Kendyl Hardy

From: Tom McCormick <tommccormick@mac.com>
Sent: Tuesday, September 27, 2022 6:38 PM
To: Hearing Examiner
Cc: Kendyl Hardy
Subject: [EXTERNAL] Public Comment re Public Hearing on Application PLN22-0113 before the Hearing Examiner Sept 27, 2022

To: Hearing Examiner, City of Shoreline

Please accept this email as my public comment in opposition to the applicant's proposed amendment to amend the Comprehensive Plan to designate the entirety of the applicant's parcel as Mixed-Use 1 on the land use map, and in opposition to the applicant's proposed amendment to up-zone the western portion of the applicant's parcel from R-18 to Mixed Business.

I.

The applicant wants to up-zone the western portion of its parcel from R-18 to MB so that it can benefit by building a bigger building. It's desire fails to satisfy the decision criteria set forth in SMC 20.30.345(1) through (6) for a Comprehensive Plan amendment to have its parcel designated as Mixed-Use 1, and fails to satisfy the related decision criteria to have the western portion of its parcel up-zoned from R-18 to Mixed Business.

The applicant has the burden to prove that it satisfies every one of the decision criteria. If the applicant fails to satisfy a single criteria, the Hearing Examiner must recommend denial of the applicant's application.

For all of the reasons set forth below, the applicant has failed to prove that it has met all of the decision criteria in SMC 20.30.345(1) through (6). Accordingly, the Hearing Examiner must recommend denial of the applicant's application.

II.

Decision Criteria SMC 20.30.345(B)(1) — "The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies and the other provisions of the Comprehensive Plan and City policies; and …"

COMMENT: If the amendment is inconsistent with *any* provisions of the Comprehensive Plan, or inconsistent with *any* City Policies, then the applicant does not satisfy its burden, and the Hearing Examiner must recommend denial of the applicant's amendment.

A. After stating in the Staff Report that the applicant's property currently maintains a split zoning of R-18 for the western portion and Mixed-Business for the main (eastern) portion, it proceeds to argue, incorrectly, that the proposed up-zone of the western portion from R-18 to Mixed Business is consistent with the Comprehensive Plan because:

> "Zoning in the surrounding areas to the south, north, and east is Mixed-Business along Aurora Avenue N. … Extending Mixed-Business zoning to the entire site would be consistent with Shoreline's long-range plan for intensive commercial and residential uses in the Aurora Avenue Corridor, and with surrounding Mixed-Business zoning and commercial and multi-family residential uses to the north, east and south."

These statements are incorrect, making the proposed amendment inconsistent with the Comprehensive Plan. The area located directly south and north of the western portion of the parcel, which is zoned R-18, is *not* zoned Mixed-Business. See Staff Report Exhibit 5. The area directly to the south is zoned R-6, and to the north it is zoned R-12. To be consistent with the surrounding zoning, the western portion of the parcel must retain its R-18 zoning, which is close in scale to the R-6 and R-12 zoning to the south and north.

Further, the western portion of the parcel is not located adjacent to Aurora, and it should not be considered together or grouped together with other property that is adjacent to Aurora. Look at the current zoning map, Exhibit 5. You will see that the western boundary of the two properties to the south of the applicant's parcel (both zoned Mixed Business), is the same distance from Aurora as the western boundary of the main (eastern) portion of the applicant's parcel which, like the properties to the south, is zoned Mixed Business. This rectangle of property along Aurora is appropriately zoned Mixed Business.

It is inconsistent with the Comprehensive Plan to extend the Mixed Business zoning farther west from Aurora than is the case for the parcels to the south and north.

B. Policy LU 18 of the Comprehensive Plan states that the "Public Facilities land use designation applies to a number of current or proposed facilities within the community. If the use becomes discontinued, underlying zoning shall remain unless adjusted by a formal amendment."

The Staff Report states that,

> "Policy LU 18 acknowledges that when a use allowed by the Public Facilities plan designation is discontinued, underlying zoning may be adjusted by a formal amendment. King County anticipates that the park-and-ride use will become underutilized after the beginning of light rail service at Sound Transit's N 185th Street and I-5 station, which may constitute a partial discontinuation of use. Therefore, King County seeks to change the Comprehensive Plan designation to Mixed-Use 1 …."

Staff's reliance on Policy LU 18 is not only misplaced, it actually supports the denial of the applicant's amendment. First, the Park and Ride use has not been discontinued, so any amendment is premature. Second, staff wrongly introduces the concept of "partial discontinuance." Staff has created this concept without going through the formal process of first amending the Comprehensive Plan to incorporate the "partial discontinuance" concept. The Hearing Examiner must disregard any mention of "partial discontinuance."

Only after it is known that the Park and Ride use has been entirely discontinued, or a future date certain has been established for its discontinuance, would it be consistent with the Comprehensive Plan to amend the Comprehensive Plan to designate any portion of the applicant's parcel as Mixed-Use 1.

Since there has been no discontinuance or planned discontinuance with a date certain, it is inconsistent with the Comprehensive Plan to amend the Comprehensive Plan to designate any portion of the applicant's parcel as Mixed-Use 1, or to up-zone the western portion of the parcel from R-18 to Mixed Business.

C. Referring to Policy LU 26, staff says that,

> "King County conducted several workshops with local stakeholders to help identify their preferences for opportunities, services, and uses in a future TOD project. A summary of the stakeholder input was submitted and supports the types of uses that would be allowed by the Comprehensive Plan map amendment and the rezone."

Applicant's amendment relies on the possibility of having a future TOD project built on its parcel. The burden is on the applicant to prove that it, or a future developer, will be unable to build a TOD project on just the main (eastern) portion

of its parcel, and that a developer would need to have the western portion up-zoned from R-18 to Mixed Business before it would ever proceed to develop the site. Without a doubt, the applicant cannot satisfy this burden. Just look to the two buildings being constructed to the immediate south of the main (eastern) portion of the applicant's parcel. If those southern parcels can be successfully built upon with square footage similar or less than that of the main (eastern) portion of the applicant's parcel, then the applicant could do so too. The applicant must prove otherwise. It has failed to do so. A bald desire to build bigger does not satisfy the decision criteria in SMC 20.30.345(1) through (6).

III.

Decision Criteria SMC 20.30.345(B)(2) — "The amendment addresses changing circumstances and changing community values …; and ..."

COMMENT: The applicant must prove, among other things, that the amendment addresses *both* changing circumstances *and* changing community values. The applicant's amendment addresses neither. The possible future downsizing of the Park and Ride due a future opening of the 185th Street Station is speculative. No circumstances have changed yet. If someday the demand for the Park and Ride plummets, then the "changing circumstances" criterion might be met, but not before.

Next, the amendment does not address "changing community values"—just the opposite. Data provided by the City shows that the number of housing units in the City is growing at a pace which is about double the City's growth targets under the GMA. Residents of Shoreline recognize that growth is needed to satisfy the GMA, but residents are against the over-growth that the City is now experiencing. As an example of growth, see the two buildings being constructed to the south of the applicant's parcel plus the building across the street—these three parcels represent over 1,000 housing units that will soon be completed. The annual housing growth target is 533 housing units for the City as a whole. As everyone knows, growth is also exploding around both light rail stations, as well as the old Sears site, and the Westminster Triangle area.

If the applicant is going to argue that its requested up-zoning to needed to help the City meet its growth targets, then it has the burden to show that the City is currently failing to meet its growth targets. This it cannot do.

The community values moderate growth, not rapid growth. The community values more open space and public facilities to accommodate existing growth. Contrary to what the applicant may be suggesting, the community's values have not changed to support more growth. The burden is on the applicant to demonstrate that community values have changed in favor expanding the high density Mixed Business zoning westward. It fails to carry its burden.

There is one changing circumstance that dictates that the western portion of the applicant's property not be up-zoned to Mixed Business.The City has acquired, or soon will be acquiring, the separate parcel to the west of the applicant's parcel, pursuant to the City Council's unanimous vote on September 19, 2022, approving the acquisition for park purposes. See the City's Staff Report at http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2022/staffreport091922-8b.pdf . The City will be converting this acquired property into a park, with a goal to preserve virtually all of its trees. The western portion of applicant's parcel that it wants up-zoned from R-18 to Mixed Business must not be allowed to be up-zoned. Its R-18 zoning is needed to, among other things, provide a buffer between the main (eastern) portion of applicant's parcel that is currently zoned Mixed Business, and the new park property to the west that the City has acquired or will soon acquire.

IV.

Decision Criteria SMC 20.30.345(B)(3) — "The amendment will benefit the community as a whole, and will not adversely affect community facilities, the public health, safety or general welfare; and …."

COMMENT: Staff wrongly concludes that "The Mixed-Use 1 designation and concurrent rezone would benefit the community by permitting the Property to be redeveloped more efficiently so as to provide housing, commercial and community uses instead of only vehicle parking." To the contrary, the Mixed-Use 1 designation and concurrent rezone may benefit a future developer, but to the detriment of the community. See above discussion regarding the need for a buffer, and the need to retain trees, which discussion I am incorporating here. And see the above discussion about the City not needing to amend its zoning to accommodate further growth, when housing growth is far exceeding the City's GMA targets, which discussion I am incorporating here.

Further, staff is wrong when it argues that the Mixed-Use 1 designation and concurrent rezone is needed to provide housing, commercial and community uses instead of only vehicle parking. Providing housing, commercial and community uses in addition to vehicle parking can be done entirely on the main (eastern) portion of the parcel. Encroaching the super-high density Mixed Business zoning onto the western portion now zoned R-18 confers no additional benefit to the community, as compared to retaining the status quo.

Staff also states that, "The proposed Comprehensive Plan amendment would be consistent with existing Mixed-Use 1 designations to the north, south and east and for that reason would not adversely affect public health, safety or general welfare." This misrepresents the facts. The proposed Comprehensive Plan amendment is actually *inconsistent* with existing Mixed-Use 1 designations to the property located directly north and south of the western portion of the applicant's parcel, which western potion is currently zoned R-18 and which the applicant wants up-zoned from R-18 to Mixed Business. The property directly to the north is now zoned R-12, not the super-high density Mixed Business as staff would have you believe. And the property directly to the south is now zoned R-6, not the super-high density Mixed Business as staff would have you believe. The applicant wants to expand the Mixed Business zoning westward, despite such zoning being inconsistent with the low density zoning directly to the north and south, and despite how it will harm the public's use of the soon-to-be park property to the west.

Further, the encroaching amendment would adversely affect the community's health and general welfare, contrary to City policies, by employing the high density Mixed Business zoning which allows for lower tree retention than does the current R-18 zoning. The Applicant's proposed rezoning would jeopardize the many trees on the western boundary of the parcel, which is in conflict with the City's climate policies, and the Comprehensive Plan's goal to preserve trees for the betterment of the community.

Staff also asserts that the rezoning would facilitate more affordable housing. While more affordable housing is of course a worthwhile goal, there is nothing in the applicant's proposed rezone to Mixed Business or in the Comprehensive Plan amendment to Mixed-Use 1 that requires or guarantees the parcel would be used for affordable housing. King County may have a goal to have affordable housing built after the Park and Ride is discontinued, but at this stage, the prospect of affordable housing is merely speculative. The Hearing Examiner must not give any weight to the desire for more affordable housing, when neither the Comprehensive Plan nor the zoning provisions would require or guarantee affordable housing on the site.

V.

Decision Criteria SMC 20.30.345(B)(4) — "The amendment is warranted in order to achieve consistency with the Comprehensive Plan goals and policies; and …"

COMMENT: The Staff Report says that, "The residential R-18 zoning and the underlying Comprehensive Plan designation of Public Facility do not achieve consistency with the surrounding land use designation of Mixed-Use 1 which encourages high density residential, commercial uses, and other uses that encourage a mixed-use walkable community the goals and policies." This is another falsehood. The R-18 zoning is consistent with the lower density R-12 and R-6 directly to the north and south. Further, maintaining the R-18 zoning is needed to provide a buffer between the Mixed Use zoning of the main (eastern) portion of the parcel, and the separate parcel to the west that, upon acquisition by the City, will become a park, and be designated as a public facility.

VI.

Decision Criteria SMC 20.30.345(B)(5) — "The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and …"

COMMENT: Without a doubt, the amendment will be materially detrimental to the newly acquired (or soon-to-be-acquired) park property to the west of the applicant's parcel. The portion of the applicant's parcel that it wants up-zoned from R-18 to Mixed Business must retain its R-18 zoning to, among other things, retain a buffer between the main portion of applicant's parcel that is currently zoned Mixed Business and the new park property to the west that the City has acquired or will soon acquire, pursuant to the City Council's unanimous vote on September 19, 2022, approving the acquisition for park purposes. Retaining the R-18 zoning would also make it likely that the trees on the western edge of the applicant's parcel would be retained, due to more stringent tree retention requirements.

Staff in its report states that, "Any future development of the site must comply with transition area standards as required by SMC 20.50.021. These transition standards create effective transitions between high intensity uses and the lower residential densities to the southwest." Staff again is wrong.

SMC 20.50.021 states that, "Development in commercial zones NB, CB, MB and TC-1, 2 and 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements [requiring various setbacks and height limits etc.]" These transition requirements do *not* apply to the separate parcel immediately west of the applicant's parcel, because the west parcel (soon to be a park) is now zoned R-18, and not R-4, R-6, or R-8.

Because the transition requirements do *not* apply, the western portion of the applicant's parcel must retain existing R-18 zoning to ensure that an adequate buffer or transition area exists between the main (eastern) portion of the applicant's parcel and the separate parcel to the west which is now zoned R-18, but will soon become a City-owned park. Having such a buffer is critical. It avoids having a 70-foot building abutting the park, clear-cutting trees, and blocking sunlight.

VII.

Decision Criteria SMC 20.30.345(B)(6) — 'The amendment has merit and value for the community."

COMMENT: The applicant's amendment may have value for a future developer, but it is has no merit and value for the community. On the contrary, it harms the community's use and enjoyment of the the newly acquired (or soon-to-be-acquired) park property to the west of the applicant's parcel. See the above discussion.

The Staff Report says that, "Without the resolution of the split-zoning, the ability to accommodate these mixed uses will be reduced and may not meet the financing needs of the market." This opinion is not only lacking factual support, it is contrary to the evidence. As noted earlier, there are two huge mixed use residential complexes now being built immediately to the south of the main (eastern) portion of the applicant's parcel. If buildings can be successfully built to the south, on property with similar or lesser square footage than the main (eastern) portion of the applicant's parcel, then surely a building or buildings can be successfully built on the main (eastern) portion of the applicant's parcel. The applicant has not proven otherwise.

The Staff Report also states that, "as a general practice, staff does not evaluate a Comprehensive Plan Map amendment and rezone based on a single use. Instead, staff analyzes the proposal with all possible permitted uses in mind." Why then hasn't staff analyzed this proposal with all other possible uses in mind? Staff and the applicant have failed to address other uses. Staff and the applicant have failed to address how the soon-to-be park property to the west will be integrated into, and protected from adverse effects of any up-zoning of the western portion of the applicant's property from R-18 to Mixed Business. The applicant and staff should have addressed other alternatives, such as the future conversion of the western portion of the applicant's property into an expansion of the soon-to-be park property

to the west. That sort of expansion and use would have merit and value for the community, but not an up-zoning which would allow 70-foot building to abut the soon-to-be park property to the west, clear cutting trees at the applicant's parcel's western edge, and blocking sunlight into the soon-to-be park property.

VIII.

Conclusion.

The applicant wants to up-zone the western portion of its parcel from R-18 to MB so that it can benefit by building a bigger building. It's desire fails to satisfy the decision criteria set forth in SMC 20.30.345(1) through (6) for a Comprehensive Plan amendment to have its parcel designated as Mixed-Use 1, and fails to satisfy the related decision critiision criteriaeria to have the western portion of its parcel up-zoned from R-18 to Mixed Business.

The applicant has the burden to prove that it satisfied every one of the decision criteria. If the applicant fails to satisfy a single criteria, the Hearing Examiner must recommend denial of the applicant's application.

For all of the reasons set forth above, the applicant has failed to prove that it has met all of the decision criteria in SMC 20.30.345(1) through (6). Accordingly, the Hearing Examiner must recommend denial of the applicant's application.

Thank you.

Tom McCormick
Shoreline resident

Kendyl Hardy

From: Kathleen Russell <krussell@russell-gordon.com>
Sent: Tuesday, September 27, 2022 8:25 PM
To: Hearing Examiner
Subject: [EXTERNAL] Comment 9/27/22 about the Park & Ride Parcel (K Russell)

Kathleen Russell, Resident of Shoreline, on behalf of Save Shoreline Trees

Regarding PLN 22-0113 – I would like to address 2 issues.

Issue 1: A primary concern as stated in Ms Biery's letter, and supported by Save Shoreline Trees, is that the change in zoning to Mixed Business will allow total removal of all vegetation that is helping to maintain the base of the steep, water soaked adjacent hillside that is a known erosion/landslide hazard.

Issue 2: In Staff Report now Exhibit 1, page 4, Amendment 1 it is stated: "The Growth Management Act (GMA) requires counties and cities covered by the Act to plan for accommodating population and employment growth." If the property under discussion which is currently zoned as a Public Facility is changed to the designation of Mixed Business, it will allow more "intensive redevelopment for commercial and residential uses…" However, the City has not provided enough information to the public regarding development in Shoreline. We request the City provide the number of apartments that are under construction in Shoreline, the number of apartments forecast to be built in the next 7 years, and if Shoreline, is, in effect, over-achieving the GMA projections. The City states this zoning change supports the Growth Management Act but citizens lack contextual information – how does changing the zoning on this property support GMA targets?

Changing this zone designation at this time *is* of consequence to the public. We ask the Hearing Examiner to consider this request and postpone the decision on this hearing until citizens are provided information about the number of apartment units that will be built in Shoreline over the next 7 years so the public can evaluate accurate information about the growth in Shoreline.

Regarding City Criteria #6 – This rezone has merit and value for the community. We question this assumption.

I ask that my comment be included in the public comment record of this public hearing. Please provide me with a copy of the decision. Thank you.

September 3, 2022

To: City of Shoreline City Council
Shoreline City Hall
17500 Midvale Avenue N.
Shoreline, WA 98133
council@shorelinewa.gov

RE: King County Metro request for Optional SEPA DNS Process for Aurora P&R rezone

Members of the City Council:

I have just learned of the request by King County Metro to change the site-specific Comprehensive Plan Land Use Map designation for its P&R site at 19200 Aurora Avenue North from "Public Facilities" to "Mixed Use 1" and to rezone a portion of the parcel from R-18 to Mixed Use Business (MB). What is especially troubling about this request is that Metro has also requested an Optional SEPA DNS Process for the rezone, one for which the Planning Department apparently sent out a notice in early August -- one I and possibly many others never saw, one sent at a time of year when historically most people are most likely to be on vacation for longer periods because of August's more agreeable outdoor weather. It seems that the comment period has already closed, which is just not acceptable, given the environmentally sensitive nature of this specific location and the probable paucity of public feedback on the subject at this time of year.

Given that the City itself had already determined in earlier assessments of the site years ago that there were many significant issues that needed attention, including but not limited to surface water issues, drainage from a steep slope on the west side of the property, a large stand of trees on the slope that together with trees on the adjacent property provide habitat for endangered species, and an apparent eligibility for entry on the National Register of Historic Places, I request that a full EIS be required for the Land Use Map designation and the rezone. I don't have all of the details regarding the site yet, but I do know that this area is already a park desert as well as a heat island, with other current major construction nearby or adjacent to it. Just because Metro is providing mass transit service doesn't mean that its plans are always environmentally sound.

I am requesting at the very least that the comment period be re-opened, but would prefer that the council weigh-in now for a full EIS. Please respond in writing.

Thank you.

Respectfully submitted,

Sigrid Strom, Shoreline resident