

**ORDINANCE NO. 748**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
APPROVING THE HORIZON VIEW HOMES SITE-SPECIFIC REZONE  
APPLICATION TO AMEND THE CITY'S OFFICIAL ZONING MAP  
FROM R-12 TO R-24 FOR PROPERTY LOCATED AT 1540 NE 175<sup>th</sup>  
STREET**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, the applicant seeks a site-specific rezone of single tax parcel of 0.29 acres in size located at 1540 NE 175<sup>th</sup> Street, Tax Parcel 4024101295; and

WHEREAS, the request site-specific rezone would amend the City's Official Zoning Map for this parcel from its current zoning of Residential 12 units per acre (R-12) to Residential 24 units per acre (R-24); and

WHEREAS, the site-specific rezone implements the Comprehensive Plan land use designation for the parcel of High-Density Residential; and

WHEREAS, SMC 20.30.060 classifies a site-specific rezone as a Type C decision for which the City of Shoreline Hearing Examiner, after an open record public hearing, prepares findings and conclusions, and makes a recommendation to the City Council; and

WHEREAS, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on April 21, 2016; and

WHEREAS, the City of Shoreline Hearing Examiner held a properly noticed open record public hearing on May 11, 2016; and

WHEREAS, on May 13, 2016, the City of Shoreline Hearing Examiner issued her "Findings, Conclusions and Recommendation," finding that the site-specific rezone satisfied the criteria set forth in SMC 20.30.320; and

WHEREAS, the City of Shoreline Hearing Examiner recommended approval of the site-specific rezone; and

WHEREAS, pursuant to SMC 20.30.060, the City Council has final decision making authority and this decision is to be made at a public meeting; and

WHEREAS, the City Council concurs with the May 13, 2016 "Findings, Conclusions, and Recommendation" of the City of Shoreline Hearing Examiner and determines that the site-specific rezone should approved;

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

**Section 1. Hearing Examiner’s Recommendation.** The City of Shoreline Hearing Examiner’s May 13, 2016 Findings, Conclusion and Recommendation, attached as Exhibit A, is hereby adopted.

**Section 2. Amendment.** The City’s Official Zoning Map shall be amended to change the zoning designation for the property located at 1540 NE 175<sup>th</sup> Street Shoreline (Tax Parcel 4024101295), as depicted in Exhibit B, from Residential 12 units per acre (R-12) to Residential 24 units per acre (R-24).

**Section 3. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 25, 2016.

  
Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

  
Jessica Simulcik Smith  
City Clerk

  
Margaret King  
City Attorney

Date of Publication: July 28, 2016  
Effective Date: August 2, 2016

**CITY OF SHORELINE HEARING EXAMINER  
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

**PROPOSAL INFORMATION SUMMARY**

**Project:** Horizon View Homes Rezone Application

**File Number:** 202135

**Applicant:** Laurey Tobiason for Daniel Wick

**Property Location:** 1540 NE 175<sup>th</sup> Street

**Recommendation:** Planning and Community Development Department:  
Approve

**Public Hearing:** May 11, 2016

**Introduction**

The applicant seeks a rezone of property from R-12 to R-24 for construction of six attached townhomes. A public hearing on the application was held on May 11, 2016, in Council Chambers at Shoreline City Hall, 17500 Midvale Avenue North in Shoreline. The Planning and Community Development Department (“Department”) was represented by Steve Szafran, Senior Planner. The applicant, Daniel Wick, was represented by Laurey Tobiason. The Department’s Staff Report, with 10 attachments, was admitted into the record. The Hearing Examiner inspected the site following the hearing.

For purposes of this decision, all section numbers refer to the Shoreline Municipal Code (“SMC” or “Code”) unless otherwise indicated. After considering the evidence in the record, the Hearing Examiner enters the following findings of fact, conclusions and recommendation on the application.

**Findings of Fact**

1. The subject property is located approximately 370 feet east of 15<sup>th</sup> Avenue NE in the North City Business District. It is zoned R-12, as are the surrounding properties. It is relatively flat, with no identified critical areas.
2. The site and the parcel to the west are each developed with single-family residences. The parcel to the north and east of the site is currently being redeveloped with a 12-bed center for traumatic brain injuries. To the south, across NE 175<sup>th</sup> Street, is R-6 zoned property developed with single-family residences. To the west is a CB zoning district with commercial development.
3. The Comprehensive Plan Land Use designation for the site is High-Density Residential, which is intended for areas near employment and/or commercial areas, where high levels of

## Ord. No. 748 - Exhibit A

Hearing Examiner Decision  
Application No. 202135  
Page 2 of 3

transit service are present or likely. The designation is intended to create a transition between commercial uses and lower intensity residential uses and also allows some commercial uses.

4. The site is accessed via NE 175<sup>th</sup> Street, which is designated a Collector Arterial. There are no sidewalks adjacent to the site. One-half block away is 15<sup>th</sup> Avenue NE, which is an arterial and a major transit corridor.

5. The range of densities within the Comprehensive Plan's High Density Residential designation is R-12 to R-48. Townhomes are a permitted use on the subject property. The existing R-12 zoning would allow redevelopment with three units. The proposed R-24 zoning would allow 6 units.

6. The Applicant seeks a rezone of the subject property to R-24 for purposes of constructing 6 attached townhomes, each of which would have parking space for two vehicles. Exhibit 1, attachment 1. The townhomes would be oriented to the west side of the property, with a common drive aisle on the east side. Landscape buffers are shown along the east, north and west sides of the property. The applicant will construct full frontage improvements.

7. The Staff Report recites the public notice and public involvement process for the application, as well as agency comment. Exhibit 1 at 2. The Department received two public comment letters expressing concern about a potential increase in traffic, lack of sidewalks, lack of neighborhood parking, incompatibility with single-family homes, and public health issues. Exhibit 1, attachment 8.

8. One member of the public testified at the public hearing on the proposal and expressed concern about the proposal adding vehicles to existing traffic and parking issues in the area, and the lack of sidewalks. The Department noted that the project would be fully reviewed for traffic concurrency, and that impact fees would be imposed if warranted.

9. The Department issued a SEPA Determination of Non-Significance for the proposal on April 21, 2016, which was not appealed. Exhibit 1, attachment 9.

10. The Department reviewed the proposal and recommends that the rezone be approved. Exhibit 1.

11. SMC 20.30.320 provides that a rezone may be approved if it meets the following criteria:

1. The rezone is consistent with the Comprehensive Plan; and
2. The rezone will not adversely affect the public health, safety or general welfare; and
3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
5. The rezone has merit and value for the community.

#### Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on this application pursuant to SMC 20.30.060.
2. Under Rule 3.6 of the Rules of Procedure for Administrative Hearings of the City of Shoreline, the applicant has the burden of establishing that the application complies with applicable laws and regulations.
3. Most of the public comments voiced concerns about existing traffic and parking issues in the area and an existing lack of infrastructure, such as sidewalks. These may be valid concerns, but existing conditions are seldom sufficient grounds on which to deny a proposal. That is particularly true in this case where: 1) the rezone is consistent with the Comprehensive Plan's designated density for the property; 2) the proposed development would be at the low end of the designation's density range; 3) The proposed development would provide a transition between single-family residential property on one side and nearby commercial uses on the other; and 4) the proposal will be required to meet all Code requirements.
4. The Department's Staff Report at pages 3-5 provides a thorough analysis of the application's consistency with each of the rezone criteria. That section of the Staff Report requires one correction. On page 5, #2, the last sentence of the fourth full paragraph is corrected to read as follows: "The rezone will allow the Applicant to develop six (6) townhomes instead of 3 townhomes which are currently allowed in the existing zone." As corrected, the Staff Report's rezone analysis is adopted by reference.
5. The application meets all the criteria for a rezone and should therefore be approved.

#### Recommendation

The Hearing Examiner recommends that the rezone application be approved.

Entered this 13<sup>th</sup> day of May, 2016.



Sue A. Tanner  
Hearing Examiner

**BEFORE THE HEARING EXAMINER  
CITY OF SHORELINE**

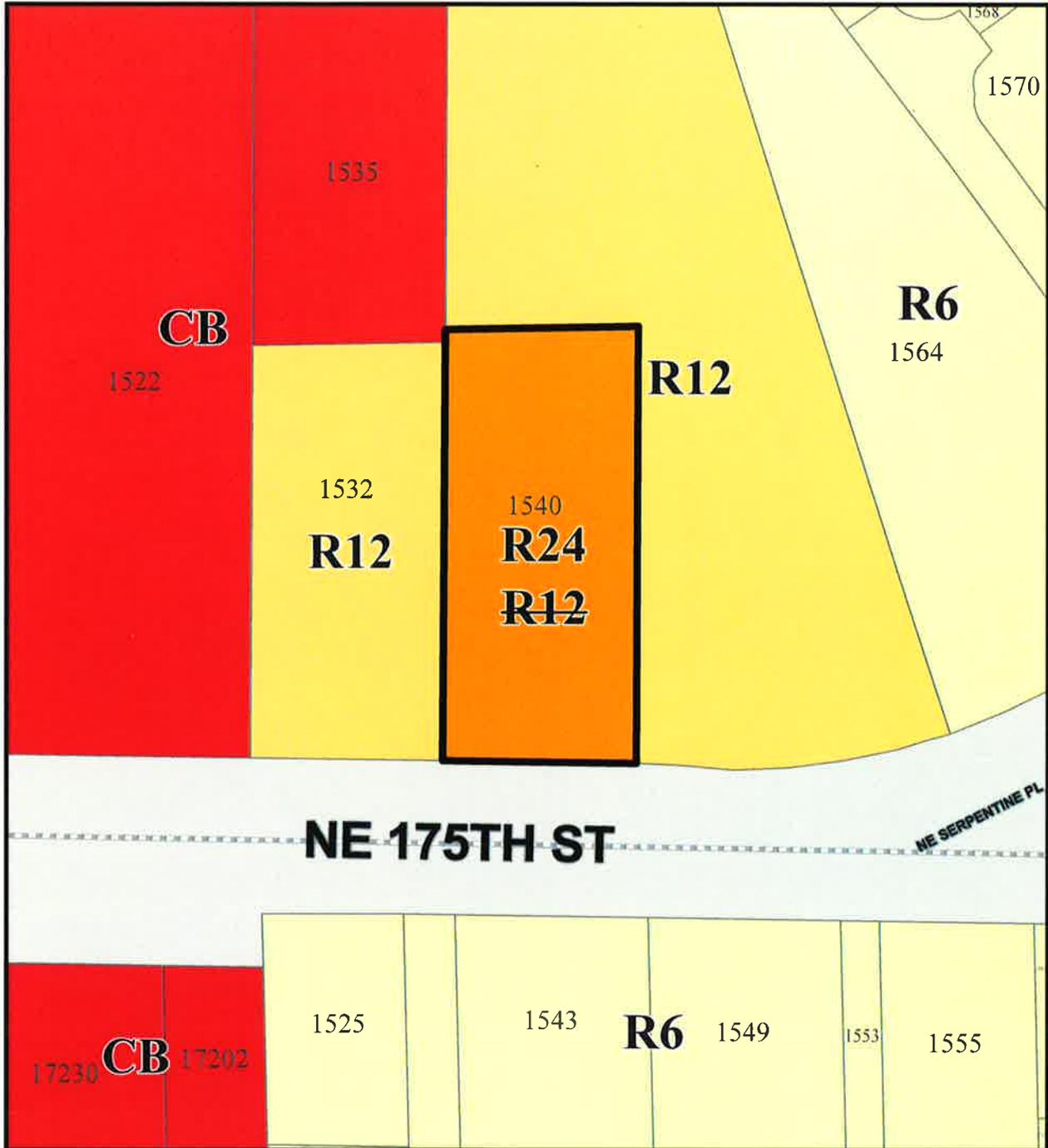
**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings, Conclusions, and Recommendation** to each person listed below, or on the attached mailing list, in the matter of **Horizon View Homes Rezone Application**, Project No.: **202135** in the manner indicated.

Party	Method of Service
Bonita Roznos City Clerk's Office City of Shoreline 17500 Midvale Ave N Shoreline, WA 98133 broznos@shorelinewa.gov	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: May 13, 2016

  
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 Tiffany Ku  
 Legal Assistant



**15040 NE 175th St Rezone  
R-12 to R-24**

**Zoning Legend**

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

**Feature Legend**

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



0 15 30 60 90 120 Feet

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

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through June, 2016.

