

# Memorandum

DATE:

October 21, 2010

TO:

**Shoreline Planning Commission** 

FROM:

Joseph W. Tovar, FAICP, Planning and Development Services

Director

Steve Cohn, Project Manager, Senior Planner

Miranda Redinger, Project Manager, Associate Planner

SUBJECT: Southeast Neighborhood Subarea Plan Implementation Proposal

## **Background**

The City Council adopted the Southeast Neighborhoods Subarea Plan as a Comprehensive Plan Amendment by unanimous vote on May 24, 2010. The next step in the process is to implement recommendations contained within the plan. On July 1, 2010, Planning Commission discussed implementation options that included:

- 1. Using existing zoning designations,
- 2. Creating new zoning districts, or
- 3. Utilizing Planned Areas.

On August 2, Commission discussed these options in a joint meeting with City Council. This report presents a staff recommendation that employs a combination of all three options that were presented.

#### Staff recommendation

Staff's proposal includes all three of the options summarized above. The proposal is shown on Attachment 1 and is explained below:

#### Existing zoning is retained for the bulk of the properties.

The staff recommends no zoning change for the preponderance of the subarea. Attachment 4 shows areas where zoning changes are proposed.

One *new* zoning category is proposed - A less intense version of the Mixed Use Zone for parcels adjacent to 15<sup>th</sup> Avenue.

Staff's recommendation is to designate the area on the east and west sides of 15<sup>th</sup> Ave. (as shown in Attachment 1) as a Neighborhood Mixed Use Zone, with standards to be developed by staff for comment and deliberation at the public hearing. These standards will factor in suggestions we hope to hear from Commissioners.

Staff is proposing a version of the Mixed Use Zone that is more appropriate for a neighborhood commercial area in order to promote economic viability of redevelopment projects. Since the current zoning (Neighborhood Business) has not resulted in an appreciable amount of new development in this area over the last decade, staff concludes that the replacement zoning will need to provide an economic incentive.

One incentive could be increasing a site's development potential if it is developed as mixed use. Staff proposes a maximum building height in the new zone of 45 feet and a maximum housing density in the range of 60-70 units per acre. This height limit is less than the maximum 60 feet permitted in Community Business (CB) zones and the maximum density is somewhat greater than the 48 units/acre permitted in CB. Since the zoning intent is to encourage mixed use buildings, rather than purely residential ones, language could be added that would permit less housing density if it is entirely a residential structure (perhaps 48 units/acre) with the maximum housing density achieved only through development of a mixed use structure or complex.

To assist in crafting specific standards for this zone, staff asks for Commissioner's discussion on the following questions:

Should the regulatory language for a version of Mixed Use appropriate in neighborhood commercial areas mandate a specific maximum density and height or contain a range of height and density bonuses?

If redevelopment is to be encouraged, what are appropriate maximum heights and densities? What transition elements like stepbacks and landscape buffering should be used?

If height and density is tied to an incentive system, what amenities should be defined as incentives-- open space, affordability, green building, public art? Others?

Not recommended: Creation of a new R-36 residential zoning district.

The CAC also discussed the creation of an R-36 zone (i.e., a maximum density of 36 dwelling units/acre), thinking it would be an effective zoning transition

between R-24 (often built as townhouses) and R-48 (intended as an apartment zone). Planning staff conferred with the Economic Development Manager, whose initial response is that an R-36 zone would likely not result in development that is substantially different than would be achieved under existing categories, so creating such a designation would not be an incentive to development. Therefore, *staff is not recommending an R-36 zone* as an implementation option for the Subarea Plan.

# One Planned Area is proposed, in the SE corner of the Subarea.

The concept of Planned Areas was not a model that was discussed during the Citizen Advisory Committee work; however, that does not preclude the Commission's consideration of the concept as an implementation tool. Staff held a community meeting to explain this option to residents on September 21<sup>st</sup>, so they could understand more about what Planned Areas can and cannot accomplish.

Staff is recommending use of a Planned Area in the southeast corner of the subarea, between Bothell Way on the east, NE 149<sup>th</sup> Ave. on the north, 30<sup>th</sup> Ave. NE on the west, and 145<sup>th</sup> St. on the south, because this area has been the focus of debate that dominated CAC and other public meetings about the subarea. The map in Attachment 1 depicts the boundaries of Planned Area 1 (and its subdistricts).

- PLA1a would contain regulations similar to the Neighborhood Mixed Use
  Zone, but with particular attention to vehicular access issues. It could also
  include language dealing with Transit Oriented Development (TOD) in
  anticipation of more robust transit systems that may be available in the
  area in the future. It could also be crafted to prohibit specific stand alone
  uses that are not desirable due to traffic generation or other impacts.
- PLA1b would be based on the existing zoning designation R48, but would likely include a height restriction of 40 feet to acknowledge neighborhood concerns about larger buildings blocking sunlight, etc. It might also be written to encourage uses such as offices and medical facilities as an adaptive reuse of single family structures, live/work lofts, etc.
- PLA1c, 1d, and 1e would focus on creating opportunities for a variety of housing choices that are compatible with neighborhood character, as well as transitions to adjacent uses, particularly the single-family zoning on the west side of 30<sup>th</sup> Ave. NE.
  - Residents have expressed an interest in revisiting cottage housing regulations for the subarea, and staff feels that this concept could be implemented in PLA1c. Staff proposes a base density of 12 units/acre (equivalent to an R12 zone), but to incentivize creation of

a clustered development, staff suggests that for such a project, a density bonus could raise the allowable density to 18 units/acre if the lot or combination of lots were at least 1/3 of an acre. Other allowed uses could include rowhouses, duplexes, triplexes, or other styles of "infill" housing, possibly with design standards, or other specific design-transition elements.

 PLA1d and 1e would be limited to the densities that would be permitted under the existing zoning of these sites- 18 and 24 units/acre respectively.

# **Next Steps**

Staff requests that the Planning Commission provide guidance with regard to the questions and options posed in this report and set a public hearing date so staff may prepare a detailed recommendation on implementation of the SE Neighborhoods Subarea Plan before the end of the year.

#### **ATTACHMENTS**

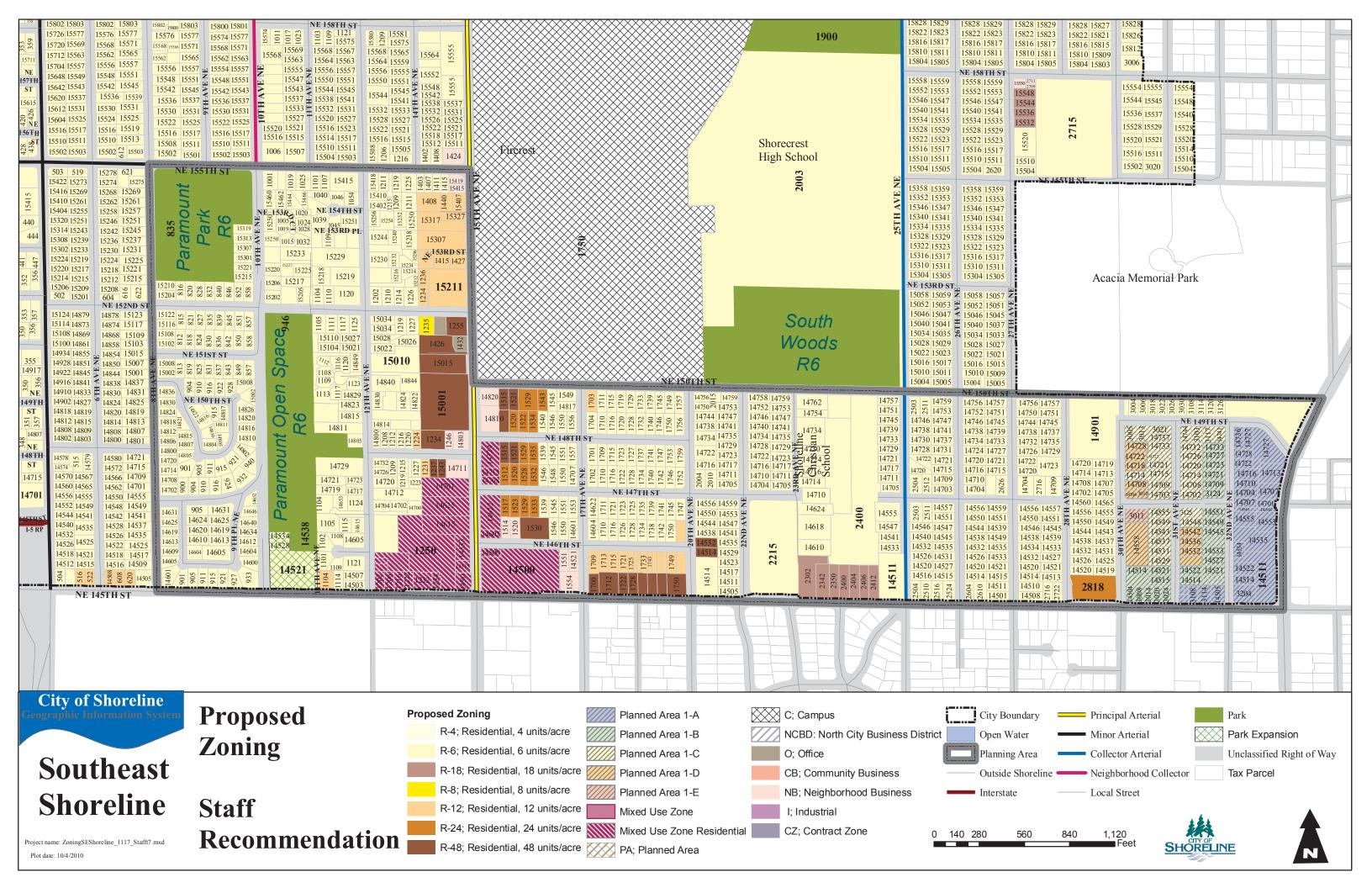
Attachment 1: Staff Recommended Zoning Map

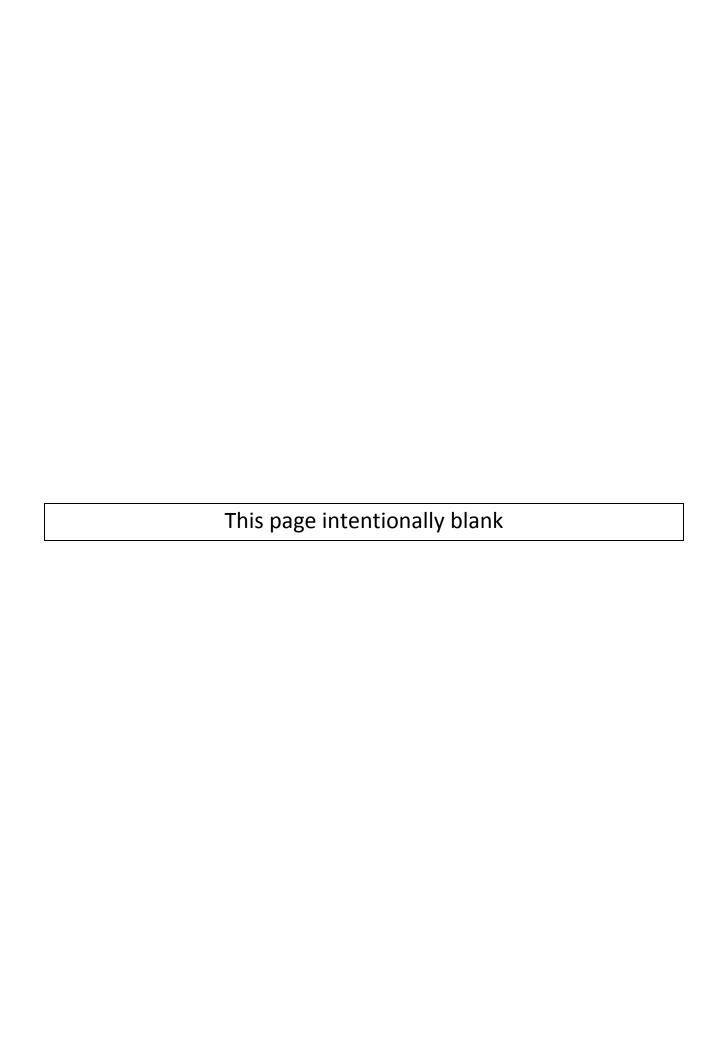
Attachment 2: Citizen Advisory Committee Zoning Map

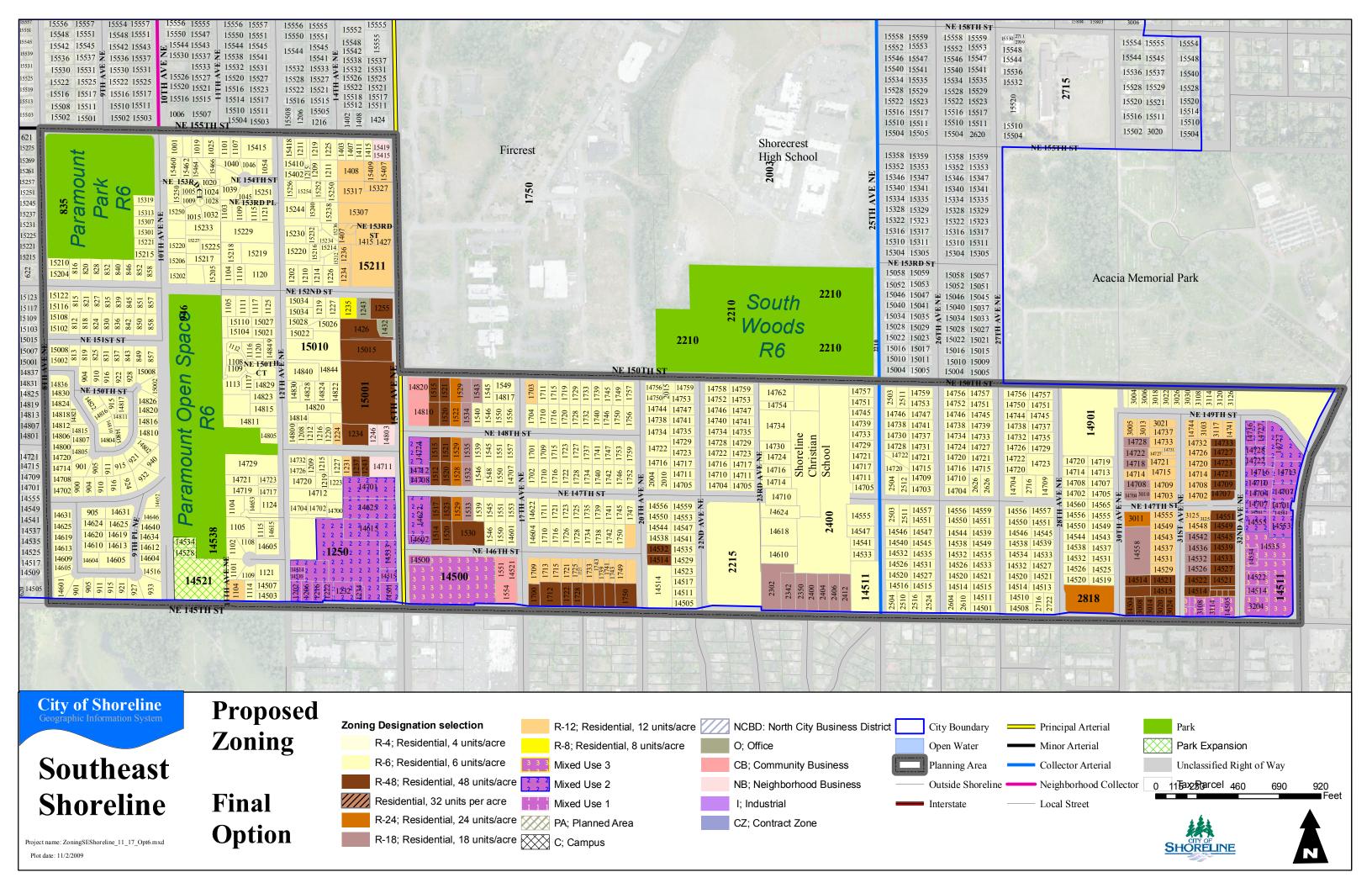
Attachment 3: Minority Report Zoning Map

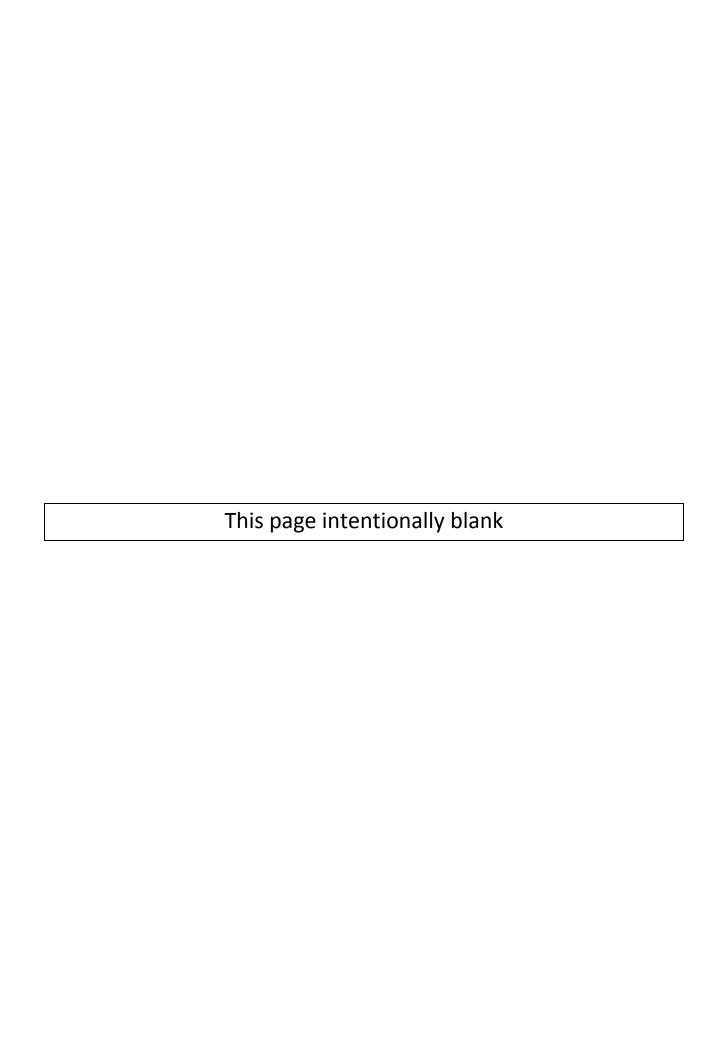
Attachment 4: Map of Proposed Zoning Changes

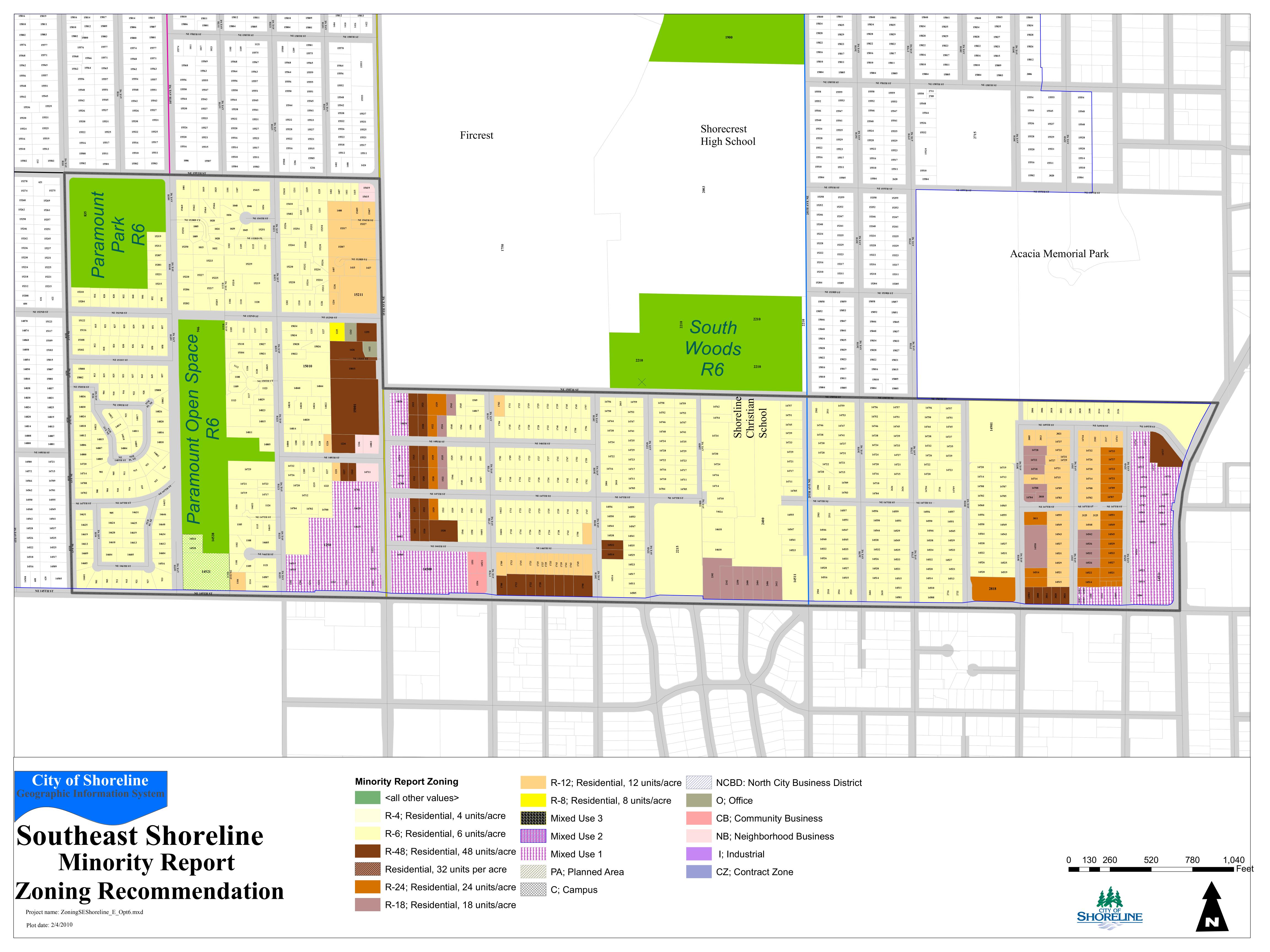
Attachment 5: Synopsis of Existing Mixed Use Zoning District Attachment 6: Comment letters from John Davis and Jeff Mann

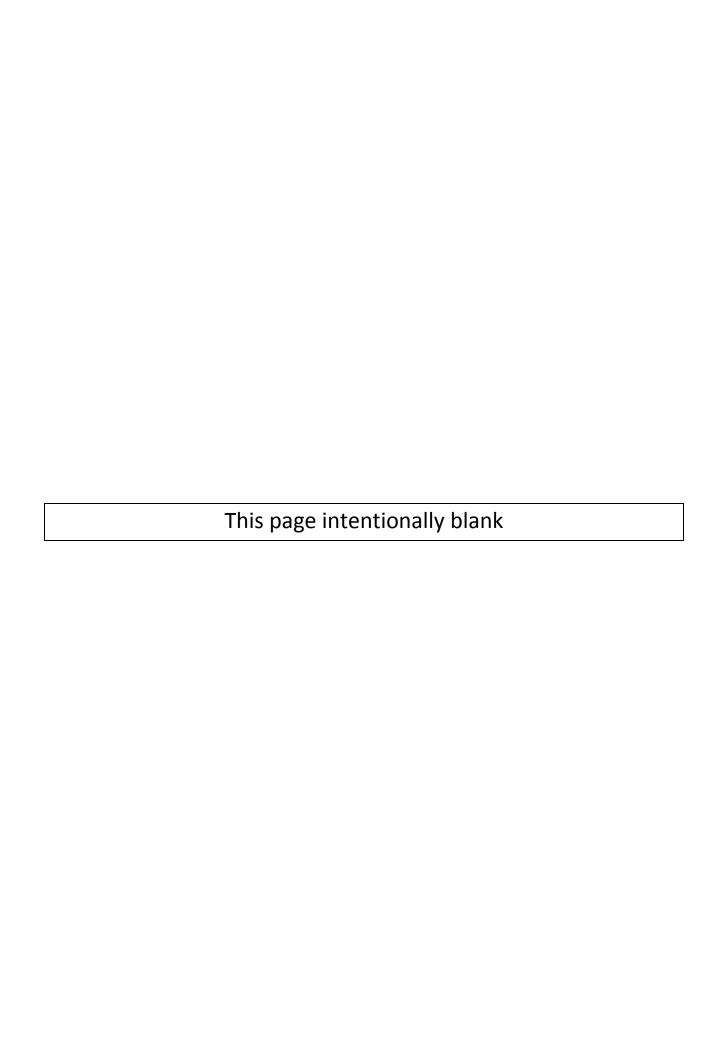


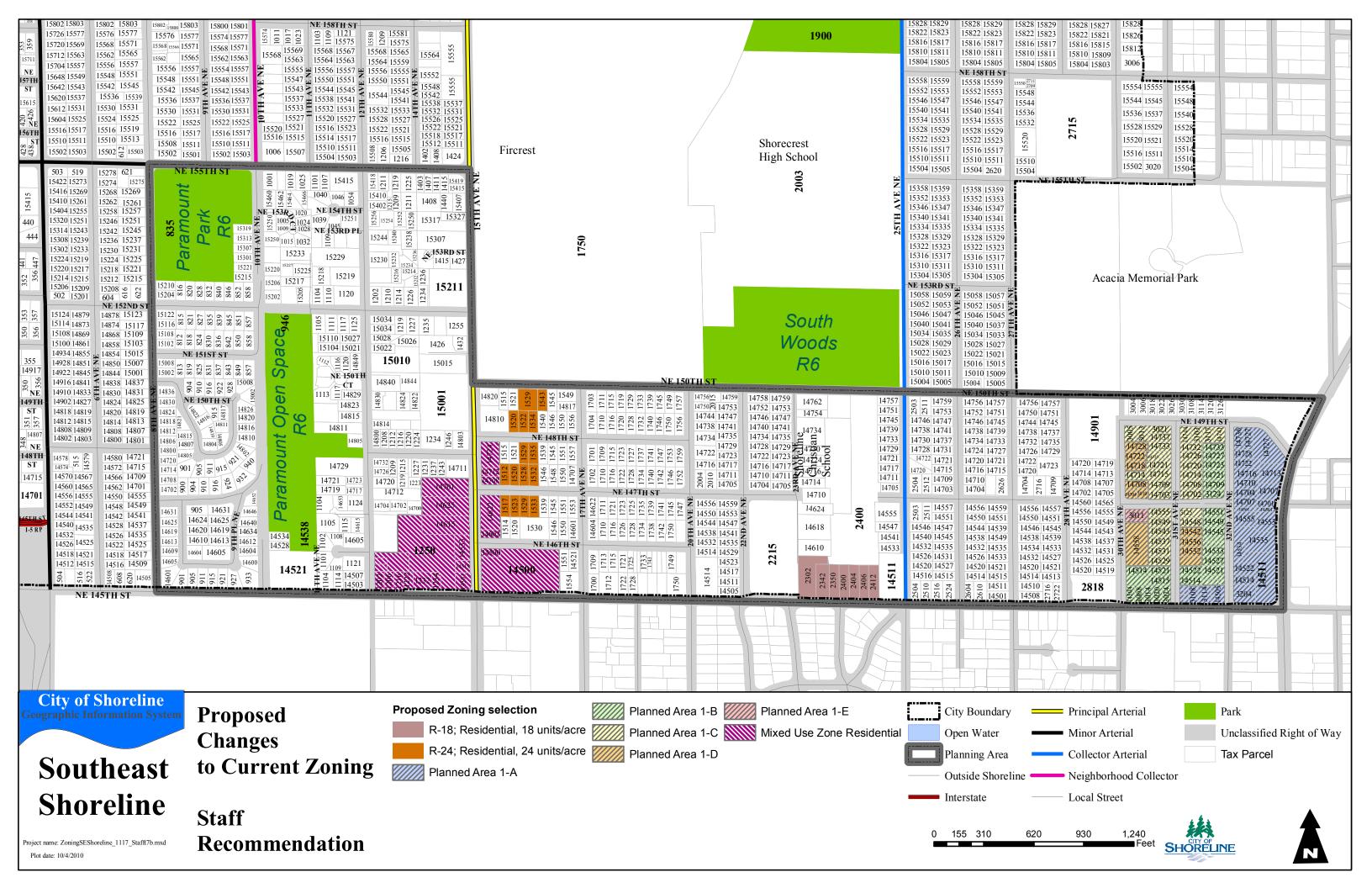


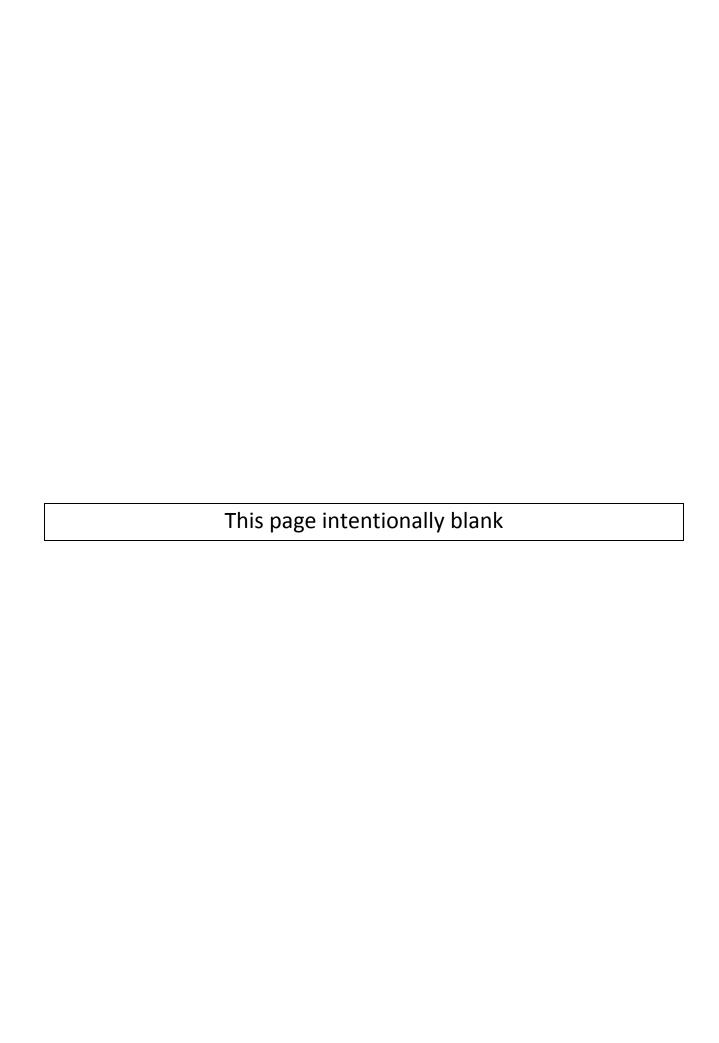








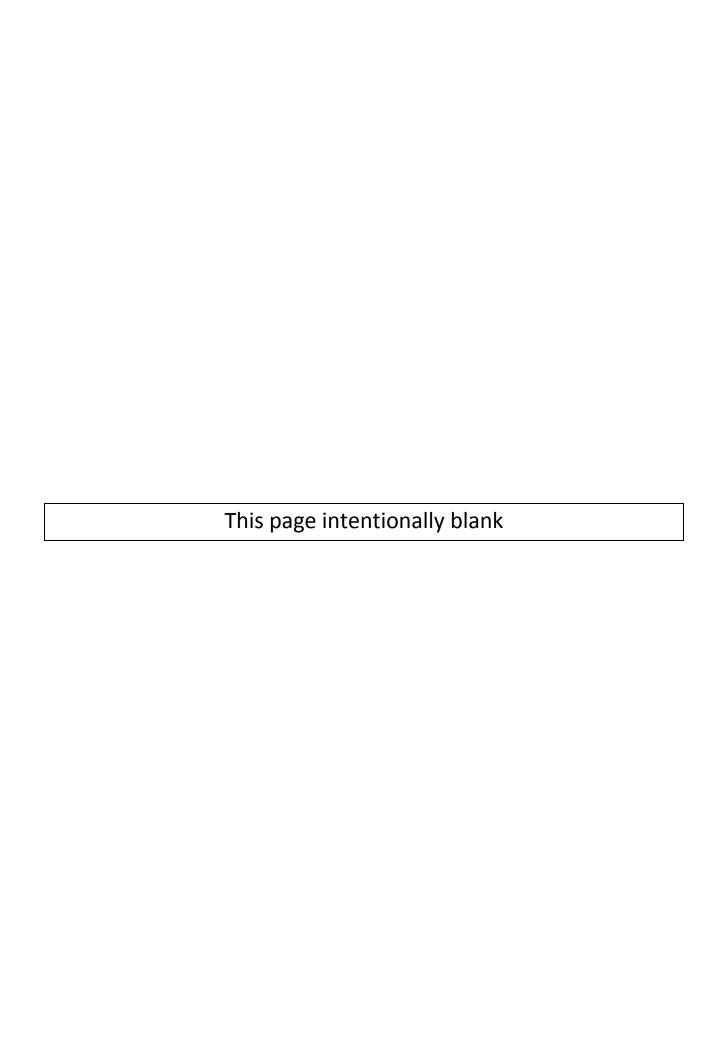




# Synopsis of Existing Mixed Use Zone

The existing MUZ, adopted by Council in October of 2009, provides density and height bonuses based on amenities provided.

- Permits a base height of 35 feet and 48 dwelling units/acre for a purely residential building, but developers are required to provide a prescribed amount of open/gathering space even at this minimum height and density.
- If the project is *mixed use*, it can be up to 45 feet in height and 70 du/acre.
- If the building meets *green building standards* and additional *open space* requirements, it can reach 55 feet and 110 du/acre.
- If it fulfills requirements for affordability, more stringent green building standards, and the developer holds a neighborhood meeting to address concerns of nearby residents, it can reach the maximum height of 65 feet and density of 150 du/acre.
- Any part of an MUZ building within 100 ft. of Low or Medium Density Residential zoning districts is limited to 45 feet in height, and any portion within 200 ft. of such zoning is limited to 55 feet in height, regardless of amenities provided.



PO Box 95961 Seattle, WA 98145 October 13, 2010

Shoreline Planning Commissioners City of Shoreline 17500 Midvale Avenue N Shoreline, WA 98133

Dear Ladies and Gentlemen:

I am writing about a subject that is of real significance; both to me as an individual, as well as to the City of Shoreline. Most people recognize me as a straight shooter, so please allow me to conserve your and my time by immediately getting to the heart of the subject as quickly as possible. But because it is important to know where I am coming from, first you need to know just a little background.

I am a full time employee at the University of Washington. I hold rental properties to supplement my academic income. Before I purchased two properties in the Briarcrest neighborhood of Shoreline, I made two visits into the Planning and Development Office. I was told by two different individuals that obtaining zoning upgrades to R24 from the then current R12 zoning would be easy and fairly straightforward. My plan of action was to build two quality fourplexes and utilize them as long term rental units. It all penciled out just fine, thus I closed on both acquisitions.

Because I am such a busy fellow, I did not get underway immediately. Especially since one of the properties needed some work to make it livable so that it could produce some income while obtaining permits, financing, etc. The other property was already unlivable due to a mold problem. Before I could initiate my projects, I learned that the City decided to place the Southeast Corner of the jurisdiction into the hands of a Citizens Advisory Committee AND that applying for a zoning upgrade would essentially be fruitless as long as the committee was in session and the issues remained unresolved.

I followed the work of the Committee closely, both from near and far. I attended approximately 50 % of the meetings so that I could understand what was, or was not, going on, and why, and what the likely time frame would turn out to be. I believe that everyone who knows the Committee's excellent work would today express some degree of surprise that this process has been ongoing for approximately two and a half years, and still we do not have a zoning map. The Committee's report is an excellent example of slow democracy in action. It is thoughtful, comprehensive and carefully done.

Enough background; lets get to the heart of my profound concern. Eighteen months of negotiated, mostly congenial committee work broke down during the lost night of work. The committee had already put in long and hard hours of attentive work, with

the committee meeting more and more frequently towards the end in the hopes of finishing up their task. On the last night, a couple of members were unable to attend. One of the members who had consistently supported rational density increases was so ill that he did not remember to pass his voting rights on to a like minded committee member. If he had been present, or had given his proxy, the Committee's "suggested zoning map" would have wound up looking somewhat different. Even with the committee's make up that night, my two lots, at one point well beyond the half way into the evening, did have designations of R24. But those favoring lower, or no density keep chipping away at anything that even hinted at a higher density. Congeniality finally broke down, and measurable frustration surfaced. Several more motions and votes were taken, and then a map that violates the generally agreed upon goals of the comprehensive neighborhood plan ended up being the final product of the Committee.

Why do I say that the recommended map misses the mark? The Committee, as a whole generally agreed that is was desirable to establish smooth transitions of decreasing density moving westward from Bothell Way, and northward from 145<sup>th</sup> Street. Planned Areas 1a (in the blue) and 1b (in the green) fully satisfies that desired and worthy goal. In fact, most of the Committee voted in favor of that "mapping" element.

Now look at the contorted shaped "T" denoted as Planned Area 1c (in the yellow). The lots adjacent to 149<sup>th</sup> are currently zoned as R12. Since they are across the street from single family homes, R12 is the natural first step in increasing density. I do not have a lot of argument with that approach even though 14744 is mine and I am a very short distance from the recommended R48 on 32<sup>nd</sup> Ave NE (which is somewhat less than a smooth transition), and even though I had been told by Shoreline officials that I could easily become a R24. (A nicely designed tri or four plex could be built on that corner lot with tightly architectural integration into the neighborhood so that it would appear to be a duplex from NE 147<sup>th</sup> and a duplex from 31<sup>st</sup> Ave NE; thereby preserving the character of the neighborhood. Now that we have looked at the top of the "T", let's next look at the leg.

The upper portion (north of 147<sup>th</sup>) of the leg on either side of 31<sup>st</sup> Ave NE is 'hemmed in' by R48 on the east and R18 on the west. The recommended R12 designation is not smooth transitioning, especially east of 31<sup>st</sup> Ave NE where we find R12 against R 48. South of NE 147<sup>th</sup> Street, the first two lots on the east side have R48 against R12; and to the west we have two more R12 lots against R18 or above. Further down the leg on just on the west side of the street now, we have R12 against R18 once again. Not smooth! The last lot bearing house number 14529, which happens to be mine, is slammed up against R48 on the south, R18 behind, and R18 across the street. Is this not in violation of the Committee's Plan for the neighborhood's goal of smooth transitioning?????

I have two suggestions on how to FIX this flawed mapping:

1) Lots 14526, 14529, 14531, 14532, 14536, 14537, 14542, 14543, 14548, 14549, 14554, 14555 and 3125 should all become R24. That provides smooth

transitions from the R48 to the east AND the R48 to the south; and provides a smooth transition in the middle of the block where it is even less noticeable to the R18 on the west, using the natural boundary of NE 147<sup>th</sup> to the north. This approach to smooth transitions from both the east and the south allows for a slight increase in density and cleans up the prior "spot zoning" that Shoreline inherited from King County. It also fits the original Comprehensive Plan that indicated the area is a natural fit for moderate residential density. Another option for this action would be to change the upper portion of the leg of the "T" to R18, leaving the northern tier of lots being R12, serving as the last step down in density for the single families to the north. Making these lots R18 would **not** increase the density very much at all since the lot sizes would limit future projects to a triplex.

2) Another "fix" would be to change the above list of lots to R18. This would be another natural fix and fit since the southern most lots on the above list already lie between **existing** R18 designations, once again using NE 147<sup>th</sup> as a natural break in the transition of density.

To not "fix" the zoning map in one of these ways leaves Shoreline with the unintended consequence of communicating to the development community that the City has no interest in reasonable and moderate growth, and that they would be better off doing business elsewhere in the region. This very long process of cleaning up King County's prior mess is already communicating that very message to the world. At the very least it is creating financial hardship for myself, and denies me and others from enjoying the same densities that our very near neighbors enjoy. There is actually a very basic question of "fairness" in these considerations. Leaving a narrow band of R12's in the midst of R18's, and higher, makes very little sense to rational thinkers. It truly cries out to be fixed!!!

I would like to thank the Planning Commission for their service to the Shoreline community at large. And thank you for giving this serious matter your serious and careful attention.

Sincerely yours,

John A. Davis Shoreline Stakeholder To: Shoreline Planning Commission Members October 12, 2010 Regarding the SE Subarea Zoning Map

Summary: I was a member of the SE Subarea Citizens advisory committee. As a long time local Realtor, and 20+ year Shoreline resident, I am excited, that we as a community and City have a rare opportunity to make the right choices to enhance our neighborhoods, and attract new business and jobs over the next 20 years. I am disappointed that this has been excessively delayed beyond the original 6-12 month estimated timeframe I was given in Dec 2005. It is very sad that a the few CAC member-supporters of the minority report from earlier this year, have been able to undermine the city's process, sabotage the Citys' Briercrest goals, and override the long standing comprehensive plan for 12 years, using less than fair and appropriate tactics. Lastly, there are serious concerns per staff, that many of the property owners have not received proper notice and equal opportunity to have their voices heard regarding the subarea changes. If they had been properly notified, the entire landscape of the CAC, sub area plan, and zoning map would have changed dramatically in favor of the greater density or more, of the current long term comp plan.

**Issues Addressed:** The Citizens Advisory Committee has addressed most if not all of the Minority Report supporters, hereafter referred to as adg's (anti-density-group) concerns thru the public meeting and committee process. By the way, due to their tactics, they are not in the minority. Following are quoted bulleted points are from City staff)

- "The section labeled "Troubling Assumptions" lists assumptions that were not discussed by the committee.
- "Use of incendiary language, such as "[Residents] are not in favor of adding residential density that destroys the existing social fabric of the neighborhoods" does not reflect committee debate and recommendations on how to balance potential new development with quality of life considerations and neighborhood compatibility that were a major focus of committee work." (above quotes are verifiable by staff, public record, and minutes).

**Most Important CAC Concerns:** In the beginning the adg's started out as the majority, and as the process developed and the committee focused on the key areas of importance being

1) Third place public gathering spaces, 2) Amenities, and 3) Character of the Neighborhood.

CAC members then realized the benefits of:

- 1) Redevelopment opportunities to attract new businesses and residents to support them,
- 2) The character of many neighborhoods were in need of a facelift,
- 3) Affordable housing possibilities
- 4) Diverse inventory of housing options.

  Additionally, most (except adg's)of the CAC also came to realize that the amenities such as sidewalks trails, lighting etc., need funds from development because according to staff, the general fund is not for those purposes.

Character of the neighborhood: The Committee agreed there are many areas within the SE subarea worthy of maintaining character. The adg's were unwilling to agree that there are several that were not. The main area of concern is between 30<sup>th</sup> Ave NE, and Lake City/Bothell Way, and NE 145<sup>th</sup> north to the cemetery. The best way to see it is on foot. I strongly recommend that you each take a walk for a few blocks in those areas and you will find: Substandard Housing, Violations of Health Dept Habitable standards, obvious lack of Pride of Ownership, Lowest Home Values in Shoreline (see example below), Health and Safety issues, major Deferred Maintenance, Blight, and High Crime Rates. What of these characteristics are so precious to maintain?

**Comp Plan:** The long standing comp plan was drafted by many smart and experienced people, including some professional planners with excellent skills, insight, knowledge, experience, and professional training. There is much wisdom in that plan and its goals for high density in the area from 28<sup>th</sup> NE (already multi family) east to Bothell /Lake City way, and from 145<sup>th</sup> north to the cemetery. I can't imagine the cemetery residents would object to some increased density. There are also other areas addressed in the plan that hold much wisdom and merit.

# **Experts Agree on 3 Key CAC Issues:**

- 1) **Economic Development**:
  - After hearing the city economic development managers' presentation explaining the benefits of Economic Developments the CAC, the members became more favorable to ideas around Economic Development.
- 2) Number of Units. Following is a direct quote from city staff;
  - "The Minority Report repeatedly states that the City had a target of 150 new units. However, staff reiterated on several occasions during CAC meetings that the City had no pre-determined target for new units, that the State's population projections are subject to change over time, and that the subarea would not be assigned a definitive percentage of the GMA number. Members of the CAC asked for a specific number of units that would be their proportionate share by land mass of the overall growth target, so that is where 150 units came from, but it was an assumption to use in postulating various scenarios, not an assignment.
  - **Potential Density:** The Minority Report assumes that potential density will be built to capacity, regardless of the fact that current zoning has not been, nor have rezones close to the subarea realized their full capacity. North City was rezoned about 10 years ago to allow 900 additional units over 20 years. At this point, one could assume that 450 units would have been built, but only 100 have."
- 3) **Traffic concerns:** Because the adg's raised the concern of additional traffic, The CAC requested a professional review by John Marek, PE, Traffic Engineer Shoreline Public Works Department the City who states "So if volume were to double then these streets would still be well within acceptable traffic levels for their "Local Access" classification" but again, the adg's disagree with the experts. (traffic report available from City staff)

**Notice deficiencies**: I had raised the issue of problems with notifications to property owners several times during the life of the committee, which were added to the minutes. Besides the notice concerns, the adg's were out door knocking the neighborhood, mailing newsletters to the residents, and holding meetings (some in violation), with the main goal of "fear mongering". All without any notice or equal opportunities to the non-resident sub area property owners. I have no objection to those methods of involving the interested parties, as long as they are offered equally to all parties with vested interests. Sadly, the non-resident owners never received anywhere near equal opportunities, as part of the adg's plan. Had those owners had the same opportunities, the landscape of the committee, public meetings, comments and thru to attendance on the February 4<sup>th</sup> 2010 meeting would have been drastically different, rather than the adg's inherent biases towards anti density. It should also be pointed out that those non-resident owners also have constitutional rights to develop their property, which may not be restricted without due process. Do you think the above would pass the due process criteria of Land Use and Constitutional Lawyers?

There are many investor-owners not residing in homes in the SE corner. There appear to be over 75 such owners in SE corner. Many of those bought their property for investment/development purposes based on the long term comp plan and the Planning depts. guidance that this area 'would be rezoned for higher density. Likewise, most of the adg's bought or rented their property 'subject to' the long term comp plan and planning dept's vision of higher density. A little due diligence on their part could have helped guide them to make a better purchase or rental decision more consistent with their longer term neighborhood goals.. The biggest concern is that by the city's own admission, the investor/owners not occupying their property never received proper notice. If they had, the Subarea CAC group and public would have seen a much different landscape that would have yielded a map more consistent with the long term comp plan.

**Concessions:** The CAC members made too many concessions and compromises to try and accommodate the adg's and their issues. It became obvious that the only way we, as the CAC could reach an outcome, and deliver a report to the city was to concede on many points.

Density Voting Record: If you look back at the CAC voting record you would see that there were many more members voting for increased density in certain parts of the subarea. In fact the committee had voted and approved a zoning map in the late summer of 2009 (with higher densities than the current map presented to you by CAC). Even that map of the summer, had toned downed densities due to ongoing pressure on the undecided CAC members. With that said, again the adg's wanted to revisit the summer map again, after that vote. The adg's then somehow managed to get that summer map to serve as starting point from which to negotiate more reduced densities, so of course the density was cut yet again. Due to the adg's intimidation and peer pressure tactics, and the voting process, the CAC members had little choice other than to accommodate the adg's, or drag the committee on for another year or more. Their stalling tactic again prevailed, and the zoning map density desired by the CAC was again compromised. In hindsight, on the day of

**Tactics:** Some of the tactics employed by the adg's consisted of divide and conquer, intimidation, fear mongering, peer pressure, stalling, sabotaging the system, violations of the public meeting act, pressuring /haranguing CAC members, City, and elected officials. They have used these techniques to become a community majority, sadly for the wrong reasons. One adg even told me that due to her husbands health issues, they would be moving in the near future and didn't care what happens to the SE area after that. (why even be on the committee with a philosophy like that?) On several occasions over the last 24 months, I learned of a flyers, door knockers, and private meetings invitations that were brought to my tenants at the front door of my property, as well as distributed/promoted to the neighborhood. I and others never received any such notices or invitations at our addresses of record. Nor did we receive invitations or notice.. A slip up? I think not.

**Civic Deterrence:** This process was not a positive and productive experience due to the adg's and their tactics, they have deterred myself and others from wanting to volunteer for other City programs and committees in the future. This delayed process has also cost many of us a great deal of time and money. Many are now facing the possibility of foreclosure, as a result of these delayed proceedings.

**Challenge:** My challenge to the Planning Commission and City Council is to 1) Review the existing comp plan, 2) take a walk through some of the areas in question. 3) Continue thinking about the benefits higher density (in the proper neighborhoods) could provide for the future of the city, and the good of the people, 4) don't succumb to the tactics or external pressure from the

#### Item 7.a - Attachment 6

adg's, and 5) Make the right and final choices for the Briercrest subarea for the next 20 years in a timely fashion, so we won't have to revisit this again.

My Sincere Thanks to you All.

Jeff Mann

**Disclosure:** I do own a home in the subarea. I bought it in December 2005 with the intention of development. My decision was directly based on the long term comp plan, and information from the city planning dept that it was to be rezoned high density with 6 months to a year. I was not told of the adg's and their long standing battle for no change. There are also numerous other non resident investors who bought with the same understanding over the last 20 years based on the long standing comp plan and city's guidance.

As a local Realtor, upon your request I am happy to provide examples of depressed property values in the SE corner of the Briercrest subarea due to the challenged neighborhood. Comparable property in other Shoreline neighborhoods would sell on average for 15-20% more than the SE corner of the Subarea