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ORDINANCE NO. 811

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING THE JOSE ARGUETA REZONE APPLICATION TO AMEND THE CITY'S OFFICIAL ZONING MAP FROM R-8 TO R-24 FOR THREE PARCELS OF LAND LOCATED AT 903, 909, AND 915 NORTH 167th 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 applicants, via Application No. PLN17-0062, seeks a site-specific rezone of three parcels of land located at 903, 909, and 915 North 167th Street, identified by Tax Parcel Nos. 0726049202, 0726049203, and 0726049204; and

WHEREAS, the requested site-specific rezone would amend the City's Official Zoning Map for these parcels from the current zoning of Residential 8 units per acre (R-8) to Residential 24 units per acre (R-24); and

WHEREAS, the site-specific rezone implements the Comprehensive Plan land use designation for the parcels of Mixed Use 2; and

WHEREAS, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on June 19, 2017; 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 City of Shoreline Hearing Examiner held a properly noticed open record public hearing on November 15, 2017; and

WHEREAS, on November 29, 2017, the City of Shoreline Hearing Examiner issued "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 considered the Hearing Examiner's recommendation at its January 8, 2018 regular meeting; and

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WHEREAS, the City Council concurs with the November 29, 2017 "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, WASINGTON DO ORDAIN AS FOLLOWS:

Section 1. Hearing Examiner's Recommendation. The City of Shoreline Hearing Examiner's November 29, 2017 Findings, Conclusion and Recommendation attached as Exhibit A, is hereby adopted. The Staff Report that Conclusion (4) of Exhibit A relies upon is attached as Exhibit B.

Section 2. Amendment. The City's Official Zoning Map shall be amended to change the zoning designation for the parcels located at 903, 909, and 915 North 167th Street, identified by Tax Parcel Nos. 0726049202, 0726049203, and 0726049204, as depicted in Exhibit C, from Residential 8 units per acre (R-8) to Residential 24 units per acre (R-24).

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 5. 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 THE 22nd DAY OF JANUARY, 2018.

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney

Date of Publication: January 25, 2018
Effective Date: January 30, 2018

Ordinance 81[illegible]
Exhibit A

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CITY OF SHORELINE HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION

RECEIVED
NOV 29 2017
CITY CLERK
CITY OF SHORELINE

PROPOSAL INFORMATION SUMMARY

Project:	Jose Argueta Rezone Application
File Number:	PLN17-0062
Applicant:	Jose Argueta
Property Location:	903, 909, and 915 North 167th Street, Shoreline WA 98133
Recommendation:	Planning and Community Development Department: Approve
Public Hearing:	November 15, 2017

Introduction

The applicant seeks a rezone of property from R-8 to R-24 for construction of townhomes. A public hearing on the application was held on November 15, 2017, 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, Jose Argueta, was represented by Dave Hynden. The Department's Staff Report, with 10 attachments, was admitted into the record. The Hearing Examiner inspected the site prior to 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 consists of three parcels that together are 25,000 square feet, and is located at the corner of Linden Avenue N and N 167th Street. The property is zoned R-8, and is located in the Richmond Highlands Neighborhood. It is relatively flat, with no identified critical areas. The parcel addressed as 903 North 167th Street is owned by the applicant. The applicant has indicated plans to develop two buildings containing three townhomes each, but no plans have been submitted to the City for approval. The parcels addressed as 909 North 167th Street and 915 North 167th Street are owned separately, and the owners have no immediate plans for development.

2. Each lot within the site is developed with a single-family residence. Parcels to the north across N 167th Street are zoned R-6 and R-18, and are developed with single family homes and a 10-unit townhome. Properties to the east are zoned R-18, and are developed with four-plex

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apartments. To the west, across Linden Avenue N, is R-6 zoned property developed with a community park. To the south properties are zoned R-24, and are developed with townhomes.

3. The Comprehensive Plan Land Use designation for the site is Mixed Use 2. This 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 N 167th Street. There are currently no sidewalks adjacent to the site. One block to the east is Aurora Avenue, which is an arterial and a major transit corridor.

5. Townhomes are a permitted use on the subject property. The existing R-8 zoning would allow redevelopment with 5 townhouse units. The proposed R-24 zoning would allow fourteen units.

6. The Applicant seeks a rezone of the subject property to R-24 for purposes of constructing townhomes, each of which would have parking space for two vehicles. Exhibit 1, attachment 2.

7. The Staff Report recites the public notice and public involvement process for the application, as well as agency comment. Exhibit 1 at 3. Comments raised at the neighborhood meetings were related to increased traffic, traffic speed on local streets, parking, and sidewalks. The Department received one public comment letter expressing concern about a potential increase in traffic, lack of sidewalks, lack of neighborhood parking, incompatibility with single-family homes, and additional issues related to the application. Exhibit 1, attachment 9.

8. Two members 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, the lack of sidewalks, and loss of solar access. 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 October 26, 2017, which was not appealed. Exhibit 1, attachment 10.

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

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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. Public comments concerning the proposal primarily voiced concerns about existing traffic and parking issues in the area and an existing lack of infrastructure, such as sidewalks. These are valid concerns, but existing conditions are not sufficient grounds on which to deny the proposal. In addition, in this case, these concerns are better addressed at the project level of the proposal rather than to a rezone of the property where the particular project to be developed is not under review.

4. The Department's Staff Report at pages 3-8 provides a thorough analysis of the application's consistency with each of the rezone criteria. 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 29th day of November, 2017.

Ryan P. Vancil
Hearing Examiner

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EXHIBIT B

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CITY OF SHORELINE

PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

Project Name: **Jose Argueta Rezone Application**

Project File No.: **PLN17-0062**

REQUEST: Jose Argueta requests application approval for a rezone of three (3) parcels from Residential 8-units per acre (R-8), a medium density residential zone, to Residential 24-units per acre (R-24), a high density residential zone.

GENERAL INFORMATION:

Applicant:	Jose Argueta 903 North 167th Street Shoreline, WA 98133
Property Owners:	Jose Argueta, Genevieve Brenny, and the Sarah Taylor Sherman Trust
Property Location:	903, 909, and 915 North 167th Street, Shoreline, WA 98133
Tax Parcel Numbers:	0726049202, 0726049203, and 0726049204
Legal Description:	903 = E 60 FT OF W 82 FT OF N 200 FT OF SE 1/4 OF SE 1/4 OF SW 1/4 LESS CO RD 909 = LOT 1 SHORELINE SP SHSP 2008-04 REC #20091217900015 SD SP BEING E 60 FT OF W 142 FT OF N 200 FT OF SE 1/4 OF SE 1/4 OF SW 1/4 LESS CO RD 915 = E 61 FT OF W 203 FT OF N 200 FT OF SE 1/4 OF SE 1/4 OF SW 1/4 LESS CO RD

PROJECT DESCRIPTION:

The Applicant proposes to rezone adjacent parcels located at 903, 909, and 915 North 167th Street from R-8 to R-24 for the purpose of constructing townhomes. The Applicant is the property owner of the parcel located at 903 North 167th Street. The parcel located at 909 North 167th Street is owned by the Sarah Taylor Sherman Trust and the parcel located at 915 North 167th Street is owned by Genevieve Brenny (collectively, "Adjacent Property Owners").

The Adjacent Property Owners are requesting their properties to be included in the proposed rezone but have no immediate plans to redevelop the properties. (**Attachment 1 – Affidavits**). The Applicant has not yet submitted plans for the townhomes but has indicated that the property at 903 North 167th Street will be developed first. The intended development will consist of two buildings, each with three townhomes. (**Attachment 2 – Site Plan**).

PROPERTY DESCRIPTION:

The site at 903 North 167th Street is 10,200 square feet (.23 acres). There is currently a one-story, 1,020 square feet, single-family home that is occupied by the applicant.

The site at 909 North 167th Street is 5,100 square feet (.12 acres). There is currently a one-story, 1,120 square foot, single-family home on the site.

The site at 915 North 167th Street is 10,200 square feet (.23 acres). There is currently a one-story, 1,650 square foot, single-family home on the site.

All three parcels together (collectively, "Subject Property") are 25,500 square feet (.59 acres) and are located approximately 400 feet east of Aurora Avenue North (**Attachment 3 – Vicinity Map**). The Subject Property is relatively flat with no known critical areas present. The Subject Property has no significant trees and there are no sidewalks along North 167th Street or Linden Avenue North.

ZONING and LAND USE:

The Subject Property is located approximately 400 feet east of Aurora Avenue N in the Richmond Highlands Neighborhood (**Attachment 4 – Zoning Map**). The Subject Property is currently zoned R-8.

The surrounding area has a mix of zoning. The parcel to the west, across Linden Avenue N, is zoned R-6 and is the located of the City's Richmond Beach Recreation Center and ballfields. The parcels immediately to the north and northwest, across N. 167th Street, are zoned R-6 and is developed with single-family homes. The parcel across N. 167th Street to the northeast, however, is zoned R-18 and maintains a 10-unit townhome development. The parcels to the south are zoned R-24 and are developed with townhomes. The parcel to the east is zoned R-18 and developed with four-plex apartments.

The Subject Property and the parcels to the south have a Comprehensive Plan Land Use designation of Mixed Use 2 (**Attachment 5 – Comprehensive Plan**). As provided in Comprehensive Plan Policy LU10, the Mixed-Use 2 (MU2) designation is similar to the Mixed-Use 1 (MU1) designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. The MU2 designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

The adjoining parcels to the east have a Comprehensive Plan Land Use designation of Mixed Use 1. The Mixed-Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions. *Id.*

Parcels to the north, across N. 167th Street, have a Comprehensive Plan Land Use designation of Low Density Residential and High Density Residential. The Low Density Residential land use designation allows single-family detached dwelling units. Other dwelling types, such as duplexes, single-family

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attached, cottage housing, and accessory dwellings may be allowed under certain conditions. The permitted base density for this designation may not exceed 6 dwelling units per acre. *Id.*

The High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The permitted base density for this designation may not exceed 48 dwelling units per acre. *Id.*

The parcel to the west, across Linden Avenue N, has a Comprehensive Plan Land Use designation of Public Open Space and is developed with the Richmond Highlands Park.

The current zoning of R-8 permits townhomes, however, this zoning district would limit the development of the Subject Property to only five (5) townhouse units. Under the proposed R-24 zoning, the Subject Property could support 14 units.

The Subject Property is accessed from Linden Avenue N or North 167th Street which are classified as Nonarterial Streets in the City's Transportation Master Plan.

PUBLIC NOTICE AND COMMENT:

Staff analysis of the proposed rezone considered information gathered from a pre-application meeting on March 14, 2017, two neighborhood meetings, public comments, site visits, the Shoreline Comprehensive Plan, and the Shoreline Municipal Code, Title 20 Unified Development Code.

Per SMC 20.30.060 and 20.30.090, the Applicant held two neighborhood meetings, one on April 3, 2017 and another on September 18, 2017. Comments raised at the neighborhood meetings were related to increased traffic, traffic speed on local streets, lack of neighborhood parking, and lack of sidewalks. (**Attachment 6** for summary)

As required by SMC 20.30.120 and 20.30.180, public notice of the rezone application for the proposal was posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website on October 3, 2017 (**Attachment 7**) and notice of public hearing for the rezone proposal was posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website on October 26, 2017 (See **Attachment 8**).

The City received one public comment letter in response to the proposed rezone. The public comment letter is included as **Attachment 9**.

AGENCY COMMENT:

The Applicant's proposal was circulated among City departments and outside agencies for review and comment. The Public Works Department commented on the proposal and will require frontage and sidewalk improvements around the Subject Property when developed.

The Applicant has submitted a Certificate of Water Availability from Seattle Public Utilities and a Certificate of Sewer Availability from Ronald Wastewater District. Both of these agencies state that sewer and water are available to the Subject Property.

ENVIRONMENTAL REVIEW:

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The City of Shoreline is acting as Lead Agency for the SEPA review and environmental determination. The City issued a SEPA Determination of Non-Significance on October 26, 2017 (See **Attachment 10**).

DEPARTMENT ANALYSIS:

Rezones are provided for in Shoreline Municipal Code (SMC) 20.30.320. The purpose of a rezone is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.

SMC 20.30.060 classifies a rezone as a Type C decision. Pursuant to Table 20.30.060, the City of Shoreline Hearing Examiner, after holding an open record public hearing and preparing findings and conclusions, makes a recommendation to the City Council. The City Council is the final decision making authority on a rezone.

Rezone Applications – Legal Standard

Three general rules apply to rezone applications: (1) there is no presumption of validity favoring a rezone; (2) the rezone proponent must demonstrate that circumstances have changed since the original zoning; and (3) the rezone must have a substantial relationship to the public health, safety, morals, and general welfare. *Phoenix Development Inc. v. City of Woodinville,* 171 Wn. 2d 820, 834 (2011) (citing *Citizens for Mount Vernon v. City of Mount Vernon,* 133 Wash. 2d 861, 947 P.2d 1208 (1997)). However, as is the case for the present rezone application, when a proposed rezone implements the policies of a comprehensive plan, the rezone proponent is not required to demonstrate changed circumstances. *Bjarnson v. Kitsap County,* 78 Wash. App. 840, 899 P.2d 1290 (1995).

The decision criteria set forth in SMC 20.30.320(B) address these general rules as well as other considerations the City has established for determining whether or not a rezone should be granted.

Decision Criteria – SMC 20.30.320(B)

Decision criterion that the Hearing Examiner must examine for a rezone is set forth in SMC 20.30.320(B). The Applicant provided responses to the following decision criteria and staff has analyzed each of the criteria below.

SMC 20.30.320(B) provides that an application for a rezone of property may be approved or approved with modifications if:

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

   Applicant's Response:

   The rezone request is a change from the existing zone of R-8 to the proposed zone of R-24. The Comprehensive Plan designation of the site is Mixed Use 2. The R-24 Zone is considered an implementing zone for this designation.

   Comprehensive Plan Policy LU-10 reads, "The Mixed-Use 2 (MU2) designation is similar to the MU1 designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. The Mixed-Use 2 (MU2) designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest,

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Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

Staff Analysis:

In addition to the policy stated by the Applicant, the proposed rezone also meets the following Goals and Policies:

Goal LU I: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.

Goal LU II: Establish land use patterns that promote walking, biking and using transit to access goods, services, education, employment, recreation.

Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

LU8: Provide, through land use regulation, the potential for a broad range of housing choices and levels of affordability to meet the changing needs of a diverse community.

Goal CD I: Promote community development and redevelopment that is aesthetically pleasing, functional, and consistent with the City's vision.

T28. Encourage development that is supportive of transit, and advocate for expansion and addition of new routes in areas with transit supportive densities and uses.

Goal H II: Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.

Goal H V: Integrate new development with consideration to design and scale that complements existing neighborhoods, and provides effective transitions between different uses and intensities.

H1: Encourage a variety of residential design alternatives that increase housing choice.

H3: Encourage infill development on vacant or underutilized sites.

H23: Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.

NE1. Promote infill and concurrent infrastructure improvements in areas that are already developed in order to preserve rural areas, open spaces, ecological functions, and agricultural lands in the region.

Based on the noted Comprehensive Plan Goals and Policies and the R-24 zone being one of the implementing zones of the Mixed-Use 2 Land Use Designation, the proposed rezone is consistent with the Comprehensive Plan and meets criteria #1.

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

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Applicant's Response:

The Applicant states that this proposed rezone will not adversely affect public health, safety, or the general welfare of the City.

Staff Analysis:

The rezone will not adversely affect the public health, safety, or general welfare for the following reasons:

The Subject Property is located in close proximity of the Aurora Corridor, Richmond Highlands Park, and Shorewood High School. The Subject Property is adjoined by parcels zoned R-24 to the south, R-18 to the east and to the north, across North 167th Street, a mix of R-6 and R-18 zoning. The adjacent parcels to the south and east are designated for mixed-use development in the Comprehensive Plan and parcels to the north are designated for a mix of high-density residential and low-density residential uses.

The intended use for the Subject Property (townhomes) is an approved use in the R-24 zone and will be required to fully comply with the Shoreline Municipal Code at the time of building permit application. Specially, any future develop will be connected to sanitary sewer and public water system and will be required to install frontage improvements, including sidewalks and stormwater controls, to ensure public health and safety.

The rezone will not adversely affect the public health, safety or general welfare since the Applicant is not introducing a use (townhomes) that cannot already be developed on the site. The rezone will allow the Applicant and Adjacent Property owners to develop more townhomes than currently allowed which complies with the goals and policies of the Comprehensive Plan. The parcels to the south are in transition which is evident from the recent construction of multiple townhome projects.

This proposed rezone meets criteria #2.

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

Applicant's Response:

The Applicant states that the rezone is warranted in order to achieve consistency with the Comprehensive Plan.

Staff Analysis:

The rezone is warranted in order to achieve consistency with the Comprehensive Plan. Policy LU-10 states:

> The Mixed-Use 2 (MU2) designation is similar to the MU1 designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. The Mixed-Use 2 (MU2) designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities

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than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

The proposed rezone to R-24 is warranted since the proposal satisfies Land Use Policy LU-10. Specifically, this proposal will provide greater residential densities than are allowed in low-density residential designations. The proposed R-24 Zone is in an area near employment, commercial areas, and where high levels of transit are present. The proposed R-24 zone is similar to the R-24 zone directly to the south and the R-18 zone directly to the east.

It should be noted that the proposed R-24 zoning designation is one of many implementing zones in the Mixed-Use 2 Land Use Designation. The policy states, in part: "Greater residential densities than are allowed in the Low-Density Residential designations." This statement from Policy LU-10 makes it clear that increased residential density should be allowed over that of the Low-Density Residential designation which is allows up to an R-6 zone. What is not clear in Policy LU-10 is what the maximum density should be in the Mixed-Use 2 designation. The Mixed-Use 2 designation supports the R-8 zoning all the way up to a Community Business zone which does not have a density limit.

The Subject Property has R-24 zoning to the south and R-18 zoning to the east. Both zones implement the Land Use designation of Mixed-Use 2 and are very similar in terms of building height and hardscape. The only difference is the density limit. An R-24 zone will allow 14 units compared to 11 units if the site where to be rezoned to R-18.

Staff supports the request to rezone the Subject Property to R-24 because the five (5) parcels to the south were rezoned to R-24 in 2008 and the physical differences between the R-18 and R-24 are nominal. The R-24 zoning will allow more units to be developed where it is supported by the Comprehensive Plan.

This proposed rezone meets criteria #3.

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

Applicant Response:

The Applicant states that the rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone since new development will improve the area.

Staff Analysis:

The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone because the area around this proposed rezone has been in transition and parcels just south of the subject parcels have recently been redeveloping. The City Council approved Ordinance No. 499 in April 2008 which rezoned five (5) parcels at 16538, 16532, 16526, 16522, and 16520 Linden Avenue North from R-8 to R-24 directly to the south of the subject parcels. In the last year, townhomes have been constructed at the 16538 Linden address and four new units have been constructed at the 16532 address (**See Attachment 9 and Attachment 11**).

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Any new development on the Subject Property will be required to comply with the City's Municipal Code, Stormwater Manual, Engineering Development Manual, and other City relevant codes that ensure the site will be developed with the latest building and engineering codes.

The rezone and any future development will be required to install frontage improvements which will improve pedestrian safety in front of the Subject Property. New development will be required to provide stormwater and surface water improvements which will mitigate flooding around the Subject Property. New development will also be required to provide sufficient parking onsite to mitigate any effects of street parking on the adjacent right-of-way.

Because of the recent development of townhomes near the Subject Property, improvements the surrounding area will gain when the Subject Property is developed in the future, and the rezone being supported by the Comprehensive Plan, this proposed rezone meets criteria #4.

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

Applicant's Response:

The Applicant states that the rezone has merit and value for the community because new development will be aesthetically pleasing with a slightly modern architecture that will only improve the neighborhood.

Staff Analysis:

The proposed rezone and subsequent development has merit and value for the community. The proposed rezone is implementing the City's vision for this area as stated in Comprehensive Plan Policy LU-10. This location was chosen for allocation of the City's population growth and the proposed townhome development is consistent with other townhome projects that have been recently constructed. The rezone will increase property values for the Subject Property, thereby creating increase property tax benefits. Existing commercial uses are in close proximity to the site and transit is a short walk from the Subject Property given that Aurora Avenue N. is approximately 400 feet to the east. Any future development will be required to install full frontage improvements that include sidewalk, curb, gutter, and landscape/amenity zone adjacent to the sidewalk. New sidewalks around the site on North 167th Street and Linden Avenue North will alleviate the neighborhood concerns of unsafe walking surfaces for pedestrians. In addition, new residential development will require the payment of transportation impact fees and park impact fees, thereby allowing for system-wide improvements that are being required due to growth within the community.

This proposed rezone meets criteria #5.

DEPARTMENT RECOMMENDATION:

Based on the above applicant response to the rezone criteria, the Planning & Community Development Department recommends **APPROVAL** of the Rezone for Jose Argueta file PLN17-0062.

Exhibit C

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16715
R6
16709
16701
16718
R6
16710
16702
920
R18
WHITMAN AVE N
N 167TH ST
~~R8~~
R24
909
903
~~R8~~
R24
16546
R8
915
~~R8~~
R24
929
R18
16549
925
R6
16554
LINDEN AVE N
16540
R24
16530
16532
16534
16536
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746
16525
16526
16522
0
50
100
Feet

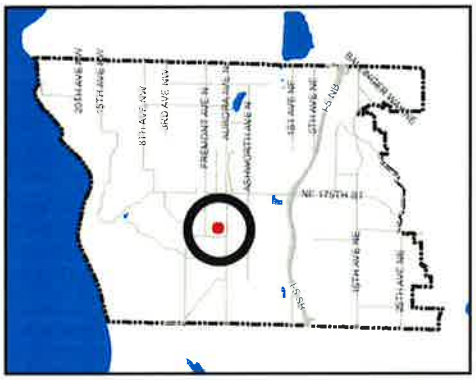
903, 909, & 915 NE 175th St Rezone
R-8 to R-24

Zoning Leagend

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

Feature Leagend

- Parcel Line
- Parcel Change
- Unclassified ROW



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.

CITY OF SHORELINE

Map: Req13716
Date Saved: 12/28/2017