

**Council Meeting Date:** November 13, 2001

**Agenda Item:** 9(a)

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

<b>AGENDA TITLE:</b>	Adoption of Ordinance No.288, a rezone of a portion of a property located at 14516 12 <sup>th</sup> Avenue NE File No. 2001-201031
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Tim Stewart, Planning Director Brian Krueger, Planner

**PROBLEM/ISSUE STATEMENT:**

The issue before Council is an application for a rezone of a portion of the property located at 14516 12<sup>th</sup> Avenue NE (see Attachment A1: Vicinity Map). The applicant has requested that the property be rezoned from R-6 (6 dwelling units per acre) to R-18 (18 dwelling units per acre).

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. An open record public hearing was 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 September 20, 2001. 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 deny the rezone request leaving the zoning at R-6.
- The Council could adopt the zoning recommended by the Planning Commission and Staff: R-12 by adopting Ordinance No. 288 (Attachment B).
- The Council could adopt the zoning requested by the applicant: R-18.

**FINANCIAL IMPACTS:**

- There are no direct financial impacts to the City.

**RECOMMENDATION**

The Planning Commission and Staff recommend that Council adopt Ordinance No. 288, (Attachment B) thereby approving the rezone of a portion of property located at 14516 12<sup>th</sup> Avenue NE from R-6 (6 dwelling units per acre) to R-12 (12 dwelling units per acre).

Approved By:

City Manager



City Attorney





## **INTRODUCTION**

The rezone application before Council is a request to change the zoning designation for a portion of a property located at 14516 12<sup>th</sup> Avenue NE from R-6 to R-18. The parcel in this request is currently split zoned R-6 and R-48. The proposal includes the request that the portion of property that is currently zoned R-48 remain R-48.

A public hearing before the Planning Commission was opened and closed on September 20, 2001. The Planning Commission Findings and Recommendation are included in Attachment B, Exhibit 1.

The Planning Commission recommended that the rezone of the property from R-6 to R-12 be approved (by a vote of 6-0) as an alternate to the requested R-18. The basis for the Commission's recommendation is that R-12 is more in character with the parcels immediately adjacent to the subject site. 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 entire parcel in this action was designated "Mixed Use." The Comprehensive Plan document specified appropriate zoning designations for this designation as any of the following: R12, R-18, R-24, Office, Neighborhood Business, and Community Business. The parcel, as currently zoned R-6 and R-48, is inconsistent with the "Mixed Use" land use designation. Council amended the Comprehensive Plan in July 2001 designating this area as the Paramount District Special Study Area. This application, however, was made and is being considered with the guidance of the Comprehensive Plan prior to that revision. The Planning Commission's recommendation to rezone the parcel to R-12 is consistent with the Comprehensive Plan in effect at the time the application was submitted.

## **ALTERNATIVES ANALYSIS**

### **PROCESS**

The application process for this project began on March 7, 2001, when a pre-application meeting was held with the applicant and City staff. The applicant then held the requisite neighborhood meeting on March 23, 2001. The formal application was then submitted to the City on April 4, 2001.

The application was determined complete on June 26, 2001. The Comprehensive Plan and adopted land use map at the time of complete application was the version dated November 23, 1998. The Development Regulations and zoning map in affect at the time of complete application were SMC Title 20 current as of June 26, 2001. Subsequent changes to both the Comprehensive Plan, Land Use Map, and Zoning Map were adopted on July 23, 2001 by the City Council after the subject application was determined to be complete.

The amendment to the Comprehensive Plan changed the land use designation for the property at 14516 12<sup>th</sup> Avenue NE from Mixed Use to a Special Study Area designation.

The new Special Study Area designation anticipates that the underlying zoning shall remain. Although Washington State case law does not provide vested rights to rezone applications, the City clarified during the Comprehensive Plan amendment process that the Special Study Area would not be applied to those rezone applications being processed at the time of formal adoption and was intended to bar rezoning requests after adoption. Rezones in progress would continue to be evaluated under the old Comprehensive Plan land use designation, in this case Mixed Use. Staff and Planning Commission reviewed this application under rezone criteria with guidance from the applicable codes and comprehensive plan that were in place on June 26, 2001.

The requisite public hearing was held before the Planning Commission on September 20, 2001. 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.

### **PUBLIC COMMENT**

The standard notice procedures for this application resulted in 2 letters that were received by the comment deadline (July 25, 2001) and one more received after that deadline. All of these letters are included in Attachment A 4: Comment Letters. The letters raised concerns about the requested R-18 zoning including:

- R-18 is too dense,
- Rezone will cause impact to traffic,
- Opposed to apartments,
- Maintain significant trees in ROW adjacent to subject property.

Staff has summarized the comments in the letters and provided responses to land use issues raised in them in Attachment A5: Staff Response to Comment Letters. The seven individual oral comments and two written comments submitted at the public hearing held before the Planning Commission also opposed the requested R-18 zoning for some of the reasons stated in the written comments and others, but were unanimous in support of a recommended rezone to R-12. These comments can be found in Attachment C.

### **DENIAL OF REZONE REQUEST**

If Council denies the rezone and allows the property to remain R-6, this would be inconsistent with the Comprehensive Plan designation of "Mixed Use" effective at the time the application was completed. That inconsistency has been resolved by Council's subsequent action amending the Comprehensive plan. R-6 would be consistent with the current Comprehensive Plan designation of special study area.

### **REZONE TO R-12**

Planning Commission in their Findings and Determination found that a rezone to R-12 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 Attachment A. Planning Commission and Staff recommend a rezone to R-12, the lowest density zone consistent with the Mixed Use designation included in the Comprehensive Plan in effect at the time the rezone application was determined to be complete. All public comments at the public hearing were in favor of R-12 zoning for the subject property in lieu of higher density zoning.

### **REZONE TO R-18**

The applicant has requested that the subject property be rezoned to R-18. Staff in the initial analysis and staff report to the Planning Commission (Attachment A) concluded that R-18 zoning met the criteria for a rezone set forth in the Development Code and suggested that the Planning Commission recommend R-18 to Council. At the public hearing Planning Commission received additional testimony and information. That testimony, and previously received written comments, opposed a rezone to R-18 as too dense for the surrounding neighborhood, but supported a rezone to R-12 as an alternative. After analysis of these comments and the staff report Planning Commission recommended that the portion of property be rezoned to R-12. Staff supports this recommendation.

### **SPLIT ZONING**

The property involved in this rezone application is split zoned, R-6 and R-48, see Attachment A3: Vicinity Map with Zoning. The recommendation of Planning Commission and Staff if adopted would result in a split-zoned lot R-12 and R-48. The Development Code 20.50.020D includes standards to calculate density on lots that are divided by a zone boundary. The current site contains one (1) unit on approximately .58 acres or 2 dwelling units/acre. Under the recommendation of R-12 the potential maximum density for the western portion of the lot (approximately .40 acres) at R-12 (12 dwelling units/acre) would be five (5) units. The eastern portion (approximately .175 acres), proposed to remain at R-48 (48 dwelling units/acre), could potentially yield eight (8) units. The potential site total number of units under the recommendation would be thirteen (13) units. This is only an estimate of the potential maximum density. A feasibility study has not been done to see if this number of units could be accommodated 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.

## **RECOMMENDATION**

The Planning Commission and Staff recommend that Council adopt Ordinance No. 288, (Attachment B) thereby approving the rezone of a portion of property located at 14516 12<sup>th</sup> Avenue NE from R-6 (6 dwelling units per acre) to R-12 (12 dwelling units per acre).

## **ATTACHMENTS**

Attachment A: Planning Commission Staff Report, September 20, 2001

1. Vicinity Map with Comprehensive Plan Designations
2. Detailed Site Inventory Map
3. Vicinity Map with Zoning Designations
4. Comment Letters
5. Staff Summary of Comment Letters and Response

Attachment B: Ordinance No. 288 (R-6 to R-12)

Exhibit 1: Planning Commission Findings and Determination

Exhibit 2: Zoning Map Amendment and Legal Description

Attachment C: Draft Planning Commission Minutes- September 20, 2001

# **Attachment A**

**Planning Commission Staff Report  
September 20, 2001**

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Type C Action: Rezone Application for a portion of a Property located at 14516 12<sup>th</sup> Avenue NE from R-6 (6 dwelling units/acre) to R-18 (18 dwelling units/acre).  
**DEPARTMENT:** Planning and Development Services  
**PRESENTED BY:** Brian Krueger, Planner I

**I. PROPOSAL**

This rezone application, a "Type C Action," before the Planning Commission is a request to change the zoning designation for a portion of a property located at 14516 12<sup>th</sup> Avenue NE from R-6 to R-18. The parcel in this request is split zoned R-6 and R-48. The proposal includes the request that the property that is currently zoned R-48 remain R-48.

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 entire parcel in this action was designated "Mixed Use." The Comprehensive Plan document specified appropriate zoning designations for this designation as any of the following: R12, R-18, R-24, Office, Neighborhood Business, and Community Business. A vicinity map with comprehensive plan designations for the project and the surrounding area is provided in Attachment A.

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 site is generally located northeast of the intersection of North 145<sup>th</sup> Street and 12<sup>th</sup> Avenue NE (See Attachment C: Vicinity Map). The parcel is currently developed with one single-family residence, a detached carport and shed. The parcel measures 25,257 square feet in area (approximately .58 acres). The parcel is split zoned. Approximately 17,649 square feet (.40 acres or approximately 70%) of the parcel (west side) is zoned R-6. Approximately 7,632 square feet (.175 acres or approximately 30%) of the parcel (east side) is zoned R-48. The site is gently sloped at 3 to 8 percent generally toward the south boundary of the site. The highest elevation is approximately 332 feet at the west boundary and the lowest elevation is 326 feet at the center of the south boundary. There are a number of trees on site. The main "significant trees" are located at the southeast corner of the site. There is also a row of



significant trees off site in the city Right-of-Way to the west 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 B. This map indicates the lot dimensions and area, structure location and other improvements, topography, zoning, and location of trees.

## **2. NEIGHBORHOOD**

The project site is located in the Ridgecrest Neighborhood. The parcel lies within the Thorton Creek Watershed. Public facilities within the vicinity of the project are the Paramount Park and Open Space, Paramount Playfield, and the Jackson Park Golf Course in Seattle. Access to the property is gained from 12<sup>th</sup> Avenue NE, a street that is classified as a residential street. The current zoning of the parcels immediately adjacent to the subject property on the east is R-48 and to the south is R-48 and NB (Neighborhood Business). The uses on these sites are mixed including commercial businesses, offices, and residential. The parcel to the north is a large parcel that is split zoned R-6 and R-48 and is vacant. The adjacent parcels to the north, east, and south have a comprehensive plan land use designation of Mixed Use. The zoning west of 12<sup>th</sup> Avenue NE in the project vicinity is R-6. These parcels are comprehensively planned low density residential and the uses are single family residential. Directly south of the parcel across NE 145<sup>th</sup> Street in Seattle the parcels are zoned Midrise. This is a multifamily zoning designation with a height limit of 60 feet. Southwest of the parcel across NE 145<sup>th</sup> Street in Seattle lies Jackson Park Golf Course, which is designated Single Family 7200. Southeast of the parcel across NE 145<sup>th</sup> Street and located along 15<sup>th</sup> Avenue NE in Seattle lies parcels zoned C1-65. C1-65 is a commercial zoning designation with a specified height limit of 65 feet. The comprehensive plan and zoning classifications for the project site and immediate vicinity are illustrated in Attachments A and B.

## **3. TIMING AND AUTHORITY**

The application process for this project began on March 7, 2001, when a pre-application meeting was held with the applicant and city staff. The applicant then held the requisite neighborhood meeting on March 23, 2001. The formal application was then submitted to the City on April 4, 2001. Concerns raised at the neighborhood meetings were similar to those raised in the letters of comment (see section 4. Criteria of this report).

The application was determined complete on June 26, 2001. The Comprehensive Plan and adopted land use map at the time of vesting was the version dated November 23, 1998. The Development Regulations and zoning map in affect at the time of vesting were SMC Title 20 current as of June 26, 2001. Subsequent changes to both the Comprehensive Plan, Land Use Map, and Zoning Map were adopted on July 23, 2001 by the City Council. In this action the Comprehensive Plan land use designation for the property at 14516 12<sup>th</sup> Avenue NE was changed to a Special Study Area designation. This designation allows for no rezoning and specifies that the existing zoning remain. The application in the current action was vested on the date that the application was determined complete on June 26, 2001 and is reviewed under the policies and

regulations in effect on that date. The land use designation at the time of vesting for the property was Mixed Use.

Notices of application were posted at the sites, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the sites on July 5, 2001. This notice solicited public comments, and 2 letters were received by the comment deadline (July 25, 2001). Each of these are included in Attachment D and staff has summarized the comments in the letters and provided responses to land use issues raised in them in the table in Attachment E. The primary land use concerns raised in these letters are discussed in the following section (4. Criteria).

Rezone applications shall be evaluated by the five criteria outlined in Section 20.30.320 (B) of The Shoreline Municipal Code (SMC). The City 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 are integrated, and similar themes and concepts will run throughout the discussion of each.

The discussion will also include responses to the primary land use concerns that were raised in correspondence that was received from citizens during the public comment period. Concepts that were consistently raised in these letters include:

1. R-18 zoning is too dense.
2. R-18 zoning is inconsistent with the neighborhood in bulk, scale, and proportion.
3. The proposed density will cause negative impacts to infrastructure (utilities, traffic, and stormwater).
4. The proposed density will cause loss of mature vegetation and habitat.

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

The Comprehensive Plan land use map identifies the subject property as Mixed Use.

Rezoning this parcel to an appropriate designation is warranted to achieve consistency with policy LU35 of the Comprehensive Plan:

*LU 35: The Mixed Use designation should be applied to a number of stable or developing area and to the potential annexation area at Point Wells. This designation is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses. The base height for this designation will be 35 feet unless a neighborhood plan, subarea plan, or special district overlay plan/zone has been approved. Appropriate zoning designations for the area might include*

*Mixed Use Special Overlay District, Pedestrian Oriented Commercial  
Special Overlay District, Neighborhood Business, Community Business,  
Office, R-12, R-18 and/or R-24.*

When looking at the entire site the current residential density of two dwelling units per acre indicates the site is underutilized and is not consistent with the density goals of the comprehensive plan, which plans for this site to accommodate 12 to 48 units per acre. The proposed zone change from R-6 to R-18 will bring the western portion of the parcel's zoning into compliance with the comprehensive plan designation. R-48 zoning is to remain on the eastern portion of the parcel (See Attachment B). R-48 for this portion would remain consistent with the Mixed Use land use designation. Although not specifically articulated in policy LU 35 of the Comprehensive Plan, R-48 density is consistent with Mixed Use. LU 35 specifies that Community Business is a consistent designation for Mixed Use. SMC 20.50.020(2) states that the maximum density permitted under Community Business zoning is 48 dwelling units per acre. R-48 is a consistent density in the Mixed Use land use designation.

The current site contains one (1) unit on approximately .58 acres or 2 dwelling units/acre. Under the submitted proposal the potential maximum density for the western portion of the lot (approximately .40 acres) at the requested R-18 (18 dwelling units/acre) would be seven (7) units. The eastern portion (approximately .175 acres), proposed to remain at R-48 (48 dwelling units/acre), could potentially yield eight (8) units. The potential site total under the submitted proposal would be fifteen (15) units.

This is only an estimate of the potential maximum density. A feasibility study has not been done to see if this number of units could be accommodated 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.

Many of the comment letters indicated that the R-18 zoning for the western portion of the parcel is too dense for the area. The increase in density called for in the Comprehensive Plan was adopted in order to achieve housing goals over a 20-year planning timeline.

The Shoreline Comprehensive Plan has established a growth target of 1,600-2,400 new housing units 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 the allowed densities were increased. In many instances this increase in density occurred in areas that had previously developed at a much lower density (as is the case of the subject parcel) and more dense development was anticipated in the future when the underutilized parcels were redeveloped. The density accommodated by the Comprehensive Plan and land use map was analyzed, reviewed, and mitigated in the Draft Environmental Impact Statement for the City of Shoreline Comprehensive Plan (issued November 17, 1997) and Final Environmental Impact Statement for the City of Shoreline Comprehensive Plan (issued November 2, 1998).

Rezoning the R-6 portion of the parcel to R-18 is consistent with 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.*

Concerns were been raised in the comment letters that the redevelopment of these parcels will not fit with the existing neighborhood character (density, bulk, scale, and proportion). The neighborhood contains a variety of uses including single-family and multi-family residential, neighborhood business, and office. The R-18 designation would be a reflection of the adopted mixed use and diverse nature of the area that is within walking distance of transit and that serves a neighborhood commercial area as envisioned in goal's and policies LU I, LU IV, LU 2, EN 32, and EN 33 of the Comprehensive Plan:

*Goal LU I: To assure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline's sense of community.*

*Goal LU IV: To assure that a mix of uses, such as service, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of transit, serving a neighborhood commercial and residential function.*

*LU 2: Encourage attractive, stable, high quality residential and commercial neighborhoods with an appropriate variety of housing, shopping, employment and services such as lawyers, doctors, and accountants.*

*EN 32: Encourage the arrangement of activities which will generate the fewest necessary automobile trip miles while providing for the necessary separation of conflicting land uses.*

*EN 33: Support the expansion of public mass transit and encourage cycling and walking in the City as an alternative to dependence on the individual automobile.*

The density afforded by a rezone to R-18 for the R-6 portion of the parcel would allow the opportunity for single family attached or apartment housing stock development as envisioned in Goal LU IV, LU 2, and H 6.

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

See also discussion under *Criteria 4*.

All development of this site 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. This action was included in the analysis, review, and mitigation in the Draft Environmental Impact Statement for the City of Shoreline Comprehensive Plan (issued November 17, 1997) and Final Environmental Impact Statement for the City of Shoreline Comprehensive Plan (issued November 2, 1998). Future permit submittal indicating a proposal of more than four dwelling units will require SEPA project review (SMC 20.30.490-710).

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

See also related discussion presented in *Criteria 1*.

The zoning of the subject parcel is currently split zoned R-6 (western portion) and R-48 (eastern portion). The parcel's zoning is currently inconsistent with the Comprehensive Plan. The Comprehensive Plan land use map identifies the subject property as Mixed Use. Consistent zoning designations for this land use designation are R-12, R-18, R-24, O, NB, and CB. R-6 is an inconsistent zoning designation in Mixed Use. The application to change the zoning of the R-6 portion of the parcel to R-18 was made in order to achieve consistency with the Comprehensive Plan land use designation. The proposed zone change to R-18 would bring the western portion of the parcel's zoning

into compliance with the comprehensive plan designation. The eastern portion of the parcel that is proposed to remain R-48 would remain consistent with the Comprehensive Plan. R-48 is consistent with the Mixed Use land use designation. See *Criteria 1 for description*.

The current zoning in the vicinity of the site includes R-6, NB, and R-48. (See Attachment C). The uses in the area include single family and multifamily residential, commercial business, and office. The subject property can take access from 12<sup>th</sup> Avenue NE, a residential street with close proximity to NE 145 Street and 15<sup>th</sup> Avenue NE, both transit routes. Higher intensity development is encouraged in areas where multimodal transportation is available and can be encouraged. The parcel is within short walking distance of a neighborhood commercial area that includes services, restaurants, and grocery businesses. Public transit routes and stops can be found on NE 145 Street and 15<sup>th</sup> Avenue NE. There are also public parks within a half-mile distance including Paramount Park and Open Space, Paramount Playfield, and Jackson Park Golf Course (Seattle Parks). The higher density designated in this area is envisioned in goal's LU I, LU IV, and policies LU 2, H 6, EN 32, and EN 33 of the Comprehensive Plan. See *Criteria 1 for description of these policies and goals*.

Rezoning the R-6 portion of the parcel to R-18 would implement and be consistent with these goals and policies of the Comprehensive Plan.

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

The public comment letters listed a number of concerns about the density of the development and its impact on infrastructure such as water, sewer, stormwater, traffic, and tree removal. At this time there appears to be no negative impacts to the properties in the immediate vicinity of the subject rezone.

#### *Water & Sewer*

Conditional statements from the Shoreline Water District and Seattle Sewer indicate that adequate capacity exists for development at high-density zoning.

#### *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*

The exact number of total P.M. peak hour vehicular trips is unknown at this time because a complete development proposal has not been submitted for review.

The maximum density that could be achieved on this site that is consistent with the Comprehensive Plan at split zone R-18 and R-48 is fifteen (15) units (See *Criteria 1 for description of this alternative and density calculation*). Depending on the type of uses that are constructed on site (e.g. apartments, duplexes) the net increase in peak hour vehicular trips could range from 6.69 to 7.81 based on the Institute of Transportation

Engineers Trip Generation Manual. 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, traffic and pedestrian requirements/mitigation specific to the details of the project may be required.

#### *Tree Removal*

There are a number of significant trees located on the subject site, illustrated on the map in Attachment B. The primary stand of trees is located on the southeast corner of the site and in the City Right-of-Way (ROW). 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. The trees in the City ROW would be subject to protection under SMC 20.50.290-370 and would require a ROW permit for work in this area.

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

The development of the site will trigger the requirement for half-street improvements, which include curb, gutter, and sidewalks for frontages that lack them. These improvements will aid pedestrian circulation within the neighborhood. This development will also be required to treat and detain stormwater flow into the watershed. Although the development will potentially increase the amount of impervious surface area on the site, this water will be treated and released at a rate no greater than what historically flowed from the site in a pre-developed condition. These improvements will add benefit to the community.

Further, A policy of the Comprehensive 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 parcels such as the subject property.

*LU1: 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.*

Permitting higher densities near neighborhood business commercial areas and transit routes encourages pedestrian traffic and reductions in vehicular traffic per goal's LU I, LU IV, and policies LU 2, H 6, EN 32, and EN 33 of the Comprehensive Plan. See *Criteria 1 for description of these policies and goals.*

### **III. CONCLUSIONS**

- 1. Consistency-** The proposed reclassification for the subject property is consistent with the Washington State Growth Management Act, the City of Shoreline

Comprehensive Plan, dated November 23, 1998, and the City of Shoreline Development Code, Title 20.

2. **Compatibility-** The proposed zoning is consistent with future land use patterns identified in the Comprehensive Plan, dated November 23, 1998.
3. **Housing Targets-** The current residential density of 2 units per acre indicates the site is underutilized per the density guidelines listed in the Comprehensive Plan. The project assists the City of Shoreline in meeting housing targets established by King County to meet requirements of the Growth Management Act.
4. **Environmental Review-** Environmental review was not required for this project. The action is covered by the DEIS (issued November 17, 1997) and FEIS (issued November 2, 1998) that was prepared for the adoption of the City of Shoreline Comprehensive Plan. Future development of more than four dwelling units would require SEPA project review (SMC 20.30.490-710).
5. **Infrastructure Availability-** There is adequate infrastructure improvements available in the project vicinity. This includes adequate stormwater infrastructure, water availability, and sewer capacity for the future development. The development of this site will require that stormwater improvements be installed as part of the development proposal.
6. **Frontage Improvements-** The development of this site will trigger frontage improvements (curb, gutter, sidewalk) on 12<sup>th</sup> Avenue NE. These elements will help aid pedestrian circulation throughout the neighborhood.

#### **IV. RECOMMENDATION**

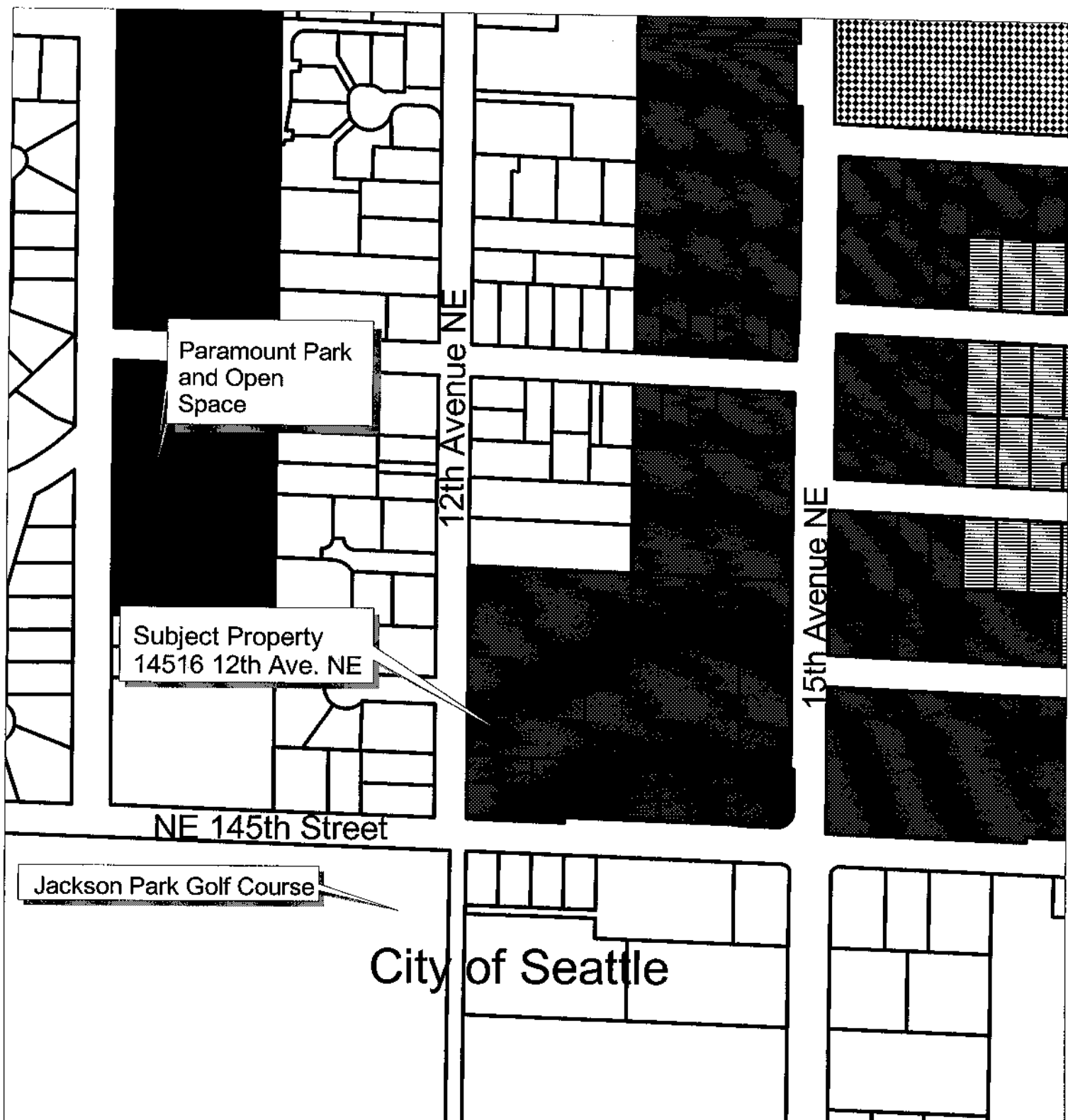
Staff suggests that the Planning Commission recommend to the City Council that R-18 zoning be adopted for rezone application 2000-201031 for the western portion of the site located at 14516 12<sup>th</sup> Avenue NE. The eastern portion of the parcel would remain R-48. It has been shown that this application 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 Comprehensive Plan Designations
- Attachment B: Detailed Site Inventory Map
- Attachment C: Vicinity Map with Zoning Designations
- Attachment D: Comment Letters
- Attachment E: Staff Summary of Comment Letters and Response



# ATTACHMENT ~~A~~ /



# SHORELINE

GEOGRAPHIC INFORMATION SERVICES

## VICINITY MAP WITH LAND USE DESIGNATIONS

COMPREHENSIVE PLAN  
JUNE 26, 2001  
REZONE 201031

	Parcel Boundary		Public Facilities
	Comp_lu.shp		Single Family Institution
	Low Density Residential		Public Open Space
	Medium Density Residential		Private Open Space
	High Density Residential		Special Study Area
	Mixed Use		
	Community Business		
	Regional Busi		

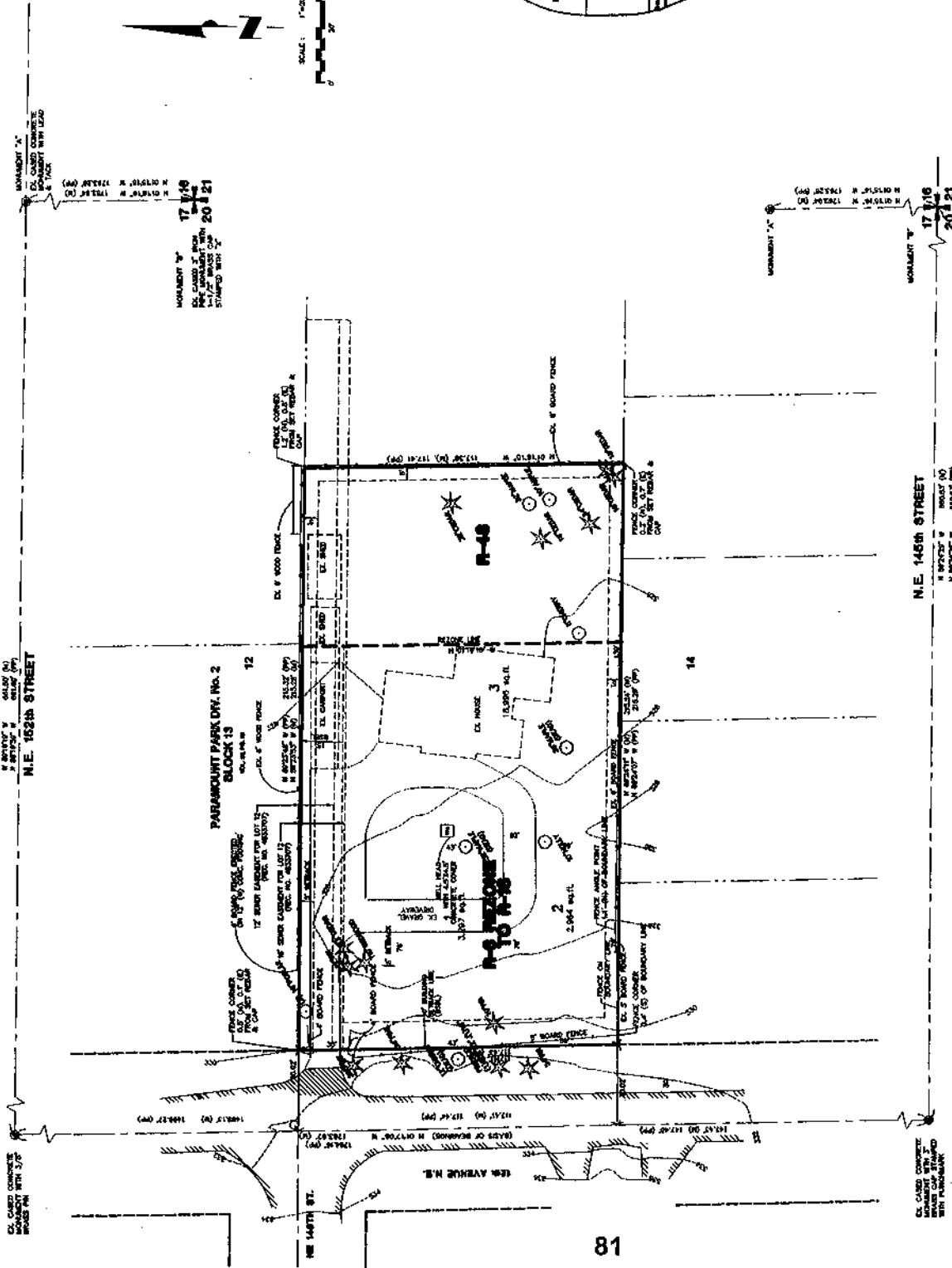
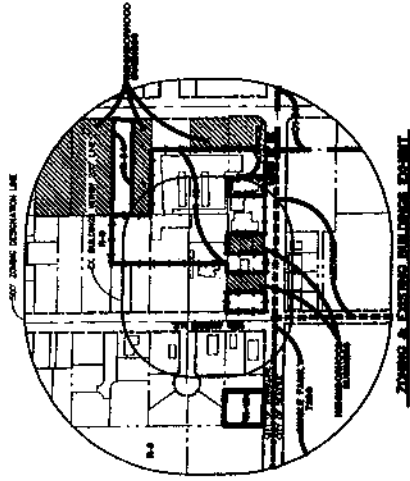


0 100 200 300 Feet  
1"= 250 feet

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building outlines, contour data copyrighted by  
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No warranties of any sort, including accuracy,  
fitness, or merchantability, accompany this  
product.

# **ATTACHMENT ~~B~~ 2**



## TOTAL PROPERTY LINEAL DISCREPANCY

LOT 13, BLOCK 13, PLAY OF PARAMOUNT PARK DN, AC. 2,  
VOL. 28, PG. 50, RECORDS OF KING COUNTY, WASHINGTON,  
EXCEPT THE EAST 20 FEET WIDENING.  
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS  
OF RECORDS, RECORD#0040 AC. 497727, 484468, 484469

## MOULDED PISTON DETECTION

LOT 13, BLOCK 13, PLAT OF PARADISE PARK OFF. MAP 2,  
VOL. 28, P. 60, RECORDS OF HAWAII COUNTY, HONOLULU,  
EXCEPT THE EAST TRACT.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS  
OF RECORD, RECORDING NO. 491727, 494160, 494197  
AND 4933707.

## BENCHMARK & DATUM

ORIGINAL SOURCE: (TEL: 4328.01)  
STAND WOOD BRICK LOCATED IN  
CONCRETE WALK AT THE NORTHEAST END OF  
THE N.E. 140th STREET OVERPASS.

FOR THE INFORMATION OF THE  
 COUNTY CLERK, COUNTY OF EL PASO, LOCATED

DATE MAY 28 PM REPORT BARNY CORREL  
RECORDS

**FORWARDED TO STATE**

MONITORING AS MEASURED ALONG THE MOMENT  
CENTER LINE OF 1200 AVE. N.E. FOR THE PLAT  
PARAMOUNT PARK, EX. NO. 2, FILED UNDER VOL. 28  
AND 20 OF PLAT RECORDS OF HENAO COUNTY, WA.

**DELON**

1. ALL EXISTING STRUCTURES TO BE REMOVED.
2. AT ACCESS, SITE DISTANCE IS AVAILABLE SOUTH TO NE 14TH STREET AND NORTH TO NE 13TH STREET.
3. ALL ROADS AND BUILDINGS ARE TO SCALE.

### PLANT DATA

**OWNERS/DRIVER OFFER**  
VEHNO PROPERTIES, INC.  
P.O. BOX 11334  
LYNNWOOD, WASHINGTON 98048  
TELEPHONE: 425-679-2711  
FAX: 425-679-2711

CONTACT PERSON: CMC SUBQUEST

LOWELL-SALERLAND & ASSOCIATES, INC.  
70400 - 3280 AVE. W., SUITE 200  
LYNNWOOD, WA 98036  
TEL: (206) 775-1184  
FAX: 425-872-7995

## LAND USE DATA

**EXPLOSION ZONING**  
K-10 AND K-45

**SITE AREA**

25,237 303 17. OK Q.189 AG.

REZONE MAP  
FOR

**VIKING PROPERTIES, INC.**

IN SE 1/4, SE 1/4 OF SECTION 17, T.26 N., R.4 E., W.M.

CITY OF SHORELINE  
KING COUNTY WASHINGTON

SHORELINE FILE NO. 201031

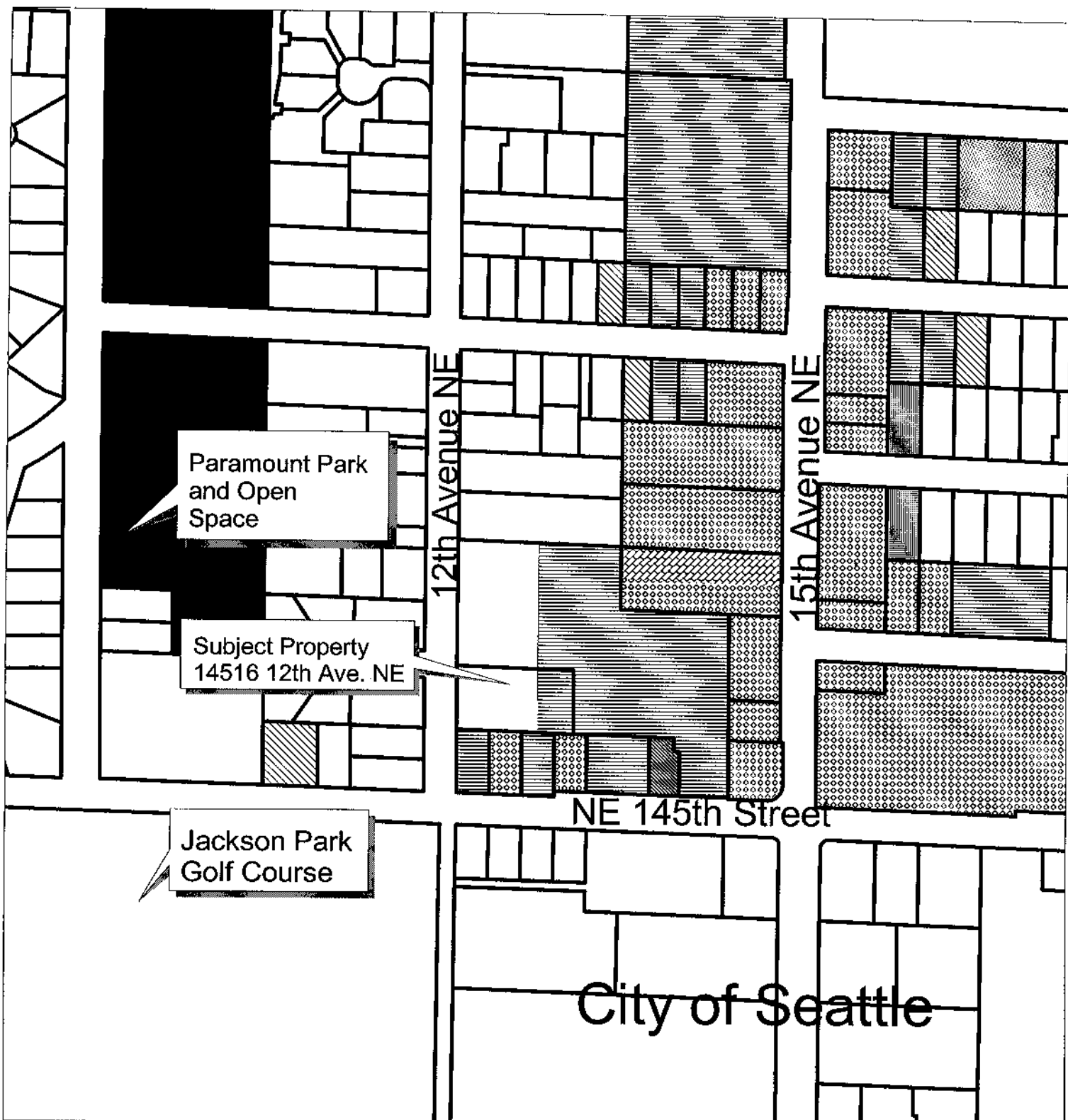
1. MEMBERS PER CITY

**LOBB**  
Lovell-Sauerland & Associates, Inc.  
Engineers/Architects/Planners/Development Consultants  
1

10000 Blvd. Avenue L, Suite 200, Longwood, FL 32750 • Tel: (407) 427-1000 • Fax: (407) 427-7000

DATE	4-13-51	QZ NO. 0	7-28	4225-0-01	1
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# ATTACHMENT ~~C~~ 3



## SHORELINE

GEOGRAPHIC INFORMATION SERVICES

### VICINITY MAP WITH ZONING DESIGNATIONS

DEVELOPMENT CODE  
JUNE 26, 2001  
REZONE 201031

	Parcel Boundary		R-48; Residential, 48 units/acre
	Park		O; Office
Zoning			
	R-6; Residential, 6 units/acre		NB; Neighborhood Business
	R-8; Residential, 8 units/acre		CB; Community Business
	R-12; Residential, 12 units/acre		RB; Regional Business
	R-18; Residential, 18 units/acre		I; Industrial
	R-24; Residential, 24 units/acre		CZ; Contract Zone



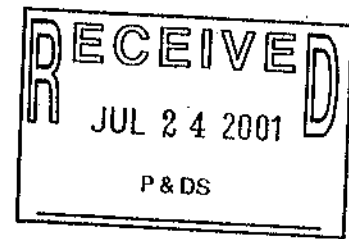
0 100 200 300 Feet  
1" = 250 feet

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# **ATTACHMENT D4**

July 23, 2001



Planning and Development Services  
17544 Midvale Avenue, No.  
Shoreline, WA 98133-4921

Re: 14516 12<sup>th</sup> Avenue, N.E. Re-Zone – Project #201031

Gentlemen:

We are writing to comment on the proposal to change this property from R-6 to R-18.

Up to this time, we had the following occupancy at this location:

1 Person

1 Car

R-6 would give us:

12 to 24 People

12 Cars (the average 2 per household)

R-18 would give us:

18 to 72 People

36 Cars (the average 2 per household)

The intersection of 12<sup>th</sup> and 145<sup>th</sup> is a busy one. There is much travel down 12<sup>th</sup> to avoid stoplights on 15<sup>th</sup>. We need speed bumps now, and this increase to R-18 would just make this worse, to say nothing of the toll on the infrastructure – water, light, sewer, roadway damage. 12<sup>th</sup> is already in bad shape with much cracking, indentations, and sewers ready to cave-in. Also, at this time, there are no sidewalks for pedestrian and pedestrians share the roadway with vehicles. With an increase in vehicles, the likelihood of vehicle/pedestrian accidents just increases.

An R-18 zoning of this site would be unconscionable.

Very truly yours,

*Mr. & Mrs. J. Williams*

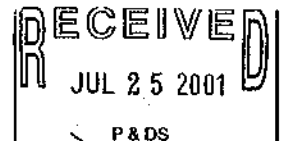
Mr. and Mrs. J. Williams

15212 Midvale Avenue, N.E.

Shoreline WA 98155



To Whom IT CONCERNS -



I AM IN OPPOSITION TO ANY ~~REDEVELOPMENT~~ TO THE PROPERTY AT 14516 12TH AVE N.E., OTHER THAN SINGLE-FAMILY-HOUSING WHICH EXIST ON ALL OF 12TH N.E., INCLUDING THE NEW DEVELOPMENT AT 14704 12TH NE. THEREFORE THIS DEVELOPEMENT SHOULD BE OF VERY SIMILAR STANDARDS WHICH ALLOWS ONLY LOTS OF 7200 SQ FT OR BIGGER. THE ALREADY PROBLEMATIC TRAFFIC ON 12TH MUST BE ADDRESSED IN CONNECTION WITH ANY DECISION THE COMMISSION MAKES ON THIS PROPERTY. AND I IMPORE YOU TO MAINTAIN THE MAJESTIC EVERGREENS THAT ARE ON CITY RIGHT-OF-WAY IN FRONT OF THE PROPERTY - THE (5) FIVE EVERGREENS MUST REMAIN IN THE CONDITION WHICH ALLOWS THEM TO CONTINUE TO GROW AND MAINTAIN THERE HEALTHY ROOT SYSTEM - THE CITY MUST KEEP THOSE TREES FOR OUR CHILDREN - PLEASE DONOT MAKE YOUR DECISION SOLELY ON THE POSSIBLE TAX INCREASES TO YOUR BUDGET BUT ON THE LIFE CHANGING IMPACT YOUR DECISION WILL MAKE TO THE TAX PAYING RESIDENTS OF RIDGECREST NEIGHBORHOOD WHO LIVE ON 12TH AVE N.E.

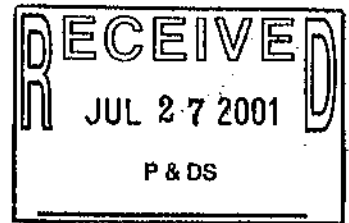
THANK FOR YOUR TIME -

FRED C. DREWEN

15256 12TH AVE N.E.

SHORELINE -

Rodney and Carol Falor  
1121 NE 146th  
Shoreline WA 98155  
June 26, 2001



City of Shoreline  
Planning and Development Services  
17544 Midvale Ave N.  
Shoreline WA 98133  
Attention Mr. Brian Krueger

Dear Mr. Krueger,

We realize that the deadline has passed to provide our input for the development of the property at 14516 - 12th Ave NE in Shoreline, however, if possible we would still like to state our opinion.

We did meet with the builder a few months ago when, this was in the very beginning stages. At the time we were not even aware that the above listed property was for sale. Eric explained that he was interested in building five pairs of "Townhouse" style condominiums on the property, as opposed to a three story apartment building. In subsequent conversations with him, he has stated that all of his previous ideas were turned down by the City, or your department.

Our concern is that the integrity of 12th Avenue NE be maintained and we are adamantly opposed to the idea of **any apartments** built on that property. Our home is on the corner of 12 NE and 146th. We are keenly aware that the traffic would be greatly increased as well as the general over all congestion. There are already numerous vehicles that use the side of the street for parking. This is an on going nuisance. The street is already used a great deal by people to avoid 15th NE. Another huge concern is for the immense trees that line 12th. NE. For those to be cut down for widening of the street due to increased traffic and the need for sidewalks would be an outrageous shame. The trees provide somewhat of a sound barrier as well as define the area as something other than just another street with too many buildings. Since this is not view property, at least we have the wonderful, majestic trees as a "feeling".

Our hope is that you study carefully the plans the builder has in mind. I realize that he is a developer and his mission is profit, but we hope that it is not at the expense of the neighborhood.

Respectfully,

A handwritten signature in cursive script that reads "Rodney &amp; Carol Falor".

# ATTACHMENT ~~E~~ 5

**SUMMARY OF PUBLIC COMMENT LETTERS  
REZONE PROJECT NO. 201031**

<b>Date Received</b>	<b>Name</b>	<b>Address</b>	<b>Summary of Comments</b>	<b>Staff Response to Land Use Issues</b>
7/24/01	Mr. & Mrs. J. Williams	15212 12th Avenue NE	<ol style="list-style-type: none"> <li>1. R-18 is too dense.</li> <li>2. The project will cause impacts to utilities, traffic, and established vegetation and habitat.</li> <li>3. No sidewalks exist on 12th Ave. NE.</li> </ol>	<ol style="list-style-type: none"> <li>1. R-12, R-18, R-24, and R-48 densities are consistent with Comp Plan Designation of Mixed Use.</li> <li>2. Conditional information from Seattle Sewer and Shoreline Water District indicate that high density zoning on this site can be accommodated. A traffic study will be required if the development creates more than 20 P.M. peak hour trips. If the study reveals significant impacts mitigation may be required. SEPA project review will be required if the proposal includes more than four dwelling units. Significant trees shall be retained per the provisions of SMC 20.50.350(B).</li> <li>3. Future development of the property would be required to construct full frontage improvements, including curb, gutter, and sidewalk per SMC 20.70.030.</li> </ol>
7/25/01	Fred C. Drewien	15256 12th Avenue NE	<ol style="list-style-type: none"> <li>1. R-18 is too dense.</li> <li>2. Lots should be 7200 square feet.</li> <li>3. Maintain the significant trees in ROW.</li> <li>4. Concerned that rezone will cause impacts to traffic.</li> </ol>	<ol style="list-style-type: none"> <li>1. R-12, R-18, R-24, and R-48 densities are consistent with Comp Plan Designation of Mixed Use.</li> <li>2. R-6 zoning is inconsistent with the Comprehensive Plan. There is no proposal to subdivide the parcel at this time.</li> <li>3. Significant trees shall be retained per the provisions of SMC 20.50.350(B).</li> <li>4. A traffic study will be required if the development creates more than 20 P.M. peak hour trips. If the study reveals significant impacts mitigation may be required. SEPA project review will be required if the proposal includes more than four dwelling units.</li> </ol>
7/26/2001 Note: This letter was received after the comment period closed.	Rodney & Carol Falor	1121 NE 148th Street	<ol style="list-style-type: none"> <li>1. Opposed to apartments on the site.</li> <li>2. Concerned that the rezone will cause impacts to traffic.</li> <li>3. Maintain the significant trees in ROW.</li> </ol>	<ol style="list-style-type: none"> <li>1. R-12, R-18, R-24, and R-48 densities are consistent with Comp Plan Designation of Mixed Use. Apartments require a conditional use permit in R-12 and are permitted outright in R-18, R-24, and R-48.</li> <li>2. A traffic study will be required if the development creates more than 20 P.M. peak hour trips. If the study reveals significant impacts mitigation may be required. SEPA project review will be required if the proposal includes more than four dwelling units.</li> <li>3. Significant trees shall be retained per the provisions of SMC 20.50.350(B)</li> </ol>

# **Attachment B**

**Ordinance No. 288**

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

**Exhibit 2: Zoning Map Amendment and Legal  
Description**

**ORDINANCE NO. 288**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING OF A  
PORTION OF A PROPERTY LOCATED AT 14516 12<sup>TH</sup> AVENUE NE FROM  
R-6 TO R-12.**

WHEREAS, certain properties, located at 14516 12<sup>th</sup> Avenue NE, are designated on the Comprehensive Plan Map as Mixed Use; and

WHEREAS, owners of certain property, located at 14516 12<sup>th</sup> Avenue NE have filed an application to reclassify a portion of the property from R-6, residential – six units per acre to R-18, residential – eighteen units per acre; and

WHEREAS, on September 20, 2001, 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 September 20, 2001, the Planning Commission recommended an alternate to the reclassification application to R-18 by recommending a reclassification to R-12 and entered findings of fact and a conclusion 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 portion of property, located at 14516 12<sup>th</sup> Avenue NE to R-12 is consistent with the Comprehensive Plan and appropriate for this site rather than the proposed R-18 zoning in the application;

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

**Section 1. Findings.** The Findings and Recommendation on File No. 2001-201031 as set forth by the Planning Commission on September 20, 2001 and as attached hereto as Exhibit 1 are hereby adopted.

**Section 2. Amendment to Zoning Map.** The official zoning map of the City of Shoreline, is hereby amended to change the zoning classification of certain portion of property, located at 14516 12<sup>th</sup> Avenue NE and further described and depicted in Exhibit 2 attached hereto, from R-6 to R-12.

**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.

**ATTACHMENT B**

**PASSED BY THE CITY COUNCIL ON NOVEMBER 13, 2001.**

**ATTEST:**

\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

Date of Publication:  
Effective Date:

\_\_\_\_\_  
Mayor Scott Jepsen

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ian Sievers  
City Attorney

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

Viking Properties Rezone Request, File #2001-201031

***Summary-***

After reviewing and discussing the Viking Properties rezone application on September 20, 2001 the Shoreline Planning Commission did find and determine that the request for R-18 zoning is denied. However, it was found that R-12 zoning was in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and compatible with the neighborhood therefore recommended approval of such action.

**I. Findings of Fact**

1. Project Description-
  - 1.1 Action: Reclassification request to change the zoning of the western portion of the parcel from R-6 (6 dwelling units/acre) to R-18 (18 dwelling units/acre). The eastern portion would remain R-48 (48 dwelling units/acre).
  - 1.2 Location: 14516 12<sup>th</sup> Avenue NE
  - 1.3 a.) The subject property has a land use designation "Mixed Use" as identified in the City of Shoreline's 1998 Comprehensive Plan.  
b.) Consistent zoning for the Mixed Use land use designation is R-12 (12 dwelling units/acre), R-18 (18 dwelling units/acre), R-24 (24 dwelling units/acre), R-48 (48 dwelling units/acre), O (Office), NB (Neighborhood Business), and CB (Community Business).
2. Procedural History-
  - 2.1 Public hearing held by the Planning Commission September 20, 2001
  - 2.2 Complete Application Date: June 26, 2001  
Notice of Application Date: July 5, 2001
  - 2.3 Neighborhood meeting dates: March 7, 2001
  - 2.4 No prior action or approvals related to the project have been taken.



3. Public Comment-
  - 3.1 The following individuals participated in Neighborhood Meeting:
    - Mary Carson 1108 NE 146<sup>th</sup> ST
    - Rodney and Carol Falor 1121 NE 146<sup>th</sup> ST
    - Brent and Ruth Holterman 14723 12<sup>th</sup> AVE NE
    - Elaine Kim 14721 12<sup>th</sup> AVE NE
    - Sonja Ashbaker 14516 12<sup>th</sup> AVE NE
    - Wen Kai Lee 1105 NE 147<sup>th</sup> ST
  - 3.2 Written Comments have been received from:
    - Mr. & Mrs. J. Williams 15212 12<sup>th</sup> AVE NE
    - Fred Drewien 15256 12<sup>th</sup> AVE NE
    - Rodney and Carol Falor 1121 NE 146<sup>th</sup> ST
  - 3.3 Public Testimony was given during the Public Hearing by:
    - Barbara Hallory 1102 Northeast 146<sup>th</sup> Street
    - Mary Carson 1108 NE 146<sup>th</sup> ST
    - Elaine Kim 14721 12<sup>th</sup> AVE NE
    - Virginia Barnes 14605 12<sup>th</sup> Avenue NE
    - Jack Barnes 14605 12<sup>th</sup> Avenue NE
    - Elaine Kim 14721 12<sup>th</sup> Avenue NE
    - Young Kim 14721 12<sup>th</sup> Avenue NE
4. SEPA: A new SEPA determination is not required. This rezone action is covered by the Final EIS, dated November 2, 1998, that was prepared for the 1998 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 of property from R-6 to R-18 is not consistent with the Comprehensive Plan policies that call for compatibility with existing development and neighborhood character.

A zoning redesignation from R-6 to R-12 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 the site 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.**

The current residential density of 2 units per acre indicates the site is underutilized per the density guidelines listed in the comprehensive plan. A rezone to R-12 would bring the parcel into compliance with the comprehensive plan designation.

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

The redesignation of property from R-6 to R-18 is not compatible with existing development due to higher density uses that would occur on the project site as compared to surrounding development.

It has been shown that the rezone and future development of the subject site will not be detrimental to uses in the immediate vicinity. Adequate infrastructure (water, sewer, storm, etc.) exists in the area to support development at R-12 density.

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

The rezone will help the City achieve the housing targets established by the Comprehensive Plan. Further, this site is an appropriate place to accommodate development of R-12 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 that R-12 zoning be adopted for rezone application 2001-201031 for the western portion of the site located at 14516 12<sup>th</sup> Avenue NE. The eastern portion of the parcel would remain R-48.

**City of Shoreline Planning Commission**

Brian F. Oberndorff Date: 10/5/01  
Chairperson

# EXHIBIT 2

Lot 13, Block 13, of Paramount Park Div.  
No. 2, Vol. 28, Pg. 50, Records of King County,  
Washington. Except the East 151 Thereof.

Subject Site:  
Change to R-12  
Zoning

12th Avenue NE

15th Avenue NE

NE 145th Street

City of Seattle

## SHORELINE

GEOGRAPHIC INFORMATION SERVICES

## ZONING MAP AMENDMENT

DEVELOPMENT CODE  
REZONE 201031

	Parcel Boundary		R-48; Residential, 48 units/acre
	Park		O; Office
	Zoning		NB; Neighborhood Business
	R-6; Residential, 6 units/acre		CB; Community Business
	R-8; Residential, 8 units/acre		RB; Regional Business
	R-12; Residential, 12 units/acre		I; Industrial
	R-18; Residential, 18 units/acre		CZ; Contract Zone
	R-24; Residential, 24 units/acre		



0 100 200 300 Feet  
1" = 250 feet

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No warranties of any sort, including accuracy,  
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product.

# **Attachment C**

**Planning Commission Minutes  
September 20, 2001**

DRAFT

These Minutes Subject to  
October 18 Approval

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 20, 2001  
7:00 P.M.

Shoreline Conference Center  
Board Room

#### PRESENT

Vice Chair Doennebrink  
Commissioner Monroe  
Commissioner Maloney  
Commissioner Marx  
Commissioner McAuliffe  
Commissioner Harris

#### STAFF PRESENT

Tim Stewart, Director, Planning & Development Services  
Rachael Markle, Senior Planner, Planning & Development Services  
Brian Krueger, Planner, Planning & Development Services  
Lanie Curry, Planning Commission Clerk

#### ABSENT

Chair Gabbert  
Commissioner Doering  
Commissioner McClelland

#### 1. CALL TO ORDER

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

#### 2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Vice Chair Doennebrink and Commissioners Harris, Marx, Maloney, McAuliffe and Monroe. Chair Gabbert and Commissioners Doering and McClelland were excused.

#### 3. APPROVAL OF AGENDA

COMMISSIONER MONROE MOVED TO APPROVE THE AGENDA AS PROPOSED.  
COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED  
UNANIMOUSLY.

#### **4. APPROVAL OF MINUTES**

COMMISSIONER MONROE MOVED TO ACCEPT THE MINUTES OF SEPTEMBER 6, 2001 AS SUBMITTED. COMMISSIONER MCAULIFFE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

#### **5. PUBLIC COMMENT**

There was no one in the audience who desired to address the Commission during this portion of the meeting.

#### **6. REPORTS OF COMMISSIONERS**

There were no Commissioner comments during this portion of the meeting.

#### **7. STAFF REPORTS**

##### **a. Type C Action: Rezone Application for Property at 14516 – 12<sup>th</sup> Ave NE from R-6 to R-18**

Vice Chair Doennebrink reviewed the public hearing process and rules. Next he opened the public hearing and reminded the Commissioners of the rules regarding the appearance of fairness law. None of the Commissioners identified any ex parte communications related to the hearing subject, and no one in the audience challenged a Commissioner's participation in the public hearing process.

Mr. Krueger presented the staff report for the Type C Rezone application. He said the proposal before the Commission is a reclassification of property located at 14516 – 12<sup>th</sup> Ave NE near the intersection of NE 145<sup>th</sup> Street and 12<sup>th</sup> Ave NE. The applicant has requested that a portion of the property be rezoned from R-6 to R-18. The total parcel is a little more than one half acre in size and is currently split zoned with R-6 for about two thirds of the property and R-48 for the eastern one third of the property. The proposal only includes that portion currently zoned R-6. The portion currently zoned at R-48 would remain as such. The site is developed with one single-family detached residence, and the Comprehensive Plan designation for the entire property is mixed use.

Next, Mr. Krueger reviewed the five criteria that must be considered when evaluating the rezone application (Section 20.30.320 of the Shoreline Municipal Code) as follows:

DRAFT

002

Shoreline Planning Commission Minutes  
September 20, 2001

1. **The area is consistent with the Comprehensive Plan.** Mr. Krueger said staff has concluded that R-18 zoning would be an appropriate designation in order to achieve many goals and policies of the Comprehensive Plan. He specifically noted LU 23, Goal H 1, and Goal H 6 of the Comprehensive Plan, all of which support the staff's conclusion. He explained that the current density for the property is two dwelling units per acre, and the density afforded by an R-18 zoning designation would allow the opportunity for single-family attached or apartment style housing. He pointed out that there are a variety of uses in the area, and an R-18 zoning designation would reflect this variety of uses as well as the mixed-use nature of the neighborhood. The subject parcel is within close walking distance of the business district, which has a good transportation service available. He particularly noted LU I, LU IV, LU 2, EN 32 and EN 33, all of which support residential development near commercial areas where there can be pedestrian access, commercial businesses and transit while reducing automobile trips.
2. **The rezone will not adversely affect the public health, safety or general welfare.** Mr. Krueger explained that all future development of the site must meet the requirements of Title 20 of the Shoreline Municipal Code that was designed to protect the public health, safety and general welfare.
3. **The rezone is warranted in order to achieve consistency with the Comprehensive Plan.** Mr. Krueger advised that the Comprehensive Plan specifies the entire property as mixed-use. The current zoning in the vicinity of the site includes R-48, NB and the mid-rise and commercial zoning designations found in the City of Seattle. The uses in the area include single-family residential, multi-family residential, commercial businesses and offices and an R-18 zoning designation for the subject property would reflect a similar level of intensity.
4. **The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.** He pointed out that the Shoreline Water District and the Seattle Sewer District have issued conditional statements indicating that adequate capacity exists for development at a high-density residential zoning level. 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 Shoreline Municipal Code. Also, the development code would require a traffic study to be done if the peak-hour trips are greater than 20. When a development proposal is submitted, traffic, pedestrian requirements and mitigation specific to the details of the project may be required.

Mr. Krueger said that the Shoreline Municipal Code requires the retention of at least 20 percent of the significant trees on the site. The future site design must also meet the requirement stipulating that trees be protected within vegetated islands and stands rather than as individual isolated trees. He noted that there have been some public comments regarding the mature trees to the west of the property. He explained that these trees are located within the City right-of-way and would be regulated by the existing tree standards. In addition, a right-of-way permit would be required for any work in that area.

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5. **The rezone has merit and value for the community.** Mr. Krueger pointed out that Comprehensive Plan policy LU 1 requires that the environmental quality be preserved by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources. He explained that the site has no identified critical areas and is generally flat. There is good access to the public facilities, as well. Development of the site would trigger the requirement for half-street improvements which include curb, gutter and sidewalks along 12<sup>th</sup> Ave NE. The developer would also be required to treat and retain stormwater flow to the watershed at a rate that is no greater than what has historically flowed off the site. Finally, Mr. Krueger advised that permitting higher densities near neighborhood business and commercial areas and transit routes encourages pedestrian traffic and reductions in vehicular traffic.

Mr. Krueger concluded that the proposal is consistent with the Washington State Growth Management Act as well as the Development Code. The proposed zoning is also consistent with future land use patterns identified in the Comprehensive Plan. The current residential density of two units per acre indicates that the site is underutilized per the density guidelines listed in the Comprehensive Plan. Mr. Krueger said the project would assist the City in meeting the housing targets established by King County and in meeting the requirements of the Growth Management Act. Mr. Krueger advised that an environmental review was not required for the project because the action is covered by the DEIS and FEIS that were prepared for the adoption of the City of Shoreline Comprehensive Plan. However, future development of more than four dwelling units would require a SEPA project review. He said there appears to be adequate infrastructure improvements available in the vicinity, and frontage improvements would be required on 12<sup>th</sup> Ave NE to aid pedestrian circulation throughout the neighborhood.

Mr. Krueger advised that staff suggests the Planning Commission recommend that the City Council adopt R-18 zoning as proposed for Application 2001-201031. Staff advises that it has been shown that the application meets the decision criteria for the reclassification of property as outlined in the Shoreline Municipal Code.

Mr. Stewart recalled that the entire neighborhood surrounding the subject property was the subject of a Comprehensive Plan amendment that was just recently adopted establishing it as a special study area. The staff report states that the applicant had completed an application requesting the change in zone in March, with the completion of the application established in June. He pointed out that the City Attorney has advised that while there may not be a technical legal vesting for this application, it is within the City's authority to exercise its discretion in terms of applying the change of zone criteria to this application. He concluded that staff believes that the applicant has met the requirements for a change in zone, and they support the amendment.

Commissioner Maloney inquired about the status of the City's ability to meet the GMA housing target. Mr. Krueger said that the City is currently on target, with a production of about 100 units per year. He noted that new targets would be presented in February based on the recent census.

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Commissioner Maloney inquired if the City has any mandate that would require them to approve the proposed application. Mr. Stewart reminded the Commission that during the Comprehensive Plan amendment review process, in which the special study areas were considered, there was general discussion that applications that were submitted prior to the Council's adoption of the formal amendment would be processed under the old Comprehensive Plan designation. This is what the applicant has chosen to do. Therefore, the Commission has an obligation to review the application. If they find that the criteria has been met, the Commission has an obligation to recommend approval. If they find that the criteria has not been met, they can recommend denial.

Commissioner McAuliffe inquired if staff anticipates that the new growth targets that will be issued in February will increase. Mr. Stewart answered affirmatively, and said that the likely increase for the county is about 100,000 dwelling units, which is very significant. The primary discussion amongst the planning directors is that the first round was easy because there was a lot of underutilized land. The new numbers will be much more difficult to meet.

Commissioner Harris asked Mr. Stewart to clarify the vesting issue again. Mr. Stewart said that the City Attorney has advised that the case law in Washington may be somewhat ambiguous in terms of which types of land use actions can have the protection of vesting and which do not. The Commission and staff also have the ability to utilize not just the land use plan, but to look at the Comprehensive Plan policies, as well.

Commissioner Monroe asked if there are any goals or policies that the application would be in conflict with. Mr. Krueger said that when staff reviewed the criteria in the Development Code and the Comprehensive Plan, he did not find the proposal inconsistent with either.

Commissioner Monroe said it would seem that a traffic study would be an appropriate requirement for this application. Mr. Krueger explained that traffic studies are required at the time a development proposal is submitted because these studies are linked to the type of development and the number of dwelling units proposed. Mr. Stewart pointed out that the subject property was designated as mixed-use in the 1998 Comprehensive Plan which would permit the proposed density. This land use designation was part of the Environmental Impact Statement that was done for the Comprehensive Plan adoption, and that included trip generation on a citywide basis for all of the land uses. If and when a proposal meets the trigger of more than 20 trips per day, a supplemental study would be required of the applicant.

Commissioner Marx noted that there are a number of significant trees in the right-of-way. She inquired if these trees would have to be removed to accommodate the street front improvements. Mr. Krueger said that the City's project engineer measured the width of the right-of-way and where the asphalt would be located. The trees would not be impacted by the placement of the sidewalk. Mr. Krueger also noted that staff has found 16 significant trees on the site and according to the tree standards, six trees could be removed without triggering the standards. In addition to the six, 20 percent of the remaining trees would have to be preserved. Tree replacement would be required for all of the significant trees that are removed.

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Commissioner McAuliffe inquired how many maximum units would be possible if the rezone were approved. Mr. Krueger advised that a maximum number of 15 units could be allowed. Vice Chair Doennebrink pointed out that an R-12 zoning designation would also be consistent with the land use designation and would allow up to 13 units on the site.

Vice Chair Doennebrink inquired if sidewalk improvements would only be required on the east side of 12<sup>th</sup> Ave NE. Mr. Krueger answered affirmatively and explained that site improvements would only be required for the portion of the subject property fronting on 12<sup>th</sup> Street. Vice Chair Doennebrink inquired if this project would be eligible for the new in-lieu-of sidewalk program. Mr. Krueger answered that this project could be a potential candidate if the program is in place at the time a development proposal is submitted. Mr. Stewart reviewed that the City Council has asked staff to develop a program for payment in lieu of improvements. As an option to building frontage improvements, a developer might elect to contribute to a capital improvement project that would benefit the neighborhood. He reported that staff would present a report to the Council in the near future and then come before the Planning Commission on November 18.

Stephen Michael Smith, Lovell Sauerland & Associates, 19400 – 33<sup>rd</sup> Ave West, Suite 200, Lynnwood, advised that he represents the applicant. He suggested that staff has accurately described the request, and he had nothing further to add. He indicated, however, that he would like to respond to the comments provided by the public during the public hearing process.

Commissioner McAuliffe asked what the applicant is planning to construct on the property. Mr. Smith explained that there are two different scenarios being considered for the site. He provided pictures of these two scenarios, which were identified on the record as Exhibit A1. He noted that the neighborhood residents have expressed that they do not want to have apartments developed on the site, but they do want to have single-family homes along the street frontage. He reviewed each of the scenarios. The scenarios illustrate possible designs if the property is rezoned to either R-12 or R-18.

Commissioner Maloney inquired if the applicant would accept a Planning Commission recommendation of R-12 zoning instead of R-18. Mr. Smith answered that the applicant would prefer that the property be rezoned R-18.

Vice Chair Doennebrink inquired if the applicant would be able to request R-18 zoning at the time a development proposal is submitted to the City even if the Commission recommends, and the City Council accepts, a rezone to R-12. Mr. Stewart answered that there is no prohibition on applications for rezones, so the applicant could, technically, request R-18 zoning at a later date.

Vice Chair Doennebrink noted that one comment letter received from a neighbor indicated that the applicant was originally interested in building five pairs of townhouse style condominiums on the property instead of apartment style housing, but all of his previous ideas had been turned down by the City. Mr. Smith said that the only other design that was formally submitted was for five duplexes placed along the driveway. The design was submitted in conjunction with a concomitant rezone agreement. When the proposal was submitted, the City indicated that the proposal did not meet the design standards. The applicant decided to submit a rezone application for approval first and then work on a design that would meet the standards for whatever zoning designation was approved.

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Vice Chair Doennebrink referred to a letter from a citizen that referenced the new development at 14704 12<sup>th</sup> Ave NE. Mr. Krueger explained that this development was the result of a small short plat.

Barbara Hallory, 1102 NE 146<sup>th</sup> Street, Shoreline, read a letter from Rob and Carol Falor, which was identified as Exhibit 2A. In the letter Mr. and Mrs. Falor indicated their desire to maintain the neighborhood atmosphere as much as possible, with no low-income houses or apartments. They expressed that if a large apartment or cottage housing complex is built, the increase in traffic would be too great, and the total number of people would have a negative impact on the area. They suggested that the R-12 zoning designation would provide the best possible solution for the surrounding property owners and the applicant. The letter emphasized that the applicant is looking out for the best interest of the neighborhood, and he has been very open regarding the options and resulting impacts. Mr. and Mrs. Falor concluded their letter by asking that the Commission recommend approval of R-12 zoning for the subject property.

Barbara Hallory, 1102 NE 146<sup>th</sup> Street, Shoreline, said that she has a view of the subject property. She said her concerns are related to the increase in traffic, people and parking. She stated that the applicant has made every effort to keep the neighbors informed of the plans and to work out the neighbors' concerns. She urged the Commission to approve the R-12 rezone, which would keep the traffic to a minimum and maintain the integrity of the single-family neighborhood while meeting the need for increased density. She added that there would be pride of ownership in single-family homes that would be missing in an apartment style development.

Mary Carson, 1108 NE 146<sup>th</sup> Street, Shoreline, requested clarification regarding whether or not the proposal is vested. Mr. Stewart explained that the area is designated in the Comprehensive Plan as mixed-use, which allows a whole series of zoning districts. During the discussions regarding the reconciliation of the Comprehensive Plan and the actual zoning designations, the Planning Commission recommended, and the City Council accepted, the concept of creating a special study area for the subject property and surrounding sites. Staff suggested that applications that are submitted prior to the completion of the special study area review would be processed under the mixed-use designation in order to allow the permitting process to go forward. While the City Attorney has indicated that the applicant does not have the ability to claim that he is entitled to legal vesting, the Planning Commission and City Council does have the ability to make that change in order to implement the Comprehensive Plan.

Ms. Carson expressed her concern that they do not have any idea what the traffic impacts will be. Mr. Stewart answered that if the traffic generation would be greater than 20 trips per day, the applicant would be required to conduct a traffic study to see if the trips could be adequately accommodated within the existing road network. This does not mean that the applicant cannot make the roads more crowded, but improvements may be needed to accommodate the impacts.

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Ms. Carson said the neighbors are happy that the beautiful trees along the street frontage can be saved. The trees provide some relief from the loud noise and dirt that is associated with the development process. Mr. Stewart provided a map illustrating the existing zoning of the surrounding properties. Ms. Carson pointed out that, until recently, all of the development along 12<sup>th</sup> Ave was single-family residential.

Commissioner Maloney asked Ms. Carson if an R-12 zoning designation for the subject property would be acceptable to her. Ms. Carson said answered affirmatively—especially in light of the alternative of R-18 zoning.

Virginia Barnes, 14605 – 12<sup>th</sup> Ave NE, Shoreline, said that the house on the subject property is right across the street from her home. She recalled that they previously had to fight against a proposed swimming pool on the site. She concluded that she does not want too many residents living in the neighborhood. She asked that the Commission not consider rezoning the property to anything greater than R-12.

Jack Barnes, 14605 – 12<sup>th</sup> Ave NE, Shoreline, said that he does not want to have more traffic than they currently have. He also asked that the property not be rezoned to anything greater than R-12.

Elaine Kim, 14721 – 12<sup>th</sup> Ave NE, Shoreline, said that she bought a house on a cul-de-sac three years ago. They love the neighborhood. The applicant invited neighbors to visit his construction site and view other projects. He is a thoughtful and good builder. She said she feels that an R-12 zoning designation would be more compatible with the neighborhood. She said she particularly likes the applicant's proposal to build two, single-family homes along the street frontage if the property is rezoned to R-12. She asked that the Commission graciously consider an R-12 zoning designation so that the applicant can start the design process. She concluded that she appreciates the applicant's willingness to address the neighbors' concerns and to save as many trees as possible.

Ms. Kim read a letter from Lynn Kim at 113 NE 150<sup>th</sup> Court, Shoreline. The letter was identified as Exhibit 3A. Mr. Kim asked that his letter be considered as his endorsement for the proposed rezone to R-12.

Young Kim, 14721 – 12<sup>th</sup> Ave NE, Shoreline, said he concurs with everything his wife previously said. He said the developer has shown sensitivity to the neighborhood's concerns regarding the development's appearance from the street, and he supports the rezone to R-12. Mr. Kim inquired if there is any procedure a citizen can use for proposing a City ordinance that would control the appearance of developments from the street. Mr. Stewart said that he would speak with Mr. Kim about this issue after the meeting to answer his question.

Mr. Smith said he was not surprised to hear that the neighborhood residents prefer an R-12 zone, but the applicant's preference is R-18. He suggested that the configuration of the four-unit building that would front on 12<sup>th</sup> Ave would enable the applicant to save just as many trees as they could if only two single-family, detached homes were constructed. He concluded that the property could be developed as R-18 and still be compatible with the surrounding properties if proper tree retention and landscaping is provided.

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## THE PUBLIC HEARING WAS CLOSED.

MOTION BY COMMISSIONER MONROE, SECONDED BY COMMISSIONER MALONEY, TO RECOMMEND THE CITY COUNCIL APPROVE A REZONE PROPOSAL TO CHANGE THE ZONING DESIGNATION ON THE PROPERTY LOCATED AT 14516 - 12<sup>TH</sup> AVE NE FROM R-6 TO R-12.

Commissioner McAuliffe summarized that the applicant has indicated that he would prefer the property be rezoned to R-18, but that he would settle for R-12. The neighbors have indicated support for R-12 instead of R-18. Commissioner McAuliffe said that he would be inclined to support the R-12 zoning designation, too.

Commissioner Harris said he also could support a rezone to R-12. But he said he personally believes that four-unit complexes with no driveways in the front and with some architectural details could look more attractive than the traditional two single-family homes.

Commissioner Marx suggested that perhaps the only reason the applicant provided plans for an R-12 zone is because he has had previous experience with the Commission that would indicate that the Commission is reluctant to zone other than what the neighbors ask for. Otherwise, the applicant would probably have stuck with the R-18 zoning proposal. She suggested that if the property were zoned as R-18 and multi-family units were constructed on the site, the people buying the units would be more likely to use public transportation thus reducing the number of trips per unit per day.

Commissioner Maloney said he feels that the satisfaction of the neighbors is an indication that the planning process is working. He congratulated Mr. Stewart for inaugurating the neighborhood meeting process. He also congratulated the applicant for dealing fairly with the neighbors to come up with a good collaborative result.

Ms. Markle asked that if the Commission decides to recommend R-12 zoning instead of R-18, they should make findings to support their recommendation.

Commissioner McAuliffe said he would base his recommendation on what he has heard from both the applicant and the neighbors that R-12 seems to be the acceptable density.

Commissioner Marx said she feels that an R-18 zoning would be acceptable for the site. The applicant worked hard and will continue to work hard to come up with a design that the neighbors can agree with and that will preserve the trees in front.

Commissioner Harris said that while he supports R-18 zoning, he could also support R-12 zoning for the site. He agreed that the applicant probably would not have proposed R-12 zoning if he did not feel that it would be necessary in order to get City approval.

Commissioner Monroe said he finds R-12 zoning to be more compatible with the neighborhood.

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Commissioner Maloney agreed with Commissioner Monroe and said that compatibility is important to the neighborhood.

**MOTION CARRIED UNANIMOUSLY**

#### **8. PUBLIC COMMENT**

Mark Chomos, 1406 NW Richmond Beach Road, Shoreline, complimented Ms. Curry on her courteous response to questions she answered during a phone call.

#### **9. UNFINISHED BUSINESS**

Mr. Krueger noted the memorandum on Page 31 of the staff report, which lists those amendments for which the Commission requested that further analysis and study be done. He asked that the Commission review the document and provide their comments for changes. The Commission made no additions or corrections to the proposed analysis list that was provided by staff.

##### **Proposed Amendment 151**

Mr. Krueger advised that this proposed amendment would delete the index criteria for utility facilities from the supplemental index criteria. The two statements related to utility facilities are contradictory.

##### **Proposed Amendment 155**

Ms. Markle explained that there are some home occupations that have very little or no negative impact to the community. Technically, these uses require a home occupation permit at a cost of \$114. If the proposed amendment is approved, these types of uses would not be required to obtain a home occupation permit. However, they would still have to meet the index criteria, as well as the additional criteria listed in the proposed amendment.

##### **Proposed Amendment 167**

Ms. Markle advised that this proposed amendment was intended to clarify and states that "Eaves shall not project into required setback more than 18 inches and shall not project at all into the 5-foot setback." She noted that the intent of the regulation would not be changed by the proposed amendment.

##### **Proposed Amendment 172**

Mr. Krueger said that this amendment is a proposal to add similar language as discussed at the September 6 meeting regarding outdoor lighting. This requirement would be added to the multi and single-family attached design standards chapter. Commissioner Harris inquired if this regulation would be retroactive or only apply to new development. Mr. Stewart answered that, if approved, it would only apply to new development. Mr. Stewart said staff created a good neighbor pamphlet on lighting design. However, this would not be a code requirement.

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#### **Proposed Amendment 154**

Mr. Krueger advised that the proposed amendment is related to the commercial, mixed-use design standards. The proposed amendment would provide an exception to a current regulation. It states that "properties with less than 80-feet of frontage and no other access point but through the front are exempt from the requirement for 50 percent building frontage. He explained that the current regulation is so restrictive that it is difficult to get a two-way commercial access, parking and building on a small parcel.

Commissioner McAuliffe inquired how staff arrived at the proposed 80-foot threshold. Mr. Krueger said this is related to the 65-foot maximum for parking standard. It is also tied into the width requirements for commercial driveways. The Commission agreed that staff should provide an illustration of the concept being proposed.

#### **Proposed Amendment 153**

Mr. Krueger said that this proposed amendment also relates to the commercial building design standards. He advised that the current standards state that 50 percent of the first floor street façade must be treated with transparent windows or doors. However, as currently written, it would not apply to buildings that are constructed away from the street frontage. He said the proposed amendment would require that all buildings on the side that faces the street must meet the standard.

#### **Proposed Amendment 173**

Ms. Markle explained that the proposed amendment would make the City's regulations consistent with State standards for signage for accessible spaces. The current regulations state that the sign shall be 4'5" above grade and the State standard is 3'5".

#### **Proposed Amendment 174**

Ms. Markle advised that this proposed amendment is similar to Proposed Amendment 173. She explained that there are citations in the code for the WAC that are either incorrect or obsolete. The proposed amendment updates this citation.

#### **Proposed Amendment 171**

Ms. Markle said that this proposed amendment clarifies that access for single-family attached and detached units and multi-family dwellings is not allowed in required yard setbacks. It also identifies the exceptions allowed for access in the required setbacks for all types of development, recognizing that parking is allowed in the driveway. She described each of the changes proposed as part of the amendment.

#### **Proposed Amendment 157**

Mr. Krueger said this proposed amendment is related to the types of signs that are prohibited in the City. He explained that there are currently two exceptions to the prohibited signs. One is for traditional barber signs and the other is for sidewalk sandwich board signs. The proposed amendment would clarify that the exceptions apply only to commercial zones.

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Commissioner Harris inquired if sandwich board real estate signs would be allowed in residential neighborhoods. Commissioner Marx noted that people having garage sales also use sandwich board signs. Mr. Krueger said that, at this time, there are no standards for real estate signs. Mr. Harris pointed out that real-estate signs are considered sandwich board signs. The staff agreed to study this issue further before the public hearing. Commissioner Monroe suggested that perhaps the sandwich board signs could be regulated based on size. He noted that real estate signs are generally much smaller than commercial sandwich board signs.

#### **Proposed Amendment 162**

Mr. Krueger said that the proposed amendment would be an addition to the design standards that would prohibit portable signs, banners and inflated signs or figures. Commissioner Maloney inquired if this would include signs on parked trucks. Commissioner Harris also inquired if reader board signs would also be illegal. Mr. Krueger said that all portable trailer or banner signs are illegal. Regarding political signs, Mr. Stewart advised that the City does not have the ability to regulate political speech to the extent that they can regulate commercial speech.

#### **Proposed Amendment 160**

Mr. Krueger advised that in a previous log number there is a proposal to rewrite the sign sub chapter. The proposed amendment is an addendum to that amendment.

Ms. Markle announced that Paul Cohen, who wrote most of the sign amendments, will attend the public hearing and help the Commission throughout their deliberations.

#### **Proposed Amendment 158**

Mr. Krueger said the proposed amendment would change the title of this section for clarification and to more accurately reflect the standards found in the section.

#### **Proposed Amendment 159**

Mr. Krueger advised that this proposed amendment would clarify a figure that does not apply to one of the sign types.

#### **Proposed Amendment 148**

Ms. Markle said the proposed amendment is a request from the Public Works Department. It clarifies which rights-of-way the City has the maintenance responsibility for.

#### **Conclusion**

The Commission concurred that all of the amendments that were presented by the staff should be advertised for the public hearing.

Ms. Markle noted that there is not a significant amount of additional information that is required prior to the public hearing. She said staff would provide a schematic related to **Proposed Amendment 154**. Staff would also brainstorm the issue of temporary signs which were discussed as part of **Proposed Amendments 157 and 162**. She noted that the public hearing is scheduled for October 18, 2001.

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**10. NEW BUSINESS**

There was no new business scheduled on the agenda.

**11. AGENDA FOR NEXT MEETING**

Vice Chair Doennebrink reminded the Commission that the next meeting is October 4, 2001. It will be an open house. He noted that each Commissioner is assigned to a different area, along with a staff member.

**12. ADJOURNMENT**

The meeting was adjourned at 9:05 p.m.

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Marlin J. Gabbert  
Chair, Planning Commission

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Lanie Curry  
Clerk, Planning Commission

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