

**From:** [Dan Jacoby](#)  
**To:** [City Council](#)  
**Subject:** 185th St. station rezone  
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**Attachments:** [185St\\_Map&Rules\\_DanJacoby.pdf](#)

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To the members of the Shoreline City Council:

Attached is a modified proposal for the rezoning around the 185th St. light rail station. It answers many problems with the current plan, and provides a reality check on what's possible and what's good for Shoreline. I urge you to read it before you make a final decision Monday night.

For those who claim that this is last-minute, I submit that it is only last-minute if you feel that Monday's scheduled vote is an absolute deadline, rather than as arbitrary a date as the original Feb. 23rd date was. There is plenty of time. Sound Transit isn't even exercising eminent domain until next year, and won't be starting construction for three years. In light of Seattle City Council member Tim Burgess's urging that the rezoning be completed prior to the start of station construction, that still gives you lots of time.

Thank you in advance for considering this proposal.

Best regards,  
Dan Jacoby

**A New Proposal  
for  
Rezoning the  
185<sup>th</sup> St. Subarea**

*Submitted to the  
Shoreline City Council  
March 12, 2015*

*by*

**Dan Jacoby**

## **Introduction**

In late 2013, BAE Urban Economics submitted the result of their study on housing and commercial development around the 185<sup>th</sup> St. Lynnwood Link light rail station<sup>1</sup>, in which they outlined several conclusions and made several specific recommendations. Virtually all of the conclusions and recommendations have been ignored and, as a result of months (and years) of resulting recommendations, by city staff, the Planning Commission, outside groups, etc., the current map is far too large, far too dense, and far too removed from the facts. (Hereinafter, this study will be referred to as the “BAE study.”)

(There is also a preliminary study on the 185<sup>th</sup> Street station area from Sound Transit, published in April of 2013.<sup>2</sup> This study is far less detailed than the BAE study but similarly pessimistic regarding the potential for large-scale increases in housing, more than a small amount of new retail, or any new office space.)

Over the past several months, the community has become increasingly involved, with almost everyone making similar requests. These requests have, for the most part, been minimized, mischaracterized or ignored. What’s more, some people go so far as to accuse the community members who are coming forth of waiting until the last minute. The truth is that most of the community was not properly informed of what was really happening and when; outreach efforts were ineffective at best and often misleading.

During this period, starting with the submission of the BAE report and up through the present, facts regarding the likely result of zoning code and map changes have been disregarded in favor of blind ideology pushed by various people, to the point that it is difficult for anyone who has been indoctrinated into this ideology even to see what’s wrong with it.

As a result, the changes to the map and zoning codes that the Council is poised to make are more than likely to degrade the quality and character of the neighborhood and the city of Shoreline. Facts are nasty creatures; when you turn your back on them they bite you in the butt.

The purposes of this report and accompanying map are:

- To return to the only serious, professional study done on the 185<sup>th</sup> St. station subarea;
- To codify the pleas from the community;
- To deal with facts rather than ideology; and

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<sup>1</sup> BAE study available at <http://www.cityofshoreline.com/Home/ShowDocument?id=15704>

<sup>2</sup> “Station Area Transit-oriented Development Potential Report” Chapter 9, available at: [http://www.soundtransit.org/Documents/pdf/projects/North\\_hct/Lynnwood TOD/201307\\_Final Station Area TOD Potential Report\\_09 Chapter 9.pdf](http://www.soundtransit.org/Documents/pdf/projects/North_hct/Lynnwood_TOD/201307_Final_Station_Area_TOD_Potential_Report_09_Chapter_9.pdf)

- To propose a new map and development code changes that are rational, reasonable and responsible, and therefore more likely to result in successful, managed growth in Shoreline over the next 20 years.

### **The New Map and Rules**

Attached is a new two-phase proposed map, designed to replace the current map before the Council. This map comes with several specific rules that would need to be written in legal format and included in the development code. In this submission, the rules will be explained in layman's terms.

Briefly, this proposed map and the accompanying rules:

- Are much more in line with the anticipated 700 new housing units needed over the next 20 years;
- Generate a sufficient market for anticipated development;
- Permit sufficient flexibility should demand exceed expectations;
- Create Phase II timing that is both rational and flexible;
- Don't extend the new MUR zones unrealistically to side streets;
- Keep excess traffic away from the North City elementary school site;
- Allow for the so-called "connecting corridor" only after successful TOD development near the station;
- Contain several special features for the Shoreline Center, including:
  - The ball fields and stadium remain untouched;
  - Community facilities will be maintained or improved; and
  - It keeps sufficient parking for community facilities.

Below is a fuller explanation of the above bullet points.

### **New Rules**

Some rules that would need to be incorporated into the Development Code are:

- Phase II would be implemented no later than 2027, but could become active earlier if certain benchmarks are reached, indicated a greater than anticipated demand for new housing.
  - Benchmarks include numbers (figured by number of new residential dwelling units) of building permits and certificates of occupancy issued and new dwelling units actually occupied. Once minimum levels are reached, city planning staff would be required to report to the Planning Commission on a monthly basis.

- Should the benchmarks be achieved ahead of the anticipated date, the Planning Commission would have a short time (perhaps a month) to make a recommendation to the City Council. At that point, the Council would have about a month to act. If the Council fails to act, or chooses not to act, then Phase II would go into effect immediately.
- Since new development numbers would be updated regularly, the Planning Commission and the Council would be able to take action to adjust both the scope and the timing of Phase II at any time. They would not have to wait for the benchmarks to be achieved to make needed changes.
- The Master Use Permit (MUP) for the Shoreline Center would contain several features, including:
  - Building heights would be the same as for the MUR-70 zones, but a different set of setbacks and step-backs would be created, particularly to prevent long shadows from falling on the ball fields in the late afternoon and evening;
  - All current community facilities, such as the Spartan Recreation Center, the senior center, meeting rooms, etc., would have to be maintained or rebuilt to the same or higher standards, with service disruptions kept to a minimum;
  - The portion of any new development devoted to community facilities would retain standard non-profit exemptions from property taxes;
  - Since the property would almost certainly remain under the ownership of the School District and leased to developers, the initial cost of acquiring property would be significantly lower than the cost of acquiring property currently privately held, thus balancing the extra cost of maintaining, rebuilding or expanding community services; and
  - Sufficient parking for all community facilities would be required.

### **700 Residential Units**

The BAE study concluded that expected demand for new housing units near the 185<sup>th</sup> St. light rail station would be about 700 units over the next 20 years.

In order to create a robust market for property that could be developed to higher densities, it will be necessary to rezone for a multiple of that expected 700 new units. We must take care, however, not to overzone the area, for that would open the door to speculators buying the cheapest properties and “land-banking” them in ways that could lower property values for adjacent properties.

There is no formal study available at this time to guide us on what a proper range of new units should be in order to create a robust market while discouraging speculation. This proposed map allows for over 4,200 new housing units in Phase I alone<sup>3</sup>, a 6:1 ratio over the anticipated 700-unit demand. Phase II, as it exists here, would allow for at least another 1,000 units, but is flexible enough to allow for adjustments to meet real demand as it becomes clear.

By contrast, the current proposal would allow for over 20,000 new housing units at Phase I alone, and over 25,000 new units when Phase II is added in<sup>4</sup>. This is more than a 35:1 ratio of supply to anticipated demand. Even the MUR-70 zone in Phase I alone provides for up to 17,000 new units, a 24:1 ratio over anticipated demand.

Furthermore, the current proposal talks about a 60-100 year time frame for full buildout. While it might be fun to play around with 60-100 year projections, such long-term guesswork is impractical at best, and generally indefensible when given the number and magnitude of possible variables. These variables include national and local economic cycles, effects of new technologies, generational differences, and more. To give an idea of just how ridiculous a 60-year planning period is, remember that 60 years ago I-5 didn't even exist, because the Interstate Highway system hadn't been created yet.

Even a 20-year projection is shaky at best, which is why any plan based on such a projection must be as flexible as possible to adjust to the unfolding reality over time.

### **Flexibility for Excessive Demand**

Should actual demand for new residential units exceed anticipated levels, the Council could act to enact Phase II at an earlier date, whether the benchmarks described above are met or not, and also to increase the amount and scope of new zoning maps from these levels.

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<sup>3</sup> Housing unit numbers based on the following computations:

Lot sizes – King County Assessor's website: <http://gismaps.kingcounty.gov/parcelviewer2/>

Potential units for MUR zones are taken from the 185<sup>th</sup> St. subarea DEIS

(<http://shorelinewa.gov/home/showdocument?id=17377>), specifically the pictures on pages 3-75, 3-76 and 3-77. Numbers used reflect less than full potential density (as shown in the pictures referenced) of 40 DU/acre for MUR-35, 67 DU/acre for MUR-45 and over 300 DU/acre for MUR-70, minus assumed current density of 6 DU/acre, and are as follows:

MUR-35 — 30 DU/acre; MUR-45 — 45 DU/acre; MUR-70 — 200 DU/acre; MUP — 200 DU/acre.

For a tangible example of potential MUR-70 density, the Arabella apartment building at 17763 15<sup>th</sup> Ave. NE contains 88 units on a lot area of 19,457 sq. ft., or a density of 197 DU/acre. For an MUR-70 zone, the five floors of the Arabella building could be placed on top of a ground floor, and the current lobby space used for even more apartments, resulting in higher density.

<sup>4</sup> Figures based on acreage listed in the meeting packet for Agenda Item #8a for the March 23, 2015 Council Business Meeting, page 8a-7. Packet available at: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport031615-8a.pdf>

The concept of phasing should be for the dual purposes of encouraging initial development in the immediate area of the station, while also allowing for flexibility should actual demand for new housing and commercial building vary significantly from expected demand.

We pilot into a great unknown, a future that cannot be accurately painted in advance. Under this plan, any initial errors in estimates of future demand can be corrected in real time with minimal adverse impact.

### **Phase II Timing**

Under the plan currently being considered, Phase II would become effective in 2021. The result of this timing is that developers who wish to build would see no real difference between Phase I and Phase II, since there is little likelihood of more than a small amount of new construction beginning prior to 2021.

In this plan, Phase II would not automatically become effective until 2027, thus encouraging new development in the area within easy walking distance of the light rail station. At the same time, provisions for early implementation of Phase II should actual demand exceed anticipated levels, with very little effort needed, allow for flexibility in case the initial timing is too conservative. In addition, the Council would have plenty of time to evaluate the early results and adjust the map and rules as needed.

### **Excessive MUR Zones**

The move toward form-based zoning has many supporters across the nation, but there are many dangers involved in stripping limitations away from the zoning code.

In the first place, a realistic look at the potential for MUR-35 and MUR-45 zones is far different from the analogs presented in the reports. Until those analogs were stripped away, we saw the fiction that MUR-35 zones would be equivalent to current R-18 zones, and MUR-45 zones would be equivalent to current R-48 zones.

The absurdity here is quickly self-evident, since even if we assume complete first-floor commercial rather than residential development, MUR-35 zones allow for at least two-thirds of the maximum number of units as MUR-45 zones (or more, once off-street parking is taken into account), while R-18 only allows for 40% as many units as R-48 zones.

In addition, the pictures on page 3-75 of the 185<sup>th</sup> St. Station DEIS show clearly that at least 40 units per acre are possible in MUR-35 zones, while the pictures on the following page show just as clearly that at least 67 units per acre are possible in MUR-45 zones. These numbers are far in excess of the supposedly analogous residential zones put forth, as well as having a far different proportion than the 18/48 levels in the purported analogs.

Furthermore, as commercial development would certainly lead to far greater traffic levels throughout the day, and as smaller side streets would require expensive mitigation (read: expansion) in order to be able to handle the traffic, they are better left to residential development only.

In addition, the BAE study notes that, “Retail should be limited to a **small amount** of convenience oriented retail serving residents and transit riders and located at the transit station.” (Emphasis mine.)

Finally, there is no need to zone for mixed use on side streets where there is practically no chance for anything but residential development anyway.

Therefore, the only Phase I mixed use zoning on the map is limited to the Shoreline Center, the station itself, and the immediate vicinity around these two high-density centers. While there is a potential for MUR-35 zoning along 185<sup>th</sup> St., as this would allow for live/work lofts not currently available in residential-only zoning, it is highly unlikely to be useful until sufficient buildout creates a demand, and is therefore limited to Phase II.

### **Traffic Near the School**

Any zoning map that allows for high-density residential development across the street from an elementary school, or highly probable site for a reopened elementary school, is courting severe danger. Many parents drive their young children to school in the morning. The morning rush hour traffic that high-density residential zoning would create, when combined with the traffic from parents at the same time, is a recipe for calamity.

What’s worse, this potential for calamity would occur early in the morning, when many people are not fully awake and less likely to be able to respond quickly. In addition, the rush-hour traffic, from those going to work, has drivers who don’t have children in their cars and are therefore far less likely to exercise the higher level of caution required to keep little children safe.

Since there is no foreseeable need for high-density zoning across the street from the school property, it has been eliminated, with transition zones placed nearby.

### **“Connecting Corridor”**

In my public comment to the Council at the March 2<sup>nd</sup> Business Meeting, I explained why the concept of a “connecting corridor” created by construction of buildings is not only meaningless but also antithetical to the concept of Transit Oriented Development. By moving all zoning that falls under this falsely titled category to Phase II, we avoid conflict with TOD and increase the potential for successful development around the station.



And the BAE study clearly agrees. It states:

**“There is the potential to create TOD at the new NE 185th Street Station, and connect it via an enhanced “Transit Boulevard” to the emerging Aurora Avenue North TOD Town Center corridor and the mixed-use node in North City along 15th Avenue North.** The approximately one-half mile distance between the new NE 185th Street Station and the core commercial area in North City presents an opportunity to enhance access for pedestrians and bicycles along NE 185th and 180th Streets to connect these two areas. The approximately one mile distance to Aurora Avenue North will require enhanced transit and bicycle access. These improvements would enhance City resident access to the new station, and new TOD resident access to retail.” (Emphasis BAE’s)

In other words, any “connecting corridor” would consist only of upgrades to various modes of transportation, such as streets, bicycle lanes and mass transit, all of which have nothing to do with new construction.

Furthermore, creating MUR zones along these “connecting corridors,” as with MUR zones anywhere else, would be for the purpose of encouraging retail development along this corridor. But the BAE study makes it clear that such retail is highly unlikely to develop. Instead, the study reports:

“This suggests that new retail development around the new NE 185th Street Station should not be targeted at destination retail, but rather retail uses that are viable based on demand in the immediate area, combined with new transit users. A location at the new transit station would be preferable in order to capture the greatest amount of this local and transit-oriented customer base. This could include small scale food and beverage uses, such as a coffee shop/café, small scale convenience stores, and personal services.”

Therefore, the “corridors” along 185<sup>th</sup> St. west of the west side of 1<sup>st</sup> Ave., and down 10<sup>th</sup> Ave. and across 180<sup>th</sup> St. to 15<sup>th</sup> Ave., are reserved for higher-density residential only, and only in Phase II.

### **Shoreline Center**

The BAE study noted that:

“Achieving this [700 residential unit] level of growth depends upon redevelopment of the Shoreline School District property west of I-5 ...

“Without redevelopment of this site, new development around the station area is likely to be limited to a couple hundred units due to the challenges of site assembly.”

Furthermore, the BAE study notes that:

In other words, without a large number of new units at the Shoreline Center, the entire rezone could fail. Therefore, it is crucial that the Center stand out as a major magnet for the highest-density zoning allowed in the area.

On the other hand, the Shoreline Center, with its multiple community facilities, both indoor and outdoor, is a city treasure that should be maintained, at the very least, and improved upon whenever and however possible. Therefore, this plan both preserves the open spaces currently in use and requires that current levels of indoor community facilities be maintained while allowing for improvements paid for by responsible new development.

### **Radical?**

Some might think that this report is a radical departure from what has been considered to date. In fact, the options considered to date are radical departures from the reality of what is needed and what is possible for continuing beneficial growth for the neighborhood and for Shoreline, as outlined in the BAE study.

### **Too Late?**

There are those who would claim that it is “too late” to consider a new proposal. Of course, there were a few who claimed that Councilmember Roberts’ proposal came “too late” to be considered, yet the Council wisely postponed what was truly an arbitrary date (February 23<sup>rd</sup>), for a final vote in order to consider Councilmember Roberts’ proposal.

Since the new date (March 16<sup>th</sup>) is just as arbitrary as the original, and since we are still about three years away from the beginning of construction on the light rail line and stations in Shoreline, there is no reason not to postpone again.

Furthermore, by rezoning so extensively and so far in advance of anticipated demand, we open the door to rampant speculation, land banking and blight. Since developers aren’t going to start building for years, they are likely not to purchase property any time soon either. Speculators are already making overtures to property owners, and that activity is certain to increase once the new zoning is in place. Postponing the rezone and scaling it down limits the opportunity for such destructive behavior.

## **Conclusion**

This plan is far more rational, reasonable and responsible than any plan that has been considered so far. It takes into account factors such as proper phase timing, limiting initial development to the area immediately adjacent or very close to the light rail station, limiting morning rush-hour traffic in front of an elementary school, a legitimate understanding of “connecting corridors,” and preservation of both indoor and outdoor community facilities.

Even more importantly, this plan is far more flexible than the one currently being considered. Since nobody can be certain how demand for new housing will change in even the near-term future, much less the longer term, the best we can do is allow for maximum possibilities while limiting the potential damage that would occur from estimating incorrectly.

The final question is whether this Council wants its legacy to be one of truly caring about the future of Shoreline in general, and the neighborhoods around the light rail stations in particular, or to be that it pushed ahead based on blind ideology no matter how internally inconsistent, inflexible or inadequate it is.

There is clearly tremendous pressure to make the rezoning as large as possible. Three years of constant indoctrination in the “bigger is better” theme from various people and outside groups has taken its toll. Is it too late to strip away this false notion, to bring back the memory of the true goals of the city’s comprehensive plan, and to restore sanity to this process? Or are the many voices from the community, combined with the facts of the BAE study, sufficient to overcome all that indoctrination?

It’s up to the City Council to make the decision that, if right, will serve as a beacon of sense and decency, and in any area where it might be wrong, provide the most flexibility to correct any mistake while limiting the damage. Or you can go ahead with what is clearly fraught with dangers that, if realized, cannot easily be overcome, at least not until great damage has been done to the neighborhood and to the city.

Remember that Sound Transit’s shovels won’t hit the ground for about three more years. Remember that you already postponed a decision for three weeks with no adverse effects. Then remember why you chose to live in Shoreline. Finally, please vote to preserve the character and quality of this city so that future generations may enjoy the same lifestyle you came here to enjoy.

Thank you in advance for your consideration,



Dan Jacoby

185th Street Station Subarea Planned Action

Proposed Phase I/Phase II Alternative

