

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

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PROPOSAL INFORMATION SUMMARY

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Project: Horizon View Homes Rezone Application

File Number: 202135

Applicant: Laurey Tobiason for Daniel Wick

Property Location: 1540 NE 175th 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 15th 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 175th 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

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 175th Street, which is designated a Collector Arterial. There are no sidewalks adjacent to the site. One-half block away is 15th 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 13th day of May, 2016.


Sue A. Tanner
Hearing Examiner