Ave NE

15th Ave NE

15th Ave NE

NE 177th St

ECO Enterprises

Seashore Collective

Peking House

Walgreens

1540 NE 175th St

NE 175th St

NE 175th St

NE 175th St

US Post Office

7c-20

NE Serpentine Pl

NE Serpentine Pl

1740 PINE

NE 173rd St



NE 17TH ST

NE 177TH ST

NE 177TH ST

CB

CB

R48

R18

R6

R12

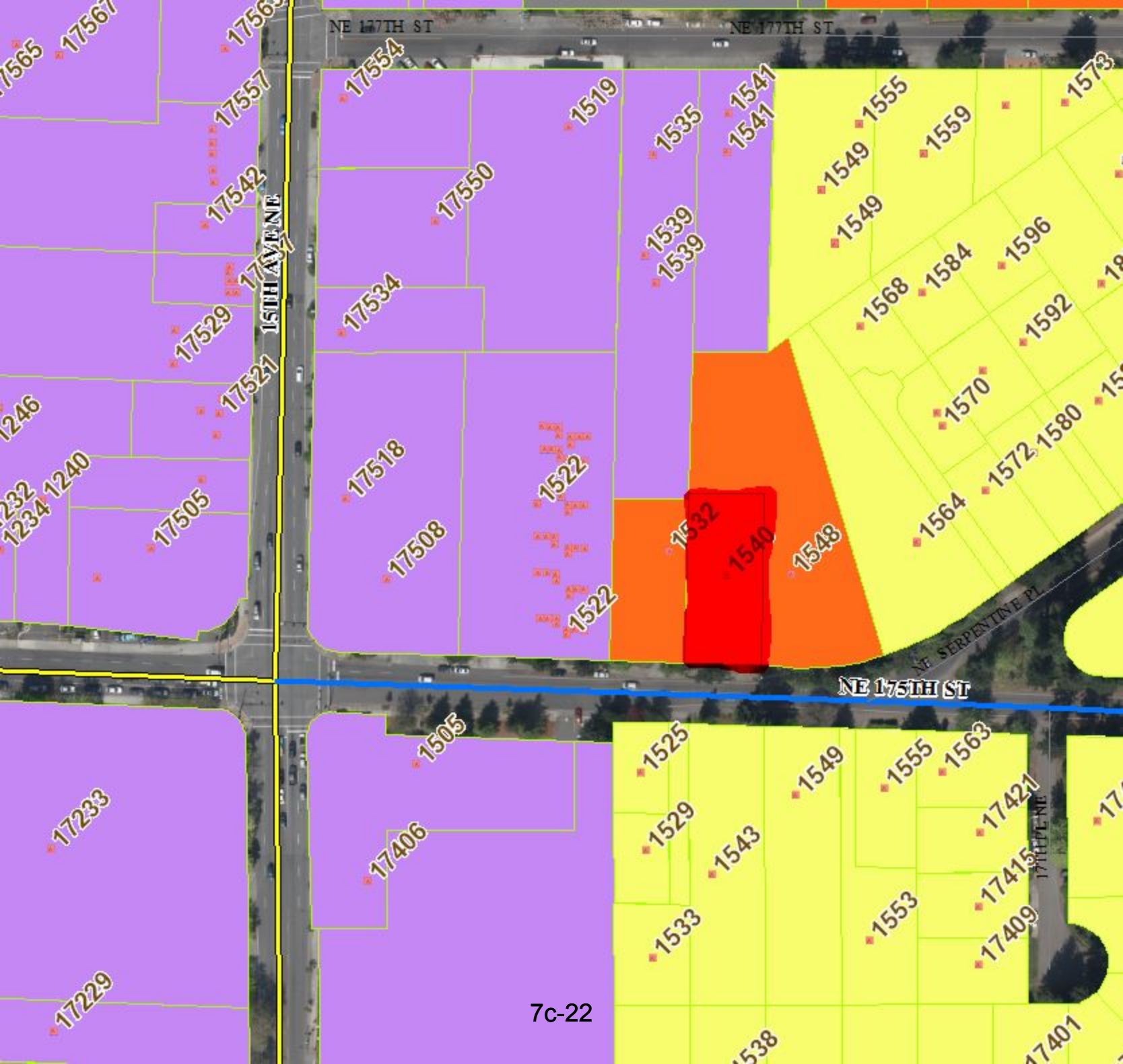
NE 175TH ST

CB

CB

R6

7c-21



NE 177TH ST

NE 177TH ST

15TH AVENUE

NE 175TH ST

NE SERPENTINE PL

15TH AVENUE

7c-22

SUMMARY OF NEIGHBORHOOD MEETING

RECEIVED
MAR 16 2016

PCD

202135

City of Shoreline

Planning Department

17500 Midvale Ave N

Shoreline, WA 98133

RE: Rezone of 1540 NE 175th Street Shoreline WA 98155

RECEIVED
MAR 16 2016
PCD

March 15, 2016

202135

Meeting Summary

Neighborhood Meeting for proposed development located at 1540 NE 175th St Shoreline, WA 98155

A neighborhood meeting was held on 11/30/2015 @ 5:30pm

The following people were in attendance

- Robin C Oleary
17408 17th PI NE Shoreline Wa 98155

There was one concern brought up at the meeting in regards to landscaping. We intend to do landscaping, buffering in between the road and the building. There were no other concerns or issues raised at the meeting.

CORDIALLY,



*DANIEL WICK
PROPERTY OWNER*



November 19, 2015

RECEIVED
MAR 16 2016
PCD
202135

RE: Neighborhood Meeting Notice for
1540 NE 175th Street
Shoreline, WA 98155

Dear Neighbor,

Please come hear a presentation for a proposed development at 1540 NE 175th St, Shoreline, WA 98155 (Subject Property). At this meeting we will discuss the specific details and solicit comments on the proposal from the neighborhood.

MEETING INFORMATION

Proposal: Rezone of the subject property to high density residential use and development of a five unit townhouse project including garage parking.


Date: Monday, November 30th, 2015

Time: 5:30 p.m.

Location of Meeting: The meeting will be held at the Shoreline Conference Center in the Aurora Room, which is located at 18560 1st Ave NE, Shoreline, WA 98155

We look forward to seeing you there.

Cordially,


Daniel Wick, President
Horizon View Homes

The City of Shoreline Notice of Rezone Application including Optional SEPA DNS Process

Location, Application No., Type of Permit(s) Required and Project Description:

1540 NE 175th Street, #202135 Rezone Application, The applicant has requested to rezone a .29 acre site from Residential 12-units per acre (R-12) to Residential 24-units per acre (R-24) in order to construct 6 townhomes.

The City expects to issue a SEPA Determination of Nonsignificance. This may be the only opportunity to comment on the environmental impacts of this proposal.

The public comment period ends April 15, 2016 at 5:00 p.m. Please mail, fax (206) 801-2788 or deliver comments to City of Shoreline, Attn: Steven Szafran 17500 Midvale Avenue N, Shoreline, WA 98133 or email to sszafran@shorelinewa.gov@shorelinewa.gov.

Copies of the full notice of application, application materials including SEPA documents, and applicable codes are available for review at City Hall, 17500 Midvale Avenue N.



Notice of Public Hearing of the Hearing Examiner

Applicant, Application No., and Permit Requested: Horizon View Homes, #202135 Rezone Application.

Location & Description of Project: 1540 NE 175th Street. The applicant has requested to rezone a .29 acre site from Residential 12-units per acre (R-12) to Residential 24-units per acre (R-24) in order to construct 6 townhomes.

Threshold Determination: The City of Shoreline has issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act Rules (Chapter 197-11 WAC) for this project. There is no additional public comment for this DNS.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Wednesday, May 11, 2016 at 6:00 p.m. in the Council Chamber at City Hall 17500 Midvale Avenue N, Shoreline, WA.

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

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

NOTICE OF DISCLOSURE

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

Steve Szafran

From: Crispin, Beth Ann <beth.crispin@seattlechildrens.org>
Sent: Wednesday, April 20, 2016 11:01 AM
To: Steve Szafran
Subject: Town Homes Rezone

Hello,

I received your letter about a notice of rezone for 1540 NE 175th Street in Shoreline. I am interested in learning more about the Townhomes that are going to be built there. Do you have any contact information for the builder? Thank you,

Sincerely,

Beth Crispin

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Steve Szafran

From: Ann Ocean <Ann.Ocean@awbank.net>
Sent: Thursday, April 14, 2016 10:04 AM
To: Steve Szafran
Cc: PCD
Subject: Re-Zone Permit 202135 R-12 & R24 Neighborhood complaint

City of Shoreline

17500 Midvale Ave N

Shoreline WA

RE: Re-Zone Application #202135

Address 1540 NE 175th St

Shoreline, WA 98155

Good Morning;

I am writing today to voice my concern/denial/complaint to the application/permit # 202135 to re-zone the property.

I don't even approve of the R12 and now Daniel Wick Horizon Homes has applied to you to re-zone the property to R24.

My family has been in Shoreline since the late 1960 and still reside in the family home, literally a "stone throw" from the property (1540 NE 175th) being re-zoned. This has always been a residential area on a two lane road off NE 175th going east, which over time has become busier with the development on the west side of NE 175th and the North City business area. We have a Brain Trauma Center being built at the corner of NE 175th & Serpentine which will increase the traffic and additional parking issues.

The R12 and R24 permit application are "out of line" for the residential area as you look at the street now; homes on both side of the street/properties being built/permitted will be boxed in, no parking, no walking with children/dogs in the area which really isn't safe now and all on this on a two lane road which has no additional room on either side of the street for a four lane road.

A R12 or R24 zone will not improve the area but will create additional problems/concerns for the residents who will call/write and complain to the City of Shoreline; we have homeless in the area, unwanted parking for the homeless, trash/human waste on the side of the road, drug deals, used needles and spent condoms.

Is this really what the City of Shoreline wants?

My family certainly does not want this.

Thank you for listening.

Ann (Provencher) Ocean

Shoreline Resident



Ann Ocean

Senior Loan Specialist Ballard Office

2227 NW 57th St Seattle, WA 98107

Office: 206-297-4207

bannerbank.com

Fax: 206-283-0083

E-mail: ann.ocean@bannerbank.com

Better ideas. Better banking.

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SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

PROJECT INFORMATION

DATE OF ISSUANCE: **April 21, 2016**
PROPONENT: **City of Shoreline**
LOCATION OF PROPOSAL: **1540 NE 175th Street, Shoreline, WA 98133**

DESCRIPTION OF PROPOSAL: The applicant has requested to rezone a .29 acre site from Residential 12-units per acre (R-12) to Residential 24-units per acre (R-24) in order to construct 6 townhomes.

PUBLIC HEARING **Tentatively scheduled for May 11, 2016**

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

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

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

RESPONSIBLE OFFICIAL: **Rachael Markle, AICP**
Planning & Community Development, Director and SEPA Responsible Official

ADDRESS: **17500 Midvale Avenue North** PHONE: **206-801-2531**
Shoreline, WA 98133-4905

DATE:

4/19/16

SIGNATURE:

R. Markle for R. Markle

PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION

The public comment period will end on May 11, 2016. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

The file and copy of the Development Code amendments are available for review at the City Hall, 17500 Midvale Ave N., 1st floor – Planning & Community Development or by contacting Steven Szafran, AICP, Senior Planner at sszafran@shorelinewa.gov or by calling 206-801-2512.

The file and copy of this SEPA Determination of Nonsignificance is available for review at the City Hall, 17500 Midvale Ave N., 1st floor – Planning & Community Development.

TOBIASON

LAND USE CONSULTING/LANDSCAPE ARCHITECTURE

RECEIVED
MAR 16 2016

PCD

175th Street NE Rezone Request

Decision Criteria Narrative

202135

The rezone is consistent with the Comprehensive Plan:

The rezone request is a change from the existing zone of R-12 to the proposed zone of R-24. The comprehensive plan designation of the site is High Density Residential. R-24 is an implementing zone for the High Density Residential designation.

Comprehensive policy LU-3 reads: "The High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The permitted base density for this designation may not exceed 48 dwelling units per acre."

The site lies ½ a block from the intersection of 175th Street NE and 15th Avenue NE, which is a local commercial area. 15th Avenue NE is a major mass transit corridor (routes 348, 347 and 77x). The proposal is for a rezone which would allow densities of less than 48 dwelling units per acre.

For these reasons, the rezone request is consistent with the comprehensive plan.

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

As demonstrated above, the rezone is consistent with the comprehensive plan. This being the case, the intensity and type of use is considered appropriate from a long range planning standpoint. This proposed rezone only changes the upper limit of allowed density for this site. Other regulatory requirements for the site remain to control environmental impacts. Likewise, other developmental factors which would affect the public health, safety and general welfare are within the control of local, state and federal regulations. The design and impacts of the project are therefore limited and mitigated by virtue of the legal requirements that will be placed upon its development.

The rezone is warranted in order to achieve consistency with the Comprehensive Plan.

As demonstrated above, the rezone is consistent with the Comprehensive Plan. This rezone would increase potential density of the site to 24 units per acre. This designation is still only half the density considered appropriate for this location by the comprehensive plan.

The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone:

20434 10TH PLAGE SW SEATTLE, WA 98166-4106 206-375-7775
LAUREY@TOBIASON.BIZ WEBSITE: TOBIASONLANDUSECONSULTING.COM

TOBIASON

LAND USE CONSULTING/LANDSCAPE ARCHITECTURE

Intense commercial and residential development exists within ½ block of the site on 15th Avenue NE. Properties adjacent to these projects are in transition; change to more intense use is happening, and must happen to accommodate the intense growth now being experienced by the City. This location was chosen for allocation of some of that growth. The impacts of increase traffic and need for mass transit are well served at this location. With multifamily and commercial uses existing so closely, the increase in density proposed is appropriate and should not have a negative impact on adjacent properties.

The rezone has merit and value for the community:

As demonstrated in the foregoing discussion, the rezone is the implementation of the city vision for this area as established in its comprehensive plan. This location was chosen for allocation of the city's population growth. With existing commercial uses very close by; good access to major city arterials, highways and freeways; and with a mass transit corridor within a short walk, this is an ideal location for the proposal. The value to the community is found in locating of its population where the existing infrastructure can best serve the growth.

Statement of Use

The proposal is for a residential townhouse project of six units. A site plan has been developed showing the building configuration, vehicular and pedestrian access, parking, building elevation and landscaping.

The building coverage will be approximately 6000 square feet. The building itself will be three stories tall with a maximum height of 40 feet consistent with the R-24 zoning bulk regulations. Two parking spaces are provided in closed garages. The hardscape area will be approximately 4,745 square feet. Five foot wide landscape screens are proposed surrounding the project.

Frontage Improvements

Please see the site plan for the frontage improvement plan. We are showing curb and gutter; a five foot planter strip with lawn and a street tree; and a five foot wide concrete sidewalk.