

# ORIGINAL

## ORDINANCE NO. 499

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING FROM R-8 (RESIDENTIAL, 8 UNITS PER ACRE) TO R-24 (RESIDENTIAL, 24 UNITS PER ACRE) FOR THE PROPERTIES LOCATED 16520, 16522, 16526, 16532, AND 16538 LINDEN AVENUE NORTH (PARCEL NOS. 0726049128, 0726049319, 0726049278, 0726049129, AND 0726049127)**

WHEREAS, the subject properties, located at 16520, 16522, 16526, 16532, and 16538 Linden Avenue North are zoned R-8, Residential, 8 units per acre; and

WHEREAS, the owners of the properties have applied to rezone the properties to R-48, Residential, 48 units per acre; and

WHEREAS, the Planning Commission considered the application for zone change at a public hearing on March 6, 2008, and has recommended the properties be rezoned to R-24; and

WHEREAS, the rezone of the properties to R-24 or R-48 is consistent with the Comprehensive Plan land use designations of High Density Residential; and

WHEREAS, a Determination of Non-Significance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council concurs with the Findings and Recommendation of the Planning Commission and determines that the rezone of the properties should be approved to provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses consistent with the goals and policies of the City's Comprehensive Plan;

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

**Section 1. Findings.** The Planning Commission's Findings and Recommendation to approve rezone of the parcels, attached hereto as Exhibit A, are hereby adopted.

**Section 2. Amendment to Zoning Map.** The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of those certain properties described as follows:

Parcel No. 0726049128: LOT 2 OF KC SP #788021 REC #9008220833 SD SP DAF - POR OF SE 1/4 OF SE 1/4 OF SW 1/4 BAAP 203 FT E & 220 FT S OF NW COR OF SD SUBD TH S PLW WLY LN OF SD SUBD 117.50 FT TO POB TH CONT S PLW SD WLY LN

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143 FT TH W PLW N LN OF SD SUBD 198 FT TH N PLW SD WLY LN 143 FT TH E  
198 FT TO POB;

Parcel No. 0726049319: LOT 3 OF KCSP #788021 REC #9008220833 SD SP DAF - POR  
OF SE 1/4 OF SE 1/4 OF SW 1/4 BAAP 203 FT E & 220 FT S OF NW COR OF SD SUBD  
TH S PLW WLY LN OF SD SUBD 117.50 FT TO POB TH CONT S PLW SD WLY LN  
143 FT TH W PLW N LN OF SD SUBD 198 FT TH N PLW SD WLY LN 143 FT TH E  
198 FT TO POB;

Parcel No. 0726049278: LOT 1 OF KC SP #788021 REC #9008220833 SD SP DAF - POR  
OF SE 1/4 OF SE 1/4 OF SW 1/4 BAAP 203 FT E & 220 FT S OF NW COR OF SD SUBD  
TH S PLW WLY LN OF SD SUBD 117.50 FT TO POB TH CONT S PLW SD WLY LN  
143 FT TH W PLW N LN OF SD SUBD 198 FT TH N PLW SD WLY LN 143 FT TH E  
198 FT TO POB;

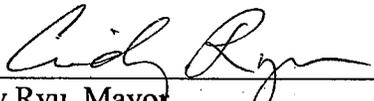
Parcel No. 0726049129: N 67.5 FT OF S 400.5 FT OF E 198 FT OF W 203 FT OF SE 1/4  
OF SE 1/4 OF SW 1/4 ESMT W 20 FT FOR RD;

Parcel No. 0726049127: S 70 FT OF E 198 FT OF FOLG N 270 FT OF W 203 FT OF SE  
1/4 OF SE 1/4 OF SW 1/4)

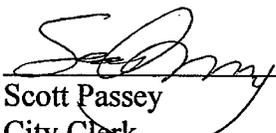
and depicted in Exhibit B attached hereto, from R-8, Residential, 8 units per acre to R-24,  
Residential, 24 units per acre.

**Section 3.** Effective Date and Publication. This ordinance shall go into effect five days  
after passage and publication of the title as a summary of this ordinance.

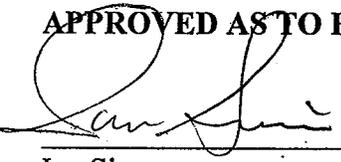
**PASSED BY THE CITY COUNCIL ON APRIL 14, 2008.**

  
Cindy Ryu, Mayor

**ATTEST:**

  
Scott Passey  
City Clerk

**APPROVED AS TO FORM:**

  
Ian Sievers  
City Attorney

Date of Publication: April 17, 2008  
Effective Date: April 22, 2008

## ORIGINAL

CITY OF SHORELINE  
PLANNING COMMISSIONFINDINGS, CONCLUSIONS AND RECOMMENDATION

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## PROJECT INFORMATION SUMMARY

**Project Description:** Change the zoning of five parcels from R-8 to R-48 for future development.

**Project File Number:** 201699

**Project Address:** 16520, 16522, 16526, 16532, and 16538 Linden Avenue North, Shoreline, WA 98133

**Property Owner:** Mike Matulovich (authorized agent).

**SEPA Threshold:** Determination of Non-Significance (DNS)

**Staff Recommendation:** Recommend approval of the rezone of five parcels to R-24.

**Date of Public Hearing:** March 6, 2008

## INTRODUCTION

The owners of the five parcels are requesting the zoning be changed on five separate parcels from R-8 to R-48. The rezone will facilitate the development of additional residential units as well as to provide a more suitable transition between commercial businesses to the east and low-density single family homes to the west. The subject parcels in question are located adjacent (share a property line) to businesses that front on Aurora Avenue (Mann's Welding, Central Trailer Exchange, Uhaul) and are zoned Regional Business.

Staff has reviewed the application and recommends a rezone to R-24 which is a less intense zoning designation than the one proposed by the applicant.

## FINDINGS OF FACT

*Current Development*

1. The subject parcels are located at 16520, 16522, 16526, 16532, and 16538 Linden Avenue North.
2. The individual parcels range in size from 7,481 to 13,860 and have a total land area of the rezone is 53,020 square feet. The parcels are developed with a 4 single-family homes and one duplex. All of the parcels are zoned R-8. All of the subject parcels have a Comprehensive Plan Land Use designation of Mixed Use ("MU"). See **Attachment 1** for surrounding Comprehensive Plan designations and **Attachment 2** for surrounding zoning designations.

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3. If the request is approved, the combined development potential of the 5 sites is 58 units dwelling units (R-48 zoning).
4. There are no existing sidewalks along Linden Avenue North adjacent to the subject properties. Right-of-way improvements are required when the applicant applies for building permits and include sidewalk, street lighting and curb and gutters.

## *Proposal*

5. The applicant proposes to rezone the parcels from R-8 to R-48.
6. A pre-application meeting was held with the applicant and City staff on August 7, 2007, the applicant held the requisite neighborhood meeting on August 27, 2007, and a Public Notice of Application was posted at the site.
7. Comments received at the neighborhood meeting included the following topics (Attachment 4):
  - Traffic
  - Property values and taxes
  - Spill-over parking
  - Apartments and neighborhood character
  - Landscaping
8. Advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on December 19, 2007 for the Notice of Application. The Notice of Public Hearing and SEPA Determination were posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on January 30, 2008. Public comment letters can be found in Attachment 3.
9. The Planning Department issued a SEPA Determination of Non-Significance and notice of public hearing on the proposal on January 30, 2008. The DNS was not appealed.
10. An open record public hearing was held by the Planning Commission for the City of Shoreline on March 6, 2008.
11. The City's Long Range Planner, Steven Cohn, and Associate Planner, Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to R-24.

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## *Comprehensive Plan Land Use Designations.*

12. All of the surrounding parcels to the north, south and east have a Comprehensive Plan Land Use designation of Mixed Use. (See Attachment 2). Parcels to the west, across Linden Ave N, have a land use designation of Low Density Residential and Public Open Space.
13. The Comprehensive Plan describes Mixed Use as "intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses.
14. The Comprehensive Plan describes Low Density Residential as "areas currently developed with predominately single family detached dwellings".

## *Current Zoning*

15. The subject parcels are currently zoned R-8. The subject parcels are developed with 4 single-family homes and one duplex. Most of the units are renter-occupied. Parcels to the north are zoned R-8 and R-18 and developed with three single-family homes and two fourplex's. Parcels to the south are zoned R-12 and R-18 and developed with townhomes. To the east are parcels zoned RB and developed with a variety of commercial uses. Parcels on the west side of Linden Ave N are predominately developed with single family homes zoned R-6 with a public park (Richmond Highlands park) zoned R-6 as well.
16. The purpose of R-8 zones, as set forth in Shoreline Municipal Code 20.40.030, 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."
17. The purpose of R-24 and R-48 zones, as set forth in Shoreline Municipal Code 20.40.030, is to "provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses."

## *Proposed Zoning*

18. Under SMC 20.30.060, a rezone is Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:
  - The rezone is consistent with the Comprehensive Plan; and
  - The rezone will not adversely affect the public health, safety or general welfare; and
  - The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
  - The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and

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- The rezone has merit and value for the community.
19. The purpose of an R-48 zoning district, as set forth in the Shoreline Municipal Code 20.40.030, is to "provide for a mix of predominately apartment and townhouse dwelling units and other compatible uses." The R-24 zoning category allows all residential land uses, including detached single-family dwelling units (if a Conditional Use Permit is secured).

## *Impacts of the Zone Change*

20. The following table outlines the development standards for the current zoning (R-8), the staff recommended zoning (R-24), and the most intense zoning allowed under the Comprehensive Plan (R-48):

	R-8 (Current)	R-24	R-48
Front Yard Setback	10'	10'	10'
Side Yard Setback	5'	5'	5'
Rear Yard Setback	5'	5'	5'
Building Coverage	55%	70%	70%
Max. Impervious Surface	75%	85%	90%
Height	35'	35'(40' with pitched roof)	35'(40' with pitched roof)
Density (residential development)	8 du/ac	24 du/ac	48 du/ac
Maximum # of units	10	29	58

## CONCLUSIONS

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have all been met in this case.

Staff reviewed the rezone criteria and recommends that a higher density zoning designation is warranted. In its review, staff concluded that an R-24 zoning designation is

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more appropriate for the subject properties than an R-48 zone. Staff's analysis is reflected below:

## *Rezone criteria*

### **REZONE CRITERIA 1: Is the rezone consistent with the Comprehensive Plan?**

3. The rezone complies with the following Comprehensive Plan Goals and Policies:

#### Land Use

- Land Use Element Goal I - Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps maintain Shoreline's sense of community.
- Land Use Element Goal III - Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.
- LU14 – The Mixed Use designation creates a transition between high intensity uses (commercial) to lower intensity residential uses.

#### Housing Goals

- Goals HI, HII, and HIII – Provide sufficient development capacity, pursue opportunities to develop housing for all economic segments of the community, and maintain and enhance multi-family residential neighborhoods with new development that is compatible with the neighborhood and provides effective transitions between different uses.
- H1 and H5 – Increase housing opportunities that is compatible with the character of existing residential and require new residential development to meet the minimum density as allowed in each zone.
- H24, H27 and H28 – Promote first time home ownership, anticipate future restoration needs of older neighborhoods and assure that design guidelines create effective transitions.

#### Transportation Goals

- TI, TIII, TIV, TVI, and TVII – These transportation goals speak to safe and friendly streets, access to transit, livability and safety of residential neighborhoods, and encouragement of use of alternative modes of transportation.

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- T17, T26, T27, and T29- These transportation policies speak to minimizing traffic on local streets and installing sidewalks for new construction projects to improve pedestrian safety.
- T45 – Reduce speeds and cut-through traffic on local streets while maintaining connectivity to the transportation system.

The R-48 (proposed) rezone proposal is consistent with all of the above Comprehensive Plan Land Use Element Goals and Policies because more intense residential zoning is consistent with the Mixed Use designation and would act as a transition between commercial and lower density residential uses.

However, an R-24 zone (staff recommendation) would allow greater development intensity than the current zoning and be more compatible with the already constructed condo/townhome developments to the south and northwest. The current R-8 zoning category is consistent with the Mixed Use designation; however, the existing detached single-family homes on these sites are not as appropriate a transition to the intense commercial businesses fronting on Aurora Avenue as a multifamily development would be.

R-24 provides a better transition between commercial uses to the east and low-density single-family residential to the west across Linden Ave than does R-8. This section of Linden Avenue, between N 165th and N 170th, is classified as a local street and should reflect densities that are appropriate for these types of street sections.

The difference in unit count between R-48 and R-24 is substantial. 58 units are allowed in the R-48 zone and 29 units are allowed in the R-24 zoning category. Since the development standards for R24 and R-48 are similar, the major impact will be the additional traffic generated by the units (see response to criteria 4).

Rezoning the parcels to R-24 is consistent with the Comprehensive Plan as it would allow more intense residential uses, and is supported by land use, housing, transportation and community design/transition goals of the Comprehensive Plan.

**REZONE CRITERIA 2: Will the rezone adversely affect the public health, safety or general welfare?**

4. Staff believes the rezone and associated future development will positively affect the neighborhoods general welfare. A rezone to R-24 (staff recommendation), will result in an effective transition from commercial uses on Aurora Ave to high density residential uses to low density residential.
5. New development requires improvements to access and circulation through curb and gutters, sidewalks and street frontage landscaping. Allowing this rezone and new development in general improves public health, safety and general welfare.

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In addition, the City has plans for drainage upgrades in front of the applicants' property. By improving the way surface water moves in and around these sites, existing drainage problems in the area will be solved.

**REZONE CRITERIA 3: Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?**

6. R-8 (current), R-24 (recommended), and R-48 (proposed) zoning maintains consistency with the Mixed Use designation in the Comprehensive Plan. However, as staff reviews the Plan's policies for additional direction, we conclude that the Comprehensive Plan envisions a transition from high intensity commercial zoning along Aurora Ave to lower densities as you transition to the west. The proposal for R-24 meets this long term vision for the area as higher residential densities are expected within this transitioning area and are appropriate between commercial uses and low-density homes.

**REZONE CRITERIA 4: Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?**

After reviewing the information submitted by the applicant, staff concludes that the proposed rezone will not have a negative impact to the existing single-family properties in terms of traffic or drainage.

7. The applicant submitted a traffic report (Attachment 5) evaluating an additional 58 units. Approximately 25 new p.m. peak hour trips would be added with an additional 293 daily trips added. These numbers are based on an R-48 zoning. Staff is recommending an R-24 zoning so potential car trips will be less than the traffic report mentioned.
8. The City is planning on making drainage improvements to Linden Ave N. between N 165<sup>th</sup> and N 167<sup>th</sup>. These improvements will correct drainage problems that have occurred in the past.
9. Under the current codes, townhomes as well as single-family homes may be 35 feet in height (40 feet with pitched roofs in the R-24 zone). This rezone could potentially add 53 additional units (5 units exist now, current zoning will allow 10 units; an R-24 would add 24 units and the requested R-48 rezone would permit up to 58 units).
10. An increase in additional units envisioned by an R-24 zoning designation is not detrimental to the property in the vicinity because appropriate infrastructure is or will be in place, the zoning will provide a reasonable transition between commercial and existing low density residential uses, and new development will provide amenities such as curb, gutter, and sidewalk improvements.

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A DNS has been issued, and no environmental issues remain.

## REZONE CRITERIA #5: Will the rezone have merit and value for the community?

Staff has reviewed the applicant's materials and believes that the issues raised in the past have been adequately addressed.

- By rezoning 5 lots the Commission will be implementing the vision that has been adopted and avoid the site by site rezoning that has occurred in the past;
- Drainage and traffic issues have been analyzed - drainage issues will be corrected by City improvement project and traffic impacts can be handled by the existing infrastructure.
- This rezone will encourage redevelopment of the area in accordance with the existing Comprehensive Plan designation of MU.
- Appropriate transition requirements, specifically density, are being employed to address proximity to intense commercial uses and transitions from multi-family uses to low-density single-family uses to the west.

## RECOMMENDATION

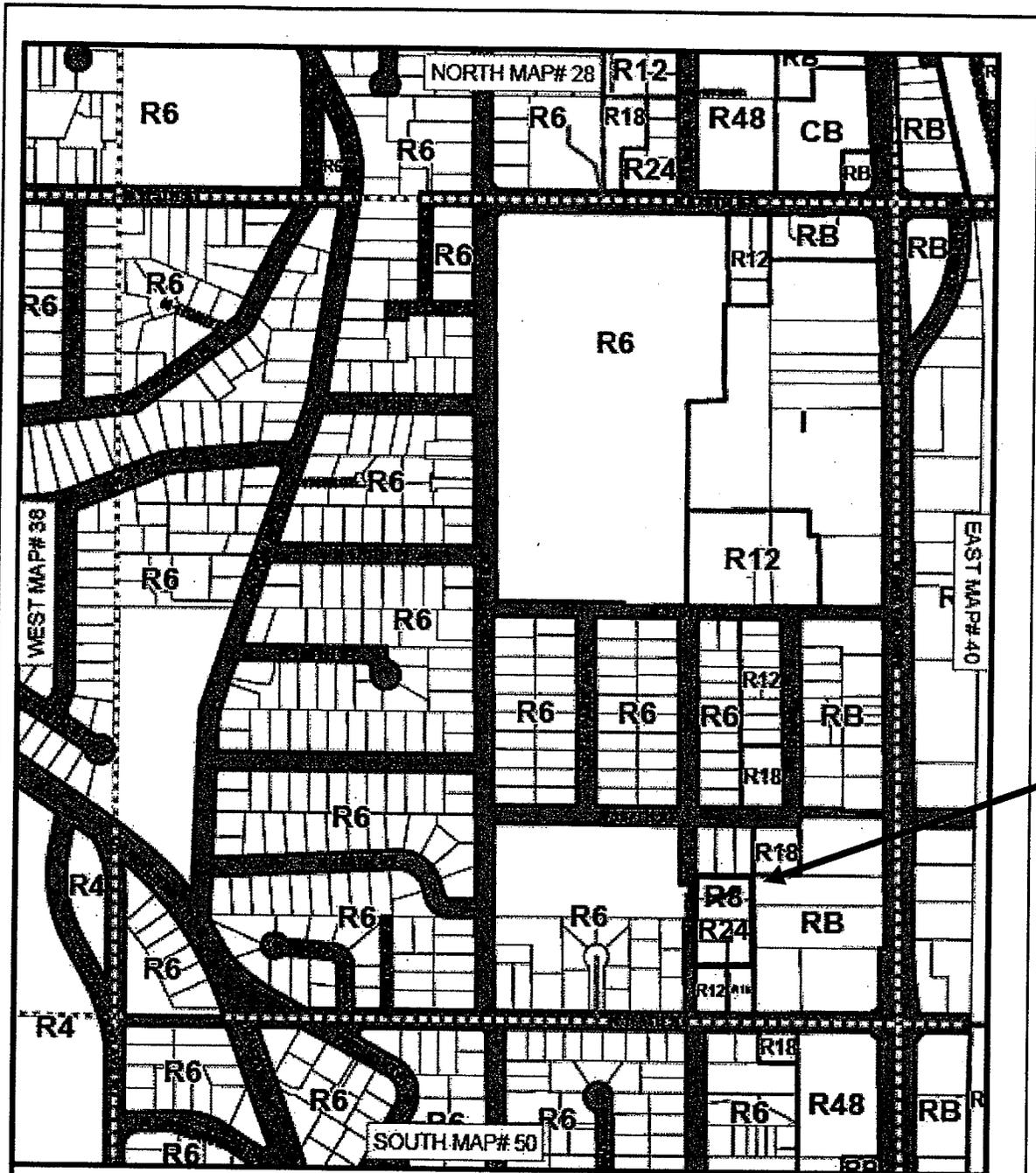
The Planning Commission recommends that the City Council approve a rezone of 5 parcels at 16520, 16522, 16526, 16532, and 16538 Linden Avenue North, Shoreline, WA 98133 from R-8 to R-24.

Date: 25 MARCH 2008

By:   
Planning Commission Chair

## ATTACHMENTS

- Attachment 1 - Comprehensive Plan Map
- Attachment 2 - Zoning Map
- Attachment 3 - Public Comment Letter
- Attachment 4 - Neighborhood Meeting Notes
- Attachment 5 - Traffic Study



Site

## CITY OF SHORELINE ZONING MAP

Plot Date: 04/2007

### Zoning Legend

- |                                |                                       |
|--------------------------------|---------------------------------------|
| R4 Residential, 4 units/acre   | NB Neighborhood Business              |
| R6 Residential, 6 units/acre   | NCBD North City Business District     |
| R8 Residential, 8 units/acre   | CB Community Business                 |
| R12 Residential, 12 units/acre | O Office                              |
| R18 Residential, 18 units/acre | RB Regional Business                  |
| R24 Residential, 24 units/acre | RB-CZ Regional Business-Contract Zone |
| R48 Residential, 48 units/acre | I Industrial                          |
| CZ Contract Zone               |                                       |

### Feature Legend

- |                  |                    |
|------------------|--------------------|
| - Map Tile Lines | - Unclassified ROW |
| - City Boundary  | - Parcel Line      |

SW1/4-S7-T26N-R4 E

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60

## MAP # 39

1:3,600

0 75 150 300 450 600 Feet

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

Representation of official zoning map adopted by City Ordinance No. 202. Shows amendments through December, 2006.

