

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	QUASI-JUDICIAL: Discussion of Ordinance No. 953 – Amending the Zoning Map at 808, 812, 820, and 826 N 145 <sup>th</sup> Street From Residential 12-units Per Acre (R-12) to Neighborhood Business (NB) (PLN21-0117)
<b>DEPARTMENT:</b>	Planning & Community Development
<b>PRESENTED BY:</b>	Steven Szafran, AICP, Senior Planner
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The Applicant has requested a rezone of four (4) parcels located at 808, 812, 820, and 820 N 145<sup>th</sup> Street. The request is to change zoning from Residential 12-units per acre (R-12), which is a medium density residential zone, to Neighborhood Business (NB), a commercial/mixed-use zone. If a rezone is granted, the owners of the property intend to redevelop the site into a mixed-use residential and commercial building.

Per Shoreline Municipal Code (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 November 18, 2021, recommends approval of the proposed rezone. Adoption of proposed Ordinance No. 953 (**Attachment A**) would authorize this rezone and amend the City’s Zoning Map accordingly. Tonight, Council is scheduled to discuss proposed Ordinance No. 953. Proposed Ordinance No. 953 is currently scheduled to be brought back to the Council for potential action on January 24, 2022.

**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 residential dwelling units, commercial uses, or a mix of both, which would contribute to the City’s property tax base.

**RECOMMENDATION**

No action on proposed Ordinance No. 953 is required at this time. The Hearing Examiner recommended approval of this requested rezone. Staff concurs with this

recommendation and recommends that the Council adopt proposed Ordinance No. 953 when it is brought back to Council for potential action on January 24, 2022.

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.

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

SMC Section 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.

### **Rezoning Request**

The Applicant of this rezoning proposes to rezone four parcels located at 808, 812, 820, and 826 N 145<sup>th</sup> Street from R-12 to NB. The property owner intends to redevelop the property for high density multi-family housing and/or commercial uses. Rezoning to NB would allow for a variety of more intense residential and commercial uses not currently permitted in the R-12 zoning district. Rezoning this parcel to NB is consistent with other similarly situated properties in the area. The subject parcels have a Comprehensive Plan Land Use Map designation of Mixed-Use 2 (**Attachment B**), for which NB is an implementing zone. A map depicting the proposed rezoning can be found as **Attachment A, Exhibit B**.

## **DISCUSSION**

As part of the rezoning request, the applicant 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 as **Attachment C**.

The Hearing Examiner held the required public hearing on November 3, 2021. On November 18, 2021, the Hearing Examiner issued the *Findings, Conclusions, and Recommendation* (**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.

Pursuant to SMC Section 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. Tonight, the Council is scheduled to discuss proposed Ordinance No. 953 (**Attachment A**), which would authorize this rezone and amend the City's Zoning Map accordingly. Proposed Ordinance No. 953 is currently scheduled to be brought back to the Council for potential action on January 24, 2022.

### **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 residential dwelling units, commercial uses, or a mix of both, which would contribute to the City's property tax base.

### **RECOMMENDATION**

No action on proposed Ordinance No. 953 is required at this time. The Hearing Examiner recommended approval of this requested rezone. Staff concurs with this recommendation and recommends that the Council adopt proposed Ordinance No. 953 when it is brought back to Council for potential action on January 24, 2022.

### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 953

- Exhibit A – November 18, 2021 Hearing Examiner Recommendation
- Exhibit B – Zoning Map with Proposed Rezone for Subject Parcels

Attachment B – Comprehensive Plan Land Use Map for Subject Parcels

Attachment C – Hearing Examiner Record

- Exhibit 1- Hearing Examiner Staff Report
- Exhibit 2 – Site Plan
- Exhibit 3 – Vicinity Map
- Exhibit 4 – Zoning Map
- Exhibit 5 – Comprehensive Plan Land Use Map
- Exhibit 6 – Neighborhood Meeting Summary
- Exhibit 7 – Notice of Application
- Exhibit 8 – Notice of Public Hearing
- Exhibit 9 – Public Comment Letter
- Exhibit 10 – SEPA DNS
- Exhibit 11 – Staff Presentation to Hearing Examiner

**ORDINANCE NO. 953**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY’S OFFICIAL ZONING MAP FROM R-12 TO NB FOR PARCELS OF LAND LOCATED AT 808, 812, 820, AND 826 N 145<sup>th</sup> STREET, TAX PARCEL NOS. 2827100071, 2827100074, 282100070, AND 2827100072.**

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, Dan Hynden, via Application No. PLN 21-0117, seeks a site-specific rezone of four (4) parcels of land addressed as 808, 812, 820 and 826 N 145<sup>th</sup> Street and identified respectively by Tax Parcel Nos. 2827100071, 2827100074, 282100070, and 2827100072; and

WHEREAS, the requested site-specific rezone would amend the City’s Official Zoning Map for these parcels from the current residential zoning of Residential 12 units per acre (R-12) to Neighborhood Business (NB); and

WHEREAS, the site-specific rezone implements the Comprehensive Plan land use designation for the parcels of Mixed Use 2; and

WHEREAS, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on September 23, 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 November 3, 2021, and, on November 18, 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 January 10, 2022, regular meeting; and

WHEREAS, the City Council concurs with the November 18, 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 November 18, 2021, Findings, Conclusions, 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 parcels located 808, 812 820, and 826 N 145<sup>th</sup> Street and identified by Tax Parcel Nos. 2827100071, 2827100074, 282100070, and 2827100072, from Residential 12 units per acre (R-12) to Neighborhood Business (NB), 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 JANUARY 24, 2022**

\_\_\_\_\_  
Mayor \_\_\_\_\_

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: , 2022  
Effective Date: , 2022

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

In the Matter of the Application of	)	No. PLN21-0117
	)	
<b>Dave Hynden</b>	)	<b>N. 145th Street Rezone</b>
	)	
	)	FINDINGS, CONCLUSIONS,
	)	AND RECOMMENDATION
<u>For Approval of a Rezone</u>	)	

**SUMMARY OF RECOMMENDATION**

The Hearing Examiner recommends that the City Council **APPROVE** the request to rezone four contiguous parcels at 808, 812, 820, and 826 N. 145th Street, totaling approximately 0.75 acres, from the “Residential 12” zoning designation to the “Neighborhood Business” zoning designation.

**SUMMARY OF RECORD**

Hearing:

The Hearing Examiner held an open record hearing on the request on November 3, 2021, using remote access technology.

Testimony:

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

- Steven Szafran, City Senior Planner
- Thomas Kaupe
- Don Heath
- Dave Hynden, Applicant Representative
- Jessica Simulcik Smith, City Clerk

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated October 12, 2021
2. Site Plan, dated March 18, 2021
3. Vicinity Map, undated
4. Zoning Map, dated September 13, 2021
5. Comprehensive Plan Land Use Map, dated October 12, 2021
6. Neighborhood Meeting Summary, dated May 20, 2021
7. Notice of Application, issued August 19, 2021
8. Notice of Public Hearing, issued October 13, 2021
9. Comment from Grant Peltier, dated August 30, 2021

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10. Determination of Nonsignificance, issued September 23, 2021
11. City Staff PowerPoint Presentation

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. Dave Hayden of Windermere Real Estate (Applicant) requests a rezone of four contiguous parcels totaling approximately 0.75 acres from the “Residential 12” (R-12) zoning designation to the “Neighborhood Business” (NB) zoning designation. Each of the subject parcels are currently developed with single-family residences and associated improvements. The Applicant is requesting the rezone to allow potential future development of the parcels with higher-density residential housing and/or a mixed-use development with commercial uses on the ground floor. The subject parcels are located at 808, 812, 820, and 826 N. 145th Street.<sup>1</sup> *Exhibit 1, Staff Report, page 1; Exhibits 2 through 4.*
2. The City of Shoreline (City) determined that the application was complete on August 19, 2021. The same day, the City provided notice of the application 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 September 3, 2021. On October 13, 2021, the City provided notice of the open record hearing associated with the application 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*. The City received one comment on the proposal from a member of the public in response to its notice materials. Grant Peltier expressed support for the proposed rezone, noting the need for additional housing and mixed-use retail space in the area. *Exhibit 1, Staff Report, pages 2 and 3; Exhibits 7 through 9.*
3. On May 20, 2021, using remote access technology, the Applicant held a neighborhood meeting for the proposed rezone as required under Shoreline Municipal Code (SMC) 20.30.090. Following a presentation on the proposal, members of the public attending the meeting provided comments. Specifically:
  - Neighboring property owner Kelly Emerson expressed concerns about what development would be allowed on the property under the requested new zoning designation, stating that she would prefer development of townhomes on the property rather than a large, tall building complex. She also expressed concerns about the availability of parking on the site.

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<sup>1</sup> The subject parcels are identified by tax parcel numbers 2827100071, 2827100074, 282100070, and 2827100072. *Exhibit 1, Staff Report, page 1.* A legal description of the parcels is provided with the staff report. *Exhibit 1, Staff Report, page 1.*



- Neighboring property owner David Sues inquired about whether the current property owners were aware that N. 145th Street would be widened in the future. He also stated that he would prefer development of townhomes on the property. *Exhibit 1, Staff Report, page 2; Exhibit 6.*

State Environmental Policy Act

4. The City acted as lead agency and analyzed the environmental impacts of the proposed rezone under the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The City 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 September 23, 2021, with a comment and appeal deadline of October 7, 2021. The City did not receive any comments on the DNS, and the DNS was not appealed. *Exhibit 1, Staff Report, page 3; Exhibit 10.*

Comprehensive Plan and Zoning

5. The property and adjacent properties to the north and west are designated “Mixed-Use 2” (MU-2) under the City Comprehensive Plan. Properties to the east, across Whitman Avenue N., are designated “Mixed-Use 1” and properties to the south, across N. 145th Street, are within the City of Seattle. The Comprehensive Plan describes the intent of the MU-2 designation as follows:

The Mixed-Use 2 (MU2) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses. It does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

*Comprehensive Plan Land Use Policy LU10. Exhibit 1, Staff Report, page 2; Exhibit 5.*

6. City 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 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.*

7. As noted above, the property is currently zoned Residential 12 (R-12) and is proposed to be rezoned to Neighborhood Business (NB). The purpose of the City’s medium density residential zoning districts, including the R-12 zone, is “to provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities in a manner that provides for additional density at a modest scale.” *SMC 20.40.030.B*. In contrast, the purpose of the NB zone is to “allow for low intensity office, business and service uses located on or with convenient access to arterial streets. In addition these zones serve to accommodate medium and higher density residential, townhouses, and mixed-use types of development, while serving as a buffer between higher intensity uses and residential zones.” *SMC 20.40.040.A*. *Exhibit 1, Staff Report, page 2; Exhibit 4.*
8. Chapter 36.70A Revised Code of Washington (RCW) mandates that zoning classifications be consistent with Comprehensive Plan designations. *RCW 36.70A.060*. The NB zone is an implementing zone for the MU-2 Comprehensive Plan designation, whereas the R-12 zone is an implementing zone for the Medium Density Residential Comprehensive Plan designation. City staff determined that the properties’ current R-12 zoning classification is inconsistent with the Comprehensive Plan because the R-12 zone provides limited opportunities for commercial or mixed uses and does not provide for form-based maximum density uses encouraged under the MU-2 Comprehensive Plan designation. *Exhibit 1, Staff Report, pages 2, and 4 through 6.*

#### Existing and Surrounding Property

9. Each of the four subject parcels front, and take access from, N. 145th Street, a designated State Highway, and are currently developed with single-family residences and associated improvements that include asphalt parking areas, gravel/dirt parking areas, outdoor patios, lawns, trees, shrubs, and other landscaping. The parcels are flat, and no known critical areas have been identified on the parcels. Adjacent properties to the north are zoned Residential 48 (R-48) and are developed with townhomes. Adjacent properties to the west and to the east, across Whitman Avenue N., are zoned Mixed-Business (MB)

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and are developed with commercial businesses. Properties to the south, across N. 145th Street are within the City of Seattle, are zoned for commercial uses, and are developed with retail stores, an office building, a tire store, and a post office. *Exhibit 1, Staff Report, pages 1 and 2; Exhibits 2 through 4.*

Rezone Criteria

10. City 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 MU-2 Comprehensive Plan designation is one of the City's most intense land use designations and is intended to apply to parcels that are served by frequent transit service, provide residents with access to commercial and service uses, and provide new multifamily uses that provide maximum densities in order to meet the City's population and employment goals.
  - The NB zoning district is not the City's most intensive zoning district but does allow a wide range of neighborhood serving commercial uses, higher-density multifamily dwellings, and building heights up to 50 feet. Although the property owners do not intend to immediately redevelop the site, rezoning the property to NB would still allow a variety of housing opportunities, employment, and services that would be accessible to the neighborhood and the region when circumstances change. The rezone would also allow development that promotes walking, transit, and employment that furthers land use goals of the Comprehensive Plan.
  - The proposed rezone would allow the parcel to be redeveloped with multifamily housing that would provide needed housing adjacent to high-capacity transit. The rezone would allow for the removal of four single-family homes, a very inefficient use of land at this location, and for the replacement of the single-family homes with mixed-use development providing between 60 to 100 dwelling units and ground-floor commercial space.
  - Future development of the site into multifamily housing or commercial uses would be supported by transit. The King County Metro E-line is adjacent to the site, and bus routes along N. 145th Street would offer convenient service to the future light rail station at 148th Street.
  - 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 and lower density residential uses.
  - The rezone would not adversely affect the public health, safety, or general welfare because any future redevelopment of the site will be required to meet current dimensional and landscaping standards as required in the City's Development Code, including standards related to building height, setbacks, hardscape, landscape buffers, and site lighting directed away from residential uses.
  - Redevelopment of the parcels under the proposed NB zoning designation would be compatible with existing and future development in the area. The subject

property is on the N. 145th Street Corridor where access to bus service, pedestrian and bike opportunities along the interurban trail, frequent high-capacity bus service along Aurora Avenue, and retail/commercial services are all within a short distance. Higher density townhomes are located to the north, and commercial services are located to the east.

- The rezone is warranted to achieve consistency with the Comprehensive Plan.
- The NB zone is an implementing zone for the MU-2 designation, and the proposed NB zone is in an area near retail/commercial areas and where high levels of transit are present. In contrast, the current zoning of R-12 is inconsistent with the MU-2 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 site 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, stormwater, and engineering development standards. Future redevelopment may be required to install frontage improvements on N. 145th Street, which would improve pedestrian safety. New development would also be required to provide surface water improvements, if needed, which would mitigate drainage around the site. In addition, new development would be required to provide sufficient parking on-site to mitigate for impacts to street parking on the adjacent right-of-way.
- 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 4 through 7.*

#### Testimony

11. City Senior Planner Steven Szafran testified generally about the proposal to rezone the property from the R-12 zoning designation to the NB zoning designation. He provided a description of the subject parcels and the surrounding area, consistent with the findings above. Mr. Szafran explained how the proposal would meet the specific criteria for a rezone under SMC 20.30.320.B, stressing that the current R-12 zoning designation for the parcels is inconsistent with the Comprehensive Plan's MU-2 land use designation and that a rezone of the parcels to NB would meet the intent of the MU-2 designation. He stated 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 vicinity because the area is sufficiently served by transit and other services and because commercial and higher density residential development allowed under the rezone would

be consistent with current and future development of the surrounding area. Mr. Szafran noted that the proposed rezone would have merit and value for the community because the proposed rezone would implement the City's vision for the area as described in the Comprehensive Plan. He stated that, although rezone proposals are generally exempt from SEPA environmental review, the City conducted an environmental review of the proposal out of an abundance of caution. *Testimony of Mr. Szafran.*

12. Thomas Kaupe testified that he owns one of the parcels that would be included in the requested rezone. He stated that he and the other parcel owners have approached developers about the sale of their properties and that potential buyers have indicated that they would be interested in purchasing the properties only if they were zoned for commercial and higher density residential uses, which prompted the current request for a rezone. He noted that there are no current plans for developing the properties but that granting the rezone would help facilitate the sale of the properties for potential future development. *Testimony of Mr. Kaupe.*
13. Don Heath testified that he owns one of the parcels that would be included in the requested rezone and is longtime resident of Shoreline. He stated that he is excited by the potential improvements to the area that could occur following a rezone of the properties to NB. *Testimony of Mr. Heath.*
14. Applicant Representative Dave Hynden of Windermere Real Estate testified that a rezone of the properties would be consistent with the City's vision for the area. He noted that the single-family residential development currently on the property poses a safety risk for residents backing up their vehicles on N. 145th Street and that potential future development of the properties would likely be designed to take access from Whitman Avenue N., which is located to the east of the parcels. *Testimony of Mr. Hynden.*
15. City Clerk Jessica Simulcik Smith explained that the City would send the Hearing Examiner's recommendation to the interested parties. *Testimony of Ms. Simulcik Smith.*

#### Staff Recommendation

16. Recommending that the Hearing Examiner forward to the City Council a recommendation of approval, City 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 4 through 7, 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.

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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
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 2” (MU-2) 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” and “does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses.” *Comprehensive Plan Land Use Policy LU10*. Rezoning the property from R-12 to NB would be consistent with the MU-2 Comprehensive Plan designation for the property. The NB zoning district implements the MU-2 designation’s intent to provide for a variety of retail, office, and service uses by allowing development of low-intensity office, business, and service uses located on, or with convenient access to, arterials streets, as well as allowing medium and higher density residential development. *SMC 20.40.040.A*. In contrast, the R-12 zoning classification is inconsistent with the MU-2 designation because, as a medium-density residential zone, it encourages “a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities,” with limited opportunities for commercial and mixed uses. *SMC 20.40.030.B*. 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 variety of housing and commercial services encouraging land use patterns that foster walking, biking, and transit in appropriate areas of the city by allowing the subject parcels to be developed with commercial, mixed-use, and higher density residential development compatible with existing and future uses along the N. 145th Street Corridor and close to established pedestrian, bike, and transit infrastructure.

The City provided reasonable notice and opportunity to comment on the proposed rezone. The City received one comment on the proposal from a member of the public in response to its notice materials, which expressed support for the proposal due to a current need for additional housing and mixed-use retail development in the area. In addition, two neighboring property owners provided comments at a May 20, 2021, neighborhood meeting on the proposal, which inquired about potential future development on the property and raised concerns about the availability of on-site parking for such development. There are no current development plans for the parcels subject to the rezone request, and any future development of the properties would be subject to

the development regulations for the NB zone in effect at the time any such development application is deemed complete, including development regulation concerning off-street parking requirements. The City analyzed the environmental impacts of the proposed rezone, determined that it would not have a probable significant impact on the environment, and issued a DNS on September 23, 2021, which was not appealed.

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 N. 145th Street corridor, close to transit services, pedestrian and bike infrastructure along the interurban trail, and existing retail and commercial services. Properties to the east and west are zoned MB and are developed with commercial businesses. Properties to the north are zoned R-48 and are developed with townhouses. Properties to the south are within the City of Seattle and are developed with a variety of commercial and retail businesses and a post office. Any higher intensity commercial and residential development that would be allowed under the rezone of the parcels to NB would be subject to the requirements of the City's Development Code, including requirements related to building height, setbacks, hardscape, landscape buffers, and lighting, as well as requirements related to transition area standards that would ensure compatibility with the residential uses to the north. In addition, any future development of the parcels would require additional environmental review under SEPA. The proposed rezone of the property to NB has merit and value for the community and would be consistent with the City's Comprehensive Plan. *Findings 1 – 16.*

### RECOMMENDATION

Based on the preceding findings and conclusion, the Hearing Examiner recommends that the City Council **APPROVE** the request for the four contiguous parcels at 808, 812, 820, and 826 N. 145th Street, totaling approximately 0.75 acres, to be rezoned from the Residential 12 zoning designation to the Neighborhood Business zoning designation.

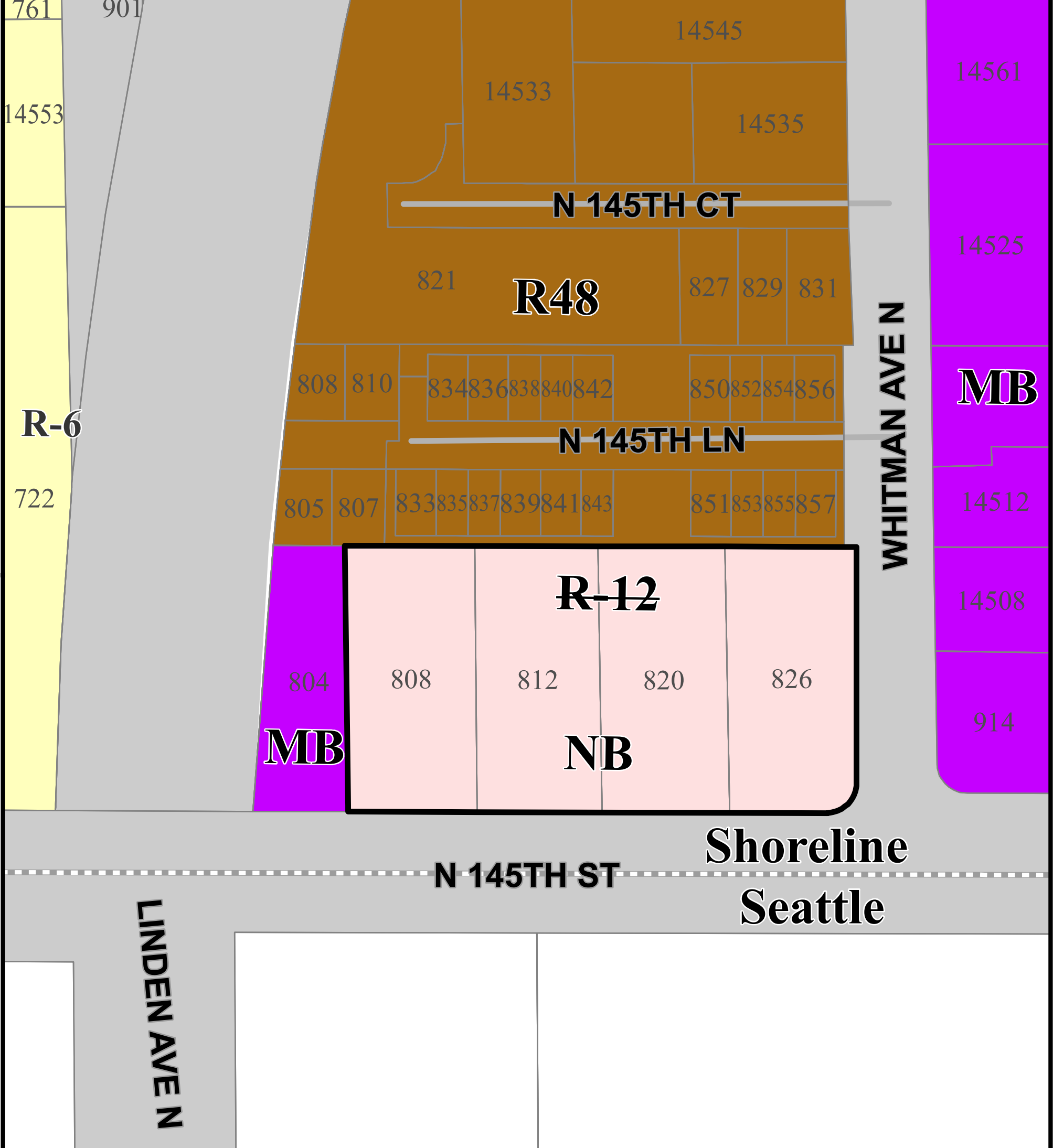
**RECOMMENDED** this 18<sup>th</sup> day of November 2021.




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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center

# Rezone from R-12 to Neighborhood Business (NB) Map for 808, 812, 820, and 826 NE 145th Street



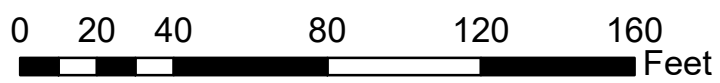
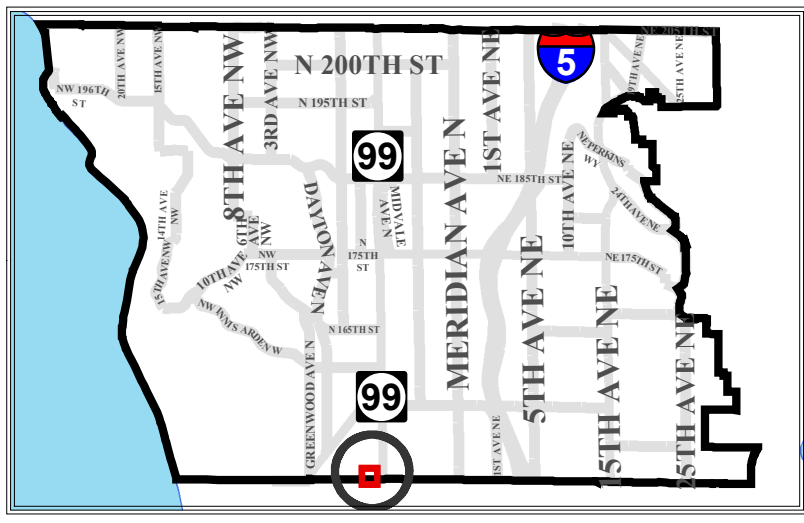
## Rezone from R-12 to Neighborhood Business (NB) for 808, 812, 820, and 826 NE 145th Street

### Zoning 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

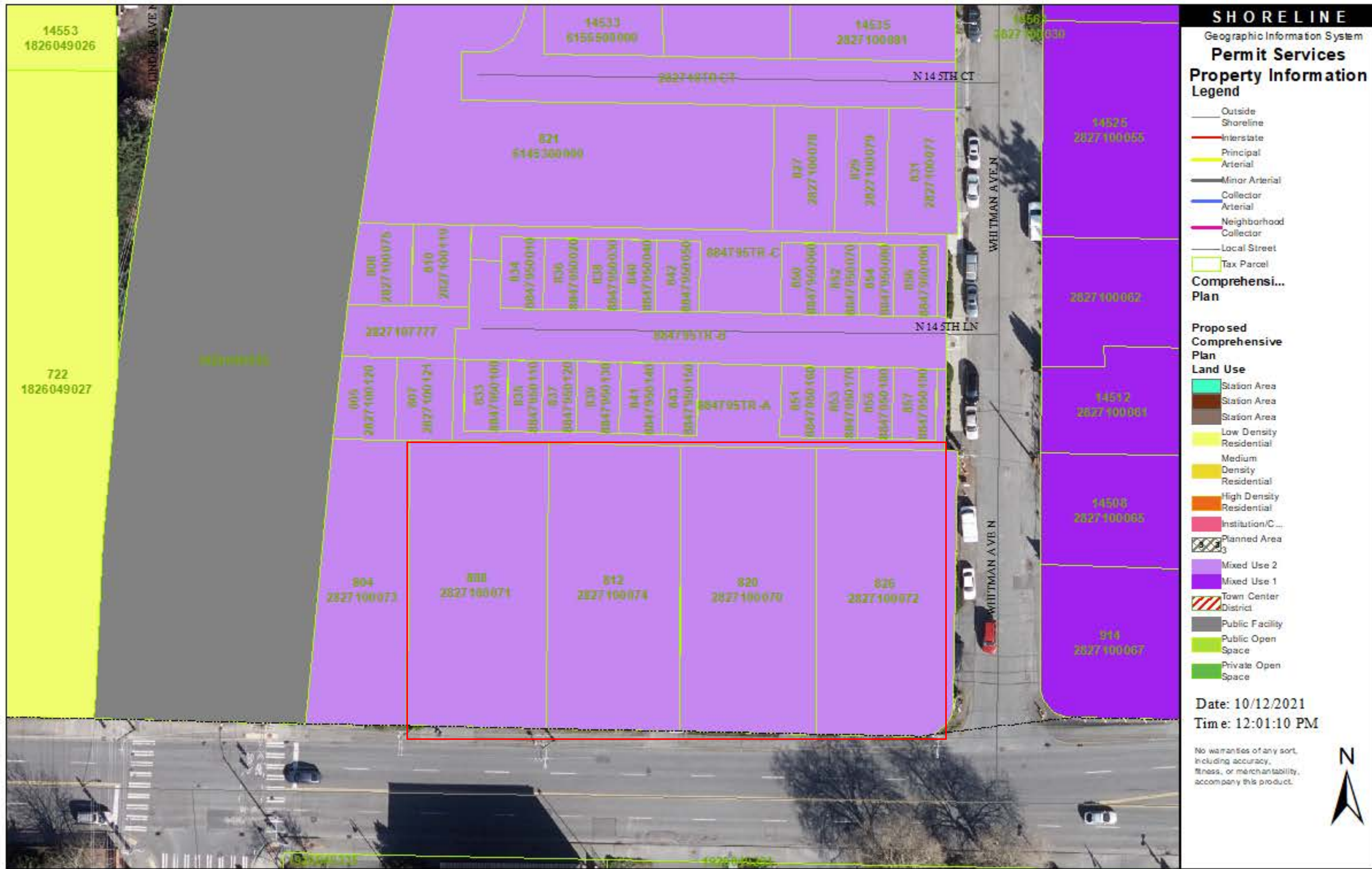
- Parcel Change	- Unclassified ROW
- City Boundary	- Parcel Line



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

Date Printed: Date: 9/13/2021 | Request: 30560





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

**PROJECT NAME:** Hynden/145<sup>th</sup> Street Rezone Application

**PROJECT FILE:** PLN21-0117

**REQUEST:** The applicant, Dave Hynden, requests application approval for a rezone of four (4) parcels from Residential 12-units per acre (R-12), a medium-density residential zone to Neighborhood-Business (NB), a mixed-use zone.

**GENERAL INFORMATION:**

Applicant: Dave Hynden  
Windermere Real Estate  
1532 NW 195<sup>th</sup> Street #6  
Shoreline, WA 98177

Property Owners: Ellen Heath, Carol Pfeiffer, and Tom Kaupe

Property Location: 808, 812, 820, and 826 N. 145<sup>th</sup> Street, Shoreline, WA 98133

Tax Parcel Number: 2827100071, 2827100074, 2827100070, and 2827100072

Legal Description: 2827100071 - GOLF CLUB ACRES UNREC W 64 FT OF E 250 FT  
2827100074 - GOLF CLUB ACRES UNREC E 61 FT OF W 125 FT OF E  
250 FT  
2827100070 - GOLF CLUB ACRES UNREC W 62.5 FT OF E 125 FT  
2827100072 - GOLF CLUB ACRES UNREC E 62.5 FT LESS CO RD

**PROJECT DESCRIPTION:**

The Applicant proposes to rezone four parcels located at 808, 812, 820, and 820 N.145<sup>th</sup> Street from R-12 to NB. The applicant is asking for a rezone of four parcels to develop higher-density housing and/or a mixed-use development with commercial uses on the ground-floor. Although the applicant is requesting a zone change to the property, the applicant has not submitted development permits to change the existing structures on site.

Rezoning this parcel to NB is consistent, if not less intensive, with other similarly situated properties abutting N. 145<sup>th</sup> Street and commercial zoning in the City of Seattle on the south side of N. 145<sup>th</sup> Street.

**PROPERTY DESCRIPTION:**

The rezone encompasses four parcels which together total 32,736 square feet (.75 acres). Each one of the four parcels is currently developed with single-family homes (**Attachment 1 – Site Plan**).

The parcels are located adjacent to N. 145<sup>th</sup> Street which is designated as a State Highway (**Attachment 2 – Vicinity Map**). The subject parcels are flat with no known critical areas present. In addition to the existing homes, the sites are mostly developed with asphalt parking areas, gravel/dirt parking areas, outside lawns and patios, trees, shrubs, and other landscaping. There are existing sidewalks along N. 145<sup>th</sup> Street.

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

The Subject Property is currently zoned R-12 (**Attachment 3 – Zoning Map**).

The surrounding zoning to the east and west is Mixed-Business along N. 145<sup>th</sup> Street (**Attachment 3 – Zoning Map**). Parcels to the north are zoned R-48 and are developed with attached single-family homes (townhomes). The parcels to the south, across N. 145<sup>th</sup> Street, are within the City of Seattle and are zoned Commercial 1 and are developed with commercial uses that include retail stores, office building, tire store, and a post office.

The subject parcels and the parcel to the north and west have a Comprehensive Plan Land Use designation of Mixed-Use 2 (**Attachment 4 – Comprehensive Plan**). As provided in Comprehensive Plan Policy LU10:

*The Mixed-Use 2 (MU2) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses. It does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.*

The parcels to the east have a Comprehensive Plan Land Use designation of Mixed-Use 1. 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 2 designation is one of 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.

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

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

Per SMC 20.30.060 and 20.30.090, the applicant held a neighborhood meeting via Zoom on May 20, 2021. Comments raised at the neighborhood meetings related to the rezone pertained to increased development potential allowed in the NB zone, including increased building height, parking, and the neighbors' desire to build townhomes over multifamily dwelling units.

**(Attachment 5 – 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. The Notice of Application was issued on August 19, 2021 (**Attachment 6 – Notice of Application**) and the Notice of Public Hearing was issued on October 13, 2021 (**Attachment 7 – Notice of Public Hearing**).

The City received one (1) public comment letter in response to the proposed rezone. The public comment letter is included as **Attachment 8 – Public Comment Letter**.

**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 September 23, 2021 (See **Attachment 9 – SEPA DNS**). The SEPA DNS had a 14-day public comment period, and the city did not receive any comments.

**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 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's analysis for how the proposed rezone at 808, 812, 820, and 826 N. 145<sup>th</sup> Street meets the criteria for a rezone and complies with the goals and policies of the Shoreline Comprehensive Plan. While, as a general practice, staff does not evaluate a rezone based on a single use. Instead, staff analyzes the proposed new zone with all possible permitted uses in mind.

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

The rezone request is a change from the existing zone of R-12 to the proposed zone of NB. The Comprehensive Plan Land Use designation of the site is Mixed Use 2. Comprehensive Plan Policy LU10 reads:

*The Mixed-Use 2 (MU2) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses. It does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.*

The NB zoning district is considered an implementing zone for this designation. In contrast, the R-12 zoning district is an implementing zone for the Medium Density Residential Comprehensive Plan Land Use designation. The current residential zoning of R-12 has limited opportunity for commercial or a mix of uses and, therefore, is inconsistent with the intent of the MU2 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 NB zoning district is not the City's most intensive zoning district but does allow a wide range of neighborhood serving commercial uses, higher-density multifamily dwellings, and building heights up to 50-feet. While the immediate future use of the property does not plan for redevelopment, rezoning the property to NB will still allow a variety housing opportunities, employment and services that are accessible to the neighborhood and the region when 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.

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 redevelop with multifamily housing that will provide needed housing adjacent to high-capacity transit. The rezone will allow for the removal of four single-family homes, a very inefficient use of land at this location, to be replaced with mixed-use development that can provide between 60-100 dwelling units and ground-floor commercial space. 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 and bus routes along N.145<sup>th</sup> Street will offer convenient service to the future 148<sup>th</sup> Street light rail station.

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.

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 the future, encourage the redevelopment of these underutilized parcels in a prime location for walking, biking, bus rapid transit, and access to the future light rail station.

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 and the lower residential densities to the north.

Based on the noted Comprehensive Plan Goals and Policies and the Neighborhood-Business zone being one of the implementing zones of the Mixed-Use 2 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 N. 145<sup>th</sup> Street Corridor where access to bus service, pedestrian and bike opportunities along the interurban trail, frequent high-capacity bus service along Aurora Avenue, and retail/commercial services are all within a short distance to the site. Higher density townhomes exist to the north and commercial services are present to the east. Redevelopment of these parcels under the proposed NB zone will be compatible with existing and future development.

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, hardscape, landscape buffers, and site lighting directed away from residential uses.

The rezone will not adversely affect the public health, safety, or general welfare since any future redevelopment of the site will be required to meet then current dimensional and landscaping 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 NB will satisfy this statutory mandate.

As noted in Section 1 above, the property maintains Comprehensive Plan Land Use designation of MU2. The NB zone is an implementing zone for the MU2 Comprehensive Plan Land Use designation and satisfies the intent of that designation. The proposed NB Zone is in an area near employment, retail/commercial areas, and where high levels of transit are present.

In contrast, the current zoning of R-12, which are not form based density zones, in that density is capped at 12 units per acre rather than by form (height, lot coverage, setbacks, lot dimensions), is inconsistent with the MU2 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 has been designated for commercial and mixed-use development since the incorporation of the City in 1995. 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 1998.

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.

Future re-development may be required to install frontage improvements on N. 145<sup>th</sup> Street which will improve pedestrian safety. New development will be required to provide surface water improvements (if needed) which will mitigate drainage around the site. New development will

also be required to provide sufficient parking onsite to mitigate any effects of street parking on the adjacent right-of-way.

Because this area has been identified in the Comprehensive Plan as an area to provide high-density housing, commercial and mixed-use buildings, with application of Development Code regulations to provide protections, 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-10. 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. High-density residential and mixed-use have been planned for this area 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. 145<sup>th</sup> Street thereby alleviating the neighborhood concerns of unsafe walking surfaces for pedestrians. In addition, new residential development will require the payment of transportation, park, and fire impact fees, thereby allowing for system-wide improvements that are being required due to growth within the community.

This proposed rezone meets criteria #5.

#### **DEPARTMENT RECOMMENDATION:**

Based on the above applicant response to the rezone criteria, the Planning & Community Development Department recommends **APPROVAL** of the Rezone for file PLN21-0117.



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Steve Szafran, AICP, Senior Planner

October 12, 2021

#### **Attachments:**

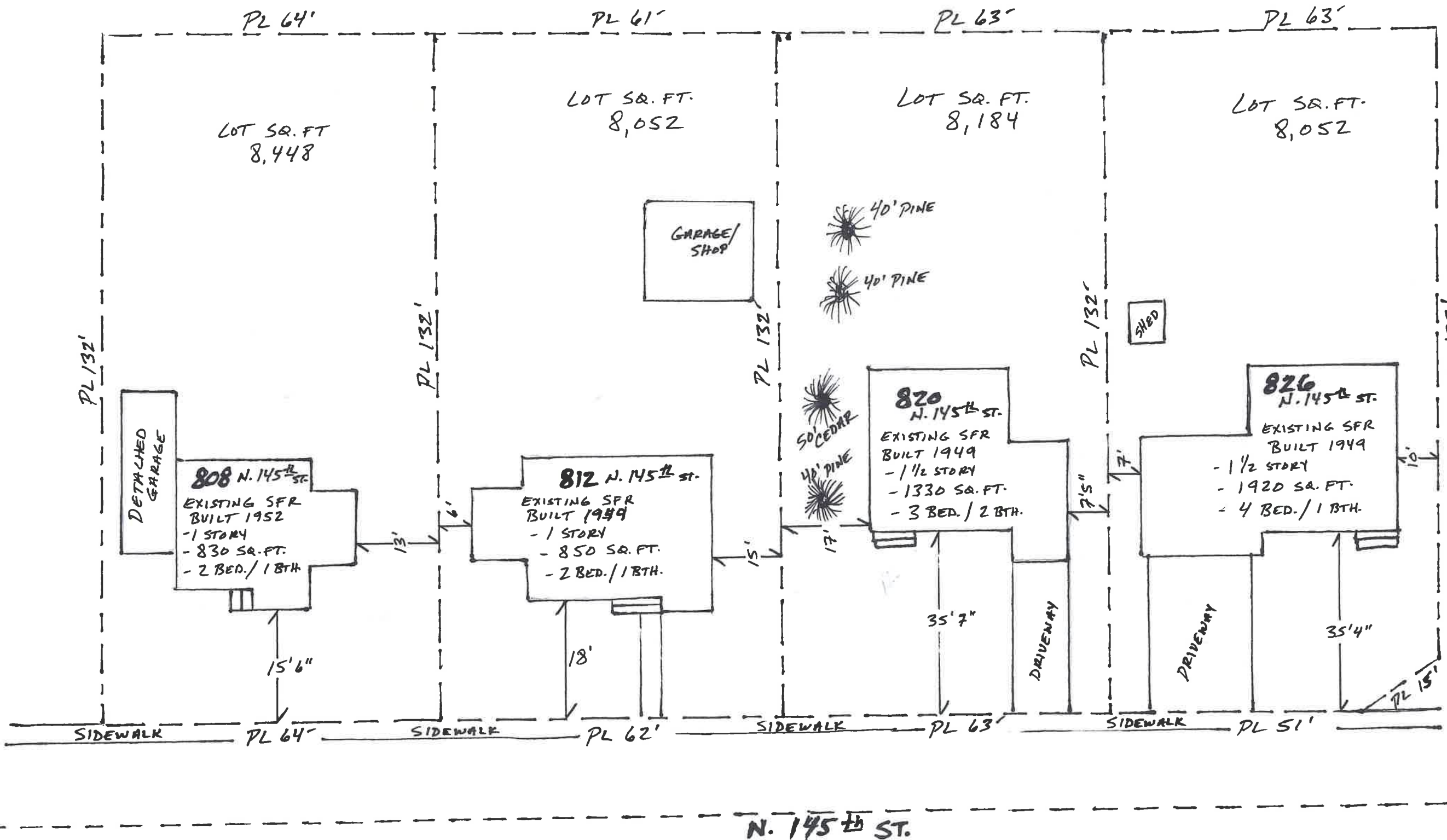
- Attachment 1 – Site Plan
- Attachment 2 – Vicinity Map
- Attachment 3 – Zoning Map
- Attachment 4 – Comprehensive Plan Land Use Map
- Attachment 5 – Neighborhood Meeting Summary



- Attachment 6 – Notice of Application
- Attachment 7 – Notice of Public Hearing
- Attachment 8 – Public Comment Letter
- Attachment 9 – SEPA Determination of Nonsignificance

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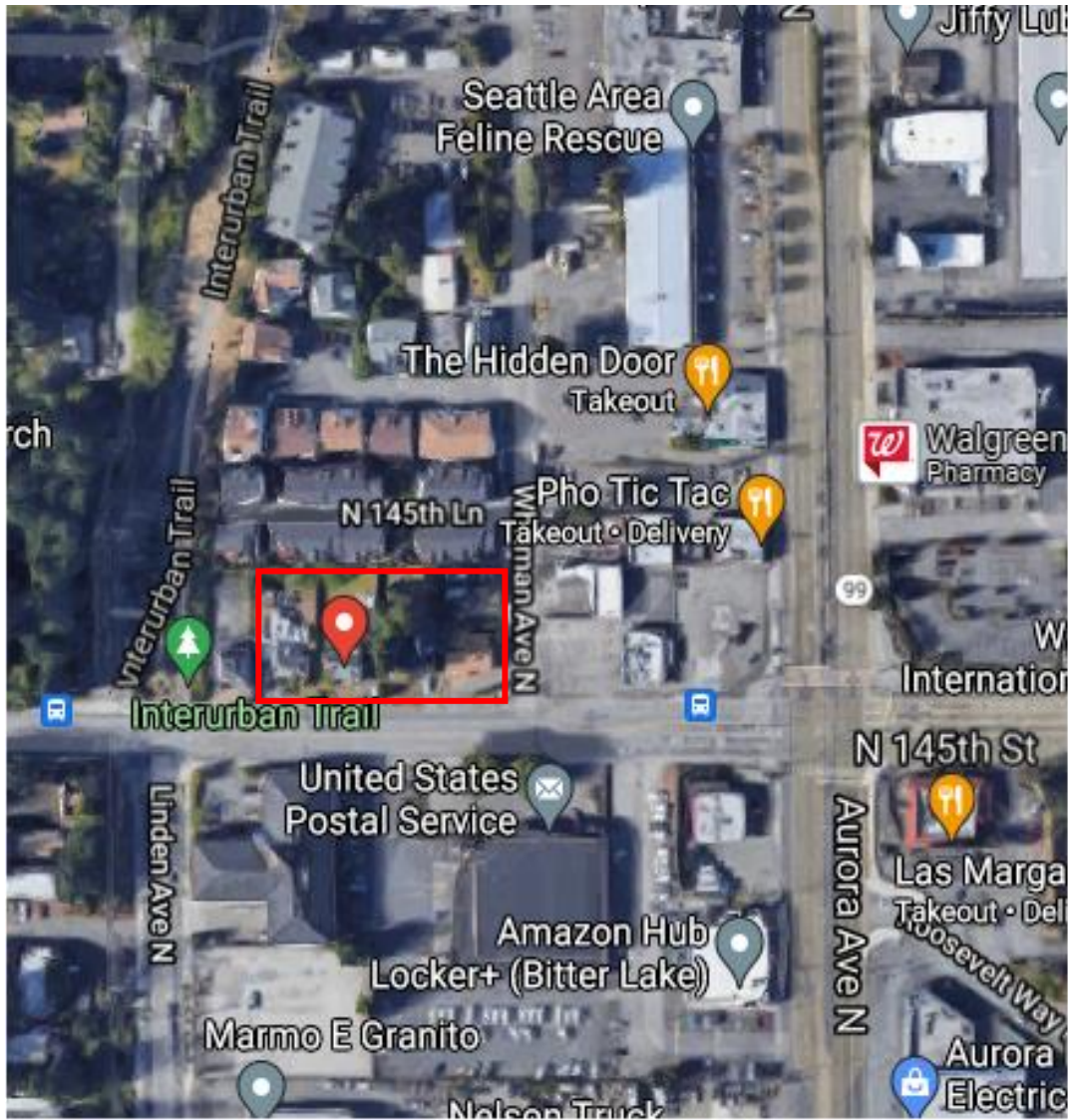
# Kaupe-Heath-Pfeiffer Rezone



PREPARED BY:  
DAVE HYNDEN  
1532 NW 195<sup>th</sup> ST. #6  
SHORELINE, WA.  
98177  
(206) 778-7355

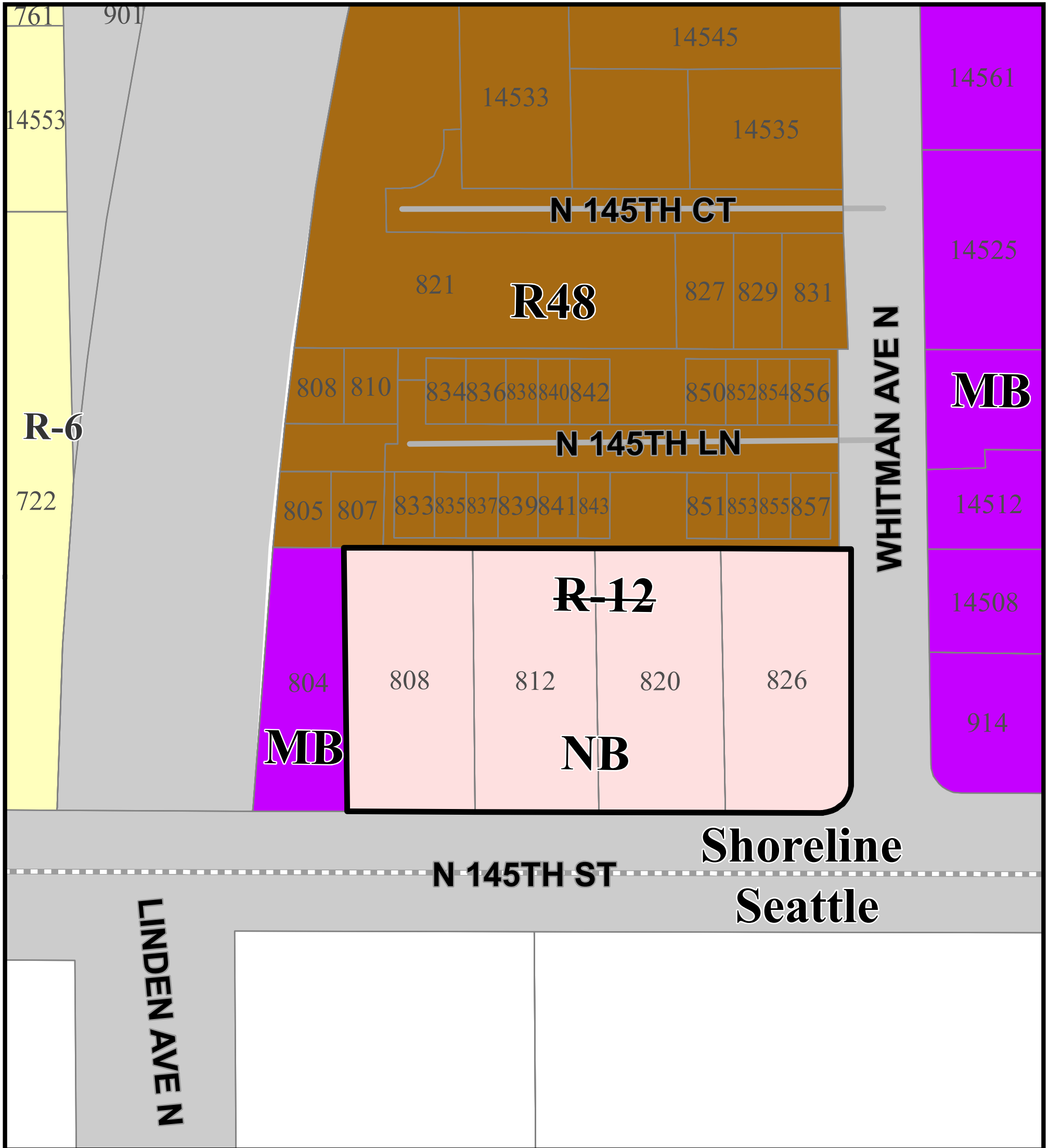
DATE: 3/18/21  
SCALE: 20' : 1"

Vicinity Map



# Rezone from R-12 to Neighborhood Business (NB) Map for 808, 812, 820, and 826 NE 145th Street

Attachment Exhibit 4



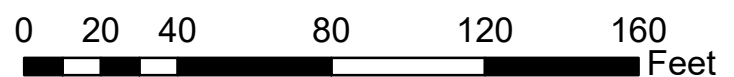
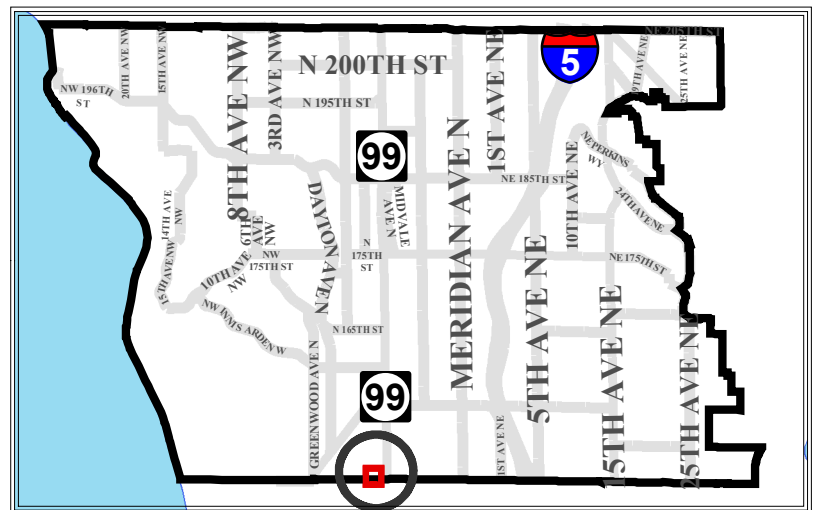
## Rezone from R-12 to Neighborhood Business (NB) for 808, 812, 820, and 826 NE 145th Street

### Zoning Legend

TC-1 to TC-4; Town Center	CZ; Contract Zone
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MUR-45; Mixed Use Residential (45' height)	R-24; Residential, 24 units/acre
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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

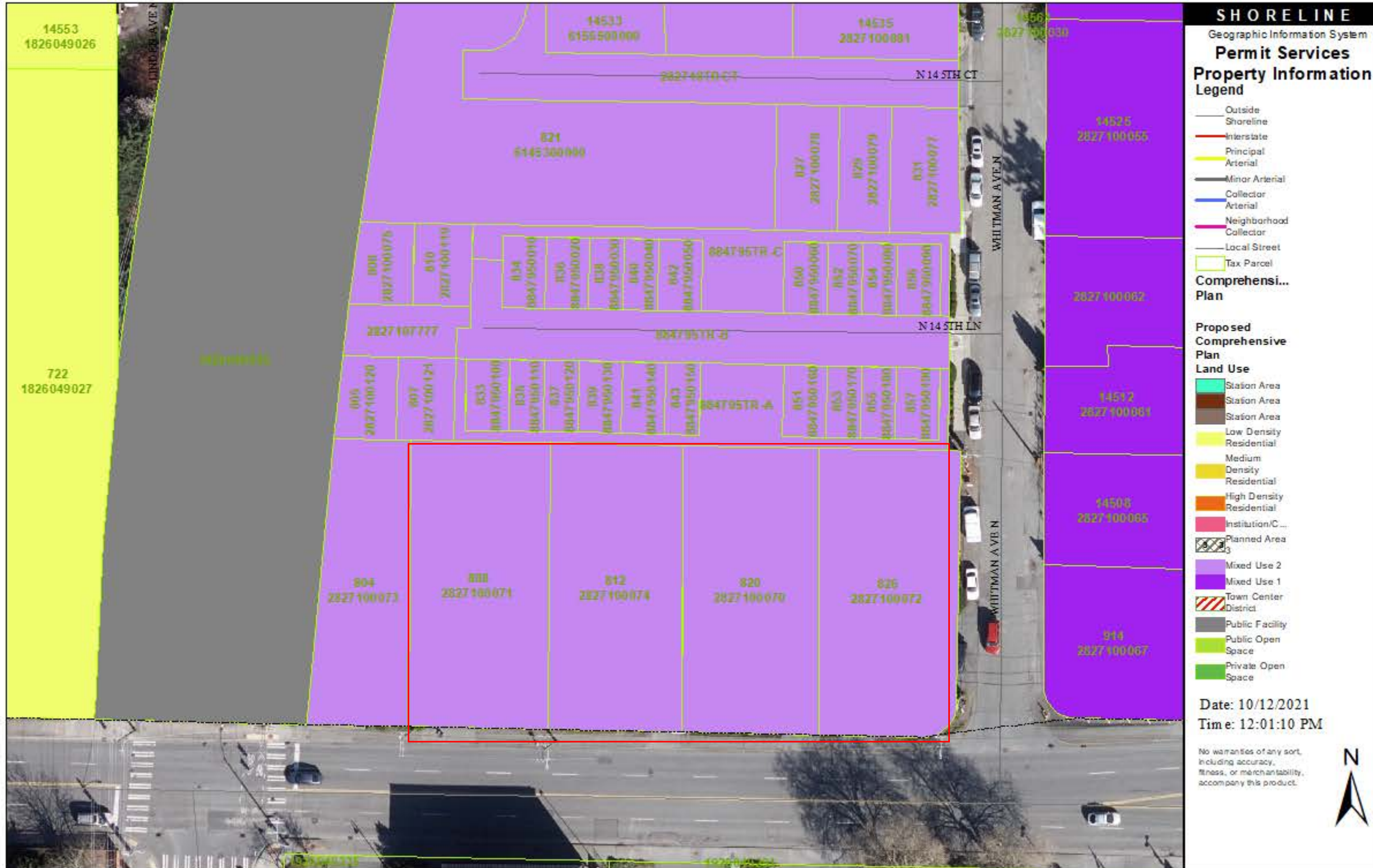


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Date Printed: Date: 9/13/2021 | Request: 30560







## Summary of Neighborhood Zoom Meeting (Proposed Rezone for 808, 812, 820 & 826 N. 145th St. Shoreline)

May 20, 2021

This is the summary of the neighborhood zoom meeting for the proposal to rezone the 4 adjacent lots (808, 812, 820 & 826 N. 145th St., Shoreline) from the current R-12 zoning to a higher density zoning.

In attendance:

Tom Kaupe	Owner of 820 N. 145th St.
Don & Ellen Heath	Owner of 826 N. 145th St.
Dave Hynden	Hired consultant for the current owners of the properties
Kelly Emerson	Neighbor to the North (Secretary of the HOA/Townhomes)
David Suess	Owner of 804 N. 145th St.
Don ?	Owner of one of the Townhomes, directly to the North.

Kelly Emerson was concerned about what could possibly be built with a new zoning. She asked the current owners if they were at all discriminatory of who they'd be selling to and what they were looking to leave behind when they sell. She said that she would like to see Townhomes be built rather than a large, high building of some kind. She expressed concerns for parking.

David Suess who owns 804 N. 145th St. which is currently Mixed Business zoning and is directly to the West of the current properties seeking the rezone, asked whether or not the current owners were aware of the widening of N. 145th St., at some point in the near future. He also expressed that he would prefer Townhomes to be built, as well.

One other owner from the Townhomes to the North (N. 145th Ln.) was on the call, but had no comments.

Meeting lasted 30 minutes and no fighting or profanity took place. The meeting was recorded and e-mailed to the secretary of the Townhome HOA, directly behind (North) the current properties, to be shared with the Townhome owners that weren't able to attend the meeting.

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PLN 21-0117

May 10, 2021

Dear Neighbor,

Please join in on a Zoom call to hear a brief presentation for a proposed rezone at 808, 812, 820 & 826 N. 145th St., Shoreline, WA. 98133. At this meeting we will discuss the specific details and solicit comments on the proposal from the neighbors.

**Meeting Information:**

**Proposal:** Rezoning of 4 adjacent lots. Current zoning is R12, and the proposed zoning will allow for higher density.

**Date:** Thursday, May 20th, 2021

**Time:** 5:30pm-6:00pm

**Zoom:** <https://zoom.us/j/92706342260?pwd=d1VlblI3amRxRW1Xc2FwWWlFVkJQdz09>

**\* Please call or e-mail Dave Hynden for an invite to this meeting.**

**Dave Hynden (206)778-7355  
hynden@windermere.com**



## City of Shoreline Notice of Application including Optional SEPA DNS Process

**Applicant:** Dave Hynden, Windermere Real Estate.

**Application Number:** PLN21-0117.

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

**Location:** 808, 812, 820, and 826 N 145<sup>th</sup> Street.

**Description of Project:** Rezone the parcels from R-12 to Neighborhood-Business (NB). The applicant is asking for a rezone of four parcels to develop higher-density housing and/or commercial uses.

**Environmental Review:** The City expects to issue a SEPA Determination of Nonsignificance (DNS) on this project. This may be the only opportunity to comment on the environmental impacts of this proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

**Public Comment:** This public comment period for this rezone application ends **September 3, 2021 at 5:00 p.m.** Interested persons are encouraged to mail, fax (206) 801-2788 or deliver comments to City of Shoreline, Attn. Steven Szafran, 17500 Midvale Avenue N, Shoreline, WA 98133 or email to [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov). You may also request a copy of the decision once it has been made.

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

### 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.





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

The City of Shoreline Hearing Examiner will hold an Electronic Public Hearing on November 3, 2021 at 7:00 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:** Dave Hynden.

**Application Number:** PLN21-0117.

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

**Location:** 808, 812, 820, and 826 N 145<sup>th</sup> Street.

**Description of Project:** Rezone the parcels from R-12 to Neighborhood-Business (NB). The applicant is asking for a rezone of four parcels to develop higher-density housing and/or commercial uses. Although the applicant is requesting a zone change to the property, the applicant has not submitted permits to change the existing structures on site.

**Environmental Review:** The City issued a SEPA Determination of Nonsignificance (DNS) on September 23, 2021 on this project. A copy of the threshold determination may be obtained upon request.

**Public Hearing:** An open record public hearing is scheduled for **November 3, 2021** at 7pm via Zoom. All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Written comments should be submitted to Steven Szafran, Senior Planner, at [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov) by no later than 4:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing is encouraged to register via the Remote Public Comment Sign-in form on the City's webpage at least thirty (30) minutes before the start of the meeting.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85648911538?pwd=Qm5nSVZ3M0VVTy81Yk1GQjAzbS9FUT09>

Passcode: 218725

Or One tap mobile :

US: +12532158782,,85648911538#,,,,\*218725# or +13462487799,,85648911538#,,,,\*218725#

Or Telephone:

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

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 646 558 8656 or +1 301 715

8592 or +1 312 626 6799

Webinar ID: 856 4891 1538

Passcode: 218725

International numbers available: <https://us02web.zoom.us/j/kcGQRv3zRq>

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

**17500 Midvale Avenue N, Shoreline, Washington 98133-4905**

Telephone (206) 801-2500 Fax (206) 801-2788 [pcd@shorelinewa.gov](mailto:pcd@shorelinewa.gov)

**8b-33**

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

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

**NOTICE OF DISCLOSURE**

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

**From:** Grant Peltier <grantpeltier1313@gmail.com>  
**Sent:** Monday, August 30, 2021 8:53 PM  
**To:** Steve Szafran <sszafran@shorelinewa.gov>  
**Subject:** [EXTERNAL] Rezone four parcels from Residential 12-units per acre (R-12) to Neighborhood-Business (NB)

**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.

Hello Steve,

I work at a nearby business on 145th and very much support the change of zoning on this project. The greater Seattle and Shoreline are needs more housing and this project can do a small part in providing more housing. Additionally, if this project contains mixed use retail spaces it will be great service to me. Hopefully this project will also have good bike parking due to the proximity to the trail.

Thanks,  
Grant



## 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: **September 22, 2021**

PROPONENT: **Dave Hynden**

LOCATION OF PROPOSAL: **808, 812, 820, and 826 N 145<sup>th</sup> Street.**

DESCRIPTION OF PROPOSAL: **Rezone the parcels from R-12 to Neighborhood-Business (NB). The applicant is asking for a rezone of four parcels to develop higher-density housing and/or commercial uses. Although the applicant is requesting a zone change to the property, the applicant has not submitted permits to change the existing structures on site.**

PUBLIC HEARING **Tentatively scheduled for November 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: 9/10/21 SIGNATURE: 

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

The public comment period will end October 7, 2021. This DNS may be appealed by any interested person to the City of Shoreline Hearing Examiner as provided in SMC 20.30 Subchapter 4 and SMC 20.30.680 no later than fourteen (14) calendar days after the date of issuance. Appeals must be submitted in writing to the City Clerk with the appropriate filing fee and received by 5:00 pm on the last day of the appeal period. The written appeal must contain specific factual objections related to the environmental impacts of the project. An appeal hearing on the DNS will be consolidated with the open record hearing on the project application.

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

If you are not capable of accessing the proposal's information on the City's website, please contact Steve Szafraan and arrangements can be made.

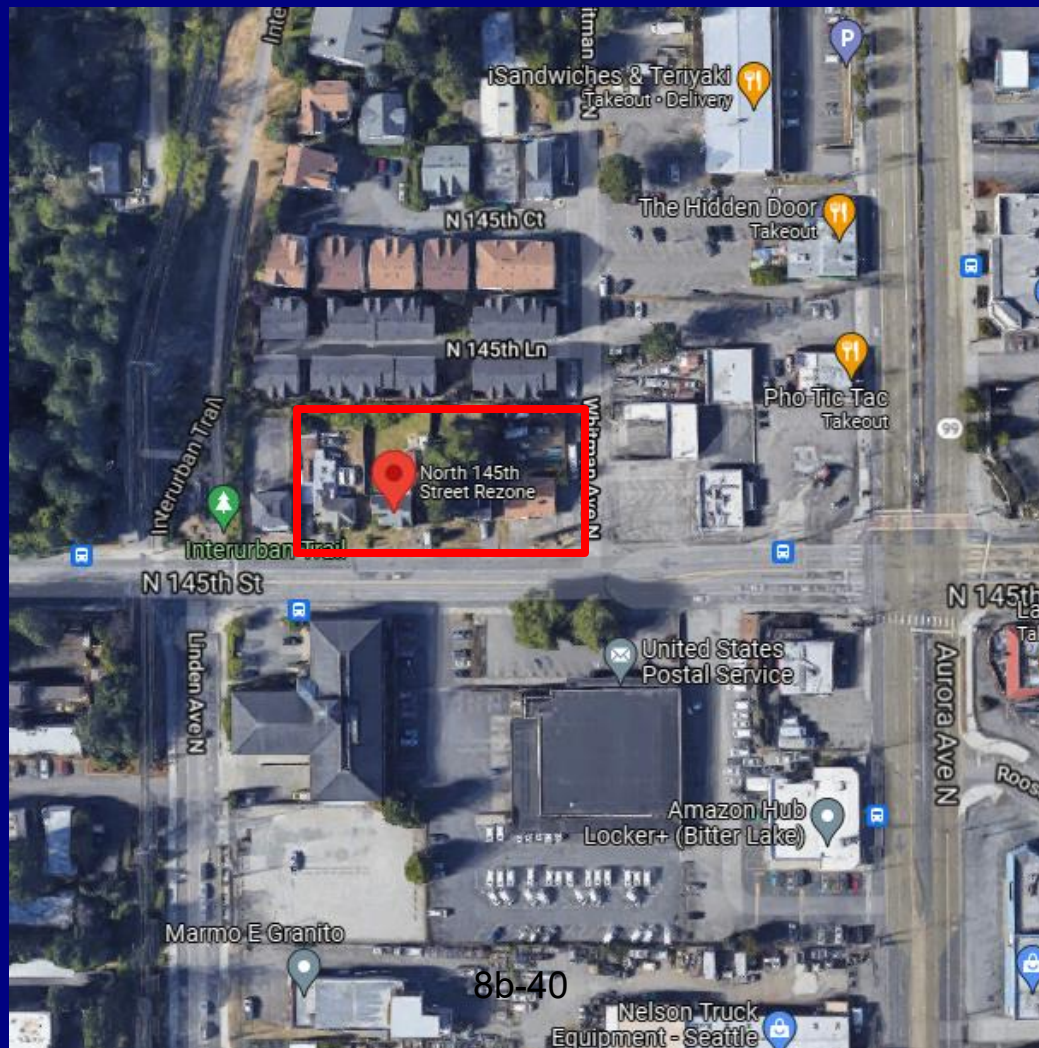
Rezone PLN21-0117 808, 812, 820, 826  
North 145<sup>th</sup> Street

Public Hearing  
November 3, 2021



# Proposal

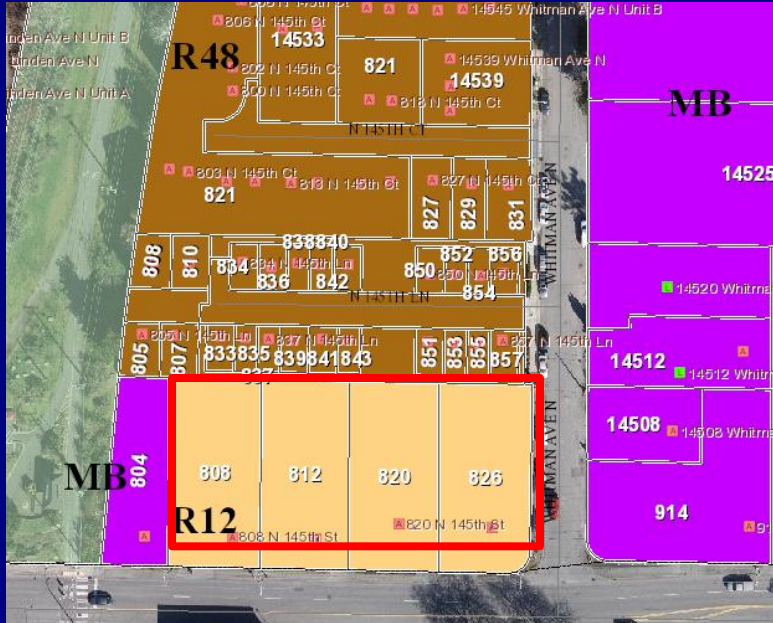
Change the zoning of four (4) parcels from R-12 to Neighborhood-Business in order to develop the property in the future.



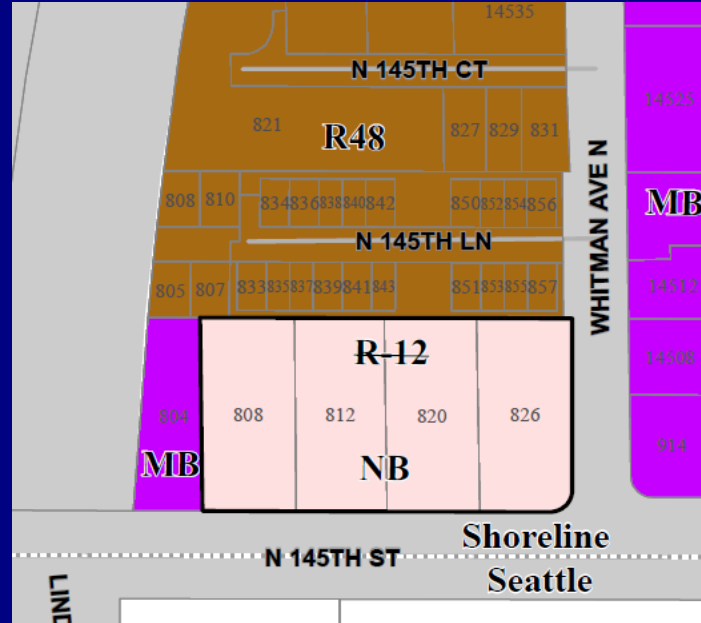


# Zoning

## Current Zoning



## Proposed Zoning



# Process

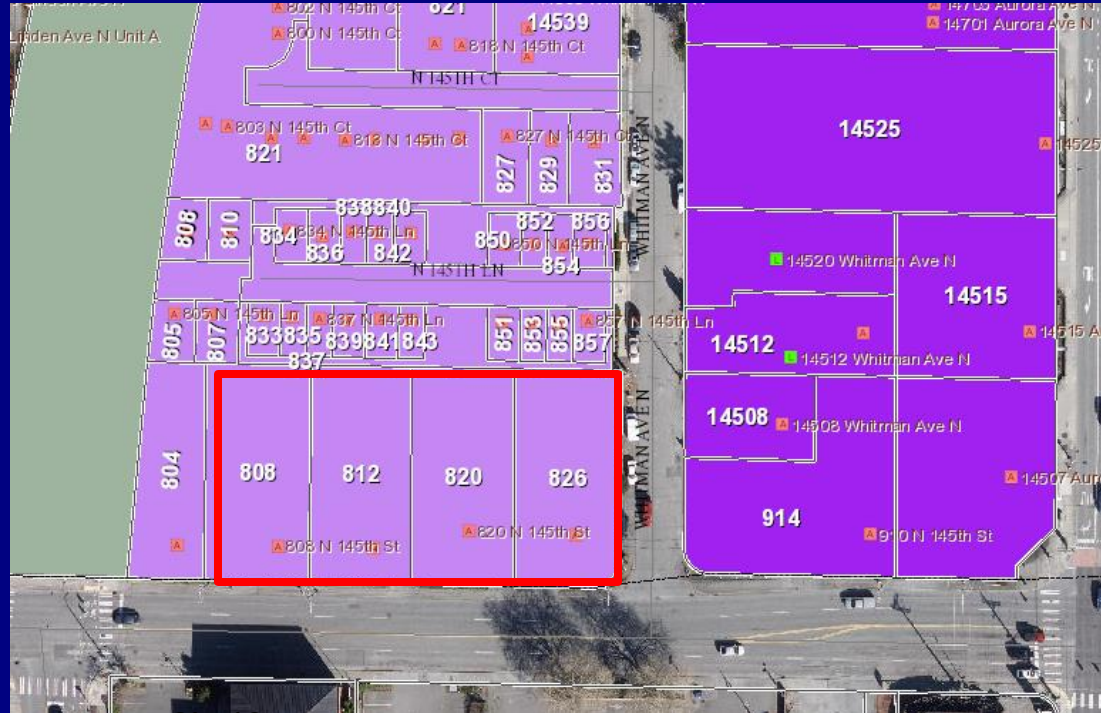
- SEPA DNS Issued September 22.
- Neighborhood Meeting May 20.
- Notice of Application (August 19) and Public Hearing (October 13) sent to property owners (500').
- Hearing Examiner Public Hearing – Recommendation to Council.
- City Council considers the rezone December 2021.

# Rezone Criteria

Attachment C

Zoom Video  
is shown here

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

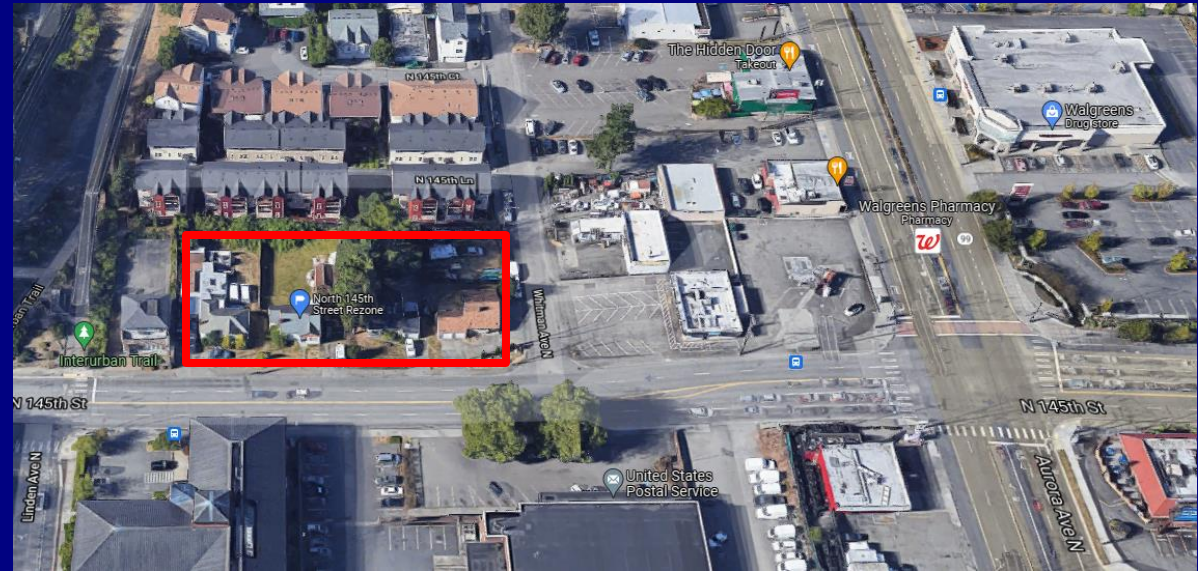
3. The rezone is warranted to achieve consistency with the Comprehensive Plan.





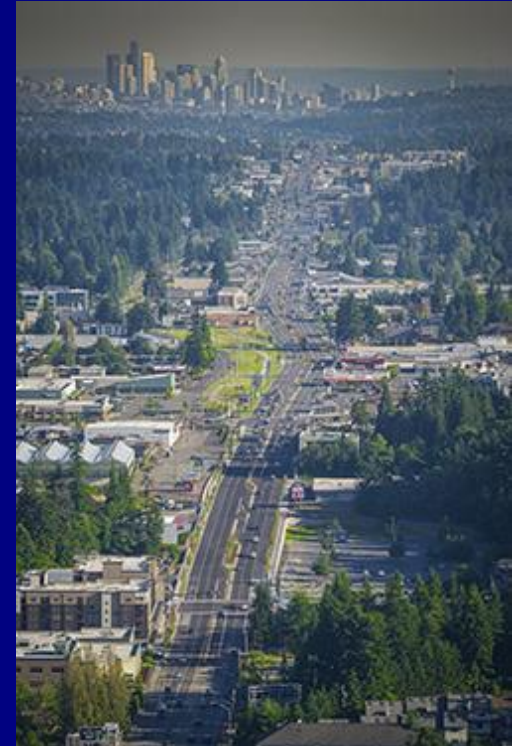
# Rezone Criteria

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 21-0117 by changing the zoning from R-12 to Neighborhood Business.