

ORDINANCE NO. 836**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING A REZONE APPLICATION TO AMEND THE CITY'S OFFICIAL ZONING MAP FROM R-12 TO R-24 FOR A PARCEL OF LAND LOCATED AT 922 N 200th 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. PLN 18-0038, sought a site-specific rezone of a parcel of land located 922 N 200th Street, identified by Tax Parcel No. 5306100050; and

WHEREAS, the requested site-specific rezone would amend the City's Official Zoning Map for this parcel from the 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, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on May 2, 2018 and an Amended DNS on June 14, 2018; 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 July 24, 2018; and

WHEREAS, on August 2, 2018, the City of Shoreline Hearing Examiner issued her "*Recommendation on Request for Site Specific Rezone*," finding that the site-specific rezone satisfied the criteria set forth in SMC 20.30.320; and

WHEREAS, based on the findings and the law, 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 August 2, 2018 *Recommendation on Request for Site Specific Rezone* at its September 10, 2018 regular meeting; and

WHEREAS, the City Council concurs with the August 2, 2018 *Recommendation on Request for Site Specific Rezone* of the City of Shoreline Hearing Examiner, finding that the site-specific rezone satisfies the criteria set forth in SMC 20.30.320 and should be approved;

NOW 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 August 2, 2018 *Recommendation on Request for Site Specific Rezone*, 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 parcel located at 922 N 200th Street, identified by Tax Parcel No. 5306100050, from Residential 12 units per acre (R-12) to Residential 24 units per acre (R-24), as depicted on Exhibit B.

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 SEPTEMBER 24, 2018.



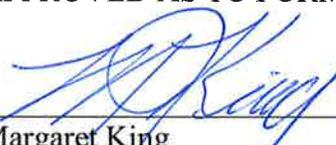
Mayor Will Hall

ATTEST:



Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:



Margaret King
City Attorney

Date of Publication: September 27, 2018
Effective Date: October 2, 2018

CITY OF SHORELINE HEARING EXAMINER

**RECOMMENDATION ON REQUEST FOR
SITE SPECIFIC REZONE**

HE-18-03/PLN 18-0038 (Drew/Kalab)

August 2, 2018

1. FINDINGS OF FACT

1.1 Background. This is a request to rezone a .24 acre site from R-12 to R-24 (Residential-12 units per acre to Residential-24 units per acre). The up-zone would allow six, rather than three, townhomes to be built.

1.2 Applicant, Property Owners, and Site Location.

Applicant: Brian Kalab
Insight Engineering Co.
P.O. Box 1478, Everett, WA 98206

Property Owners: Mike and Billye Drew
4276 Wateredge Drive
Langley, WA 98260

Address: 922 N. 200th Street, Shoreline, WA 98133

Tax Parcel No.: 5306100050

Legal Description: THE NORTHERLY 136 FEET OF THE SOUTHERLY 166 FEET OF THE WESTERLY 76 FEET OF THE EAST 452 FEET OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 6, TOWNSHIP 26 NORTH, RANGE 4 EAST, V.M.;

(ALSO KNOWS AS TRACT 10 OF MCDONALDS NORTHEND TRACTS, AN UNRECORDED PLAT).

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

1.3 Hearing. A public hearing was held on July 24, 2018. The Planning Department, through Ms. Redinger, summarized the proposal. The Applicant, through Ms. Campbell of Insight Engineering, testified, expressing concurrence with the Staff Report. Mr. Rothstein, a real estate broker and appraiser, spoke in support. He stated the rezone helps accomplish City

Comprehensive Plan goals and would diversify the housing stock. No other citizen indicated a wish to comment.

1.4 Exhibits. The Examiner admitted these exhibits:

- Exhibit 1 Staff Report, with Attachments 1-16
- Exhibit 2 Public Hearing Affidavits
- Exhibit 3 Planning Department Power Point Presentation

1.5 Site Description. There are no mapped critical areas (wetlands, streams, steep slopes, or fish and wildlife habitat) on the site or surrounding properties. The site's steepest slope is 0-5%. The site has no ground water seepage or springs near the ground surface, and there is no standing or running water at any time of year on the site or surrounding properties.

1.6 Current and Expected Uses. The site is developed with a single family residential home. If redeveloped with six townhomes through the proposed zoning, the Applicant anticipates constructing a 116-foot long and 40-foot wide building, up to 35 feet high.

1.7 Access. Access is from North 200th Street, a Collector Arterial, about 1.5 blocks west of Aurora Avenue North in the Hillwood Neighborhood.

1.8 Site and Surrounding Property Zoning and Comprehensive Plan Designations.

1.8.1 The site is zoned R-12, a medium density residential zone. Its purpose is to "provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities in a manner that provides for additional density at a modest scale."¹ The Comprehensive Plan designation is High Density Residential, which is:

[I]ntended 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.²

1.8.2 The surrounding area includes R-12, R-18, R-24, R-48, and Mixed Business zoning. Properties with Residential designations have a High Density Residential Comprehensive Plan designation, while the Mixed Business properties bordering Aurora Avenue North have a Comprehensive Plan Mixed Use 1 designation.

1.8.3 Properties to the north and west are developed with single-family homes, while properties to the east and south are developed with apartment buildings. The R-12 zoning permits townhomes, but would limit site development to three units. With R-24 zoning, the site

¹ SMC 20.40.030(B).

² Comprehensive Plan Land Use Policy 3 (LU-3).

could support six. R-24's purpose is to allow for higher densities, by providing "a mix of predominantly apartment and townhouse dwelling units and other compatible uses."³

1.9 Public Notice. Public notice of the rezone application was posted on site, mailed to residents within 500 feet, advertised in the Seattle Times, and posted on the City's website.⁴ Notice of the public hearing was posted on site, mailed to residents within 500 feet, advertised in the Seattle Times, and posted on the City's website.⁵ In addition, a neighborhood meeting was held on February 15, 2018,⁶ and public comment was received.⁷ This comment is summarized below. No concerns on notice were raised. City notice requirements were complied with.

1.10 Public Comment. Two written comments, from Ms. Silva and Ms. Holbrook, were received. Both individuals opposed the rezone. Ms. Silva raised concerns about loss of vegetation/trees, inadequate parking, and traffic impacts. She was also concerned about increased garbage, drug paraphernalia, and dog walkers not cleaning up after their pets. Ms. Holbrook was concerned about increased density, both with this project and cumulatively, and the resulting traffic impacts.

1.11 Agency Comment. The proposal was circulated among City departments and outside agencies for review and comment. When the site is redeveloped, drainage, frontage, and sidewalk improvements will be required. Impact fee requirements would apply (*i.e.*, Transportation, Parks, and Fire).

1.12 SEPA. The City of Shoreline is the SEPA Lead Agency. The SEPA Determination of Nonsignificance ("DNS")⁸ was mailed to the SEPA agencies notification list, including State Departments of Commerce and Ecology, neighboring jurisdictions, local organizations, and tribes. It was also published in the paper and mailed to Parties of Record. An amended DNS correctly stating the appeal period was mailed to the notification list.⁹ It was also published in the paper and mailed to Parties of Record. No comments were received.

1.13 Water/Sewer Availability. The Applicant submitted a Certificate of Water Availability from Seattle Public Utilities and a Certificate of Sewer Availability from Ronald Wastewater District. Both agencies stated that sewer and water are available.

1.14 Rezone Criteria. In summary, the City's rezone criteria require an evaluation of Comprehensive Plan consistency, avoidance of adverse effects and material detriment to surrounding uses, and a showing that the rezone has merit and value for the community.¹⁰

³ SMC 20.40.030(C).

⁴ Exhibit 1 (Staff Report), Att. 10; *see* SMC 20.30.120 and 20.30.180.

⁵ Exhibit 1 (Staff Report), Att. 11).

⁶ Exhibit 1 (Staff Report), Att. 6 (invitation), Att. 7 (summary mailed to attendees).

⁷ Exhibit 1 (Staff Report), Att. 13.

⁸ Exhibit 1 (Staff Report), Att. 14.

⁹ Exhibit 1 (Staff Report), Att. 15.

¹⁰ *See* SMC 20.30.320.

1.15 Comprehensive Plan Consistency.

1.15.1 A rezone to R-24 would allow higher densities than under the existing R-12 zoning. The Comprehensive Plan's

High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. The designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The base density may not exceed 48 dwelling units per acre.¹¹

R-24 falls within this parameter, so is consistent. The rezone would also help achieve the goals of creating higher density near areas with access to transit, businesses, and jobs.

1.15.2 Compared to the current single-family use, redevelopment with townhomes would also support these Plan 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

¹¹ Comprehensive Plan Policy LU-3.

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.

The proposal follows these policy objectives, and will help in their achievement. The project is consistent with the Plan.

1.16 No Adverse Effect to Public Health, Safety or General Welfare.

1.16.1 The Property is proximate to the Aurora Corridor, which is served by Bus Rapid Transit, and the Aurora Village shopping area, which contains a transit center, and large retail chains, including Costco and Home Depot. The Property is adjacent to parcels with a variety of High Density Residential and Mixed Use zoning, which include a mix of uses and housing types.

1.16.2 The intended future use (townhomes) is an approved use in the R-24 zone. Future development will have to comply with the City's code. This will include connecting to sanitary sewer and the public water system, complying with landscaping requirements, and installing frontage improvements, including sidewalks and stormwater controls, to ensure public health and safety.

1.16.3 The rezone will not adversely affect the public health, safety, or general welfare as the Applicant is not introducing a use that cannot already be developed on the site. The rezone will allow development of more townhomes than currently allowed, which is consistent with the Comprehensive Plan's goals and policies related to infill housing.

1.17 Rezone Warranted in Order to Achieve Comprehensive Plan Consistency.

1.17.1 The High Density Residential designation is intended for densities up to 48 dwelling units per acre, and to be a transition between commercial uses and lower intensity residential uses.

[It] 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....¹²

1.17.2 The next residential density gradient down, Medium Density Residential, "allows single-family dwelling units, duplexes, triplexes, zero lot line houses, townhomes, and cottage housing.... The permitted base density for this designation may not exceed 12 dwelling units per acre." The R-12 zoning may be a better fit with Medium Density Residential. Implementing zones are not explicitly listed in the Comprehensive Plan. However, High Density Residential is intended for higher densities. Rezoning to a denser zone is warranted to achieve Plan consistency.

1.17.3 The proposal will provide residential densities greater than the current single-family use, which underutilizes the R-12 zoning. The proposed R-24 zoning is in an area near employment, commercial areas, and where high levels of transit are present.

1.17.4 The proposed R-24 zone would complement the R-24 zone directly to the east, while still allowing for transition to existing R-6 (single-family) zoning to the west, as the parcels immediately adjacent to the west retain R-12 zoning.

1.17.5 The rezone and ensuing permitted redevelopment are warranted to achieve consistency with the Comprehensive Plan policies listed above, as added density would promote housing choice and support businesses and transit service in the immediate vicinity.

1.18 No Material Detriment to Uses or Property in the Immediate Vicinity.

1.18.1 The parcels bordering the site are also designated High Density Residential. The zoning and densities proposed are not incongruous. Properties in the area have developed with high density residential multi-family projects, including the property immediately to the east. The site's future development with townhomes will be at a lesser intensity. Also, landscaping will be installed along all property lines to buffer new development and other existing single-family uses, and setbacks will be required.

1.18.2 The current house was built in 1942, before sidewalk and stormwater standards were adopted, so redevelopment will improve pedestrian circulation and neighborhood safety, and reduce site runoff. New development will have to provide sufficient parking onsite to mitigate effects of street parking on the adjacent right-of-way. A well-designed project which implements the proposed zoning and which meets code requirements would not be materially detrimental to uses or property in the immediate vicinity.

1.19 Rezone Merit and Value for the Community.

1.19.1 The rezone will allow for higher density housing to be added to the City's housing stock. The zoning allows for a greater variety of housing options outside of the standard

¹² Comprehensive Plan Policy LU-3.

single-family home, and therefore allows for potentially more affordable infill housing to be built. In providing additional needed housing units, this rezone has merit and value.

1.19.2 The proposed rezone implements the City's vision for this area as stated in Comprehensive Plan Policy LU-3 and other policies identified above. Existing commercial uses are near the site and transit is a short walk. Future development will install full frontage improvements including sidewalk, curb, gutter, and landscape/amenity zone adjacent to the sidewalk. Also, new residential development will pay impact fees to support the system-wide improvements necessary to support growth. The proposal has community merit and value.

2. CONCLUSIONS OF LAW

2.1 The City classifies site specific rezones as Type C decisions,¹³ which require the Hearing Examiner to issue a recommendation after holding an open record public hearing. The City Council makes the final decision.

2.2 The City requires the Examiner to consider these criteria:

The City may approve or approve with modifications an application for a rezone of property if:

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.¹⁴

2.3 The City's rezone criteria are consistent with the general case law rules governing rezones, which provide no presumption of validity and require demonstration of a substantial relationship to the public health, safety, morals, and general welfare.¹⁵ As the rezone is consistent with the Comprehensive Plan, changed circumstances need not be demonstrated.¹⁶

2.4 As addressed in the findings above, the proposal is consistent with the City's rezone criteria. The rezone proposal would likely result in a modest increase in townhome

¹³ SMC 20.30.060.

¹⁴ SMC 20.30.320(B).

¹⁵ *Phoenix Development Inc. v. City of Woodinville*, 171 Wn. 2d 820, 834, 256 P.3d 1150 (2011).

¹⁶ *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846, 899 P.2d 1290 (1995).

supply. The Comprehensive Plan plans for the proposed higher densities, and supports creating additional housing supplies at this site. The property has no constraints (drainage, steep slopes, critical areas), which would make the higher densities problematic or result in adverse effect to the public health, safety or general welfare. Given the need for housing, and that the Plan contemplates same at this location, the rezone is warranted for achieving Plan consistency.

2.5 The City's regulations require that landscaping, stormwater, and transportation impacts be addressed, and include setback, density, and height requirements, which protect against material detriment and adverse effects to surrounding uses. The rezone allows for well-designed future development which will be mitigated per code requirements. The proposal has "merit and value for the community," and bears a substantial relationship to the public health, safety, morals, and general welfare.

2.6 While the Council makes the final decision, and may weigh the facts differently or place greater emphasis on other Plan policies, based on the findings above, the Examiner concurs with the Planning Department's analysis and recommends rezone approval.

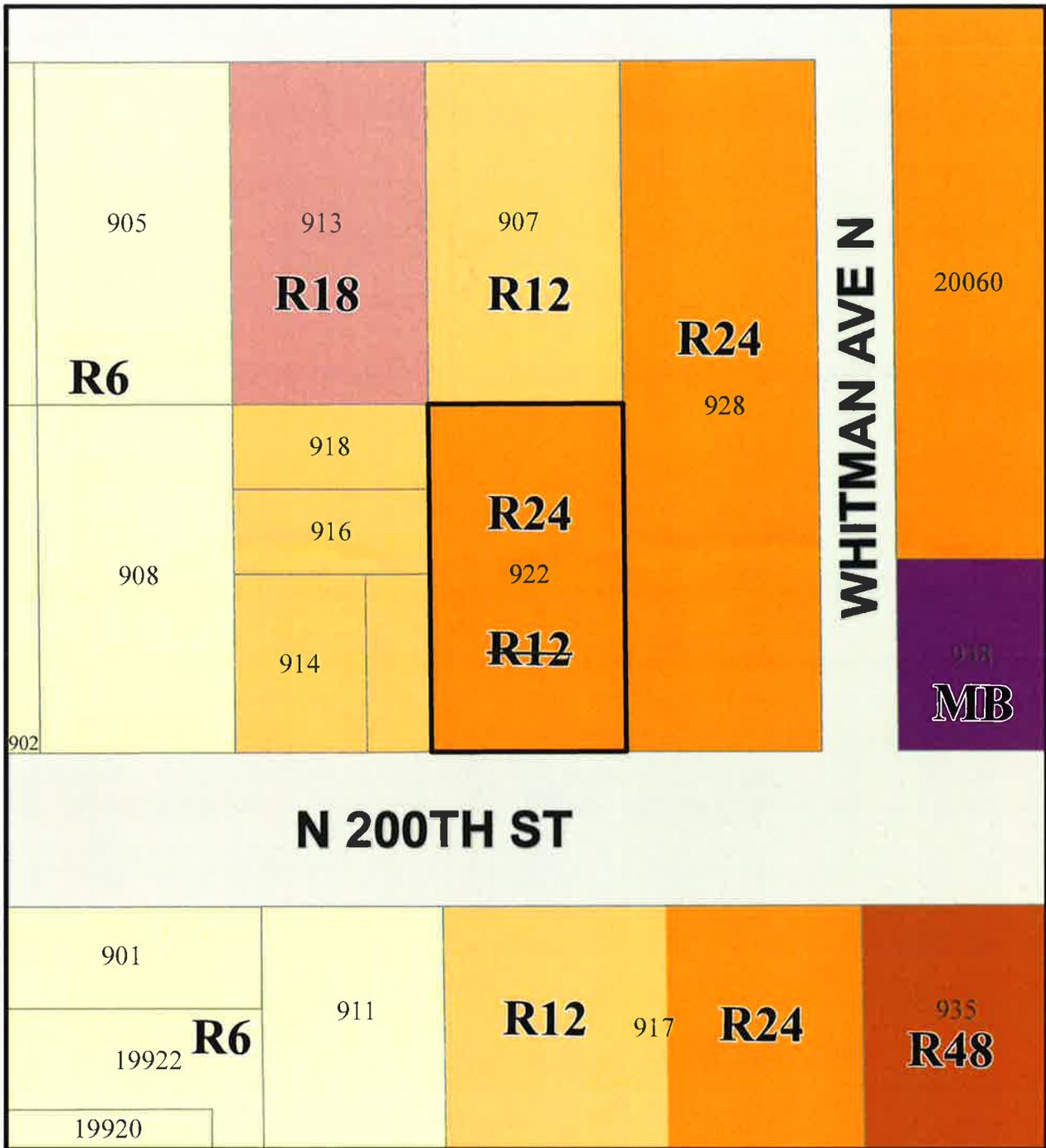
RECOMMENDATION

The Hearings Examiner, pursuant to the above Findings of Fact and Conclusions of Law, recommends approval of the request to rezone the site at 922 N. 200th Street from R-12 to R-24.

THIS RECOMMENDATION is entered this 2nd day of August, 2018.



City of Shoreline Hearing Examiner Pro Tem
Susan Elizabeth Drummond



922 N 200th St Rezone

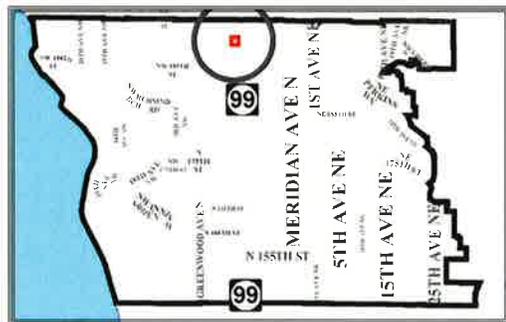
R-12 to R-24

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 |



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