

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	QUASI-JUDICIAL: Action on Ordinance No. 925 – Amending the Zoning Map at 16357 Aurora Avenue N from Residential 48-units Per Acre (R-48) and Residential 18-units Per Acre (R-18) to Mixed Business (MB) (PLN21-0008)
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:

The City of Shoreline has requested a rezone of one (1) parcel located at 16357 Aurora Avenue N. The request is to change zoning from Residential 48-units per acre (R-48) and Residential 18-units per acre (R-18) to Mixed Business (MB), a commercial/mixed-use zone. If a rezone is granted, the owner of the property, King County Housing Authority, intends to use the existing structure to operate an Enhanced Shelter in partnership with King County as defined by the Shoreline Municipal Code (SMC). Per SMC Section 20.30.060, a rezone is a Type C quasi-judicial decision for which the City Hearing Examiner holds a public hearing and issues a recommendation. The City Council is tasked with making a final decision. 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 Hearing Examiner's *Findings, Conclusions, and Recommendation (Attachment A, Exhibit A)*, dated April 2, 2021, recommends approval of the proposed rezone. Adoption of proposed Ordinance No. 925 (**Attachment A**) would authorize this rezone and amend the City's Zoning Map accordingly. Tonight, Council is scheduled to take action on proposed Ordinance No. 925.

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 dwelling units, which would contribute to the City's property tax base.

RECOMMENDATION

The Hearing Examiner recommended approval of this requested rezone. Staff concurs with this recommendation and recommends that the City Council adopt proposed Ordinance No. 925.

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

BACKGROUND

Rezoning is a discretionary decision of the City and addressed in Shoreline Municipal Code (SMC) Section 20.30.320. The purpose of a rezoning 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.

Per SMC Section 20.30.060, a rezoning is a Type C quasi-judicial decision for which the City Hearing Examiner holds a public hearing and issues a recommendation. The City Council is tasked with making a final decision. As such, the City Council cannot hear any additional public comment on quasi-judicial items and should not have external discussion regarding a proposed rezoning with members of the public.

The Code (SMC 20.30.320[B]) sets forth the following decision criteria with regard to rezoning approval:

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

The City proposes to rezone a parcel of land located at 16357 Aurora Avenue N from R-48 and R-18 to MB. While the property owner intends to utilize the parcel for an Enhanced Shelter, a type of homeless shelter, and redevelop the property for permanent supportive multi-family housing after that, rezoning to MB would allow for a variety of more intense residential and commercial uses not currently permitted in the R-48 zoning district. Rezoning this parcel to MB is consistent with other similarly situated properties abutting Aurora Avenue N. The subject parcel has a Comprehensive Plan Land Use Map designation of Mixed-Use 1, for which MB is an implementing zone. A map depicting the proposed rezoning can be found as **Attachment A, Exhibit B**.

As part of the rezoning request, staff provided responses to the above-noted rezoning decision criteria and staff provided additional analysis. Staff responses and analysis are included in the Hearing Examiner staff report, along with exhibits presented to the Hearing Examiner. These documents collectively represent the Hearing Examiner record for this rezoning and are attached to this staff report as **Attachment B**.

The Hearing Examiner held the required public hearing on March 17, 2021. On April 2, 2021, the Hearing Examiner issued their *Findings, Conclusions, and Recommendations* regarding this rezoning (**Attachment A, Exhibit A**). With this recommendation, the Hearing Examiner sets forth the Findings of Fact and Conclusions of Law that support the recommendation of approval.

DISCUSSION

Proposed Ordinance No. 925 (**Attachment A**) would authorize this proposed rezone and amend the City's Zoning Map accordingly. The City Council discussed proposed Ordinance No. 925 on April 26, 2021. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport042621-8a.pdf>.

During this April 26th Council discussion, the Council asked, and staff responded, that a change to the zoning designation of this site as proposed in proposed Ordinance No. 925 does not have an impact on the operation of the existing Enhanced Shelter onsite. The Enhanced Shelter is authorized to operate under Ordinance Nos. 906 and 913 and will continue to do so under the current R-48 and R-18 zone or the proposed MB zone. A change to the MB zone will allow King County, or any other future property owner, to redevelop the property with increased housing, commercial, or increased supportive housing units that meets the intent and vision of Shoreline's Comprehensive Plan.

Pursuant to SMC 20.30.320(B), based on the record developed by the Hearing Examiner, the City Council may approve, approve with modifications, or deny the proposed rezone. As noted above, adoption of proposed Ordinance No. 925 would authorize this rezone and amend the City's Zoning Map.

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 dwelling units, which would contribute to the City's property tax base.

RECOMMENDATION

The Hearing Examiner recommended approval of this requested rezone. Staff concurs with this recommendation and recommends that the City Council adopt proposed Ordinance No. 925.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 925

Attachment A, Exhibit A – Hearing Examiner Findings, Conclusions, and Recommendation

Attachment A, Exhibit B – Zoning Map with Proposed Rezone

Attachment B – Hearing Examiner Record, including the following exhibits:

- Exhibit 1- Hearing Examiner Staff Report
- Exhibit 2 – Site Plan
- Exhibit 3 – Vicinity Map
- Exhibit 4 – Zoning Map
- Exhibit 5 – Aurora Zoning

- Exhibit 6 – Comprehensive Plan Land Use Map
- Exhibit 7 – Neighborhood Meeting Summary
- Exhibit 8 – Notice of Application and Public Hearing
- Exhibit 9 – Public Comment Letters and Photos
- Exhibit 10 – SEPA DNS
- Exhibit 11 – Development Examples
- Exhibit 12 – Staff Presentation to Hearing Examiner
- Exhibit 13 – Additional Public Comment

ORDINANCE NO. 925

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING THE CITY'S OFFICIAL ZONING MAP FROM R-48 AND R-
18 TO MB FOR A PARCEL OF LAND LOCATED AT THE
INTERSECTION OF N 160th STREET AND AURORA AVENUE N, TAX
PARCEL NO. 3293700010.**

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 City of Shoreline, via Application No. PLN 21-0008, seeks a site-specific rezone of a parcel of land located at the intersection of N 160th Street and Aurora Avenue N, identified by Tax Parcel No. 3593700010, and addressed as 16357 Aurora Avenue N; and

WHEREAS, the requested site-specific rezone would amend the City's Official Zoning Map for this parcel from the current mixed zoning of Residential 18 units per acre (R-18) and Residential 48 units per acre (R-48) to Mixed Business (MB); and

WHEREAS, the site-specific rezone implements the Comprehensive Plan land use designation for the parcel of Mixed Use 1; and

WHEREAS, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on January 28, 2021; 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 City of Shoreline Hearing Examiner held a properly noticed open record public hearing on March 17, 2021 and, on April 2, 2021, the Hearing Examiner issued "Findings, Conclusions and Recommendation," finding that the site-specific rezone satisfied the criteria set forth in SMC 20.30.320, recommending approval; 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 considered the Hearing Examiner's recommendation at its April 26, 2021 regular meeting; and

WHEREAS, the City Council concurs with the April 2, 2021, "Findings, Conclusions, and Recommendation" of the City of Shoreline Hearing Examiner, determining that the site-specific rezone satisfies the criteria set forth in SMC 20.30.320 and should be approved;

**NOW 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 April 2, 2021, 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 parcel located at the intersection of N 160th Street and Aurora Avenue N, addressed as 16357 Aurora Avenue N, and identified by Tax Parcel No. 3293700010, from Residential 18 units per acre (R-18) and Residential 48 units per acre (R-48) to Mixed Business (MB), as depicted on Exhibit B.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. 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 MAY 10, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
on behalf of Margaret King, City Attorney

Date of Publication: , 2021
Effective Date: , 2021

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF SHORELINE**

In the Matter of the Application of)	No. PLN21-0008
)	
The City of Shoreline)	Former Oakes Nursing Facility
)	Site-Specific Rezone
)	
)	FINDINGS, CONCLUSIONS,
)	AND RECOMMENDATION
<u>For Approval of a Site-Specific Rezone</u>)	<i>(Corrected April 19, 2021)</i> ¹

SUMMARY OF DECISION

The Hearing Examiner recommends that the City Council **APPROVE** the request to rezone the 2.66-acre parcel located at 16357 Aurora Avenue North from the Residential 48 and Residential 18 zoning designations to the Mixed-Business zoning designation.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the request on March 17, 2021, using remote meeting technology. The Hearing Examiner left the record open until March 19, 2021, to allow for the submission of additional comments on the proposal.

Testimony:

The following individuals testified under oath at the open record hearing:

Steven Szafran, City Senior Planner
 Nora Gierloff, City Planning Manager
 Dianne Pfeil
 Dicky Leonardo
 Frank Uyu
 Nancy Pfeil
 Pam Cross

City Attorney Julie Ainsworth-Taylor represented the City at the hearing.

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated March 1, 2021

¹ This recommendation provides the correct hearing date of March 17, 2021. The original recommendation incorrectly stated that the hearing occurred on March 16, 2021. No other changes have been made.

2. Site Plan, undated
3. Vicinity Map, undated
4. Zoning Map, dated January 19, 2021
5. Aurora Avenue N. Zoning Map, undated
6. Comprehensive Plan Map, undated
7. Neighborhood Meeting Summary, dated March 5, 2021
8. Notice of Application and Public Hearing, issued February 12, 2021
9. Public Comments:
 - a. Comment from Tom Bachelder and Jennifer Lee, dated February 18, 2021
 - b. Comment from Tom Bachelder and Jennifer Lee, dated February 18, 2021
 - c. Comment from Renee Dillon, dated February 8, 2021
 - d. Comment from Renee Dillon, dated February 18, 2021
 - e. Comment from Nancy Pfeil, dated February 12, 2021
 - f. Comment from Nancy Pfeil, dated February 12, 2021
 - g. Comment from Nancy Pfeil, dated February 12, 2021
 - h. Comment from Nancy Pfeil, dated February 12, 2021
 - i. Comment from Nancy Pfeil, dated February 12, 2021
 - j. Comment from Nancy Pfeil, dated February 12, 2021
10. Determination of Nonsignificance (DNS), issued January 28, 2021
11. Development Examples in the Mixed-Business Zone and Similar Zones
12. City PowerPoint Presentation
13. Additional Public Comments:
 - a. Comment from Vince Vonada, dated March 18, 2021
 - b. Comment from Vicky Turner, dated March 18, 2021
 - c. Comment from Tom Bachelder, dated March 19, 2021
 - d. Comment from Nancy Pfeil, dated March 19, 2021
 - e. Comment from Renee Dillon, dated March 19, 2021

The Hearing Examiner enters the following findings and conclusions based upon the testimony at the open record hearing and the admitted exhibits:

FINDINGS

Application and Notice

1. The City of Shoreline (City, or Applicant) requests a site-specific rezone of a 2.66-acre parcel from the “Residential 48” (R-48) and “Residential 18” (R-18) zoning designations to the “Mixed-Business” (MB) zoning designation. The subject property is currently developed with a vacant, single-story building measuring 115,868 square feet that was formerly used as a nursing-home facility. The existing building on the property is being renovated to support an *enhanced shelter*, which is defined as a “low-barrier, 24 hour a day facility intended to provide persons experiencing homelessness with access to resources including, but not limited to, housing, basic needs, hygiene, case management and social programs as they transition to permanent housing.” *City of Shoreline Ordinance No. 906, effective November 3, 2020*. The property owner intends to utilize

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City of Shoreline Hearing Examiner
Former Oakes Nursing Facility Site-Specific Rezone, No. PLN20-0008

the existing building and associated improvements on the property for an enhanced shelter and to later redevelop the property with high-density multi-family housing. The property is located at 16357 Aurora Avenue N.² *Exhibit 1, Staff Report, pages 1 and 2; Exhibit 2; Exhibit 4.*

2. The City Planning and Community Development Department (PCDD) determined that the site-specific rezone application was complete on February 12, 2021. The same day, PCDD provided notice of the application and the associated open record hearing by mailing notice to property owners and residents within 500 feet of the site, posting notice on-site and on the City website, and publishing notice in *The Seattle Times*, with a comment deadline of March 17, 2021. The City received several public comments in response to its notice materials, which generally raised concerns about the proposed enhanced shelter use on the property. Specifically, Tom Bachelder and Jennifer Lee submitted comments noting that they own residential property adjacent to the subject property and have concerns that the operation of an enhanced shelter on the property would diminish neighboring property values. Renee Dillon and Nancy Pfeil submitted comments specific to the environmental review of the proposal, which are discussed in detail below. *Exhibit 1, Staff Report, page 3; Exhibit 8; Exhibit 9.*
3. PCDD held a neighborhood meeting for the proposed rezone on February 18, 2021, as required under Shoreline Municipal Code (SMC) 20.30.090. Following a presentation on the proposal by PCDD staff, members of the public attending the meeting provided comments. Specifically:
 - Ms. Slater (no first name provided) inquired about whether the proposed zoning change would apply to other properties around the site and whether the proposed enhanced shelter use of the site would be allowed under the property's current R-48 zoning designation. PCDD staff told Ms. Slater that the proposed zoning change applied only to the subject property and that an enhanced shelter use is allowed on a temporary basis in the R-48 zone.
 - Ken Ritland asked whether King County had initiated the rezone and whether the County could build a larger facility on the site if the rezone is approved. PCDD staff told Mr. Ritland that the Shoreline City Council initiated the rezone and that a larger facility would be allowed on the property under MB zoning regulations.
 - Nancy Pfeil noted that, under the property's current R-48 zoning designation, an enhanced shelter use is allowed on the site until 2023 and that, if rezoned to MB, the property could accommodate up to 250 units. She raised concerns that an enhanced shelter would increase emergency police and fire responses to the area and that the City Council is biased in favor of approving the rezone. Ms. Pfeil also raised concerns that existing site conditions, including erosion hazards and noxious weeds, adversely impact adjacent properties and salmon habitat within Boeing Creek.

² The subject property is identified by tax parcel number 3293700010. *Exhibit 1, Staff Report, page 1.*

- Stacy Ciez noted that she owns a warehouse building to the north of the property and raised concerns that future residents of the shelter would engage in illegal activities in the area.
- Gary Turner inquired about how the City would address illegal activities committed by future shelter residents.
- An unnamed member of the public also raised concerns about future shelter residents.
- Beverly Hawkins noted that not all homeless people are involved in illegal activity and that the City has a need to house its homeless population.

Exhibit 1, Staff Report, pages 2 and 3; Exhibit 7.

State Environmental Policy Act

4. PCDD acted as lead agency and analyzed the environmental impacts of the proposed site-specific rezone under the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). PCDD reviewed the Applicant's environmental checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on January 28, 2021, with a comment deadline of February 12, 2021, and an appeal deadline of February 11, 2021. *Exhibit 1, Staff Report, page 3; Exhibit 10.*
5. As noted above, the City received public comments on the DNS. Renee Dillon submitted a comment raising concerns that the Applicant's environmental checklist for the proposed rezone did not adequately address the public safety impacts of operating an enhanced shelter on the property. Nancy Pfeil submitted a comment similarly raising concerns about the adequacy of the Applicant's environmental checklist, noting that the checklist does not address the impacts of an enhanced shelter use on the neighboring residential properties. She also raised concerns about existing flooding and erosion conditions of the site, noting that these conditions impact Boeing Creek and Hidden Creek and that the impacts could worsen with the additional density that would be allowed with a rezone of the property to MB. Additionally, Ms. Pfeil raised concerns about existing noxious weeds on the property, about potential development impacting sunlight to neighboring properties, and about the potential noise and public safety impacts to neighboring properties from an enhanced shelter or from various commercial uses that would be allowed in the MB zone. Ms. Pfeil included with her comments several photographs showing the existing and historic conditions of the property and surrounding area. *Exhibit 1, Staff Report, page 3; Exhibits 9.c through 9.j; Exhibit 10.*
6. Ms. Dillon filed an appeal related to the environmental review conducted for the rezone proposal, which focused on the Applicant's environmental checklist but did not specifically challenge or reference the actual DNS issued for the proposal. The City filed a motion to dismiss the appeal, which the Hearing Examiner ultimately granted based on

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the lack of a specific challenge to the DNS. *Hearing Examiner's Decision on Dispositive Motion (No. HEA-2020-01), dated March 9, 2021.*

Comprehensive Plan and Zoning

7. The property and adjacent properties along Aurora Avenue N. are designated "Mixed-Use 1" (MU-1) under the City Comprehensive Plan. The Comprehensive Plan describes the intent of the MU-1 designation as follows:

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

Comprehensive Plan Land Use Policy LU9. Exhibit 1, Staff Report, page 2; Exhibit 6.
8. PCDD staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:
 - Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods. [Land Use Goal LU I]
 - Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment, [and] recreation. [Land Use Goal LU II]
 - 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. [Land Use Policy LU8]
 - Encourage development that is supportive of transit, and advocate for expansion and addition of new routes in areas with transit supportive densities and uses. [Transportation Policy T28]
 - Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations. [Housing Goal H II]
 - Integrate new development with consideration to design and scale that complements existing neighborhoods, and provides effective transitions between different uses and intensities. [Housing Goal H V]
 - Encourage a variety of residential design alternatives that increase housing choice. [Housing Policy H1]
 - Encourage infill development on vacant or underutilized sites. [Housing Policy H3]
 - Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities. [Housing Policy H23]

Exhibit 1, Staff Report, pages 4 and 5.

9. As noted above, the property is currently zoned R-48 and R-18 and is proposed to be rezoned to MB, consistent with adjacent properties along Aurora Avenue N. to the north, east, and south. The purpose of the City's high-density residential zones, including the R-48 and R-18 zones, is to "provide for a mix of predominantly apartment and townhouse dwelling units and other compatible uses." *SMC 20.40.030.C*. The purpose of the MB zone is to "encourage the development of vertical and/or horizontal mixed-use buildings or developments along the Aurora Avenue and Ballinger Way corridors." *SMC 20.40.040.C*. *Exhibit 1, Staff Report, page 2; Exhibit 4; Exhibit 5*.
10. Chapter 36.70A Revised Code of Washington (RCW) mandates that zoning classifications should be consistent with Comprehensive Plan designations. The MB zone is an implementing zone for the MU-1 Comprehensive Plan designation. PCDD staff determined that the property's current zoning classifications are inconsistent with the Comprehensive Plan because the R-48 and R-18 zones do not provide for form-based maximum density residential uses that are encouraged under the MU-1 land use designation. *Exhibit 1, Staff Report, pages 4 through 7*.

Existing and Surrounding Property

11. As noted above, the approximately 2.66-acre parcel is currently developed with a vacant, single-story, 115,868 square foot building that was built in 1953 and was formerly used as a nursing-home facility. Other associated improvements on the property include asphalt parking areas, gravel/dirt parking areas, outdoor patios, and landscaping. The property is generally flat. No critical areas have been identified on the property. Adjacent properties to the west are zoned "Residential 6" (R-6) and are developed with single-family residences. Properties to the north and east are zoned MB and are developed with commercial facilities. Properties to the south are zoned MB and R-48 and are developed with multi-family dwellings and a vacant restaurant. *Exhibit 1, Staff Report, pages 1 and 2; Exhibits 2 through 4*.

Rezone Criteria

12. PCDD staff reviewed the proposed site-specific rezone request against the required criteria for a rezone in *SMC 20.30.320.B* and determined:
 - The proposed rezone would be consistent with the Comprehensive Plan.
 - The MB zoning district is the City's most intensive zoning district. Although redevelopment of the property is not anticipated in the near future, rezoning the property to MB would allow for a variety of housing opportunities, employment, and services that would be accessible to the neighborhood and the region through potential future development.
 - The proposed enhanced shelter use and potential future development for multi-family housing or commercial uses would be supported by the King County Metro line located adjacent to the property.

- The proposed rezone would encourage a mix of housing choices, including an enhanced shelter, which is a housing choice that is currently lacking in the city and in the greater north King County region.
- Any future development of the site would be required to comply with transition area standards under SMC 20.50.021, which are designed to create effective transitions between high-intensity uses along the Aurora corridor and lower-density residential uses.
- The rezone would not adversely affect the public health, safety, or general welfare.
- Apart from the subject property, nearly all properties located on the Aurora corridor are zoned either MB or Town Center.
- Impacts from an enhanced shelter use on the property would be mitigated through indexed criteria, which would require the enhanced shelter to: (1) be operated by a state, county, or city government, a nonprofit corporation registered with the state, or a federally recognized 501(c)(3) organization with the capacity to organize and manage an enhanced shelter; (2) allow inspections of the facilities at reasonable times to ensure compliance with City requirements; (3) develop and enforce a code of conduct acceptable to the City that would, at a minimum, include prohibitions against criminal activities such as theft and threats of violence, and prohibitions against the sale, purchase, possession, and use of alcohol or illegal drugs on the property; (4) limit the number of residents at the enhanced shelter to 100 or in accordance with the general capacity of the building and the level of staffing to be provided at the shelter, whichever is lower; (5) provide a solid, six-foot-high fence along all property lines abutting residential zoning districts; (6) submit a parking plan acceptable to the City; (7) provide regular reports to the City describing how the shelter is meeting performance metrics; (8) work with the City to reduce law enforcement responses to the shelter if they exceed a threshold level; (9) coordinate with the Shoreline Police Department to establish protocols for police responses to the shelter and to shelter clients throughout the city; (10) require adherence to a good neighbor plan addressing litter, noise, security procedures, and other issues of concern to the surrounding community; (11) establish criteria for discontinuing an enhanced shelter use if documented violations of operational agreements are not timely addressed; and (12) establish provisions for City approval of any proposed change in the enhanced shelter operator. *See Ordinance No. 906.*
- The rezone is warranted to achieve consistency with the Comprehensive Plan.
- The MB zone is an implementing zone for the MU-1 designation, and the proposed MB zone is in an area near employment, commercial areas, and where high levels of transit are present. In contrast, the current zoning of R-48 and R-18 is inconsistent with the MU-1 designation's desire for form-based maximum density residential uses.
- The rezone would not be materially detrimental to uses or property in the immediate vicinity of the subject rezone because the site and the area around the

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site, apart from the low-density residential area to the west, has been designated for commercial and mixed-use development since the City was incorporated in 1995.

- Any new development on the property would be required to comply with all applicable municipal code development standards, including standards for development on property adjacent to single-family residential zoning districts.
- The proposed rezone and subsequent redevelopment of the property would have merit and value for the community.
- The proposed rezone would implement the City's vision for the area as articulated in the Comprehensive Plan. This location was chosen for allocation of the City's population growth, and the rezone would allow the site to provide additional density and/or employment opportunities.

Exhibit 1, Staff Report, pages 3 through 9.

Testimony

13. City Senior Planner Steven Szafran testified generally about the proposal to rezone the property from the R-48 and R-18 zoning designations to the MB zoning designation. He explained that King County Housing Authority plans to operate an enhanced shelter within the existing building on the property and that a majority of public comments on the rezone proposal pertained to impacts from an enhanced shelter use. Mr. Szafran explained that King County is conducting a separate SEPA environmental review of the proposal to operate an enhanced shelter on the property. He described the area surrounding the property, noting that all adjacent properties along Aurora Avenue N. are zoned MB, with single-family residential development located to the west, within the R-6 zone, and multi-family dwellings located to the south, within the R-48 zone. Mr. Szafran detailed how the proposal would meet the specific criteria for approval of a rezone, stressing that the property's current zoning designations are inconsistent with the MU-1 land use designation for the property under the Comprehensive Plan. He stated that the proposed rezone would not affect public health and safety because the property is located on the Aurora Avenue corridor, where properties have been zoned MB or Town Center, and because any impacts from future development of the property would be adequately mitigated through the City's development code standards, including standards related to transition setbacks from residential development, building step backs, and landscape buffers. *Testimony of Mr. Szafran.*
14. City Attorney Julie Ainsworth-Taylor stated that the entire City of Shoreline is located within an urban growth area (UGA) and that WAC 197-11-800(6) generally exempts rezone decisions from SEPA environmental review when the proposed rezone is for a property within a UGA and would not require a Comprehensive Plan amendment. She explained that PCDD conducted an environmental review of the proposal as a cautionary measure because there was a concern that the last full Environmental Impact Statement prepared for the City Comprehensive Plan in 2010 may not have fully addressed the environmental impacts of the proposed rezone. *Statements of Attorney Ainsworth-Taylor.*

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15. Dianne Pfeil testified that she owns a licensed home daycare on property directly adjacent to the subject property. She expressed concerns that future residents of the planned enhanced shelter would have mental health issues and would engage in drug use and criminal activity that would adversely impact surrounding businesses and residences. *Testimony of Dianne Pfeil.*
16. Dicky Leonardo expressed concerns that residents of the enhanced shelter would cause disturbances to area residents and would diminish home values in the area. *Testimony of Mr. Leonardo.*
17. Frank Uyu testified that he has seen an increase in used needles and garbage in the community and expressed concerns that the planned enhanced shelter would increase this problem. *Testimony of Mr. Uyu.*
18. Nancy Pfeil expressed concerns that residents of the enhanced shelter would engage in violence due to drug use and mental health issues. She stated that the City does not have any experience with low-barrier shelters and that rezoning the property to MB would detrimentally impact the community. *Testimony of Nancy Pfeil.*
19. Pam Cross raised concerns that some members of the public may not be attending the hearing because the City had indicated that the hearing would begin at a different time. *Testimony of Ms. Cross.*
20. Attorney Ainsworth-Taylor responded to Ms. Cross's concerns, noting that all published notices of the hearing provided a correct time for the start of the hearing but that an incorrect time had been provided in a City Manager's report providing a general overview of City matters at a City Council meeting. *Statements of Attorney Ainsworth-Taylor.*
21. City Planning Manager Nora Gierloff also responded to Ms. Cross's concerns, confirming Attorney Ainsworth-Taylor's statements. *Testimony of Ms. Gierloff.*
22. Mr. Szafran responded to concerns about the plan to operate an enhanced shelter on the property, noting that the indexed criteria applicable to an enhanced shelter use would mitigate for impacts to neighboring properties and to the community. *Testimony of Mr. Szafran.*

Additional Materials

23. The Hearing Examiner left the record open until March 19, 2021, to ensure that any member of the public who did not attend the hearing due to confusion about the start time of the hearing would be able to submit comments on the proposal. *Oral Ruling of the Hearing Examiner.*

Findings, Conclusions, and Recommendation (Corrected April 19, 2021)
City of Shoreline Hearing Examiner
Former Oakes Nursing Facility Site-Specific Rezone, No. PLN20-0008

24. Vince Vonada submitted a comment noting that his family owns commercial property across the street from the subject property and raising concerns about the City's notice of the proposal to commercial property owners in the vicinity of the site. He requested that capacity at the enhanced shelter be limited to 60 residents to reduce impacts to neighboring properties and to provide a greater chance of success for shelter residents. *Exhibit 13.a.*
25. Vicky Turner submitted a comment noting that she owns commercial property across the street from the subject property that similarly raised concerns about the City's notice of the proposal and that requested shelter capacity be limited to 60 residents. *Exhibit 13.b.*
26. Tom Bachelder and Jennifer Lee resubmitted their previous written comment raising concerns about the proposal's impact to neighboring residential property values. *Exhibit 13.c.*
27. Nancy Pfeil submitted a comment raising concerns about the City applying for a rezone of the property while separately considering amendments to the zoning code to allow an enhanced shelter use in the MB zone. She also reiterated her previous concerns about the proposal, including concerns about the Applicant's environmental checklist, about potential development impacting sunlight to neighboring properties, and about the potential noise and public safety impacts to neighboring properties from the operation of an enhanced shelter. *Exhibit 13.d*
28. Renee Dillon submitted a comment noting that the proposed rezone would not be in the best interests of the community. *Exhibit 13.e.*

Staff Recommendation

29. Recommending that the Hearing Examiner forward to the City Council a recommendation of approval, PCDD staff determined that the proposal would be consistent with the City Comprehensive Plan and would meet the specific criteria for a site-specific rezone under SMC 20.30.320.B. *Exhibit 1, Staff Report, pages 3 through 9, Testimony of Mr. Szafran.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and make recommendations to the City Council for approval of a site-specific rezone under Chapter 2.15 SMC and SMC 20.30.060, Table 20.30.060.

Criteria for Review

Under SMC 20.30.320.B, the criteria for the rezone of a property are:

1. The rezone is consistent with the Comprehensive Plan; and

Findings, Conclusions, and Recommendation (Corrected April 19, 2021)
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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 Based on Findings

The rezone would meet the criteria of SMC 20.30.320.B. The property is designated “Mixed-Use 1” (MU-1) under the City Comprehensive Plan, which is intended to encourage “development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses.” *Comprehensive Plan Land Use Policy LU9.* Rezoning the property from R-48 and R-18 to MB would be consistent with the MU-1 Comprehensive Plan designation for the property. The MB zoning district implements the MU-1 designation’s intent to provide for a variety of retail, office, service, and form-based maximum density residential uses by encouraging development of “mixed-use buildings and developments along the Aurora Avenue and Ballinger Way corridors.” *SMC 20.40.040.C.* In contrast, the R-48 and R-18 zoning districts are inconsistent with the MU-1 designation because, as high-density residential zones, they encourage “predominately apartment and townhouse units,” with limited opportunities for commercial and mixed uses. *SMC 20.40.030.C.* Accordingly, the proposed rezone is warranted to achieve consistency with the Comprehensive Plan. In addition, the proposal would further several Comprehensive Plan goals and policies promoting a mix of housing choices and a variety of commercial services in the city by allowing an enhanced shelter use in the short term and by allowing for future redevelopment of the property for multi-family housing or commercial uses, with future redevelopment subject to standards designed to ensure effective transitions to neighboring residential properties.

The City Planning and Community Development Department (PCDD) provided reasonable notice of the application and associated hearing. PCDD received several comments from members of the public in response to its notice materials, as well as at a February 18, 2021, neighborhood meeting on the proposed rezone. In addition, several members of the public submitted comments after the hearing consistent with the Hearing Examiner’s oral ruling allowing for additional comments on the proposal. Public comments generally raised concerns about the impacts from residents of the planned enhanced shelter, specifically impacts associated with the perception that shelter residents would engage in drug use and illegal activities at much higher rates than other community members. As an initial matter, the Hearing Examiner notes that the specific proposal to operate an enhanced shelter on the property is not before the Hearing Examiner in this review of the rezone application and that the environmental impacts of that proposal are being reviewed separately by King County through the SEPA process. The role of the Hearing Examiner is therefore limited to reviewing the rezone application for compliance with the applicable rezone criteria and to provide a recommendation to the City Council.

Findings, Conclusions, and Recommendation (Corrected April 19, 2021)
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Accordingly, the planned use of the property for an enhanced shelter is relevant to the Hearing Examiner's role only insofar as it would be one of several uses permitted on the property through the proposed rezone to MB that could potentially affect the public health and safety or could cause a detriment to properties or uses in the immediate vicinity of the subject property.

The Hearing Examiner concludes that the proposed rezone would not adversely affect the public health, safety, or general welfare and would not be materially detrimental to uses or property in the immediate vicinity. The property is located along the Aurora Avenue corridor, with all adjacent properties along the corridor to the north, south, and east already zoned MB. Impacts from the planned enhanced shelter use would be addressed through indexed criteria applicable to enhanced shelters, which include requirements related to inspections of the facility; implementation of a code of conduct prohibiting residents from engaging in criminal activity and from possessing and using illegal drugs or alcohol on the property; limitations on resident capacity; provisions for fencing along property lines abutting residential properties; adherence to a good neighbor plan addressing litter, noise, security procedures, and other community concerns; and coordination with law enforcement to establish protocols for police responses to the shelter and to shelter residents. Impacts from potential future development of the property would be addressed through the City's development regulations, including regulations designed to create an effective transition to adjacent residential properties. In addition, any further future development of the property would require additional environmental review under SEPA. The proposed rezone of the property to MB has merit and value for the community and would be consistent with the City's Comprehensive Plan. *Findings 1 – 29.*

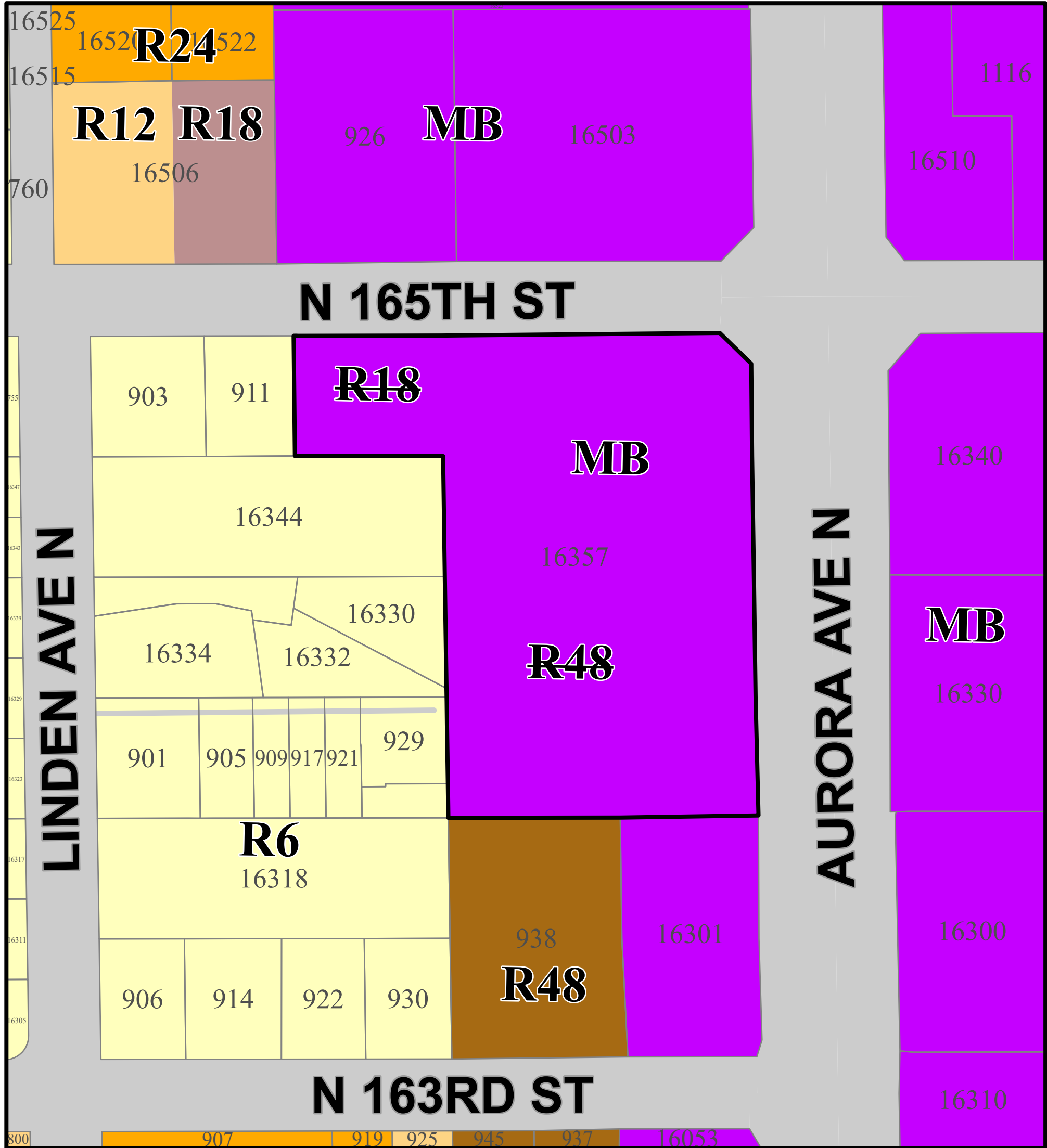
RECOMMENDATION

Based on the preceding findings and conclusions, the Hearing Examiner recommends that the City Council **APPROVE** the request to rezone the 2.66-acre parcel located at 16357 Aurora Avenue N. from the R-48 and R-18 zoning designations to the MB zoning designation.

RECOMMENDED this 2nd day of April 2021.
(Corrected April 19, 2021).



ANDREW M. REEVES
Hearing Examiner
Sound Law Center



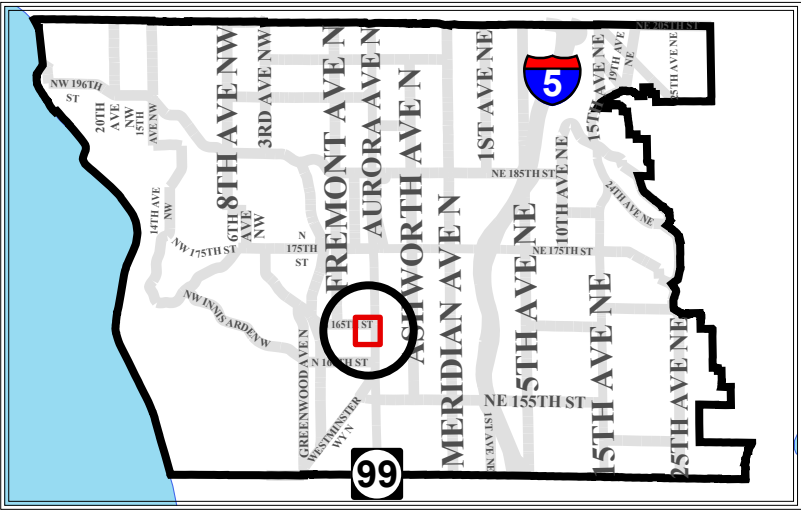
16357 Aurora Ave N
Zoning Update R-18/R-48 to MB

Land Use Legend

- | | |
|--|----------------------------------|
| TC-1 to TC-4; Town Center | CZ; Contract Zone |
| MUR-70; Mixed Use Residential (70' height) | R-48; Residential, 48 units/acre |
| MUR-45; Mixed Use Residential (45' height) | R-24; Residential, 24 units/acre |
| MUR-35; Mixed Use Residential (35' height) | R-18; Residential, 18 units/acre |
| MB; Mixed Business | R-12; Residential, 12 units/acre |
| CB; Community Business | R-8; Residential, 8 units/acre |
| NB; Neighborhood Business | R-6; Residential, 6 units/acre |
| PA 3; Planned Area 3 | R-4; Residential, 4 units/acre |
| C; Campus | |

Feature Legend

- | | |
|---------------|------------------|
| Parcel Change | Unclassified ROW |
| City Boundary | Parcel Line |



Rezone Application PLN21-0008

List of Exhibits

<i>EXHIBIT</i>	<i>DOCUMENT NAME</i>
<i>Exhibit 1</i>	Staff Report
<i>Exhibit 2</i>	Site Plan
<i>Exhibit 3</i>	Vicinity Map
<i>Exhibit 4</i>	Zoning Map
<i>Exhibit 5</i>	Aurora Zoning Map
<i>Exhibit 6</i>	Comprehensive Plan Map
<i>Exhibit 7</i>	Neighborhood Meeting Summary March 5, 2021
<i>Exhibit 8</i>	Notice of Application and Public Hearing February 12, 2021
<i>Exhibit 9</i>	Public Comment Letters and Photos <ul style="list-style-type: none"> • 9a – Bachelder • 9b – Bachelder-Lee • 9c – Dillon1 • 9d – Dillon2 • 9e – Pfeil1 • 9f – Pfeil2 • 9g – Pfeil3 • 9h – Pfeil4 • 9i – Pfeil5 • 9j – Pfeil6
<i>Exhibit 10</i>	SEPA Determination of Nonsignificance January 28, 2021
<i>Exhibit 11</i>	Development Examples in the MB and Like Zones
<i>Exhibit 12</i>	Staff Presentation for Hearing
<i>Exhibit 13</i>	Public Comment received following the Hearing <ul style="list-style-type: none"> • 13a - Vince Vonada • 13b - Vicky Turner • 13c - Tom Bachelder and Jennifer Lee • 13d – Nancy Pfeil • 13e – Renee Dillon

CITY OF SHORELINE
PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT NAME: Former Oakes Nursing Facility Rezone Application

PROJECT FILE: PLN21-0008

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

GENERAL INFORMATION:

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

Property Owners: King County Housing Authority

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

Tax Parcel Number: 3293700010

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

PROJECT DESCRIPTION:

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

PROPERTY DESCRIPTION:

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

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

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

ZONING and LAND USE:

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

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

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

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

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

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

PUBLIC NOTICE AND COMMENT:

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

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

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

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

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

ENVIRONMENTAL REVIEW:

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

DEPARTMENT ANALYSIS:

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

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

Rezone Applications – Legal Standard

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

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

Decision Criteria – SMC 20.30.320(B)

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

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

1. The rezone is consistent with the Comprehensive Plan.

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

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

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

The proposed rezone also meets the following Goals and Policies:

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

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

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

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

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

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

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

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

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

H3: Encourage infill development on vacant or underutilized sites.

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

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

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

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

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

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

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

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

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

Staffing plans:

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

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

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

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

This proposed rezone meets criteria #2.

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

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

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

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

This proposed rezone meets criteria #3.

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

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

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

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

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

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

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

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

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

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

This proposed rezone meets criteria #5.

DEPARTMENT RECOMMENDATION:

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



Steve Szafran, AICP, Senior Planner

March 1, 2021

Attachments:

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

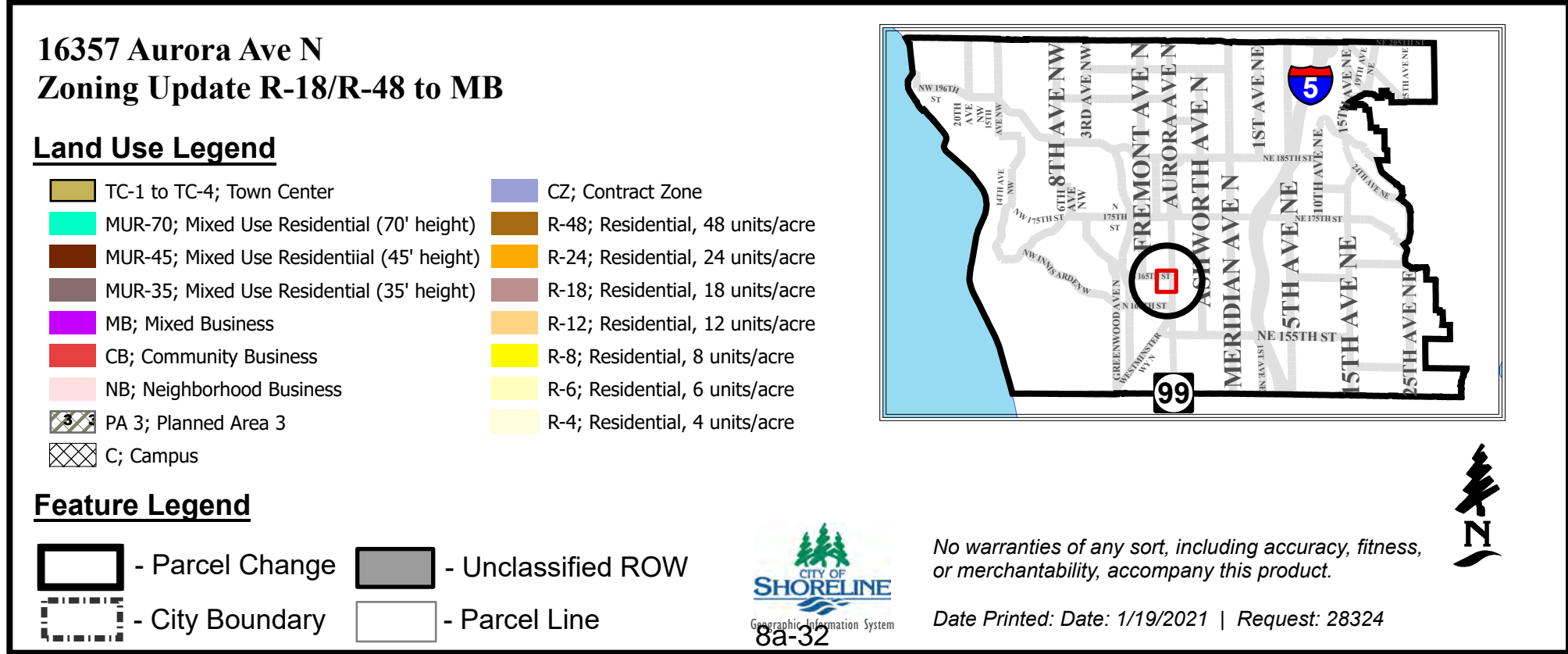
Site Plan



Vicinity Map



Exhibit 4 Attachment B



Aurora Zoning Map





Planning and Community Development

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

March 5, 2021

Neighborhood Meeting Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment B

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

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

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

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

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



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

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

Applicant: City of Shoreline.

Application Number: PLN21-0008.

Permit Requested: Rezone of Property and Zoning Map Change.

Location: 16357 Aurora Avenue N.

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

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

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

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

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

Or iPhone one-tap:

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

Or Telephone:

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

US: +1 253 215 8782

Webinar ID: 830 0467 2341

International numbers available: <https://us02web.zoom.us/j/kcsaU9uaBO>

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

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

Any person requiring a disability accommodation should contact the Hearing Examiner Clerk at hearingex@shorelinewa.gov 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.

Public Comment Letters (Alphabetical by Last Name)

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

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

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

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

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

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

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

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

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

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

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

Dillon - Under section 20.40.355 "Enhanced Shelter"

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

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

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

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

Development Code Amendment Decision Criteria

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Question 6b:

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

Question 7a3

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

Question B7a5

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

Question B7b

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

Question B8a.

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

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

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

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

Question D1.

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

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

Question D2.

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

Description of images:

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

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

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

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

Pfeil - Description of images:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Image 18: Greenery is top of knotweed.

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

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

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

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

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

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

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

Map:

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

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

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

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

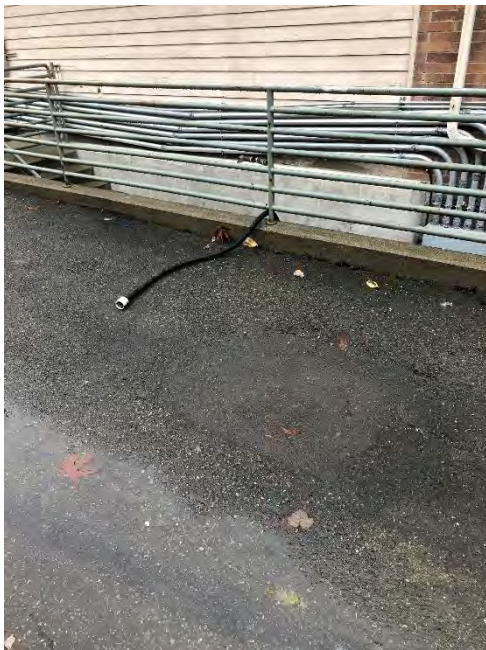
It has never been an issue before because no one did anything about it, other than my mother constantly cutting it back like you are supposed to. If this is rezone Mixed

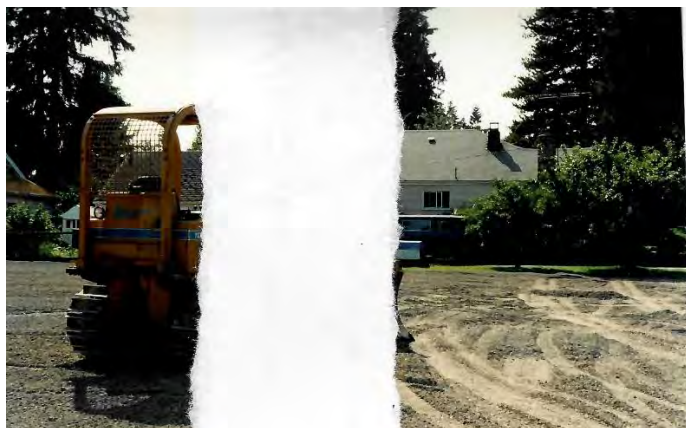
Business with the idea to have higher density and use more of the property, something will have to be done. What impact can that have?

Photos from Public Comment Letter















Allison Taylor

From: Tom Bachelder <batch369@gmail.com>
Sent: Thursday, February 18, 2021 5:03 PM
To: Hearing Examiner; Steve Szafran; Bethany Wolbrecht-Dunn
Cc: Carl Marquardt; Doug Holman; Nancy Pfeil; batch369; Jennifer Lee (Personal)
Subject: [EXTERNAL] For the record, we oppose the re-zoning proposal at 16357 Aurora Ave N

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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

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

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

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

Sincerely,

Tom Bachelder and Jennifer Lee
Property owner of 16344 Linden Ave N

Allison Taylor

From: webmaster@shorelinewa.gov
Sent: Thursday, February 18, 2021 6:00 PM
To: Plancom; Carla Hoekzema
Subject: [EXTERNAL] Contact the Planning Commission

A new entry to a form/survey has been submitted.

Form Name: Contact the Planning Commission
Date & Time: 02/18/2021 5:59 pm
Response #: 64
Submitter ID: 41008
IP address: 75.168.156.160
Time to complete: 2 min. , 34 sec.

Survey Details: Answers Only

Page 1

1. (o) Don't Know
2. (o) Email
3. Tom Bachelder & Jennifer Lee
4. 1493 Fulham Streetbatch369@gmail.com
5. 12/18/2021
6. re-zoning proposal for 16357 Aurora
7. The City's proposal to rezone the property at 16357 Aurora Av N from Residential to Mixed Business Use is of concern to us, since we own a residential property directly adjacent to this site and must oppose the zoning change. We do not have the necessary computer equipment to attend the 2/18/21 meeting but do want our objection included in the meeting discussion.

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Sincerely,

Tom Bachelder and Jennifer Lee
Property owner of 16344 Linden Ave N

Thank you,
City of Shoreline

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Allison Taylor

From: Renee Dillon <dillon819@hotmail.com>
Sent: Monday, February 8, 2021 11:28 PM
To: Steve Szafran
Subject: [EXTERNAL] RE: SEPA Environmental Checklist for Rezoning of 16357 Aurora Ave N
Attachments: Appeal.docx

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Steve Szafran, City of Shoreline, Senior City Planner,

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

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

Being less formal than the appeal, my concern is that there has not been an appropriate level of environmental analysis as to the impact this shelter will have to the adjacent neighborhood nor even comparable information provided for such a shelter in proximity to the residential makeup of the neighborhood. I have lived at my address in Shoreline for 8+ years with my son and 7 (about to be 8) year old granddaughter. In that context, I am concerned that the process and oversight of the shelter will not properly address the safety concerns of the neighborhood regarding those residents and staff when they are just outside the perimeter of the shelter. As I believe this will impact public services, e.g. Local & County Law Enforcement, that are already under greater scrutiny given the recent political climate, I am also concerned that the City and County are not taking appropriate measures to address what will inevitably lead to a gap that puts my family and neighbors having to cope with these impacts.

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

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

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

Respectfully,
Renee Dillon
Ph: 2063904152

Sent from [Mail](#) for Windows 10

RE: SEPA Environmental Checklist for Rezoning of 16357 Aurora Ave N, Shoreline, Wa. 98133.

<https://www.shorelinewa.gov/home/showpublisheddocument?id=50746>: "Rezone one parcel located at 16357 Aurora Avenue N from Residential, 48 units/ acre (R-48) and Residential, 18 units/ acre (R-18) to Mixed-Business (MB)" submitted by the City of Shoreline Planning and Community Development.

To: City of Shoreline's Hearing Examiner

From: Renee Dillon, an impacted City resident (address upon request) to the rezoning action in the adjacent neighborhood west of the aforementioned parcel.

Subject: An Administrative Appeal to the City of Shoreline's Hearing Examiner based on the "...findings, conclusions or decision prepared by the ... review authority are not supported by substantial evidence. (Ord. 238 Ch. III § 5(e), 2000). "

Note: all section references are in based on the aforementioned SEPA Environmental Checklist.

Appeal on section B.7.a.4

Section Title: Describe special emergency services that might be required.

The proposal is for a non-project action to adopt a new zoning designation for the site and will not require special emergency services. Any services related to development/re-development would be based on the type of hazard for that use.

Objection to this statement ".. will not require special emergency services." as unsubstantiated with no additional evidence to support this assertion e.g. a obtain a related comparison to similar shelters introduced in other comparable Cities or neighborhoods. Please perform 'due diligence' to give objective evidence.

Appeal on section B.7.b.2

Section Title: Noise

The proposal is for a non-project action to adopt a new zoning designation for the site and will not create noise.

Objection to statement: ".. will not create noise." as unsubstantiated with no additional evidence e.g. related comparison to similar shelters introduced in other comparable neighborhoods, and likely unfounded, given the inability to control the pedestrian traffic created by the rezoning. Please perform 'due diligence' to give objective evidence.

Given that it is stated as a 24/7 enhanced shelter for homeless individuals (stated on multiple [City of Shoreline](#) and King County site pages e.g.), there will be an increase in noise directly impacting those single-family homes west of the location, as the new individual activity could occur at all hours. Also the prior 'nursing home' residents would, by the nature of care, produce less noise than homeless individuals. While it may be that the individual adhere to the shelter requirement to current Noise ordinances while on the location premise, zoning and noise levels of Multi Use Residential locations

should be different for Mixed Business zoning and the aforementioned pedestrian traffic, potentially as a result of not adhering to the shelter requirements for instance, will subject the adjacent neighborhood to an increase in noise levels.

Appeal on section B.8.a

Section Title: What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Transitioning from a 'Residential' designation will impact the neighborhood to the west, acknowledged by the SEPA submission. This proposal will rezone the property to a higher intensity zoning district. As stated in the submission: *"While the MB zone is consistent with commercial zoning in the surrounding area, there is not a transition zone from the more intensive zoning to the lower intensity zoning. Thus, any impacts would be most likely directed to the lower density areas. These impacts may include such things as increased vehicular and pedestrian traffic."*

Objection to statement in this section is based on omission of impact evidence to the community. This impact should formally call out the need for an environmental impact analysis, using both comparative and objective information gathered. The submitters did not provide the changes and impacts of converting this location to a 'Mixed Business' classification or the consequential impact the zoning will have on the residential neighborhood other than increases in Vehicle and Pedestrian 'traffic'. Before allowing such a major change to a neighborhood, and restating the request, there should be an 'in depth' impact analysis on how this will affect residents in these adjacent zones before allowing the zoning change to be approved.

Opinion: Once changed, the likelihood of reverting back to R-# is nil. Objective data is requested to confirm or debunk this opinion on how often a reversal to Residential from Mixed Business occurs. In other words, once the change is made and the impact is determined to be adverse to the City, the cost of correcting the rezoning 'mistake' i.e. the recovery plan, will be untenable and the damage will remain.

Appeal on section B.9.a

Section Title: Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

"...The site is also within the Aurora Ave N Corridor Multifamily Tax Exemption Area which permits waiver of the ad valorem tax when providing housing for 70% or less of AMI. "

Also stated in section 9.b, the following statement should have been placed in section 9.a.

The individual rooms in a congregate setting do not meet the City's expectations for affordable housing.

Objections to the statements in this section are based on the 'lack of' benefit to the City of Shoreline and its residents, including the social aspects of increasing 'Non Profit' businesses in the city and the need for more 'low income' housing. As it is important for the City to support 'Non Profit' businesses, as such, there will be no tax benefits for the City of Shoreline to address the increased services or the, very

likely, related property value impacts and associated tax base impacts for the single-family homes in the west adjacent R-6 zones. While reiterating the submitted statement that this rezoning does not address the City's expectations in regards to affordable housing, there is no conclusion or finding formally stating this 'lack of benefit' other than by implication.

Appeal on section B.15.a & b

Section Title: a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

The proposed rezone would provide for high intensity land uses to be permitted by the MB zone. Given the higher density and uses that are different than the existing zones, there may be an increase for public services. This increase would be linked to the type and size of any development/redevelopment project.

Section Title: b. Proposed measures to reduce or control direct impacts on public services, if any.

None. The non-project proposal is not anticipated to increase the need for public services. Future development on the site may increase the need for public services and the level of service and demand will be determined based on the scope and scale of the redevelopment actions.

Objection to these statements which acknowledge that there "... may be an increase for public services" but then contradict this in the next section with "...is not anticipated to increase the need for public services". As the contradiction does not provide evidence in either direction, related comparison to similar shelters introduced in other comparable neighborhoods should be referenced.

Given the nature of an 'Enhanced Shelter', it should be considered that Public services such as calls to Shoreline Police and Shoreline Fire Department will increase based on the occupancy change after the rezoning. Comparing the residents that were provided nursing care to residents requiring 'Homeless Shelter' care, there will be a distinct difference in Public Service calls. Nursing Care residences are rarely involved in Public Services other than ambulatory assistance. In contrast, some 'Homeless Shelter' residents may be transported to and/or from the shelter by law enforcement, as stated on the City of Shoreline & King County websites in describing the shelter operation (if needed, links upon request).

Additionally, the likelihood of an increase in Public Services to the immediate west of the rezoning location is the single-family homes zoned R-6 must be acknowledged, along with the increase in pedestrian traffic (see section 8.a provided as concurrence to this point) on their way to or leaving the 'Enhanced Shelter'. While there is no existing evidence to support this, it should be evaluated to provide substantial evidence to the contrary before making the statement in the SEPA. The submitter should provide appropriate comparative evidence that there will / will not be an increase in the potential of committed criminal offenses e.g. Public nuisance, Public disturbance, Trespass, Prowling, Theft, Controlled Substance Violations, etc. to the adjacent neighborhood zones.

The commercial businesses to the north, south, and east have security measures that would restrict access more than the R-6 zoned areas, given these businesses already consider the added security as a

business expense vs. the resident's (R1-R6) limited resources and reliance on emergency services to assist with security. Based on the location, individuals 'transported' to the shelter that are required to leave the facility will, if transit fare is provided, take the 'E' line bus and return to original or alternative locations that can better accommodate need.

However, it is more likely that residents and staff will proceed into the adjacent, less secure R-6 neighborhood as well as into the vicinity of the Richmond Highlands Park and Shorewood High School just 3 and 5 blocks distance respectively. In the SEPA submission section B.12.b: *New users 'of the park' may seek to engage in different activities, thereby displacing current user activities.* What is meant by the statement 'different activities'? The likelihood of the increase in pedestrians trespassing on private property or in nearby parks and schools, other related public service calls involving these pedestrians should be acknowledged to increase. Please note that the SEPA submission implicitly concurs with this re: section B.8.a: *... any impacts would be most likely directed to the lower density areas. These impacts may include such things as increased vehicular and pedestrian traffic.* However, it does not appropriately provide evidence in either direction in providing the amount of public services that may or may not be needed, which is, again, the justification for appeal.

Allison Taylor

From: webmaster@shorelinewa.gov
Sent: Thursday, February 18, 2021 6:26 PM
To: Plancom; Carla Hoekzema
Subject: [EXTERNAL] Contact the Planning Commission

A new entry to a form/survey has been submitted.

Form Name: Contact the Planning Commission
Date & Time: 02/18/2021 6:25 pm
Response #: 65
Submitter ID: 41009
IP address: 50.125.95.126
Time to complete: 2 min. , 36 sec.

Survey Details: Answers Only

Page 1

1. (o) Highland Terrace
2. (o) Email
3. Renee Dillon
4. dillon819@hotmail.com
5. 02/18/2021
6. Zoning code amendment for 16357 Aurora
7. Under section 20.40.355 "Enhanced Shelter"
While under subsection C, there are rules and regulations for the shelter and under subsection I.1 How often are 'regular reports' to the city?, Will these metrics be made available and public?

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

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

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

Development Code Amendment Decision Criteria
2. The amendment will not adversely affect the public health, safety or general welfare; and...
Please provide more details regarding the index criteria mentioned in the Staff Analysis.

Thank you,
City of Shoreline

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Allison Taylor

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 4:06 PM
To: Steve Szafran
Subject: Re: [EXTERNAL] Clarification
Attachments: Image 1.jpg; Image 2.jpg; difference between our side and their side Image 1b.pdf; Image 4.JPG; Image 5.JPG; Image 6.jpg; Image 7.jpg; Image 8.pdf; Image 9.jpg; Image 10.jpg; Image 11.jpg; Image 12.jpg; Image 13.jpg; Image 14.jpg; Image 15.jpg; Image 16.jpg; Image17.pdf; Image 18.pdf

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Here are some of them

On Fri, Feb 12, 2021 at 3:58 PM Nancy Pfeil <tigger5426@gmail.com> wrote:

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

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

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

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

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

You state no propose actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there is definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it **VERY** clear that they were interested in this parcel of land if they could be guaranteed that it would be zoned for higher density.

King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

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

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

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

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

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

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Question B1a: *General description of site:*

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

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

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

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

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

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

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This cause and effect is exactly the type of thing that the SEPA checklist is supposed to help identify. Maybe, if a similar checklist had been done all those years ago, we would not currently be faced with the situation and costs we are currently faced with at Hidden Lake. They could have identified the potential for future problems and planned mitigation strategies to prevent it. Of course, if they had responded to the question like you are

responding to it currently, then, yes, we would still be in the same boat. You are considering rezone for mixed business. You have the dimensions of the property, you can't figure out what the maximum size of building could exist here and calculate the potential increase in storm run off? There is another property in Shoreline that is zoned Mixed Business, it is little more than half the size of this property. The plan is for a six story building with 173 (or 179, can't remember which) units. What is the maximum number of units that could go this property? Doesn't have to be accurate. THAT can happen at the planning stage. All you have to do is estimate worse case scenario and consider the impact that could have.

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

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

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

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

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

The blackberry bushes are a Class C noxious weed in Washington state. The Japanese knotweed is a class B noxious weed in Washington state. Japanese Knotweed is also listed by the World Conservation Union as one of the world's worst invasive species because it is aggressive and destructive. It can grow as much as 4 inches a day during its growing season. It is very easily spread from shoes or clothes and can grow from the smallest of rhizome fragments. MB designation increases density and foot traffic which could lead to further dispersal of this weed. Also, as you also stated, an increase in density can increase storm runoff which will also provide a method of transportation further contamination. There are no rules that state they have to

remove it per se. Removal is extremely difficult and labor intensive. The roots can go down at least 10 feet cause major issues with erosion and soil instability. (Images 6-24)

Question 6b:

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

Question 7a3

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

Question B7a5

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

Question B7b

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

Question B8a.

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

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

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

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

Question D1.

You acknowledge that stormwater runoff would occur. As stated above, development along Aurora Ave N. has already resulted in increase stormwater runoff into Boeing Creek which has resulted in erosion in Boeing Creek ravine and build up of sediment in Hidden Lake. How will this exacerbate this problem?

Question D2.

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

Description of images:

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

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

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

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

On Fri, Feb 12, 2021 at 3:14 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:

Anytime this evening if fine. I have also issued the Notice of Application and Notice of Public Hearing for the rezone. The comment period for these two notices will end March 17 which is the date of the public hearing. You will be able to submit comments to me up until the public hearing on March 17. You will also have the opportunity to comment at the public hearing in front of the Hearing Examiner.

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 2:51 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: Re: [EXTERNAL] Clarification

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Is the end of the day 4 pm or 5 pm?

Nancy

On Wed, Feb 10, 2021 at 9:52 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:
 Yes, you may submit comments via email to sszafran@shorelinewa.gov. You may submit your email by the end of the day on February 12.

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Wednesday, February 10, 2021 7:08 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: [EXTERNAL] Clarification

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is what the request for comments states:
 If you have any questions, please contact: Steven Szafran, AICP, Senior Planner, **Planning & Community Development, City of Shoreline, at (206) 801-2512 OR e-mail: sszafran@shorelinewa.gov**

Return your comments to:

**City of Shoreline
 c/o Steve Szafran
 17500 Midvale Avenue N
 Shoreline, WA 98133-4905**

Comments are due by: February 12, 2021

Does that mean that comments cannot be submitted to this email address? It states if you have questions email (this email). Then states Submit comments: and provides the above address. I would take that to mean that comments can only be submitted via mail not email. Is this true?

Do they have to be postmarked February 12, 2021 or received by February 12, 2021? Can we drop them off in person since it is rather late to mail it if it has to be received by the 12th.

Sincerely,

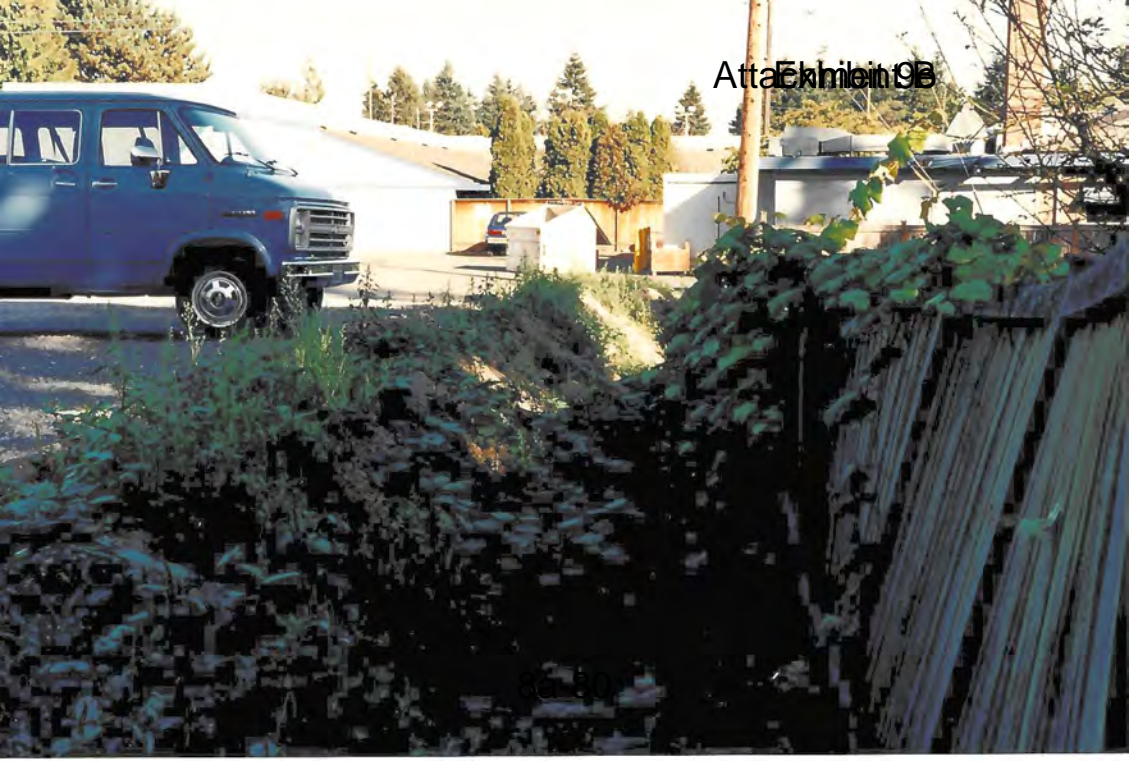
||| Nancy

Atta Ekholm 1968



8a-79

Attalekmiit 93



85-90







August 1993



8a-84





Atta Ekholm



8a-85

Backhoe 198



Attachment 19



Trackline 93

8a-38

Attalla







Attachment 9B
Exhibit 9B







Attalea



8:09

Atta Ekim 1983



8a

Allison Taylor

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 4:06 PM
To: Steve Szafran
Subject: Re: [EXTERNAL] Clarification
Attachments: Neighbor's yard in 1990 Image 20.jpg

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On Fri, Feb 12, 2021 at 4:05 PM Nancy Pfeil <tigger5426@gmail.com> wrote:
 Here are some of them

On Fri, Feb 12, 2021 at 3:58 PM Nancy Pfeil <tigger5426@gmail.com> wrote:
 I am not your boss's favorite person and you aren't going to like what I say so I rather get this in correctly. I haven't quite finished but I'll send this part now.

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

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

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

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

You state no propose actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there is definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it

VERY clear that they were interested in this parcel of land **if** they could be guaranteed that it would be zoned for higher density. King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

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

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

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

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

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Sent: Friday, February 12, 2021 2:51 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: Re: [EXTERNAL] Clarification

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Nancy

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Return your comments to:

**City of Shoreline
 c/o Steve Szafran
 17500 Midvale Avenue N
 Shoreline, WA 98133-4905**

Comments are due by: February 12, 2021

Does that mean that comments cannot be submitted to this email address? It states if you have questions email (this email). Then states Submit comments: and provides the above address. I would take that to mean that comments can only be submitted via mail not email. Is this true?

Do they have to be postmarked February 12, 2021 or received by February 12, 2021? Can we drop them off in person since it is rather late to mail it if it has to be received by the 12th.

Sincerely,

Nancy

Attachment 85
Exhibit 85

8a-105

Allison Taylor

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 4:07 PM
To: Steve Szafran
Subject: Re: [EXTERNAL] Clarification
Attachments: Image 21 Neighbor's yard today.JPG; knotweed today Image 22.JPG; knotweed and what's left of neighbor's fence Image 23.JPG; winter knotweed Image 24.JPG

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There is no Image 3 at the moment. I have to figure out how to get it off my phone.

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On Fri, Feb 12, 2021 at 3:58 PM Nancy Pfeil <tigger5426@gmail.com> wrote:

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

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

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

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

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

You state no propose actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there is definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it **VERY** clear that they were interested in this parcel of land if they could be guaranteed that it would be zoned for higher density. King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

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

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

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

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

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

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

Question B1a: General description of site:

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

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

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

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

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

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

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

There is more erosion located along the property line between the service road and one of the residential properties. This has been compounded by nursing home property. Flooding is a major issue on this property (has been for years). It is not an uncommon sight to see the "nursing home" funneling water into one of the neighbor's yards after heavy rain. (It depends on where the flooding occurred as to where they "dump" it. We have witnessed this on countless occasions. I'm not sure if the more recent water "dumping" is from flooding or some other issue. We took a video of it the last time. They have a hose that they run over to the neighbor's yard) (Image 5). Will allowing an increase in density to exacerbate the issues?

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

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

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

be sufficient to prevent further erosion in Boeing Creek ravine? If the storm runoff increases, will those measures be enough?

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

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

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

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

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

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

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

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Comments are due by: February 12, 2021

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Do they have to be postmarked February 12, 2021 or received by February 12, 2021? Can we drop them off in person since it is rather late to mail it if it has to be received by the 12th.

Sincerely,

Nancy









Allison Taylor

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 4:21 PM
To: Steve Szafran
Subject: Re: [EXTERNAL] Clarification
Attachments: Image 8.pdf

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Image 8 got missed

On Fri, Feb 12, 2021 at 4:07 PM Nancy Pfeil <tigger5426@gmail.com> wrote:
 There is no Image 3 at the moment. I have to figure out how to get it off my phone.

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 Here are some of them

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

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

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

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

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

You state no propose actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there is definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it **VERY** clear that they were interested in this parcel of land **if** they could be guaranteed that it would be zoned for higher density. King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

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

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

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

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

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

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

Question B1a: *General description of site:*

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

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

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

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

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

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

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

There is more erosion located along the property line between the service road and one of the residential properties. This has been compounded by nursing home property. Flooding is a major issue on this property (has been for years). It is not an uncommon sight to see the "nursing home" funneling water into one of the neighbor's yards after heavy rain. (It depends on where the flooding occurred as to where they "dump" it. We have witnessed this on countless occasions. I'm not sure if the more recent water "dumping" is from flooding or some other issue. We took a video of it the last time. They have a hose that they run over to the neighbor's yard) (Image 5). Will allowing an increase in density exacerbate the issues?

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

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

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

be sufficient to prevent further erosion in Boeing Creek ravine? If the storm runoff increases, will those measures be enough?

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

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

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

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

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

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

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

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

The blackberry bushes are a Class C noxious weed in Washington state. The Japanese knotweed is a class B noxious weed in Washington state. Japanese Knotweed is also listed by the World Conservation Union as one of the world's worst invasive species because it is aggressive and destructive. It can grow as much as 4 inches a day during its growing season. It is very easily spread from shoes or clothes and can grow from the smallest of rhizome fragments. MB designation increases density and foot traffic which could lead to further dispersal of this weed. Also, as you also stated, an increase in density can increase storm runoff which will also provide a method of transportation further contamination. There are no rules that state they have to remove it per se. Removal is extremely difficult and labor intensive. The roots can go down at least 10 feet cause major issues with erosion and soil instability. (Images 6-24)

Question 6b:

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

Question 7a3

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

Question B7a5

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

Question B7b

Again, what are you opening the door to? As you stated there is no transition between this property and low-density residential homeowners. Even though we know the plans are for this property, at any time in the future this property could be sold. What if an auto repair shop went in here? The constant use of tools and equipment would create a definite noise level that would impact the residential neighbors. You said that could occur would be consist with surrounding uses. The residential users are the closest ones to the property. So, can you really state that the noise level of something like an automotive repair shop will have the same noise level as a low-density residential zone? Even if a 200-250 unit dwelling was placed here,

would it really be the same noise/commotion level as the single family residential zones surrounding it? King County Housing Authority wants to put in public supportive housing. If a 200-250 unit for public supportive housing was placed there, would it really have the same noise level as the surrounding users? The Morrison Hotel, also public supportive housing, is 190 units. In 2019 it had over 2500 police calls to the property, averaging seven a day. The majority of these calls were in conjunction with the Fire Dept./Medics.

Question B8a.

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

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

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

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

Question D1.

You acknowledge that stormwater runoff would occur. As stated above, development along Aurora Ave N. has already resulted in increase stormwater runoff into Boeing Creek which has resulted in erosion in Boeing Creek ravine and build up of sediment in Hidden Lake. How will this exacerbate this problem?

Question D2.

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

Description of images:

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

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

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

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

On Fri, Feb 12, 2021 at 3:14 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:

Anytime this evening if fine. I have also issued the Notice of Application and Notice of Public Hearing for the rezone. The comment period for these two notices will end March 17 which is the date of the public hearing. You will be able to submit comments to me up until the public hearing on March 17. You will also have the opportunity to comment at the public hearing in front of the Hearing Examiner.

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 2:51 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: Re: [EXTERNAL] Clarification

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Is the end of the day 4 pm or 5 pm?

Nancy

On Wed, Feb 10, 2021 at 9:52 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:

Yes, you may submit comments via email to sszafran@shorelinewa.gov. You may submit your email by the end of the day on February 12.

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Wednesday, February 10, 2021 7:08 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: [EXTERNAL] Clarification

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This is what the request for comments states:

If you have any questions, please contact: Steven Szafran, AICP, Senior Planner, **Planning & Community Development, City of Shoreline**, at (206) 801-2512 OR e-mail: sszafran@shorelinewa.gov

Return your comments to:

**City of Shoreline
c/o Steve Szafran
17500 Midvale Avenue N
Shoreline, WA 98133-4905**

Comments are due by: February 12, 2021

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Sincerely,

Nancy

Backhoe 19B



Allison Taylor

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 5:36 PM
To: Steve Szafran
Subject: Re: [EXTERNAL] Clarification
Attachments: map.jpg

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

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

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

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

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

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

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

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

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

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

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

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

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

Image 18: Greenery is top of knotweed.

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

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

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

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

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

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

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

Map:

The property is quite large and I wanted it close enough up so I printed it in three sections and put them together. The word sort of above the larger white building is "Sloped" and I drew arrows the direction it was sloped. The word above that is "Residential" The smaller white portion has a word to the left of it; that is "hose" and the arrow is directing where the hose is located (at least the one in the image already sent). The arrow that goes across from that shows general area where the water gets funneled to. That is were erosion is

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

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

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

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

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

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

You state no propose actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there is definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it **VERY** clear that they were interested in this parcel of land **if** they could be guaranteed that it would be zoned for higher density. King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

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

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

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

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

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

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

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

It states that this property is mostly flat. That is again incorrect. Portions of this property may be flat, but it is also sloped. The service road has a distinct slope to it and there is also a man-made deep ditch all allow the property line of the R18 portion of this property and the property at 16344 Linden Ave.. (Image

1 and Image 2 and Image 1b) Because of this sloping there are already issues with flooding on this property. You want to increase the density, how is that going to increase the existing flood issues.

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

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

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

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

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

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

There is more erosion located along the property line between the service road and one of the residential properties. This has been compounded by nursing home property. Flooding is a major issue on this property (has been for years). It is not an uncommon sight to see the "nursing home" funneling water into one of the neighbor's yards after heavy rain. (It depends on where the flooding occurred as to where they "dump" it. We have witness this on countless occasions. I'm not sure if the more recent water "dumping" is from flooding or some other issue. We took a video of it the last time. They have a hose that they run over to the neighbor's yard) (Image 5). Will allowing an increase density to exacerbate the issues?

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

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

So, the city knows that increase storm runoff due to the development of Aurora Ave N. has caused problems with erosion along Boeing Creek and that it has resulted in a very expensive problem that Shoreline is having to resolve. Elsewhere in this checklist you acknowledge that increase density can increase storm runoff. Increase storm runoff from development on Aurora has already had significant negative environmental impacts. You are proposing to increase the density of a large parcel. What impact

is that increase density going to have on the existing problem and could it result in future issues in Boeing Creek ravine? Will this increase the rate of erosion already occurring and speed up the problems at Hidden Lake? I have not fully read up on the Hidden Lake project plans but will mitigation measures being taken be sufficient to prevent further erosion in Boeing Creek ravine? If the storm runoff increases, will those measures be enough?

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

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

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

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

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

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

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

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

breached the perimeter of our yard. About ten years ago the knotweed got its foothold into the property to the south of us (16344 Linden Ave. N.). There was a fence between the two properties, but the knotweed destroyed that then the blackberry bushes and knotweed invaded.

The blackberry bushes are a Class C noxious weed in Washington state. The Japanese knotweed is a class B noxious weed in Washington state. Japanese Knotweed is also listed by the World Conservation Union as one of the world's worst invasive species because it is aggressive and destructive. It can grow as much as 4 inches a day during its growing season. It is very easily spread from shoes or clothes and can grow from the smallest of rhizome fragments. MB designation increases density and foot traffic which could lead to further dispersal of this weed. Also, as you also stated, an increase in density can increase storm runoff which will also provide a method of transportation further contamination. There are no rules that state they have to remove it per se. Removal is extremely difficult and labor intensive. The roots can go down at least 10 feet cause major issues with erosion and soil instability. (Images 6-24)

Question 6b:

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

Question 7a3

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

Question B7a5

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

Question B7b

Again, what are you opening the door to? As you stated there is no transition between this property and low-density residential homeowners. Even though we know the plans are for this property, at any time in the future this property could be sold. What if an auto repair shop went in here? The constant use of tools and equipment would create a definite noise level that would impact the residential neighbors. You said

that could occur would be consist with surrounding uses. The residential users are the closest ones to the property. So, can you really state that the noise level of something like an automotive repair shop will have the same noise level as a low-density residential zone? Even if a 200-250 unit dwelling was placed here, would it really be the same noise/commotion level as the single family residential zones surrounding it? King County Housing Authority wants to put in public supportive housing. If a 200-250 unit for public supportive housing was placed there, would it really have the same noise level as the surrounding users? The Morrison Hotel, also public supportive housing, is 190 units. In 2019 it had over 2500 police calls to the property, averaging seven a day. The majority of these calls were in conjunction with the Fire Dept./Medics.

Question B8a.

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

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

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

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

Question D1.

You acknowledge that stormwater runoff would occur. As stated above, development along Aurora Ave N. has already resulted in increase stormwater runoff into Boeing Creek which has resulted in erosion in Boeing Creek ravine and build up of sediment in Hidden Lake. How will this exacerbate this problem?

Question D2.

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

Description of images:

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

Image 2 is September 1993, one month later, slightly different angle. I did change the saturation and such on it just to make it clearer for you to see in the scan. The fence is the one between the R18 zone and 16344 Linden Ave. All that vegetation is there only one month (at most a month and a half) after razed

everything. (That is the time difference between when Image 1 was taken and Image 2). This “ditch” is still there under all the knotweed and blackberry bushes.

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

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

On Fri, Feb 12, 2021 at 3:14 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:

Anytime this evening if fine. I have also issued the Notice of Application and Notice of Public Hearing for the rezone. The comment period for these two notices will end March 17 which is the date of the public hearing. You will be able to submit comments to me up until the public hearing on March 17. You will also have the opportunity to comment at the public hearing in front of the Hearing Examiner.

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 2:51 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: Re: [EXTERNAL] Clarification

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Is the end of the day 4 pm or 5 pm?

Nancy

On Wed, Feb 10, 2021 at 9:52 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:

Yes, you may submit comments via email to sszafran@shorelinewa.gov. You may submit your email by the end of the day on February 12.

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Wednesday, February 10, 2021 7:08 PM
To: Steve Szafran <sszafran@shorelinewa.gov>
Subject: [EXTERNAL] Clarification

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is what the request for comments states:

If you have any questions, please contact: Steven Szafran, AICP, Senior Planner, **Planning & Community Development, City of Shoreline**, at (206) 801-2512 OR e-mail: sszafran@shorelinewa.gov

Return your comments to:

**City of Shoreline
c/o Steve Szafran
17500 Midvale Avenue N**

Shoreline, WA 98133-4905

Comments are due by: February 12, 2021

Does that mean that comments cannot be submitted to this email address? It states if you have questions email (this email). Then states Submit comments: and provides the above address. I would take that to mean that comments can only be submitted via mail not email. Is this true?

Do they have to be postmarked February 12, 2021 or received by February 12, 2021? Can we drop them off in person since it is rather late to mail it if it has to be received by the 12th.

Sincerely,

Nancy



Allison Taylor

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, February 12, 2021 6:06 PM
To: Steve Szafran
Subject: Re: [EXTERNAL] Clarification

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Something else came to mind.

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

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

It has never been an issue before because no one did anything about it, other than my mother constantly cutting it back like you are supposed to. If this is rezoned Mixed Business with the idea to have higher density and use more of the property, something will have to be done. What impact can that have?

Nancy

On Fri, Feb 12, 2021 at 5:35 PM Nancy Pfeil <tigger5426@gmail.com> wrote:

Description of images:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Image 18: Greenery is top of knotweed.

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

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

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

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

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

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

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

Map:

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

On Fri, Feb 12, 2021 at 4:20 PM Nancy Pfeil <tigger5426@gmail.com> wrote:
Image 8 got missed

On Fri, Feb 12, 2021 at 4:07 PM Nancy Pfeil <tigger5426@gmail.com> wrote:
There is no Image 3 at the moment. I have tro figure out how to get it off my phone.

On Fri, Feb 12, 2021 at 4:05 PM Nancy Pfeil <tigger5426@gmail.com> wrote:

On Fri, Feb 12, 2021 at 4:05 PM Nancy Pfeil <tigger5426@gmail.com> wrote:
Here are some of them

On Fri, Feb 12, 2021 at 3:58 PM Nancy Pfeil <tigger5426@gmail.com> wrote:

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

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

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

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

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

You state no propose actions directly related to this rezone. That is not completely accurate and is misleading. There may be no concrete architectural plan but there is definitely proposed actions in play. There is a memo dated July 23, 2020 from Debbie Tarry addressed to the mayor and city council members. Ms. Tarry states in there that King County and King County Housing Authority (KCHA) made it **VERY** clear that they were interested in this parcel of land **if** they could be guaranteed that it would be zoned for higher density. King County Housing Authority also made it very clear that their desire to put public supportive housing or, possibly, low-income housing at this location.

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

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

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

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

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

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

Question B1a: *General description of site:*

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

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

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

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

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

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

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

There is more erosion located along the property line between the service road and one of the residential properties. This has been compounded by nursing home property. Flooding is a major issue on this property (has been for years). It is not an uncommon sight to see the "nursing home" funneling water into one of the neighbor's yards after heavy rain. (It depends on where the flooding occurred as to where they "dump" it. We have witness this on countless occasions. I'm not sure if the more recent water "dumping" is from flooding or some other issue. We took a video of it the last time. They have a hose that they run over to the neighbor's yard) (Image 5). Will allowing an increase density to exacerbate the issues?

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

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

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

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

Also, you state that Boeing Creek is a non-fish habitat. Yet in another project done in this exact same area, Boeing Creek was identified by NOAA Fisheries as to the potential presence of Chinook and Coho

salmon. I also know that students release salmon into Boeing Creek and that Boeing Creek is part of the WRIA Salmon Habitat Project List. (WRIA is the Water Resource Inventory and Assessment Effort). As already shown by the damage with Hidden Lake, what happens at one end of the creek can have major negative impacts down the line of the creek.

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

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

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

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

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

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

The blackberry bushes are a Class C noxious weed in Washington state. The Japanese knotweed is a class B noxious weed in Washington state. Japanese Knotweed is also listed by the World Conservation Union as one of the world's worst invasive species because it is aggressive and destructive. It can grow as much as 4 inches a day during its growing season. It is very easily spread from shoes or clothes and can grow from the smallest of rhizome fragments. MB designation increases density and foot traffic which could lead to further dispersal of this weed. Also, as you also stated, an increase in density can increase storm runoff which will also provide a method of transportation further contamination. There are no rules that state they have to remove it per se. Removal is extremely difficult and labor intensive. The roots can go down at least 10 feet cause major issues with erosion and soil instability. (Images 6-24)

Question 6b:

If a building is 70 feet tall, exactly what is the maximum shadow it would cast? How many properties would sit in its shadow and for how long (would their houses always fall in the shadow or would they be shadowed half the day, that is what I mean). People need sunlight. Living in a home that is forever in the shadows can have detrimental effects on a person. Granted they are talking about something else, but it

should also be asked how will this impact neighbors ability to grow their own food or gardens. These things need sunlight and you may be cutting people off from that.

Question 7a3

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

Question B7a5

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

Question B7b

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

Question B8a.

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

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

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

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

Question D1.

You acknowledge that stormwater runoff would occur. As stated above, development along Aurora Ave N. has already resulted in increase stormwater runoff into Boeing Creek which has resulted in erosion in Boeing Creek ravine and build up of sediment in Hidden Lake. How will this exacerbate this problem?

Question D2.

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

Description of images:

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

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

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

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

On Fri, Feb 12, 2021 at 3:14 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:

Anytime this evening if fine. I have also issued the Notice of Application and Notice of Public Hearing for the rezone. The comment period for these two notices will end March 17 which is the date of the public hearing. You will be able to submit comments to me up until the public hearing on March 17. You will also have the opportunity to comment at the public hearing in front of the Hearing Examiner.

From: Nancy Pfeil <tigger5426@gmail.com>

Sent: Friday, February 12, 2021 2:51 PM

To: Steve Szafran <sszafran@shorelinewa.gov>

Subject: Re: [EXTERNAL] Clarification

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Is the end of the day 4 pm or 5 pm?

Nancy

On Wed, Feb 10, 2021 at 9:52 PM Steve Szafran <sszafran@shorelinewa.gov> wrote:

Yes, you may submit comments via email to sszafran@shorelinewa.gov. You may submit your email by the end of the day on February 12.

From: Nancy Pfeil <tigger5426@gmail.com>

Sent: Wednesday, February 10, 2021 7:08 PM

To: Steve Szafran <sszafran@shorelinewa.gov>

Subject: [EXTERNAL] Clarification

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is what the request for comments states:

If you have any questions, please contact: Steven Szafran, AICP, Senior Planner, **Planning & Community Development, City of Shoreline, at (206) 801-2512 OR e-mail:**
sszafran@shorelinewa.gov

Return your comments to:

**City of Shoreline
c/o Steve Szafran
17500 Midvale Avenue N
Shoreline, WA 98133-4905**

Comments are due by: February 12, 2021

Does that mean that comments cannot be submitted to this email address? It states if you have questions email (this email). Then states Submit comments: and provides the above address. I would take that to mean that comments can only be submitted via mail not email. Is this true?

Do they have to be postmarked February 12, 2021 or received by February 12, 2021? Can we drop them off in person since it is rather late to mail it if it has to be received by the 12th.

Sincerely,

Nancy



Planning & Community Development

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

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

PROJECT INFORMATION

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

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

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

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

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

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

PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION

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

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

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

Development Examples in the MB and Other Like Zones





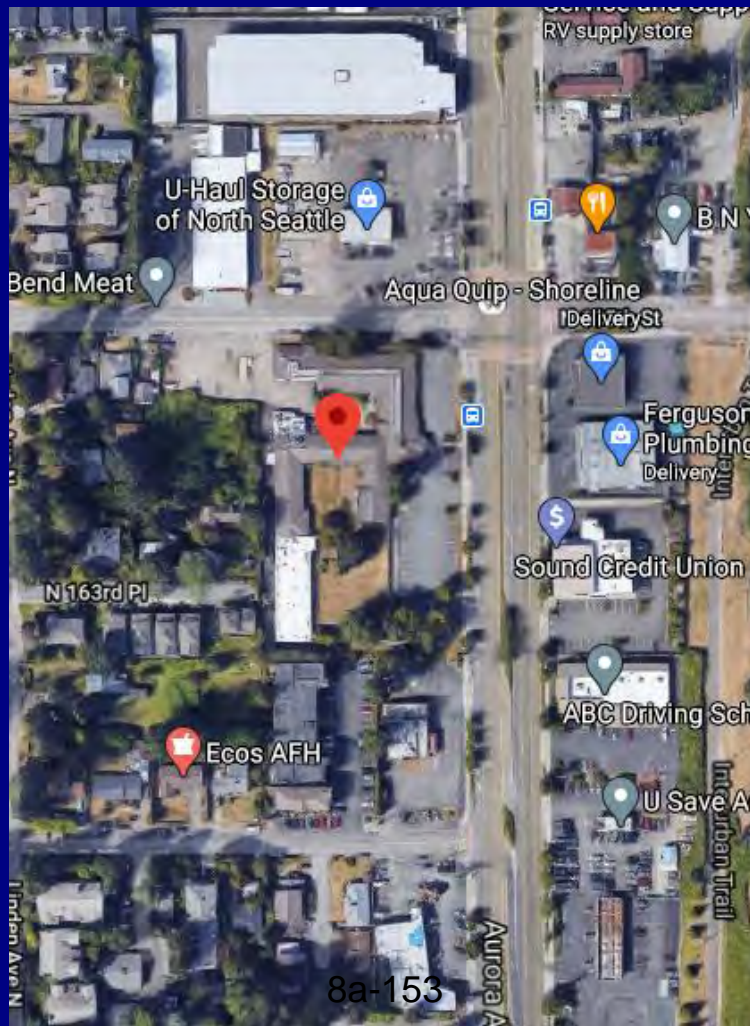
Rezone PLN21-0008 16357 Aurora Avenue North

Public Hearing
March 17, 2021



Proposal

Change the zoning of one parcel from R-48 and R-18 to Mixed-Business for the operation of an Enhanced Shelter.



8a-153

Process

- SEPA DNS Issued January 28.
- Neighborhood Meeting February 18.
- Notice of Application and Public Hearing sent to property owners (500').
- Hearing Examiner Public Hearing – Recommendation to Council.
- City Council considers the rezone April-May 2021.

Related Actions

- Development Code amendments adding “enhanced shelter” as a use and adding indexed criteria.
- King County conducting a separate SEPA analysis and issuing a determination.

Rezone Criteria

1. The rezone is consistent with the Comprehensive Plan.



Rezone Criteria

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



Rezone Criteria

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



Rezone Criteria

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



Rezone Criteria

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



Recommendation

Staff recommends approval of PLN 21-0008 by changing the zoning from R-48 and R-18 to Mixed Business.

Allison Taylor

From: Vince Vonada <Vinnyv2@outlook.com> on behalf of Vince Vonada <vinnyv2@comcast.net>
Sent: Thursday, March 18, 2021 2:02 PM
To: Allison Taylor
Subject: [EXTERNAL] written comments

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Allison,

I am writing these comments regarding the proposed rezoning at 16357 Aurora Ave N, please forward for me, thank you. -I thought that topic was to be on the meeting tonight, it's confusing.

1. My family owns commercial property at 16300 Aurora Ave North. We have never been notified of the enhanced shelter plans across the street, and we are only 125 feet away. The first we heard was the request for the rezone of that parcel to MB in February 2021. Isn't there a duty and interest by the City and the landowner to hear from and include the neighboring businesses and owners regarding the change of use to a shelter?

Regarding the Planning Commission proposed rule change in MB zones:

2. The quantity of 60 residents allowed in an enhanced shelter should be plenty. Once a shelter is up and running in a way that promotes a higher quantity of residents, the number could be increased to 100 if justified. This approach would be less risky for both the City and the neighbors of the shelter. I have read that this size of shelter (60) allows for higher chances of success for the residents also.

Thank you
Vince Vonada
Vons Square LLC
206-718-0047

Allison Taylor

From: batteryplace@juno.com
Sent: Thursday, March 18, 2021 3:14 PM
To: Allison Taylor
Subject: [EXTERNAL] comments re shelter at The Oaks Nursing Home at 163rd and Aurora Ave N

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Alison,

I am concerned that we were not contacted until late february about anything regarding the enhanced shelter at this location so not much time to ponder this. We own property across the street.

The possible increase from 60 tenants to 100 seems excessive for the neighborhood and business area this is located. As a Business and commercial property owner in very close proximity to the proposed site it is important for us to know what additional safeguards the city and county will have in place to help guard against possible negative impact in the area. We are interested to know what the shelter rules will be as well as actual occupancy numbers.

Thank you

Vicky Turner

Allison Taylor

From: Tom Bachelder <batch369@gmail.com>
Sent: Friday, March 19, 2021 3:24 PM
To: Allison Taylor
Cc: Hearing Examiner
Subject: [EXTERNAL] Re: PLN 21-0008 - Courtesy Reminder - Public Comment due today at 4PM for PLN21-0008 Rezone Application Hearing before the Hearing Examiner

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Allison,

Thank you so much for the reminder. Yes, we would like to have our comment below to be part of the official record for last night's public hearing:

The City's proposal to rezone the property at 16357 Aurora Av N from Residential to Mixed Business Use is of concern to us, since we own a residential property adjacent to this site and must oppose the zoning change. It is our position that it is the City's and County's sacred mission to supply adequate housing to Shoreline in the midst of housing shortage but not to apply a quick-fix bandaid to simply address homelessness. The proposed zoning change has already imposed a financial burden us now and the loss in equity will soon be felt by the neighborhood property owners who will find the market values for their properties are less than the mortgaged amounts.

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

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

Sincerely,

Tom Bachelder and Jennifer Lee
 Owner of 16344 Linden Ave N.
BATCH369@GMAIL.COM

Please let us know when the above comment is part of the public record.

Thank you so much!!

On Fri, Mar 19, 2021 at 2:35 PM Allison Taylor <ataylor@shorelinewa.gov> wrote:

Good afternoon. You submitted written comment which is [part of the record](#) for the Public Hearing before the Hearing Examiner that was held on 03/17/2021. Please let this email serve as a reminder that the public comment period for this hearing will close today at 4 p.m. Should you have additional comments to submit, please reply to this email OR email hearingex@shorelinewa.gov.

Respectfully -

Allison Taylor (she/her)
Deputy City Clerk | City of Shoreline

17500 Midvale Avenue N, Shoreline, WA 98133

☎: (206) 801-2232 | www.shorelinewa.gov

Allison Taylor

From: Nancy Pfeil <tigger5426@gmail.com>
Sent: Friday, March 19, 2021 3:59 PM
To: Hearing Examiner
Subject: [EXTERNAL] Comment
Attachments: documents.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I apologize ahead of time. After speaking I changed things up a little. I ran out of time to completely proofread it.

First, for the record, I want to complain about how much confusion and miscommunication that has gone on between the city and the community. As you are well aware, Mr. Reeves, I have been involved in this since August. There has been a lot of miscommunication, misrepresentation, etc. We've already discussed the one issue with miscommunication, which is why you allowed for people to submit comments until 4 pm on March 19, 2021.

Since the hearing Wednesday I have become aware of some other confusion.

The City of Shoreline has also made things extremely confusing for the public by running the matter of adding an "Enhanced Shelter" to the code as an allowed use in the Mixed Business zone and the matter of the rezone simultaneously. The community are not experts on these things and have had hard time distinguishing between the two. The two individuals that I spoke on Thursday were unaware of the hearing examiner's meeting on Wednesday. They thought the meeting was on Thursday because the Planning Commission was meeting Thursday regarding submitting their definition of "Enhanced Shelter" as an allowed use in Mixed Business (and they don't understand the difference).

I messaged back and forth with one woman yesterday that filed an appeal of the DNS. The DNS says that public comment was open until February 12, 2021. It says that you can appeal no later than 14 days after the date of issuance. She filed her appeal on the 12th, when the appeal had to be in by the 11th. She had no idea. The document said the 12th and the general public are not experienced in these matters and do not understand how to navigate the processes. I realize "ignorance" is not an excuse but still, they could do a better job in making sure the "lay person" can understand it.

Also, back when this all first started, we told two members of the city that this area is filled with foreign speaking neighbors. We recommended that they make an effort to ensure they are also being communicated with. The city personal had not realized and said that is a good point. The city has made no effort to ensure that they individuals understand and have an opportunity to voice their concerns.

The city has also been very misleading about this rezone. They keep claiming there are no plans for the future when King County Housing Authority and King County have been very clear about their plans- even before they first started taking the steps to purchase the property. (Debby Tarry memo and page label E-mail, the "bold" in the body of the two emails is mine)

The care and thought process they have put into this project can be seen in their SEPA checklist. You have all my comments so I won't reiterate them but, to establish my point, they say property is flat. Hello, you only have to drive down Aurora between 165th and 160th to realize that isn't true. The whole road, sidewalk, etc. is sloped. Noxious weeds? Their response was no. My response is how did you miss them? Where is the basic analysis to even answer these questions correctly. It is just par for the course of their whole attitude on this.

They have deliberately downplayed any possible impacts to the surrounding residential users. They do admit that impacts will be felt most severely by surrounding residential users but that is all they say. One concern we have is, if it is rezoned mixed business, it will allow for a larger building. This puts the surrounding residents in the shadows. It may seem silly to you, but people need sunlight. They need sunlight shining through their windows or the ability to go out and enjoy the sun in their yards. Sunlight and darkness trigger the release of hormones in your brain. Without enough sun exposure, your serotonin levels can dip. Regardless of what the city plans on doing in the meantime, rezoning means at ANYTIME, a building of this size could go into this site. This can have a major impact on those living in the surrounding homes as they sit in the shadows of the building.

As I mentioned before, King County Housing Authority plans on putting in public supportive housing (also called permanent supportive housing). An increase in density will allow for a significantly more units. While I appreciate the desire for that, we are also talking of individuals that can have a lot of problems. We don't have appropriate facilities for those with severe mental illness currently. I know because I know someone with severe mental illness. This individual is not homeless; they live with family. Getting them to take their medication is a constant battle and, when they are off their medication they can be violent. Many of the individuals living in permanent supportive housing are like this individual. It may be because of mental illness or it could be the from the types of drugs they use.

Joanne, a neighbor who has commented to the city council several times on the matter of the low barrier shelter, works as a nurse for Western State. She told the city council that when you have so many individuals with these types of problems they feed off of each other and it is not a good situation.

I spoke with an EMT/firefighter who used to respond to calls at the Morrison Hotel. The Morrison Hotel was permanent supportive housing and it had 190 units. He said that police officers had to accompany the EMTs into the Hotel because it was too unsafe for them. In 2019, SPD responded to the Morrison Hotel over 2500 times, the majority of these calls to accompany the EMTs. He also mentioned that places like the Morrison Hotel were designated by SPD as being "three officer" calls because of the danger. He did state he was unsure that it still continued with the cut backs to the police department.

We have one individual currently in our neighborhood that has some sort of issues. He often can be heard up to a block and a half away shouting obscenities at an unseen enemy. Now imagine 250 such individuals doing this and look me in the eye and tell me that this is 1) Not going to have any impact on the surrounding businesses and 2) that they families in this neighborhood are going to be and feel safe.

Fact of the matter is, these individuals are unpredictable. Like it or not, the very nature of the beast is that drugs have an impact on the brain. The impact judgement, behavior, the remove inhibitions. Some can result in paranoia, hallucinations, aggression as par for the course. Just like insulin controls blood sugars or statins control cholesterol, each illicit drug and alcohol have their own particular impact on the body and it affects an individual's behavior. The extent can vary from person to person as other underlying issues, such as mental illness, may increase the likelihood but it's just basic fact.

The higher the density of individuals with these issues the greater the problems that come with them are going to be. The city has no experience in this. They have NOT done enough analysis to adequately plan for this. The index criteria that they wrote was not written with the concerns of the community in mind but with

the requirements of what made them eligible for the grant. In reality, they didn't have to do any analysis or studies, regardless of what they found they would never had written any index criteria that would have precluded them from the use of the grant. If you read the grant, it became clear that it strictly limited what sort of "criteria" they could put in place and still qualify for. (It also helped that I read the emails back and forth double checking that their language wasn't going to prevent them from getting the grant). The things about the fence and such were simply pacifiers they could throw in that wouldn't affect the grant.

What is the all fire hurry? They could simply renew the interim regulation. Get your feet wet. Get some experience. Find out what works and what doesn't before you allow a higher density. Once you open that door, it will be almost impossible to close. They have a responsibility to the neighbors and to their development partners that they have been working with on their improvement projects to make sure that this DOESN'T impact the community. Look before you leap.

Like I mentioned at the hearing,

My other issue is this: A rezone is a "quasi-judicial" decision. Which basically means it is judicial in character but does not fall specifically within a judicial power or function. In this case the city council is exercising powers or functions that resemble those of a court or a judge.

The decision maker must be free from any bias and conflicts of interest. Decisions cannot be made based on political pressure.

The city of Shoreline desperately wanted a 24/7 shelter. This Commerce grant became available. The Oakes property became available, in order for things to come about King County needed an entity like King County Housing Authority to purchase this property. The city of Shoreline didn't have the funds to do it. In a July 23, 2020 memo before purchasing of the property moved forward, Debbie Tarry sent a memo around to the Mayor and City council,

How can any affirmative decision to rezone this property to Mixed Business, if it is made by the city or city council, meet the standard of quasi-judicial. The city of Shoreline had a goal to put a 24/7 shelter. As part of accomplishing that goal, they needed KCHA to purchase the property. Before KCHA purchased the property they wanted some assurance that the property would be rezoned for Mixed Business. That was all done before any movement forward to purchase the property.

Nancy Pfeil

Email

Attachment 13

From: Colleen Kelly <ckelly@shorelinewa.gov>
Sent: Thursday, August 6, 2020 8:22 AM
To: Ellerbrook, Mark <Mark.Ellerbrook@kingcounty.gov>
Subject: RE: [EXTERNAL] FW: RE: Oaks property

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Thanks Mark-

By the way, one of the details Tim brought up with me yesterday is the question of how short-term are we all talking about in terms of this facility serving as shelter before transitioning to Permanent Supportive Housing. I was under the impression that it might be available as shelter for some time beyond the Commerce grant if other funding could be found to sustain it. He seems to think that the county will be ready **to re-claim for PSH when the grant ends in June, 2023**. Is there an answer to this question now or is it a wait and see sort of thing? That said, would you say the county has a clear goal/desire to move ahead with PSH as soon after the end of the commerce grant as possible?

Thanks for any light you can shed on that--

Colleen

Colleen Kelly (she/her)
City of Shoreline
Community Services Manager
206-801-2251

Hi Colleen.

Thanks for the question. The short answer is that we don't know. We obviously need PSH in as many places as we can get it. However, I'm also aware of the north cities' desire for a permanent shelter location. I think we can be flexible on planning. That being said, I do know that **KCHA likely can't hold a property that is not being used for housing for a real long time since that doesn't directly match their mission.**

Mark Ellerbrook
Dept. of Community and Human Services
401 5th Ave, Suite 500
Seattle, WA 98104
(206) 263-1117

Status

As of March 2021

Phase: Design

Online Presentation and Outreach Summary

- Watch a [recording of the online presentation](#) and question and answer session that occurred on November 19, 2020 .
- [Outreach Summary](#)

Overview

Design plans for the removal of the “artificially created” Hidden Lake dam, creek restoration and upgrade of the culvert under Innis Arden have now progressed to [60% design](#).

City Council (see [May 23, 2016, Staff Report](#)) approved the proposal to:

- Remove the dam and lake
- Restore Boeing Creek within the lake area
- Replace the large Boeing Creek pipes (culverts) crossing below NW Innis Arden Way

Work is currently funded in part by:

- Washington State Recreation and Conservation Office (RCO) Land and Water Conservation Fund (LWCF)
- King County Flood Control District Flood Reduction Grant
- King County WaterWorks Grant

Schedule

Design

- [30% design plans](#) for NW Innis Arden Way Culvert Replacement were completed in March 2019 and reviewed by City Staff.

Permitting

- Draft permitting reports for Hidden Lake dam removal, restoration of Boeing Creek, and Innis Arden culverts replacement are under review. We currently anticipate submittal to local, state, and federal agencies in November 2020. The schedule for obtaining project permits will be in Spring 2021.

Construction

- The construction has been split into two phases. Removal of the dam and restoration of the creek is planned for summer of 2022. Construction to replace the culverts under Innis Arden is scheduled for completion in 2024.

Right now we are working on

- Design for Hidden Lake dam removal, NW Innis Arden Way culvert replacement, and Boeing Creek restoration
- Continuing discussions with neighbors, Shoreview Park users, the general public, utilities, regulators, and other interested groups
- Hidden Lake Sediment Monitoring (2016-present)
- Gathering Boeing Creek flow data (2016-present)

Completed work includes

- Final Basis of Design Report (2021)
- Geotechnical Report (2020)
- Final Critical Areas Report (2020)
- Hidden Lake Management Plan Feasibility Study (2014)
- Alternatives Analysis (2016)
- Nearshore Habitat Gains Analysis (2017)
- Concept Design Evaluation of Fish Passage Improvements in Lower Boeing Creek (2017)
- Obtained King County Flood Control District Flood Reduction Grant funding (2017). *Design for this project is funded in part by the King County Flood Control District*
- Downstream sediment transport re-establishment benefits listed under 2017 WRIA 8 Salmon Habitat Project List for Puget Sound Nearshore (as Project Number PS-24)



Hidden Lake (From the outlet)

Background

Hidden Lake is a man-made water body partially within Shoreview Park. The lake was built in 1920 when Boeing Creek was dammed to create a private fishing pond and small hatchery. At this time the creek's watershed was largely undeveloped. Since then, major development along Aurora Avenue N has greatly increased storm runoff flows to the creek. Increased flows, in turn, have caused erosion issues within the Boeing Creek ravine. Studies have found that ravine side slope soil washed down into the creek by erosion ends up as sediment in Hidden Lake.

Before Shoreline was founded, King County built projects intended to lessen erosion in Boeing Creek. These projects included channel armoring (1974) and the M1 dam (1983) near Shoreline Community College, and the North Boeing Creek Pond in Boeing Creek Park (1990). The original Hidden Lake Dam eventually failed. The former lake was filled with sediment by 1970 and later overgrown with trees. In 1996 King County built a new dam and re-established Hidden Lake.

Sediment entered the new lake much faster than expected. From 2002 to 2013, the City spent over \$600,000 to dredge the lake seven times to remove sediment. On September 8, 2014, City Council discussed results of a Hidden Lake Management Plan Feasibility Study. They authorized staff to stop dredging the lake and begin looking into removing the Hidden Lake dam. No sediment has been removed since the summer of 2013.

Hidden Lake is expected to fill naturally with sediment within a few years. Storms play a major role in how much sediment arrives. Once the lake fills itself, the dam cannot be counted upon to safely pass Boeing Creek flows. This scenario would create a dangerous flood risk to NW Innis Arden Way and nearby properties. A program to watch sediment levels in the lake was started in 2016.

On May 23, 2016, City Council discussed the results of an Alternatives Analysis. They supported a proposed plan to remove the dam, replace the NW Innis Arden Way culverts, and restore Boeing Creek within the lake, dam, and culvert area.

The Hidden Lake dam and the NW Innis Arden Way culverts are barriers to fish movement. Native cutthroat trout and (planted) salmon are present in Boeing Creek upstream of Hidden Lake. The plan proposed in 2016 also added a separate but related Boeing Creek Restoration (BCR) project. The new BCR project looked downstream of NW Innis Arden Way to possibly remove other fish barriers, such as the Seattle Golf Club dam. In 2017, analysis indicated that the BCR project fish passage improvements in lower Boeing Creek would not be feasible as a City project.

Removal of the Hidden Lake dam will allow trapped sediment to move downstream. Analysis showed that this freed sediment is expected to improve fish habitat along lower Boeing Creek and at the Puget Sound beach delta. In March 2017, this project was added to the 2017 WRIA 8 Salmon Habitat Project List for Puget Sound Nearshore (as Project Number PS-24).

In August 2017, King County Flood Control District awarded a \$300,000 Flood Reduction Grant to the project. This grant will fund design of Hidden Lake dam removal and NW Innis Arden Way culvert replacement. This grant is expected to cover about half of the design costs.

On October 2, 2017, City Council was updated on the project. They supported moving forward with the proposed plan to remove the Hidden Lake dam, replace the NW Innis Arden Way culverts, and restore Boeing Creek in the lake, dam, and culvert area. They also supported not moving forward with a Boeing Creek Restoration project in the lower creek, well downstream of NW Innis Arden Way.

In February 2018, the final concept design report for Hidden Lake Dam Removal Phase 1 Pre-Design was completed. This report presented design concepts for removing the Hidden Lake dam, replacing the NW Innis Arden Way culverts, and restoring Boeing Creek throughout the existing lake, dam, and culvert areas. These concepts were used to move forward into the project design phase.

Translations

If you would like to communicate with the City of Shoreline or review a document in another language, please send your request along with your contact information to the email address below or call (206) 801-2700.

若您希望與 Shoreline 市展開交流或 閱讀以其他語言寫成的文檔，請寄送您的請求及您的連絡資訊至下方所示的電子郵件地址，或撥電話 (206) 801-2700。

쇼어라인시(City of Shoreline)로 연락이요하시거나 문서를 다른 언어로 보시려면 연락 정보와 함께 요청 사항을 아래 이메일로 보내시거나 (206) 801-2700으로 전화해 주십시오.

Nếu quý vị muốn liên lạc với Thành Phố Shoreline hoặc muốn xem một tài liệu bằng ngôn ngữ khác, xin gửi yêu cầu của quý vị cùng với thông tin liên lạc đến địa chỉ email dưới đây hoặc gọi điện thoại số (206) 801-2700.

Si le gustaría comunicarse con la Ciudad de Shoreline o revisar un documento en otro idioma, por favor envíe su solicitud junto con su información de contacto a la dirección de correo electrónico a continuación o llame al (206) 801-2700.

Kung nais niyong makipag-usap sa Lungsod ng Shoreline o rebyuhin ang dokumento sa ibang wika, pakipadala ang inyong kahilingan kasama ang impormasyong pagkokontakan sa inyo sa email address sa ibaba o tawagan ang (206) 801-2700.

Email: clk@shorelinewa.gov



Memorandum

DATE: July 23, 2020
TO: Mayor and City Councilmembers
FROM: Debbie Tarry, City Manager
RE: County Acquisition of The Oaks Nursing Home and Siting of 24/7 Shelter

Opportunity

I have shared with you that staff has been working with King County and King County Housing Authority on the possible acquisition of the facility and the use of the facility for an adult shelter. Council has previously identified this as a priority based on the Human Service Gap Analysis and Council identified this in Council Goal No. 5, Action Step No. 7, *"Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County."*

In early June, staff was notified that The Oaks Nursing Home at 163rd and Aurora was discontinuing its operations and would be going on the market. We were asked if the City might have any interest in the facility. About a week later, the State Department of Commerce released a grant making significant funds available to expand shelter capacity around the state. Staff reached out to colleagues in the King County Department of Community and Human Services to inquire about the potential availability of capital funding to lease or acquire the facility with the idea that it could potentially be included as part of the County's submission for the Commerce grant.

King County staff responded with interest and reached out to the King County Housing Authority (KCHA) to see if they might be willing to serve as an acquisition partner if the County was able to make the purchase funding available; KCHA responded that they might be able to do so. A site visit was arranged for County staff, City staff, KCHA staff and representatives of Lake City Partners, which would be the operations partner if the deal was able to come together. The site visit was promising in terms of the collective assessment of the readiness and capacity of the facility to serve as a 24/7 shelter.

Lake City Partners drafted a budget for program operations based on the size and staffing requirements of the site. The budget was reviewed by County staff and deemed to be in line with the operational costs of other 24/7 facilities. This means it continues to be a strong contender for inclusion in the Department of Commerce grant proposal. A second site visit was held on Tuesday, July 21, 2020, which reinforced the County's interest in working to make this project happen and confirmed the willingness of the KCHA to do the acquisition.

There is consensus that this is a unique opportunity to fill a significant service gap in North King County since the Commerce grant will provide up to \$600,000 in renovation funding and up to \$1.2M per year in operational support for 60 single adults in North King County to have access to 24/7 emergency shelter. If the County is successful in obtaining the Commerce grant, the facility would need to be used as a 24/7 adult shelter no later than the end of December. County staff are aware that the cities will be looking to the County for ongoing operational financial support related to any funding shortfall in the near term and related to ongoing funding support when the grant expires.

Current Zoning Limitations

In looking at the siting of a potential shelter, staff reviewed the current zoning of the property. As Council is aware, zoning and land use is controlled by the City. The majority of the site is zoned R-48, with the parking lot in the NW corner zoned R-18. The Oaks is classified as a nursing facility and a conditional use in that zone. Shelters are not currently listed as an allowed use in the R-48 zone.

Below is a map of the parcels and the surrounding zoning. The Oaks is the large R-48 parcel in the middle of the map.



Homeless shelters are allowed in the mixed business (MB), community business (CB) and town center 1, 2, and 3 zones subject to the criteria at SMC 20.40.405. The City treats transitional encampments and emergency weather shelters as temporary uses and

that process could be a possibility for temporarily establishing a shelter, though temporary use permits are good for 60 days or extended up to a year (SMC 20.30.295). This is a Type A decision made by the Planning and Community Development Director.

The Comprehensive Plan Designation for the property is Mixed Use 1, so the zoning could be changed to match the adjacent MB without a Comprehensive Plan amendment.

Mixed Use and Commercial Land Use

LU9: The Mixed-Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions

Next Steps

The County and KCHA want to move quickly to acquire the property and take it off the market, as there has been interest expressed by other parties. This is a large parcel with an existing facility that could be used to meet a regional and local need in the short term, and with a change in zoning, could provide the potential for redevelopment and more intense density that could accommodate not only the need for a shelter, but other uses, such as permanent supportive housing, low-income or affordable housing, or other potential mixed uses. The County and KCHA are specifically seeking some assurance that the facility will be able to be utilized as a shelter in the short term with the potential to transition to permanent supportive housing in the long term (5-10 years out).

The initial staff recommendation for addressing this would be to have staff administratively approve a Temporary Use Permit for up to one year and have the Council work on legislation that would either rezone the parcel or amend the code to specify shelter as an allowed use in 2021. Staff is also exploring other options for allowing this use to occur on this property temporarily.

As stated previously, it is unlikely that any redevelopment would be considered by KCHA for another five to ten years, so zoning changes do not have to occur immediately, but a change in zoning to allow for increased density is what makes this property most attractive to KCHA for the long-term.

Given the desire of the County to move quickly to get the property under contract they have asked that the City staff give them some assurance that the City would be willing to address the land use regulations for the long-term by close of business on Friday, July 24, 2020. Council cannot take action outside of a public meeting, and I am not asking you to do so. **I would request that if you have significant concern with me telling the County that the City is supportive on moving forward in this direction that you notify me by noon on Friday, July 24.**

There is significant work that still needs to occur to see if this property can serve as a shelter, including successful purchase by KCHA and successful award of the Commerce Grant. Also, a community communication plan needs to be implemented and staff has already started outlining what that may look like, including the opportunity for the City Council to discuss this in a public setting. Staff's goal would be to implement a community communication plan in late August/early September.

Summary

I recognize that this is an opportunity that has shown up rather quickly and has not allowed for a full conversation with the community. At the same time, it is an opportunity to address a Council Goal and Action Step that has been publicly shared. The North King County Shelter Task Force, recently initiated by staff, discussed this opportunity at their July 9, 2020, meeting. The Task Force was supportive of moving forward with the Commerce grant application. Councilmember Robertson is the Council representative on this task force.

I would recommend that staff continue to move forward on this project with King County and KCHA and provide them assurances that the City Manager, in alignment with Council Goal No. 5, Action Step No. 7, will bring forward a recommendation and work-plan for the Council to consider a rezone of the property, that would allow for more dense development in the future, before the end of 2020. As stated previously, **I would request that if you have significant concern with me telling the County that the City is supportive on moving forward that you notify me by noon on Friday, July 24.**

What Are the Medical Benefits of Sunlight?

The sun is a beautiful thing! Without sunlight, we would literally not be alive. Our sleep-wake cycles depend on it, our hormone cycles depend on it, and most of all, our overall health depends on the sun. And can you imagine not having sunrises or sunsets? While there are dozens of benefits of sunlight, we often hear about how too much sunlight can be damaging to our body and that we should always put on sunscreen when out in the sun. Today we want to clarify some of these statements as well as provide insight to the many benefits of the sun and sunlight.

Sunlight triggers your sleep-wake cycles, also known as your circadian rhythm which releases certain hormones in your brain. With morning exposure your body will produce cortisol (the major stress hormone) and at night when the sun goes down your body will produce melatonin (the hormone which makes you sleepy). Exposure to sunlight is thought to increase the brain's release of a hormone called serotonin (the feel-good hormone) and serotonin is associated with boosting mood and helping a person feel focused and calm. Without enough sun exposure, your serotonin levels can dip. Just put someone in a dark basement room for a week, and ask them how depressed they are feeling! Low levels of serotonin are associated with a higher risk of major depression with seasonal pattern (also known as seasonal affective disorder or SAD). This is a form of depression triggered by the changing seasons which is often accompanied by shorter days and less sunlight and is very common in our society. The light-induced effects of serotonin are triggered by sunlight that goes in through the eye in which the sunlight triggers specific areas in the retina, which triggers the release of serotonin. Furthermore, according to researchers, those who live in areas with fewer daylight hours are more likely to have some specific cancers than those who live where there's more sun during the day. These cancers can include Colon cancer, Hodgkin's lymphoma, Ovarian cancer, Pancreatic cancer, and Prostate cancer!

As you can see, light plays a major role in overall health especially mood, and when someone is depressed, this can impact all other areas of health. So one of the treatments within the functional medicine world for depression with this seasonal depressive pattern is light therapy. There are a number of light therapy boxes and tools you can utilize at your home (www.sperti.com) to make sure you are mimicking sunlight. Sun exposure can also benefit a number of conditions including Premenstrual dysphoric disorder (PMDD), chronic diseases of the thyroid, gut, and other autoimmune conditions, anxiety related disorders, and pregnant women with depression.

So how Much Sun Do You Need?

Exposure to the ultraviolet-B (UVB) radiation in the sun's rays causes a person's skin to create vitamin D. According to one study from 2008, in a 30-minute period while wearing a swimsuit, people will make the following vitamin D levels:

- **50,000 international units (IUs) in most Caucasian people**
- **20,000 to 30,000 IUs in tanned people**
- **8,000 to 10,000 IUs in dark skinned people**

These numbers are ranges and can vary depending on the latitude in which you live, which also varies with the time of year. If you are unable to get adequate sunlight in the winter months and you live in a higher latitude, then supplementing with Vitamin D3 or using a light therapy box is recommended. It's best to work with your practitioner on monitoring blood levels of vitamin D as they can vary between people for optimal health.

Now we have all been told to always put on sunscreen when out in the sun, but the sun can actually provide many benefits to skin conditions! According to the World Health Organization (WHO), sun exposure might help treat several skin conditions and UV radiation exposure can help to treat: psoriasis, eczema, jaundice, and acne among others. In addition, research studies have revealed preliminary links between sunlight as a potential treatment for several autoimmune diseases including Rheumatoid arthritis (RA), Systemic lupus erythematosus (SLE), Inflammatory bowel disease and Hashimoto's Thyroiditis.

While there are a lot of good reasons to get sun, the sun emits ultraviolet (UV) radiation and UV radiation can penetrate the skin and damage cell DNA when in excess. This can lead to skin cancer or other deposits. Without having an exact measurement for how long you should stay outside to reap the benefits of sunlight, an easy way to monitor this is by getting what is known as the minimal erythema dose (MED) which is the amount of UV radiation that will produce minimal erythema (which is sunburn or redness caused by engorgement of capillaries) of an individual's skin within a few hours following exposure. People with fair skin typically get a sunburn more quickly than those with darker skin. Also, you're more likely to get a sunburn going outside when the sun's rays are more direct. This usually takes place between 10 a.m. and 4 p.m.

According to the World Health Organization, getting anywhere from 5 to 15 minutes of sunlight on your arms, hands, and face 2-3 times a week is enough to enjoy the vitamin D-boosting benefits of the sun. Its important to remember that the sun must penetrate the skin so wearing sunscreen or clothing over your skin won't result in vitamin D production.

As you can see, from improving your mood to treating autoimmune conditions, sunlight has many benefits. If you live in higher latitudes with little sunlight, a light treatment station may benefit you. You can reach our office for more information on which light therapy boxes we use for our patients.

Dr. Anthony Crifase DC, LDN, CNS, DACBN, CISSN, CPT is a Functional Medicine Consultant that works with clients throughout the United States on getting to the root cause of their health concerns. Contact **The PrivaMD | Center For Functional Medicine** at **616.213.0253** if you are interested in learning how **Dr. Crifase** may be able to assist you on your journey to optimal health

Allison Taylor

From: Renee Dillon <dillon819@hotmail.com>
Sent: Friday, March 19, 2021 4:01 PM
To: Allison Taylor
Cc: Hearing Examiner
Subject: [EXTERNAL] RE: PLN 21-0008 - Courtesy Reminder - Public Comment due today at 4PM for PLN21-0008 Rezone Application Hearing before the Hearing Examiner

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please add this closing comment from me to the record

Please do not recommend the change to Mixed Business for this rezoning as it is not in the best interest of Citizens of Shoreline.

Thanks
 Renee Dillon

Sent from [Mail](#) for Windows 10

From: [Allison Taylor](#)
Sent: Friday, March 19, 2021 12:35 PM
Cc: [Hearing Examiner](#)
Subject: PLN 21-0008 - Courtesy Reminder - Public Comment due today at 4PM for PLN21-0008 Rezone Application Hearing before the Hearing Examiner

Good afternoon. You submitted written comment which is [part of the record](#) for the Public Hearing before the Hearing Examiner that was held on 03/17/2021. Please let this email serve as a reminder that the public comment period for this hearing will close today at 4 p.m. Should you have additional comments to submit, please reply to this email OR email hearingex@shorelinewa.gov.

Respectfully -

Allison Taylor (she/her)
 Deputy City Clerk | City of Shoreline
 17500 Midvale Avenue N, Shoreline, WA 98133
 ☎: (206) 801-2232 | www.shorelinewa.gov