

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 320, a rezone of two parcels located generally at 1440 Richmond Beach Road File No. 201192
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Planning Director Andrea L. Spencer, Planner II

PROBLEM/ISSUE STATEMENT:

The issue before Council is an application for a rezone of two parcels located generally at 1440 Richmond Beach Road (see Attachment A1: Vicinity Map). The applicant has requested that the property be rezoned from Residential 12 dwelling units per acre (R-12) to Neighborhood Business (NB).

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. An open record public hearing was previously conducted before the Planning Commission. Council's review must be based upon the written record and no new testimony may be heard. The Planning Commission completed its recommendation to Council on the proposed rezone on January 16, 2003. The Development Code states that a decision on this type of application should be made within a 120-day target. In order to meet this target, staff has scheduled this item with Council at this time.

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

- The Council could adopt the zoning requested by the applicant and recommended by the Planning Commission and Staff (a rezone from R-12 to NB) by adopting Ordinance No. 320 (Attachment B).
- The Council could deny the rezone request, leaving the zoning at R-12.

FINANCIAL IMPACTS:

- There are no direct financial impacts to the City.

RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No. 320, (Attachment B) thereby approving the rezone of two parcels located generally at 1440 Richmond Beach Road from Residential 12 units per acre (R-12) to Neighborhood Business (NB).

Approved By:

City Manager 

City Attorney 

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INTRODUCTION

The rezone application before Council is a request to change the zoning designation for two parcels generally located at 1440 Richmond Beach Road from R-12 to NB.

A public hearing before the Planning Commission was opened and closed on January 16, 2003. The Planning Commission Findings and Recommendation are included in Attachment B, Exhibit 1.

The Planning Commission unanimously recommended that the rezone of the property from R-12 to NB be approved. The draft minutes from the public hearing are included in Attachment C.

BACKGROUND

In 1998 the City of Shoreline adopted its first Comprehensive Plan. This document includes a map that identifies future land use patterns by assigning each area a land use designation. The subject parcels, and those adjoining it to the west and south, were designated Mixed Use in the Comprehensive Plan. The Comprehensive Plan document specified appropriate zoning districts for this designation as any of the following: R-8, R-12, R-18, R-24, R-48 Office, Neighborhood Business, Community Business, Regional Business, and Industrial. The current zoning (R-12) and the requested reclassification (NB) of the parcels are both consistent with the Mixed Use land use designation.

ALTERNATIVES ANALYSIS

PROCESS

The application process for this project began on March 1, 2002, when a pre-application meeting was held with the applicant and City staff. The applicant then held the requisite neighborhood meeting on June 26, 2002. The formal application was submitted to the City on November 7, 2002, and it was determined complete on December 23, 2002.

The requisite public hearing was held before the Planning Commission on January 16, 2003. The Planning Commission made a recommendation and formulated Findings and Determination on the night of the public hearing. The minutes from this meeting are included in Attachment C and the Findings and Determination are included in Attachment B, Exhibit 1. The Planning Commission voted 8-0 to recommend approval of the rezone

PUBLIC COMMENT

No comment letters were received in response to the standard notice procedures for this application (the written comment deadline was January 10, 2003). Aside from the applicant, there was no public testimony at the Planning Commission public hearing on this proposed action.

The following two sections discuss the two options referred to on the first summary page. In this case it is: 1) The adoption of the Planning Commission and Staff recommendation or 2) Denial of the rezone request.

REZONE TO NEIGHBORHOOD BUSINESS

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

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

An expanded discussion of the criteria and analysis can be found in the report prepared for the Planning Commission public hearing (Attachment A).

DENIAL OF REZONE REQUEST

The Council may review the written record and determine that R-12 zoning is the most appropriate designation for the two subject parcels. This determination would not be inconsistent with the Comprehensive Plan designation of "Mixed Use" for the parcels, as this designation has a range of zoning districts that are consistent with it that includes both the existing zoning (R-12) and the requested zoning (NB). The sites could be developed at a R-12 density, however with an increase in the zoning to NB the City will have a greater possibility of permitting development that significantly contributes to our housing/employment targets (see discussion in Planning Commission Staff Report in Attachment A).

RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No. 320, (Attachment B) thereby approving the rezone of two parcels located generally at 1440 Richmond Beach Road from Residential 12 units per acre (R-12) to Neighborhood Business (NB).

ATTACHMENTS

Attachment A: Planning Commission Staff Report, January 16, 2003

- a) Vicinity Map with Zoning Designations
- b) Vicinity Map with Comprehensive Plan Designations
- c) Site Inventory Map
- d) Richmond Beach Road / 15th AVE NW Intersection Improvements

Attachment B: Ordinance No. 320 Rezone from R-12 to NB

Exhibit 1: Planning Commission Findings and Determination

Exhibit 2: Zoning Map Amendment and Legal Description

Attachment C: Draft Planning Commission Minutes- January 16, 2003

Attachment A

**Planning Commission Staff Report
January 16, 2003**

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Type C Action: Rezone Application for two parcels generally located at 1440 Richmond Beach Road from R-12 (Residential 12 dwelling units/acre) to NB (Neighborhood Business).

DEPARTMENT: Planning and Development Services

PRESENTED BY: Andrea L. Spencer, Planner II

I. PROPOSAL

This rezone application, a Quasi Judicial or "Type C Action," before the Planning Commission is a request to change the zoning designation for two properties generally located at 1440 Richmond Beach Road from R-12 (Residential - 12 dwelling units per acre) to NB (Neighborhood Business). A vicinity map showing existing zoning for the project site and adjacent properties is located in Attachment A. The parcels have a Comprehensive Plan Land Use designation of Mixed Use, and both the existing and proposed zoning are consistent with this designation (Attachment B illustrates the comprehensive plan land use designations).

A development proposal for the subject parcels has not been submitted at this time. Prior to construction on the site building and other associated permits shall be obtained. The permit submittal will be reviewed administratively and be subject to the requirements of the Shoreline Municipal Code (SMC) and the 1998 King County Storm Water Design Manual. Staff encourages applicants to submit a consolidated permit application (all permits concurrently), however it is optional (SMC 20.30.130) and in this case the developer has chosen not to exercise it.

This report summarizes the issues associated with this project and illustrates how the proposal meets the criteria for rezone outlined in the Shoreline Municipal Code and the goals of the Comprehensive Plan.

Type C Actions are reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to City Council, who is the final decision making authority for Type C Actions.

II. FINDINGS

1. SITE

The subject sites are generally located at the southeast corner of the intersection of 15th AVE NW and Richmond Beach Road. Each parcel is developed with one single-family residence. Together the two parcels measure 20,127 square feet in area (approximately .46 acres). The sites are gently cross-sloped at an average grade of 3 percent toward the southwest. The highest elevation is approximately 245 feet at the northeast corner and the lowest elevation is 239 feet at the southwest corner. There are a few of trees on site. The main "significant trees" are located at the eastern edge of the site. A "significant tree" is defined in the Shoreline Municipal Code Title 20 as a healthy, windfirm, and nonhazardous tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater at breast height if deciduous. A detailed site inventory map has been provided in Attachment C. This map indicates the lot dimensions and area, structure location and other improvements, topography, and location of trees.

2. NEIGHBORHOOD

The project site is located in the Richmond Beach Neighborhood. Access to the property is gained from Richmond Beach Road, a street that is classified as a minor arterial. As indicated previously the site is zoned R-12 and has a land use designation of mixed use. The current zoning of the parcels immediately adjacent to the subject properties on the west and south is *NB*, and the uses on these sites include a coffee shop and bowling alley/restaurant (these parcels also have a *Mixed Use* Comprehensive Plan Designation). The current zoning of the parcels immediately adjacent to the subject properties on the east and north is *R-6*, and the uses on these sites are single family residential (these parcels have a *Low-Density* Comprehensive Plan Designation). The zoning classifications and comprehensive plan land use designations for the project sites and immediate vicinity are illustrated in Attachments A and B.

3. TIMING AND AUTHORITY

The application process for this project began on March 1, 2002, when a pre-application meeting was held with the applicant and city staff. The applicant then held the requisite neighborhood meeting on June 26, 2002. The formal application was then submitted to the City on November 7, 2002. The application was determined complete on December 23, 2002. A public notice of application and public hearing was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the sites on December 27, 2000. This notice solicited public comments, and at time of report mailing no comment letters were received (the comment deadline, January 10, 2003, is after report mailing). Correspondence received after the release date of this report (January 9, 2003) will be forwarded to the Planning Commission on or before the date of the Public Hearing.

Rezone applications shall be evaluated by the five criteria outlined in Section 20.30.320 (B) of The Shoreline Municipal Code (SMC). The City Council may approve an application for rezone of property if the five decision criteria are met.

4. CRITERIA

The following discussion shows how the proposal meets the decision criteria listed in Section 20.30.320(B) of the SMC. The reader will find that each of the criteria is integrated, and similar themes and concepts will run throughout the discussion of each.

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

The Comprehensive Plan land use map identifies the subject properties as *Mixed Use*. The site is currently underutilized—the two parcels are each developed with one single family home (developed at a density of 4 dwelling units per acre)—this is not consistent with the density goals of the Comprehensive Plan which plans for these sites to accommodate between 8 to 15 dwelling units per acre or square footage to support employment within the City. The proposed zone change will allow the parcels to be developed to the level anticipated in the Comprehensive Plan.

If Neighborhood business becomes the adopted zoning for the site there will be a range of development options. The site could be developed with commercial uses such as professional offices, restaurant, or general retail. The site could also accommodate (either in conjunction with the previously listed uses or as a stand-alone) multifamily housing. The maximum density allowed in the NB zone is 24 dwelling units per acre. Based on this density, the maximum number of dwelling units that could be constructed on this .46 acre site is 11. The reader should note that a feasibility study has not been done to see if this number of units actually be placed on the site. The number of units may be limited due to property line configuration, setback requirements, location of unique features such as significant trees, and the need to accommodate other code requirements such as open space, parking, and storm drainage improvements. The following table summarizes the bulk requirements for each development type.

Standard	Multifamily NB Development	Commercial NB Development	R12 Development
Front Yard Setback	10'	10'	10'
Side yard Setback (non-residential zones)	5'	0'	N/A
Min Side and Rear Setback (from R-4 and R-6)	20'	20'	15'
Base Height	35'	35'	35'
Max Impervious Surface	85%	85%	75%

The Shoreline Comprehensive Plan has established a growth target of 1,600-2,400 new housing units, and also anticipated that Shoreline would accommodate 4,635 new jobs during the planning period. The Comprehensive Plan identified different areas of the City where growth would likely occur and could be accommodated. A Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In many instances this change occurred in areas that had previously developed at a much lower intensity (as is the case of the subject parcels) and more dense development was anticipated in the future when the underutilized parcels were redeveloped.

NB zoning is an appropriate designation for the site in order to achieve many goals and policies of the Comprehensive Plan, including:

LU23: Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600-2,400 new housing units and the future needs of Shoreline citizens.

Goal H I: Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.

H6: Encourage compatible infill development on vacant or underutilized sites.

ED5: Increase and improve the City's job base allowing people to work and shop in the community

ED12: Recognize the potential for other, smaller commercial districts for improvement and revitalization.

ED18: Encourage a mix of businesses that complement each other and provide variety to the community to create activity and economic momentum.

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

All development of these sites must meet the requirements of Title 20 of the SMC (the Development Code). Section 20.10.020 states the general purpose of the code is to "promote the public health, safety, and general welfare." Future permit applications for the subject site shall show compliance with the Code, including but not limited to the following sections:

Dimensional and Density Standards 20.50.010-20.50.050
Tree Conservation 20.50.290-20.50.370
Parking Access and Circulation 20.50.380-20.50.440

Wastewater, Water Supply and Fire Protection 20.60.030-20.60.050
Surface and Stormwater Management 20.60.060-20.60.130

The adequacy of the proposal and its compliance with the Development Code requirements will be evaluated at time of permit submittal.

SEPA review is not required for a reclassification of property if the action complies with the Comprehensive Plan. The action is understood to be included with the Comprehensive Plan's Environmental Impact Statement (EIS) that was adopted on November 2, 1998.

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

The subject parcels are currently zoned R-12. The application to change the zoning of the parcels to NB was made in order to develop the sites in similar fashion to those that have been previously developed in the immediate vicinity of the project. The sites' Comprehensive Plan land use designation is *Mixed Use*. Consistent zoning designations for this land use include: R-8, R-12, R-18, R-24, R-48 Office, Neighborhood Business, Community Business, Regional Business, and Industrial.

The current zoning in the vicinity of the project includes NB, R-24, and R-6 (see Attachment A for zoning). The uses in the area include a coffeehouse, bowling alley, restaurant, multifamily housing, and single family residential development. The subject property will take access from Richmond Beach Road, an arterial street with transit route. Higher intensity development is encouraged along arterials where vehicular trips can be accommodated. NB zoning would be an appropriate designation for the subject sites, as it would reflect a similar level of intensity as those uses near it.

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

At this time there appears to be no negative impacts to the properties in the immediate vicinity of the subject rezone. In fact the proposed rezone would allow uses on the site that are similar to those uses found on the parcels to the west and south. As with most projects there will be concerns regarding a project's impact on infrastructure such as water, sewer, stormwater, and traffic/circulation. Also there are always concerns expressed about the loss of existing mature vegetation. The following brief summary demonstrates how the project addresses each of these.

Water & Sewer

Conditional statements from the Shoreline Wastewater Management District, and Seattle Water Department indicate that adequate capacity exists for development at NB zoning levels.

Stormwater

All stormwater must be treated and detained per the requirements of the 1998 King County Surface Water Design Manual and the Surface and Stormwater Management sections of the SMC (20.60.060 through 20.60.130).

Traffic/Circulation

The exact number of P.M. peak hour vehicular trips is unknown at this time because a development proposal has not been submitted for review. Depending on the type of uses that are constructed on site (multifamily or commercial) the peak hour vehicular trips will vary. The code requires a traffic study to be done if the P.M. peak hour trips are greater than 20 (SMC 20.60.140(A)). At the time of the development proposal submittal (building permit application), traffic and pedestrian requirements/mitigation specific to the details of the project may be required.

The proposed rezone site will take access from Richmond Beach Road. The rezone site is adjacent to the recently redeveloped Richmond Beach Coffee Co. site. During the redevelopment of this Coffee Co. site the intersection of 15th AVE NW and Richmond Beach Road was studied. Improvements were made to this intersection and the configuration of driveways near the intersection (including the access for the rezone site) was studied and it appears that adequate access to the site can be provided from Richmond Beach Road (a map of the intersection improvements made during the Coffee Co. construction is located in Attachment D). During site development sidewalks will be extended from Richmond Beach Road along the southern boundary of the Coffee Co. site and into the project area. Therefore it appears that there is adequate vehicular and pedestrian access to the rezone site.

Tree Removal

There are a number of significant trees located on the subject sites, illustrated on the map in Attachment C. The primary significant trees are located on the eastern portion of the site. The SMC requires retention of at least 20% of the significant trees (SMC 20.50.350(B)(1)). The site design for the development proposal must also meet the requirements of 20.50.350(D)(1-9) which stipulates that trees be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.

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

The redevelopment of the site will contribute either an increase in housing unit or employment stock, each of which will help the City to achieve its housing and/or employment targets. The redevelopment will improve both the aesthetics of the site and the environmental quality (both existing residential units are currently on septic systems—the new development would be discharging waste into the public treatment system). In all likelihood the new development will increase the amount of impervious surface area on the site, however this water will be treated and released at a rate no greater than what historically flowed from the site in a pre-developed condition.

Further, a policy of the plan is to "preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources" (Comprehensive Plan policy LU1). The site does not have any identified critical areas, it is generally flat, and it has good access to public facilities. It is logical to encourage, within the provisions of the Development Code, redevelopment and intensification of uses on of parcels such as these.

Therefore it has been shown that these improvements will add benefit to the community.

III. CONCLUSIONS

1. **Consistency-** The proposed reclassification for the subject properties is consistent with the Washington State Growth Management Act, the City of Shoreline Comprehensive Plan, and the City of Shoreline Development Code.
2. **Compatibility-** The proposed zoning is consistent with existing and future land use patterns identified in the Comprehensive Plan.
3. **Housing / Employment Targets-** The current residential density of four dwelling units per acre indicates the site is underutilized per the density guidelines listed in the Comprehensive Plan for the *Mixed Use* land use designation. The project assists the City of Shoreline in meeting housing or employment targets as established by King County to meet requirements of the Growth Management Act.
4. **Environmental Review-** It has been determined that per WAC 197.11.600 (2) the SEPA obligations for analyzing impacts of the proposed rezone is fulfilled by previous environmental documents on file with the City. The FEIS prepared for the City of Shoreline's Comprehensive Plan, dated November 9, 1998, is incorporated by reference to satisfy the procedural requirements of SEPA.
5. **Infrastructure Availability-** There appears to be adequate infrastructure improvements available in the project vicinity. This includes adequate storm, water, and sewer capacity for the future development. The development of this site will also require that the infrastructure accommodate existing and anticipated stormwater improvements be installed as part of the development proposal.

IV. PLANNING COMMISSION ROLE AND OPTIONS

As this is a Type C action, the Planning Commission is required to conduct a Public Hearing on the proposal. The Commission should consider the application and any public testimony and develop a recommendation for rezone approval or denial. The City Council will then consider this recommendation prior to their final adoption of the application.

Planning Commission has the following options for the application:

1. Recommend approval to rezone parcel numbers 0126039424 and 0126039039 from Residential 12 units per acre (R-12) to Neighborhood Business (NB) based on the findings presented in this staff report.
2. Recommend denial of the rezone application and the Residential 12 units per acre (R-12) zoning remains based on specific findings made by the Planning Commission.

V. STAFF RECOMMENDATION

Staff recommends that the Planning move to recommend to the City Council that Neighborhood Business zoning be adopted for the properties generally located at 1440 Richmond Beach Road (parcel numbers 0126039424 and 0126039039). And enter into findings based on the information presented in this staff report that this proposal meets the decision criteria for the reclassification of property as outlined in the Shoreline Municipal Code Section 20.30.320.

ATTACHMENTS

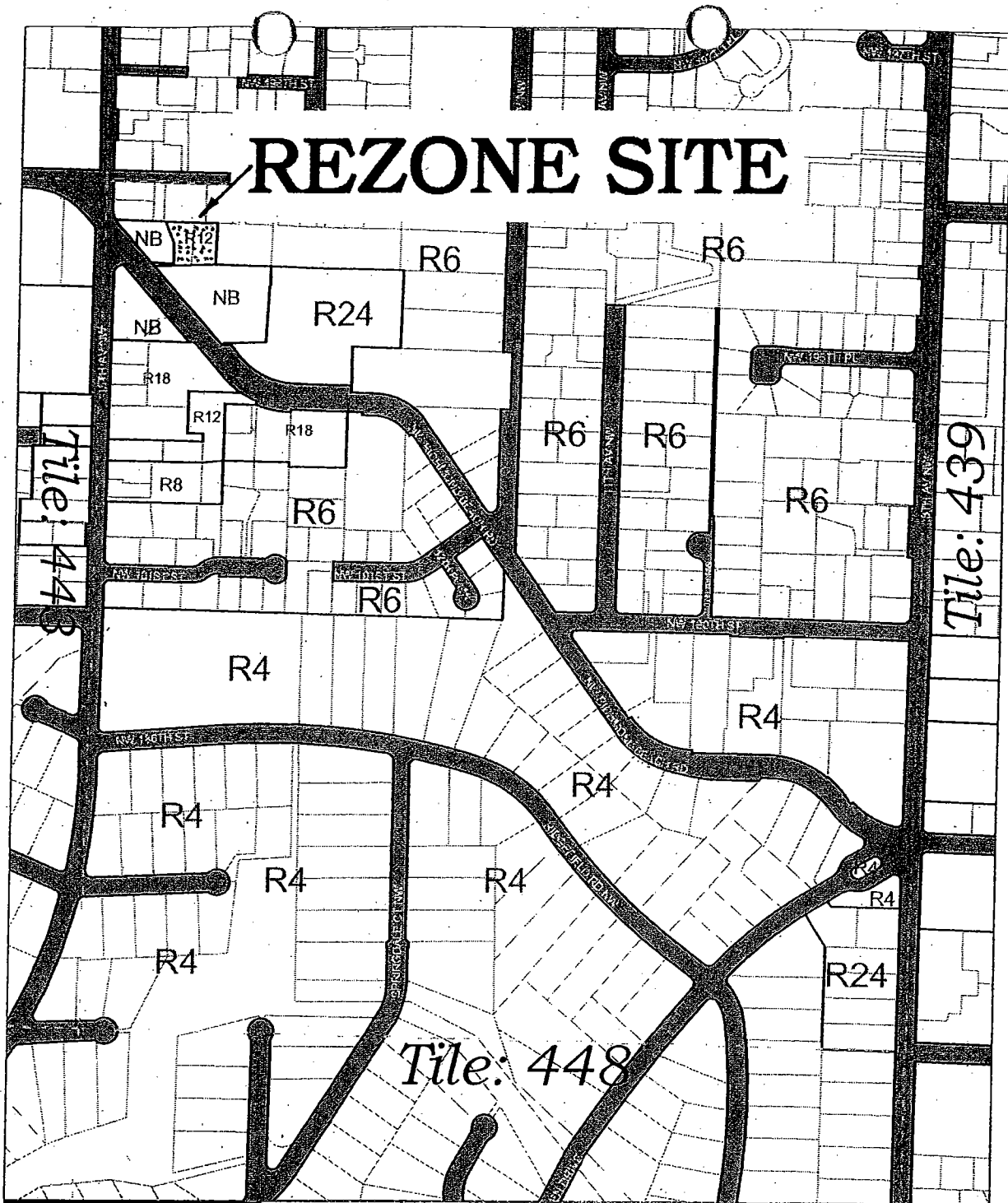
Attachment A: Vicinity Map with Zoning Designations

Attachment B: Vicinity Map with Comprehensive Plan Designations

Attachment C: Site Inventory Map

Attachment D: Richmond Beach Road / 15th AVE NW Intersection Improvements

Note: No public comments were received on this item as of the release date of this report (January 9, 2003). The comment deadline, January 10, 2003, is after report mailing and any correspondence received will be forwarded to the Planning Commission on or before the date of the Public Hearing.



SHORELINE
GEOGRAPHIC INFORMATION SERVICES

City of Shoreline Zoning
Official Map Adopted by City Council on Jan 7, 2002 by Ordinance No. 292

15
TILE440
SW 1-26-3

Legend

R4	Residential, 4 units/acre
R6	Residential, 6 units/acre
R8	Residential, 8 units/acre
R12	Residential, 12 units/acre
R18	Residential, 18 units/acre
R24	Residential, 24 units/acre
R48	Residential, 48 units/acre
O	Office
NB	Neighborhood Business
CB	Community Business
NCBD	North City Business District
RB	Regional Business
I	Industrial
CZ	Contract Zone

Map Index Line
Parcel Line
Zone District Boundary
City Boundary
Unclassified ROW
(Shaded areas shown for info only)

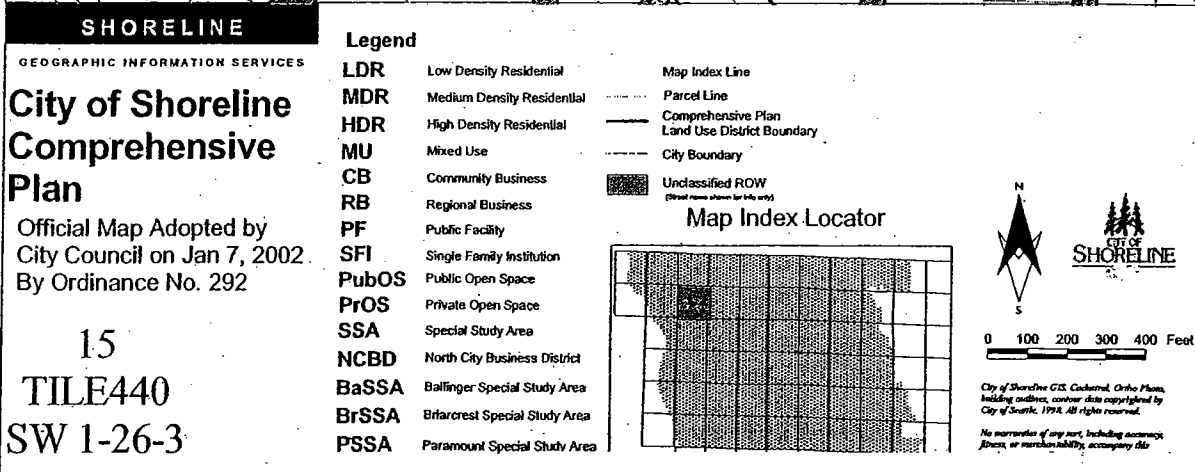
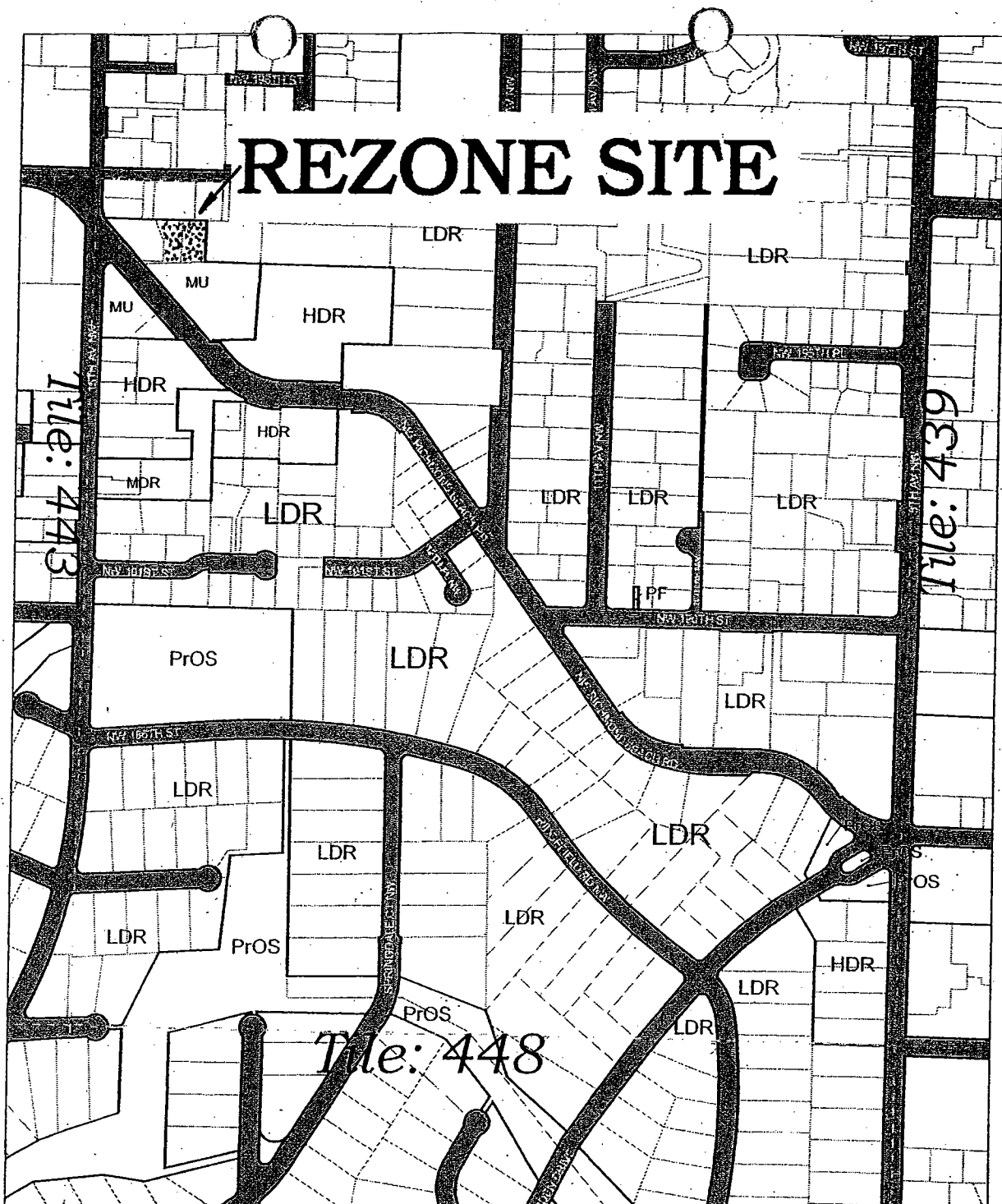
Map Index Locator

Map Index

Scale
0 100 200 300 400 Feet

City of Shoreline GIS
City of Shoreline GIS, Contained, Ortho Photo, Building outlines, color data copyrighted by City of Shoreline, 1994. All rights reserved.
No warranty or other use limitation.

Project name:

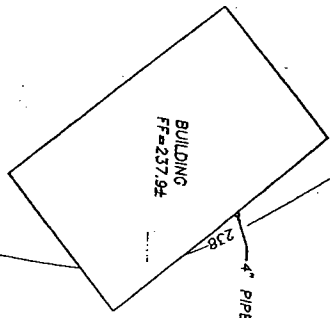


$\Delta 1158.41'$
Rad=100.00'
Arc=20.85'

COFFEE CO.

RICHMOND BEACH RD.
S59°30'00"E

PARCEL "A"
14,870± SQ. FT.



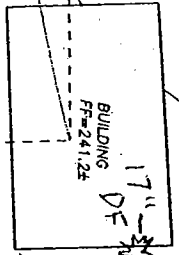
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INGRESS/EGRESS EASEMENT #2

INGRESS/EGRESS EASEMENT #3

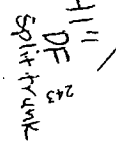
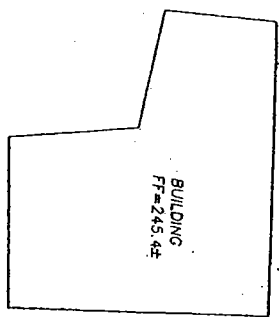
REZONE SITE

PARCEL "B"
10,688± SQ. FT.



N00°51'30"E 128.37'

PARCEL "C"
9,444± SQ. FT.



BOWLING ALLEY

Significant trees: All Caliper inches measured at diameter breast height (d.b.h.)



Attachment B

Ordinance No. 320

**Exhibit 1: Planning Commission Findings and
Determination**

Exhibit 2: Zoning Map Amendment

ORDINANCE NO. 320

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S OFFICIAL ZONING MAP TILE NUMBER 440 TO CHANGE THE ZONING OF TWO PARCELS GENERALLY LOCATED AT 1440 RICHMOND BEACH ROAD (PARCEL NUMBERS 0126039424 & 0126039039) FROM RESIDENTIAL 12 DU-AC (R-12) TO NEIGHBORHOOD BUSINESS (NB).

WHEREAS, certain properties, with parcel numbers 0126039424 and 0126039039, are designated on the Comprehensive Plan Map as Mixed Use; and

WHEREAS, owners of certain property, with parcel numbers 0126039424 and 0126039039, have filed an application to reclassify a portion of the property from Residential 12 units per acre (R-12) to Neighborhood Business (NB); and

WHEREAS, on January 16, 2003, a public hearing on the application for reclassification of property was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on January 16, 2003, the Planning Commission recommended approval of the reclassification to NB and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the reclassification of certain of property, located generally at 1440 Richmond Beach Road (with parcel numbers 0126039424 and 0126039039) to NB is consistent with the Comprehensive Plan and appropriate for this site;

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

Section 1. Findings. The Findings and Recommendation on File No. 201192 as set forth by the Planning Commission on January 16, 2003 and as attached hereto as Exhibit 1 are hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map Tile 440 of the City of Shoreline, is hereby amended to change the zoning classification of two parcels, located generally at 1440 Richmond Beach Road (parcel numbers 0126039424 and 0126039039) and further described and depicted in Exhibit 2 attached hereto, from R-12 to NB.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON FEBRUARY 10, 2003.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: February 13, 2003
Effective Date: February 18, 2003

**Findings and Determination
of the City of Shoreline Planning Commission**

Lighthouse Projects LLC. Rezone Request, File #201192

Summary-

After reviewing and discussing the Lighthouse Projects LLC rezone application on January 16, 2003 the Shoreline Planning Commission did find and determine that the request for NB zoning is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommended approval of such action.

I. FINDINGS OF FACT

1. Project Description-

- 1.1 Action: Reclassification request to change the zoning from R-12 (12 dwelling units/acre) to NB (Neighborhood Business).
- 1.2 Vicinity: 1440 Richmond Beach Road
- 1.3 Parcel Numbers: 0126039424 and 0126039039
- 1.4 a.) The subject properties have a land use designation "Mixed Use" as identified on the City of Shoreline's Comprehensive Plan Land Use Map.
b.) Consistent zoning for the Mixed Use land use designation is R-8, R-12, R-18, R-24, R-48, O, NB, CB, RB, and I.

2. Procedural History-

- 2.1 Public hearing held by the Planning Commission January 16, 2003
- 2.2 Notice of Application & Public Hearing Date: December 27, 2002
- 2.3 Complete Application Date: December 23, 2002
- 2.4 Application Date: November 7, 2002
- 2.5 Neighborhood meeting date: June 26, 2002
- 2.6 No prior action or approvals related to the project have been taken.

3 Public Comment-

3.1 The following individuals participated in Neighborhood Meetings:

D.W. Jung, 1444 NW 204th PL, Shoreline WA 98177

John & Janice Booth, 1427 NW 195th, Shoreline WA 98177

John Grindle, 15503 12th AVE NE, Shoreline WA 98155

Susan & Gerald Bowhall, 1429 NW 195th, Shoreline WA 98177

3.2 Written Comments have been received from:

No written comments were received

3.3 Public Testimony was given during the Public Hearing by:

Ken Lyons, 19207 Firlands Way N, Shoreline WA 98133

4 SEPA Determination-

4.1 A new SEPA determination is not required. Per WAC 197.11.600 (2) the SEPA obligations for analyzing impacts of the proposed rezone is fulfilled by previous environmental documents on file with the City (the EIS that was prepared in conjunction with the City's Comprehensive Plan).

5. Consistency-

5.1 The application has been evaluated and found to be consistent with the five criteria listed in Shoreline Municipal Code Section 20.30.320 (B).

5.2 This rezone action does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Permit applications shall show compliance with the 1998 King County Storm Water Design Manual and Title 20 of the Shoreline Municipal Code (SMC). Applicable sections of the SMC include but not be limited to the following: Dimensional and Density Standards 20.50.010, Tree Conservation 20.50.290, Surface and Stormwater Management 20.60.060, and Streets and Access 20.60.140.

II. Conclusions

1. The rezone is consistent with the Comprehensive Plan.

The redesignation from R-12 to NB is consistent with the comprehensive plan designation of "Mixed Use."

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

The future development of these sites shall show compliance with Title 20 of the Shoreline Municipal Code. Applicable sections of this code include, but are not limited to: Dimensional and Density Standards (20.50.010-20.50.050), Tree Conservation (20.50.290-20.50.370), Parking Access and Circulation (20.50.380-20.50.440), Wastewater, Water Supply and Fire Protection (20.60.030-20.60.050), Surface and Stormwater Management (20.60.060-20.60.130).

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

Not applicable, both the existing and proposed zoning are consistent with the Comprehensive Plan

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

It has been shown that the rezone and future development of the subject sites will not be detrimental to uses in the immediate vicinity. Adequate infrastructure (water, sewer, storm, etc.) exists in the area to support development at NB zoning.

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

The rezone will help the City achieve housing and employment targets established by the Comprehensive Plan. Further, this site is an appropriate place to accommodate development of NB intensity because it is free of environmentally sensitive features and it has good access to infrastructure.

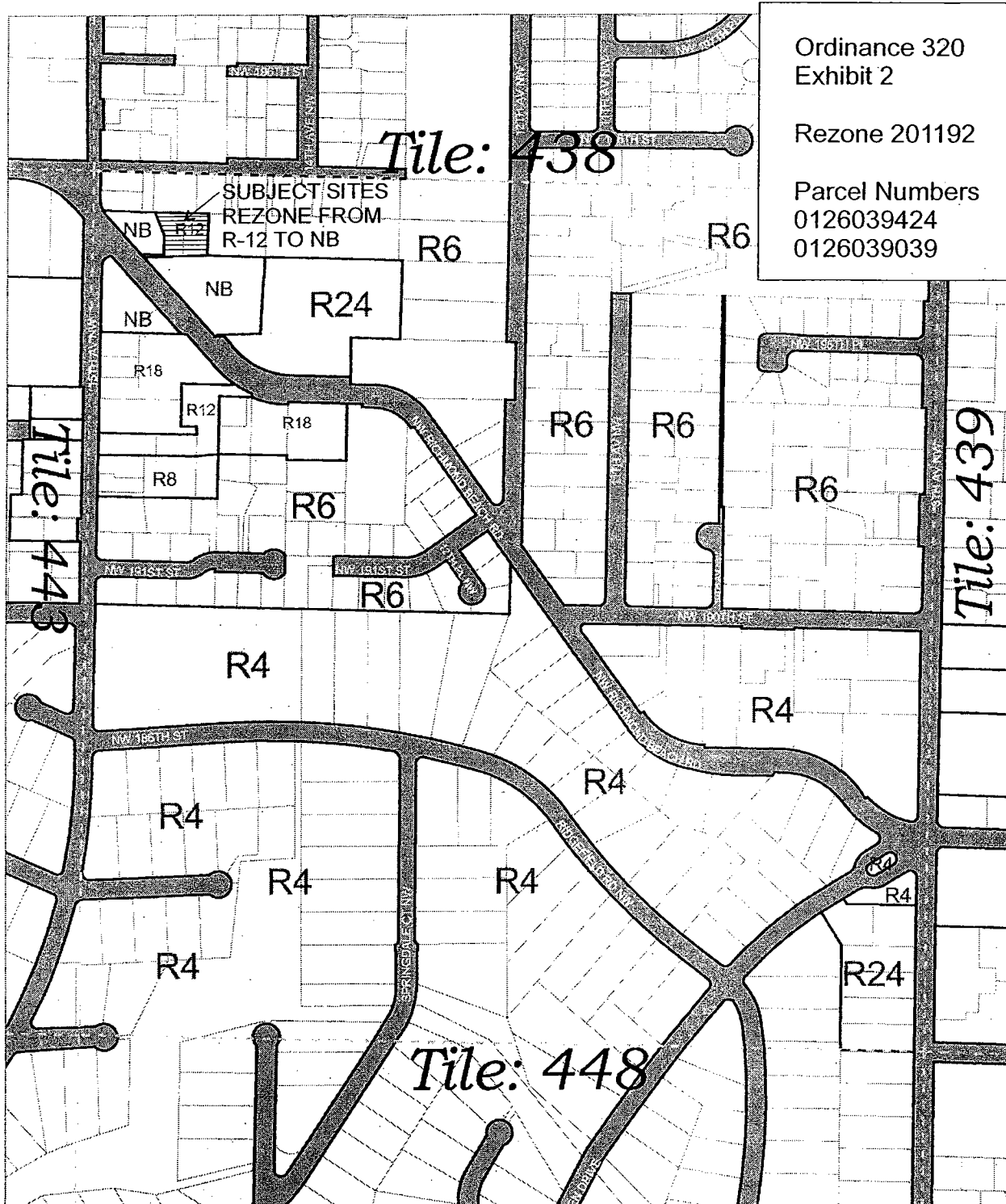
III. Recommendation

Based on the Findings, the Planning Commission recommends approval of application number 201192; a rezone to Neighborhood Business for parcel numbers 0126039424 and 0126039039 (generally located at 1440 NW Richmond Beach Road).

City of Shoreline Planning Commission

Chairperson

Date: _____



Ordinance 320
Exhibit 2

Rezone 201192

Parcel Numbers
0126039424
0126039039

SHORELINE

GEOGRAPHIC INFORMATION SERVICES

City of Shoreline Zoning

Official Map Adopted by
City Council on Jan 7, 2002
by Ordinance No. 292

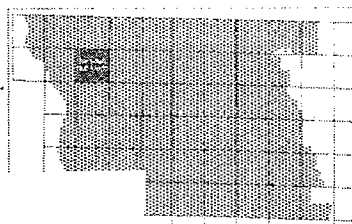
15
TILE440
SW 1-26-3

Legend

R4	Residential, 4 units/acre
R6	Residential, 6 units/acre
R8	Residential, 8 units/acre
R12	Residential, 12 units/acre
R18	Residential, 18 units/acre
R24	Residential, 24 units/acre
R48	Residential, 48 units/acre
O	Office
NB	Neighborhood Business
CB	Community Business
NCBD	North City Business District
RB	Regional Business
I	Industrial
CZ	Contract Zone

Map Index Line
Parcel Line
Zone District Boundary
City Boundary
Unclassified ROW (Shaded areas shown for info only)

Map Index Locator



0 100 200 300 400 Feet

City of Shoreline GIS. Cadastre, Ortho Photo,
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product.

Attachment C

**Planning Commission Minutes
January 16, 2003**

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

January 16, 2003
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris

Commissioner Gabbert
Commissioner Kuboi
Commissioner MacCully
Commissioner Piro
Commissioner Sands
Commissioner McClelland

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Planning Manager, Planning & Development Services
Brian Krueger, Planner, Planning & Development Services
Andrea Spencer, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Doering

CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Doennebrink.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Doennebrink, Vice Chair Harris, Commissioners Gabbert, Kuboi, McClelland, MacCully, Piro and Sands. Commissioner Doering was excused.

3. APPROVAL OF AGENDA

COMMISSIONER MacCULLY MOVED TO APPROVE THE AGENDA AS PROPOSED. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER SANDS MOVED TO ACCEPT THE MINUTES OF DECEMBER 19, 2002 AS AMENDED. COMMISSIONER MacCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

Felicia Schwindt, 2209 NE 177th Street, said it was her understanding that the City had a regulation for fences in front of houses. She referred to the north side of 175th Street, between 15th and 25th NE. She noted that there is an outbuilding located near the street with a fence around it. She questioned how close out buildings can be to the road. Secondly, Ms. Schwindt said that at the bottom of 177th Street at 25th NE, a bunch of trees were taken down to accommodate a driveway. The City had already determined that some of the trees were supposed to remain, and Ms. Schwindt inquired what consequences would apply in this situation. Ms. Schwindt said she is concerned about the safety of leaving the huge Douglas Firs that remain on the adjacent property. The roots are almost exposed and the trees could fall down at any time. She questioned who would be responsible for taking care of this dangerous situation.

Ms. Schwindt said that in reading the newspaper, she noted that \$100,000 was earmarked for the Gateway Plan. She said she would like this money to be used for improving the traffic situation instead. She said her greatest fear as she walks is being hit by a car. Lastly, she expressed her concern about the North City Plan and questioned if there would be additional opportunities for public input on the project.

Chair Doennebrink announced that on January 27, 2003 the City Council would be taking action on the Gateway Project, and that would be the appropriate time for Ms. Schwindt to voice her concerns to the City Council.

Mr. Stewart said that both of the first two issues presented by Ms. Schwindt are related to code enforcement actions. He suggested that Ms. Schwindt contact the City's Customer Response Team regarding her concerns. He briefly described the three-step process the Customer Response Team would follow.

Mr. Stewart advised that there would still be opportunities for the public to comment regarding the North City Plan. Commissioner Gabbert advised that there would be a North City Plan information meeting on Tuesday, January 21, 2003 at the Bethel Shoreline Church.

Mr. Stewart referred to Ms. Schwindt's concern about the dangerous trees, and said the resolution to the situation would depend upon a lot of different factors, including whose property the trees are located on. The general rule is that trees are the responsibility of the property owner. However, the situation can be more complex if a tree preservation plan was incorporated as part of a permit, etc.

6. REPORTS OF COMMISSIONERS

Commissioner Gabbert reported that the Shoreline/Lake Forest Park Cultural Arts Council, in conjunction with the two rotary clubs and the Shoreline Parks Department, has been looking at an outdoor theater site. Over the past summer they leased a portable band shell from the City of Seattle, and are now considering the option of purchasing one. They have applied for a Murdock Grant for this purpose, and one of the requirements is that of community support. One option to fulfill this requirement would be to obtain a letter from the Planning Commission stating that they support the grant application.

The Commission agreed and authorized Commissioner Gabbert and representatives of the Arts Council to prepare a letter for the Commission Chair's signature.

7. STAFF REPORTS

a. Announcements

Chair Doennebrink announced that the Commission's recommendation related to the proposed Development Code amendments was considered by the City Council on January 14, 2003. The proposed amendments were pulled off the consent agenda for a short discussion on the amendment related to the Richmond Beach Library. They briefly discussed the parking availability at this site and then approved the proposed Development Code amendments as recommended by the Commission.

Mr. Stewart reported that a lawsuit has been filed on the Aurora Corridor Project, and the City staff is currently analyzing the issue. The initial hearing is next month. Another lawsuit was also filed related to the Gaston Project and the lot line adjustment that was approved by the City back in 1997. The judge found that the situation was a self-created hardship, which precluded the granting of a variance. City staff is in the process of determining the appropriate steps to take in light of the judge's decision. Mr. Stewart said he would prefer to send the Commissioners a copy of the decision so that they could read the details for themselves.

Ms. Markle reported that the EIS for the Brightwater Project was released in November and the City has until January 21, 2003 to make comments on the document. She recalled that the conveyance system and outfall are proposed to go in Shoreline. Staff has completed their response letter and it would be mailed to King County on January 17. The letter contains about 25 pages of comments and proposed mitigation for issues related to the environment, takings of property of residence, obtaining easements, and general nuisances.

b. **Quasi Judicial Public Hearing to Rezone Two Parcels in the Vicinity of 1440 NW Richmond Beach Road from R-12 to NB**

Chair Doennebrink reviewed the public hearing procedures and the rules that apply to the Appearance of Fairness Law. He requested that the Commissioners disclose any ex parte communications they might have received about the subject of the hearing outside of the hearing. None of the Commissioners identified an ex parte communication.

Andrea Spencer presented the staff report. She said the action before the Commission is a rezone request in the vicinity of 1440 NW Richmond Beach Road. She pointed out the location of the two parcels, and reminded the Commission that the Shoreline Municipal Code requires that the Planning Commission conduct a public hearing on the rezone. Utilizing the information presented during the public hearing, the Planning Commission will formulate a recommendation for the City Council to consider before taking final action on the application. Ms. Spencer presented two photographs of the subject property to illustrate the types of commercial activity taking place in the vicinity of the site.

Ms. Spencer advised that the Commission has two options. First, they could recommend approval of the rezone from R-12 to NB based on the findings presented in the report or they could recommend denial of the rezone application and that R-12 zoning remain based on specific findings made by the Commission.

Ms. Spencer reviewed that in order to recommend approval of a rezone, the staff had to determine whether the proposal would meet the following five criteria.

- **The rezone is consistent with the Comprehensive Plan.** She said the area is identified in the Comprehensive Plan as mixed use. There is commercial development across the street from the subject property and both low and high-density residential within the project vicinity. Currently, the site is developed with two single-family homes at a net density of four dwelling units per acre. When the staff conducted an EIS in 1998 to study the impacts of the Comprehensive Plan, mixed-use areas were studied. It was determined that they could accommodate anywhere between 8 and 15 units per acre or some type of commercial square footage. The current development of the site indicates that it is underutilized because it is not developed at this density.

In addition, Ms. Spencer pointed out that the proposal would help the City achieve their growth targets, encourage innovative use of land designated for residential/commercial use, encourage infill development on underutilized parcels, increase the City's job base, recognize the potential for smaller commercial districts, and encourage a mix of businesses.

- **The rezone will not adversely affect the public health, safety or general welfare.** Ms. Spencer said that at the time of permit application, a project is reviewed for compliance with the Development Code, which was written to make sure that the public health, safety and general welfare was promoted. Using an excerpt from the Development Code, Ms. Spencer briefly reviewed what the setbacks would be for Multi-Family NB development, Commercial NB development and R-12 development. She noted that if the site were to be developed with either multi-family or

commercial zoning, the setbacks would be increased depending on the impact to the adjacent property owners.

- **The rezone is warranted in order to achieve consistency with the Comprehensive Plan.** Ms. Spencer explained that in the Comprehensive Plan there are several zoning districts that are consistent with mixed-use. Both the existing R-12 and the proposed NB would be consistent.
- **The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.** In addition to the increased setback requirements if the property is rezoned, Ms. Spencer pointed out that there is great access to an arterial street so the traffic and circulation is good. There is availability of water and sewer to the site and a tree retention program would be applied.
- **The rezone has merit and value for the community.** Ms. Spencer advised that, currently, the site is underutilized. Redevelopment could help contribute to either an increase in housing units and/or employment stock. She noted that one of the policies in the plan is to preserve environmental quality by directing intense development away from natural hazards and important natural resources. It is logical to encourage redevelopment and intensification of uses on parcels such as the subject site.

Ms. Spencer said the staff's conclusion is that the proposal is consistent with the Comprehensive Plan, compatible with the neighborhood, helps the City meet their housing and employment targets, and is located within a good proximity to infrastructure. Therefore, staff is recommending that NB zoning be adopted for the subject parcels.

Commissioner Kuboi noted an error on Page 18 of the staff report. The highest elevation in the northeast corner should be 245 feet instead of 445 feet.

Ken Lyons, 19207 Firlands Ave North, said he is one of the owners of the Richmond Beach Coffee Company. He is also co-owner of Lighthouse Projects, which owns the land that Richmond Beach Coffee Company sits on, as well as the two lots that are currently part of the recommended action. He said that when Lighthouse Projects put together their development objectives, their intent was to build projects to enhance the character of the community. That was the sole reason for putting the project together. He said staff's comment that the sites are currently underutilized is an understatement. Junk vehicles and other garbage have been accumulating for many years. This is one of the last few areas in Richmond Beach that is still under transition.

THERE WAS NO ONE IN THE AUDIENCE WHO DESIRED TO PARTICIPATE IN THE PUBLIC HEARING.

Commissioner McClelland recalled that within the last year the Commission recommended approval of a rezone to NB for a parcel at NE 155th and 15th NE. This allowed for the development of an office or residential use. The result of the rezone is a structure that appears to have 98 percent lot coverage. She said that when the bulk and density is as large as it can be in an NB zone, the additional 5-foot setback would not make much difference at all in regard to impact. While she is not opposed to the rezone

request, she pointed out that it would allow a significant amount of lot coverage and the possibility of a massive development compared to what is currently on the site.

Commissioner McClelland referred to the slides illustrating the zoning and the Comprehensive Plan designation, and inquired where R-6 zoning is located. Chair Doennebrink clarified that R-6 zoning is adjacent to the north side of the subject property. Commissioner McClelland inquired how the R-6 zoned property is currently being used. Mr. Lyons answered that the property directly to the north is about 16,000 square feet in size and is currently occupied with a single-family use and an old kind of shop in the back that directly abuts the property line. On the other side, there is an even larger piece of property that has a ton of trees on it to provide a stable buffer.

With regards to lot coverage, Mr. Lyons noted that the current zoning allows up to 75 percent for lot coverage and the proposed zone would allow for 85 percent lot coverage. The tradeoff would be 5 feet more setback in exchange for 10 percent more possible bulk. Commissioner McClelland suggested that when people drive by the site, the bulk is the most visible issue. She concluded that the R-6 zones that are adjacent to the subject property are still used as single-family residential. Mr. Lyons noted that when these properties are redeveloped, there would be a required buffer to help mitigate the impact on adjacent residences.

Since Lighthouse Projects owns all three parcels, Commissioner Sands inquired about the possibility of shared parking. He inquired if the homes that are located on the subject property can be seen from Richmond Beach Road or if they placed back so far in the access that they are not visible. Mr. Lyons said that one house falls right on the property line and can be seen from Richmond Beach Road, the other cannot. A fence was put up when the coffee house was built to provide a separation.

Commissioner Gabbert said he visited the site and found that Lighthouse Projects did a nice job with the coffee house. The only concern he has is the access to Richmond Beach Road. He questioned if the Commission could require that the applicant work with the neighbors to make the entrance to Richmond Beach Road perpendicular. Mr. Lyons said he has been in contact with the owner of the bowling alley, and they have reached a tentative easement agreement in which they would share access.

Vice Chair Harris said he is also familiar with the subject property, and he finds the proposal very appropriate for the site. It is tucked back behind the bowling alley and most of the impacts would hardly be seen from Richmond Beach Road. The difference from R-12 to NB is not very significant.

Commissioner MacCully said he is in support of the proposal, but he is a little concerned about the traffic access. Even now, access onto Richmond Beach Road from the bowling alley is a challenge—especially at certain times of the day. He realizes that a traffic study has been done that included an additional access when the coffee house was redeveloped. However, he asked that access be reviewed carefully during development application review. He applauded Lighthouse Projects for cleaning up the site.

Commissioner McClelland agreed that the proposal is in character with the bowling alley, but she questioned regarding the impact to properties that are still zoned residential on the northeast side of

the subject property. Mr. Lyons said the parcel directly to the north has a huge shop that separates the house from the subject property. The property directly to the east has a very large tree buffer. The single-family house that is further to the east cannot be seen through the trees. He pointed out that this issue was addressed at the community meeting, which was attended by both of these residential property owners. They were quite satisfied that there would not be much of an impact from the coffee house—especially since the Development Code requires landscape buffers to augment what already exists and that the project site is significantly lower in elevation than the surrounding residential parcels.

THE PUBLIC HEARING WAS CLOSED.

COMMISSIONER GABBERT MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE REZONE PROPOSAL AS PRESENTED. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

c. **Legislative Public Hearing on Docketed Amendments to Section 20.40.300 of the Development Code Regarding Cottage Housing**

Chair Doennebrink reviewed the rules and procedures for the public hearing.

Mr. Krueger presented the staff report. He reminded the Commission that on December 5, 2002 staff introduced the Commission to the proposed amendments to the Development Code—specifically the cottage housing regulations (Section 20.40.300). At that time, the staff received direction from the Commission to incorporate some changes into the amendments and move them on to a public hearing. The purpose of tonight's agenda item is to hold the public hearing. He explained that amendments to the Development Code are processed as legislative decisions. The Planning Commission is the review authority and responsible for holding a public hearing and making a recommendation to the City Council, the decision making authority.

Mr. Krueger pointed out that amendments to the Development Code must meet the following criteria in Section 20.30.350:

- **The amendment must be in accordance with the Comprehensive Plan.**
- **The amendment will not adversely affect the public health, safety or general welfare.**
- **The amendment is not contrary to the best interest of the citizens or property owners of Shoreline.**

Mr. Krueger advised that staff has advertised the amendments for a public comment period. One written public comment was received and included in the Commission's folder. He also advised that the Growth Management Act requires that the City send notice to State agencies about all proposed development code regulations and plan changes. The City did receive a comment back from the State of Washington Office of Community Development, and this letter was faxed to the Commissioners prior to the meeting.