



STAFF REPORT

Agenda Subject: Silverlake Townhomes, Comprehensive Plan Amendment and Rezone	Report Date: 11/29/2016
Project #: COMP 16-002, REZ 16-002	Meeting/Hearing Date: 12/6/2016
Staff Contact: David Stalheim	Decision Body: Planning Commission
Attachments: Application Maps Public/Agency Input Resolution	
Recommendation: Denial of the Comprehensive Plan Map and Zoning Map amendment	

BACKGROUND SUMMARY

APPLICANT:	Isaac Liu (Rich Trend Properties)
REQUEST:	Two requests: 1. Amend the comprehensive plan land use designation from 1.2 to 1.3. 2. Amend the zoning map from R-1 (single-family detached low-density residential) to R-1(A) (single-family attached, low-density residential).
LOCATION:	2220 116th St SE, east of SR 527/19th Ave SE Tax Parcel No(s) 28052900207500, x7600, x7700, x7800, x7900, x8000, x8100, x8200 (8 total lots)
EXISTING USE:	Eight undeveloped lots
COMPREHENSIVE PLAN DESIGNATION:	1.2 Single Family Detached
SHORELINE DESIGNATION:	n/a
ZONING DESIGNATION:	R-1
SEPA STATUS:	Determination of Non-significance

PROPOSAL DETAILS

<p>FURTHER DESCRIPTION OF PROPOSAL:</p>	<p><u>Comprehensive Plan Amendment:</u> The comprehensive plan map amendment proposed would change the existing designation of 1.2 Single Family Detached, 5-10 dwellings per gross acre to 1.3 Single Family Detached, 10-12 dwellings per gross acre.</p> <p>The purpose of the comprehensive plan land use map amendment is to support the zoning map amendment further described below. In Chapter 2 of the Land Use Element, Table 9 indicates which zones would be applied to implement the designations on the Comprehensive Plan Land Use Map. The R-1(A) zone allows a density of 10-12 units per acre in attached housing, but requires the Land Use Designation of 1.3.</p> <p><u>Zoning Map Amendment:</u> The zoning map amendment would change the existing designation of R-1 to R-1(A).</p> <p>The applicant states the rezone would create a model of increased density that is suitable as a transition between Mixed-Use Commercial/Multiple Family developments along SR 527/19th Ave SE and the single-family detached homes of the R-1 zones to the east. The new townhouse dwellings would be in scale with neighboring houses, with the intent to carefully incorporate the townhomes into the existing fabric of the neighborhood.</p>
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PUBLIC COMMENT

<p>PUBLIC/AGENCY NOTICE:</p>	<p><u>GMA Notice:</u> The city provided 60-day notice to the Washington State Department of Commerce (Commerce) regarding the proposed comprehensive plan amendment and/or development regulation. Commerce acknowledged receipt of that letter on October 6, 2016. Final adoption of the proposed amendments may occur no earlier than December 5, 2016.</p> <p><u>Agency/Neighborhood Notice:</u> On September 29th, the city provided notice to city departments, Snohomish County, school district, transit agencies and the neighborhood chairperson that the city was beginning the project review process for this amendment. Comments were due by October 31st.</p> <p><u>Notice of Public Hearing and SEPA Determination:</u> On November 2, 2016, the city issued notice of public hearing on the proposed comprehensive plan amendment and rezone, and notice that a Determination of Nonsignificance (DNS) had been issued on the proposal. This notice was sent to property owners within 500 feet, to the SEPA mailing list, to the neighborhood leader and published in the official city newspaper. In addition, two signs were posted on the</p>
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	property.
COMMENT LETTERS:	<p><u>Agency Comments:</u></p> <ol style="list-style-type: none"> 1. Snohomish County Public Works – no comments 2. Everett Fire Department – no comments 3. Everett Public Works – no comments <p><u>Public Comments:</u></p> <ol style="list-style-type: none"> 4. Matthew Clarke and Stacey Robinson (6-21-16) – expressed concerns regarding traffic on 116th St SE and private road, parking, wildlife and pond, zoning and design in relation to surrounding area.
KEY ISSUES SUMMARY:	The June comments from Mr. Clarke and Ms. Robinson, who are neighbors to the immediate west of the proposed amendments, are the only comments raising concerns this far.
STAFF RESPONSE:	A neighborhood meeting held that month indicated more concerns, but none of those concerns have materialized into written comments once the application was submitted.

DECISION CRITERIA

SOURCE:	<p><u>Comprehensive Plan Land Use Map Amendment:</u> Chapter 1, Introduction, Section VII.H</p> <p><u>Zoning Map Amendment (site specific):</u> EMC 19.41.160(D)</p>
CRITERION:	<p><u>Comprehensive Plan (Map Amendment) Criteria:</u> The following factors shall be considered in reviewing such amendment requests.</p> <ol style="list-style-type: none"> 1. The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan. 2. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances that have changed should be described in detail to support findings that a different land use designation is appropriate. 3. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed. 4. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest. 5. Should the proposed land use designation be applied to other properties in

	<p>the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.</p> <p>6. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?</p> <p>7. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long-term interests of the community in general? (City of Everett Comprehensive Plan, Chapter 1, Introduction, Section VII.H)</p> <p><u>Zoning Map (Site Specific) Amendment Criteria:</u></p> <p>D. Site-Specific Rezones.</p> <p>1. Applicable Process. The city will use the review process as determined by Title 15, Local Project Review Procedures, to review and decide upon an application for a site-specific rezone.</p> <p>2. Criteria. The review authority may approve an application for a site-specific rezone if it finds that:</p> <p>a. The proposed rezone is consistent with the Everett comprehensive plan; and</p> <p>b. The proposed rezone bears a substantial relation to public health, safety or welfare; and the proposed rezone promotes the best long-term interests of the Everett community; and</p> <p>c. The proposed rezone mitigates any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity of the subject property. (EMC 19.41.160)</p>
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EXISTING PLAN REVIEW

<p>GROWTH MANAGEMENT ACT:</p>	<p><u>Annual Amendment:</u> The Growth Management Act (GMA) limits amendment of the comprehensive plan to no more frequently than once every year. (RCW 36.70A.130(2)(a))</p> <p>This application was included in the 2016-2017 annual docket for consideration.</p> <p><u>Internal Consistency:</u> The Growth Management Act requires development regulations that are consistent with and implement the comprehensive plan. (RCW 36.70A.040(3))</p> <p>The request to amend the zoning map is being considered concurrent with the request to amend the comprehensive plan land use map in</p>
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	<p>order to meet the internal consistency requirement.</p> <p>Housing Element: The Growth Management Act requires a housing element to ensure the vitality and character of established residential neighborhoods. (RCW 36.70A.070(2))</p> <p>GMA Goals: Applicable GMA goals include: (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock. (RCW 36.70A.020)</p>
<p>COMPREHENSIVE PLAN:</p>	<p>Land Use Element, Background Information: A key consideration in addressing adequacy of housing supply and densities is the impact of additional housing and higher densities upon neighborhood character. Everett residents have expressed a strong desire to protect neighborhoods from wholesale land use changes that negatively affect the livability of the community. The Everett growth concept emphasizes the need to promote higher densities through the application of appropriate design standards that make higher densities more compatible with existing neighborhoods.</p> <p>2) Encourage multiple family developments to be more compatibly integrated with surrounding neighborhoods. (Land Use Element, Section II.A.2.c)</p> <p>Land Use Element, Everett's Land Use Concept: It has long been apparent that residents have desired to avoid significant changes in established neighborhoods. Periodically, residents have strongly objected to land use changes or developments that have been perceived to change the character of the neighborhood or community. Most of the land within the planning area is developed. Available vacant or redevelopable land has been planned for certain types of land use, and has been provided infrastructure according to the planned land uses. Everett will consider changes to land use regulations to encourage minor amounts of small scale infill redevelopment in existing residential neighborhoods, such as cottage housing, accessory dwelling units, infill dwellings, and other strategies identified in the 2013 Potential Residential Infill Measures report.</p>

(Land Use Element, Section III.B)

Land Use Designations – Locational Criteria:

The property is currently designated 1.2 on the Comprehensive Plan Land Use Map; the amendment requested is to designate the property 1.3.

Both 1.2 and 1.3 are considered “single family detached residential” which “is applied to areas presently developed with predominantly single-family detached dwellings that the City intends to preserve as primarily single family neighborhoods. Other dwelling types will be allowed under certain circumstances, such as duplexes, single family attached, or rear yard infill dwellings.” (Chapter 2, Section V.D.1).

Table 9: Comprehensive Plan/Zoning/SMP Equivalency Table

LAND USE DESIGNATION	Equivalent Zoning	SHORELINE ENVIRONMENT DESIGNATION
Residential		
1.2 Single Family Detached, 5-10 dwellings per gross acre	R-1 or R-2	Shoreline Residential
1.3 Single Family Detached, 10-12 dwellings per gross acre	R-1(A) or R-2	N/A

(Land Use Element, Section VI.A)

Land Use Element Policies:

Policy 2.1.1 Assure a wide range of housing opportunities throughout the entire community, while preserving and creating distinct residential neighborhoods. Designate on the Land Use Map areas appropriate for various types of housing at specified density ranges, but without major changes in most residential areas to the existing land use designations.

Policy 2.1.2 Promote increased densities and infill housing types in all residential neighborhoods through appropriate design standards that reinforce the single family character of areas zoned single family, and which assure that multiple family developments integrate with and enhance the neighborhoods in which they are permitted.

Policy 2.1.9 Encourage well designed infill development and redevelopment in established residential areas that protects and enhances neighborhood character.

(Land Use Element, Section IV.C)

Housing Element Policies:

Policy 4.1.1 Consider changes to the Land Use Map designations and Policies of the Land Use Element as needed to provide for a wide range of housing types in the city including, but not limited to: single

	<p>family housing, housing to provide an alternative to single family ownership, and moderate and high density multifamily dwellings in order to accommodate the projected population and household income levels for the city and within the Everett Planning Area.</p> <p>Policy 4.1.2 Promote housing alternatives to the large lot single family detached dwelling and large footprint apartment complexes.</p> <p>Policy 4.2.1 Protect existing single family neighborhoods from substantial changes such as rezoning to multiple family zones, but consider measures to increase housing capacity through strategies that accommodate well designed infill housing that protect the character of the neighborhoods. (Housing Element, Section IV.A-B)</p> <p><u>Housing Element Examples of Specific Potential Zoning Code Changes:</u></p> <p>3. Establish an administrative permit review process (not a rezone process) to allow for single family attached (townhouse) development in single family zones, at a density higher than permitted for single family detached, subject to design guidelines and provided that each dwelling can be individually owned by the resident (such as in a condominium). (Housing Element, Section VI.C)</p> <p><u>Transportation Element Policies:</u></p> <p>Policy 2.5: Develop plans to manage traffic on neighborhood streets in accordance with classifications, design characteristics and other Comprehensive Plan policies.</p> <p>Policy 4.9: Develop a neighborhood traffic management program to address problems and concerns on neighborhood streets. (Transportation Element, Section 3)</p>
<p>OTHER: (2013 RESIDENTIAL INFILL MEASURES REPORT)</p>	<p>The Comprehensive Plan (Land Use Element, Land Use Concept) indicates that changes to land use regulations to encourage minor amounts of small scale infill redevelopment in existing residential neighborhoods, such as cottage housing, accessory dwelling units, infill dwellings, and other strategies identified in the 2013 Potential Residential Infill Measures report https://everettwa.gov/documentcenter/view/4560).</p>
<p>ZONING CODE:</p>	<p>The amendment requested would change the zoning map from R-1 to R-1(A). The zoning differences in this change include the following:</p> <p><u>Definition:</u> "Dwelling, single-family attached" means a building containing more than one dwelling attached only by a common wall or walls, but not stacked in a manner that individual dwelling units are located above or below other dwelling units. (EMC 19.04.020)</p>

Use Tables:

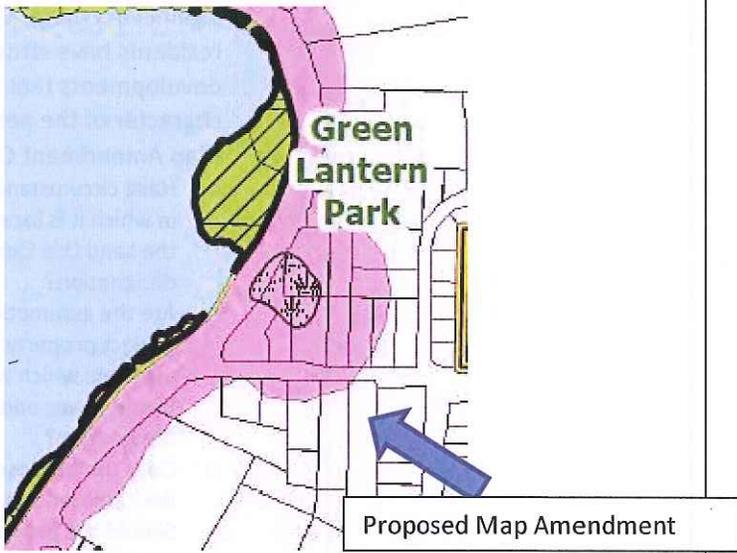
- R-1 Zone:
 - Single-family attached is only allowed in the R-1 zone through the cluster alternative for subdividing as outlined in EMC 19.39.130.E.
 - Single-family attached is a Rev III in R-1. Rev III requires notice and a public hearing/decision by the Hearing Examiner.
- R-1(A) Zone:
 - Single-family attached must comply with development standards and guidelines, including the multiple family development standards in Chapter 19.15.
 - Single-family attached is a Rev I decision in R-1(A). Rev I is an administrative decision with no notice.

(EMC 19.05.Table 5.1)

Development Standards:

- R-1 Zone:
 - 6,000 sf minimum lot area (lot area averaging option for cluster alternative for single-family attached dwellings)
 - Max Lot Coverage: 35%
 - Landscape Category: E (Type IV)
 - Soil Stabilizing Vegetation/Landscaping. Type IV landscaping shall consist of lawn, other living ground cover, shrubs and trees with a root structure which stabilizes soil where necessary to prevent erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil-stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices
- R-1(A) Zone:
 - 5,000 sf minimum lot area
 - Single family attached of three or more dwellings is 11,000 sf
 - Max Lot Coverage: 40%
 - Landscape Category: A (Type III frontage and Type II interior if single family abutting)
 - Ornamental Effects Landscaping. Type III landscaping is intended to provide a visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements.
 - See-Through Buffer. Type II landscaping is intended to create a visual separation between uses and zones.

(EMC 19.06.Table 6.1)

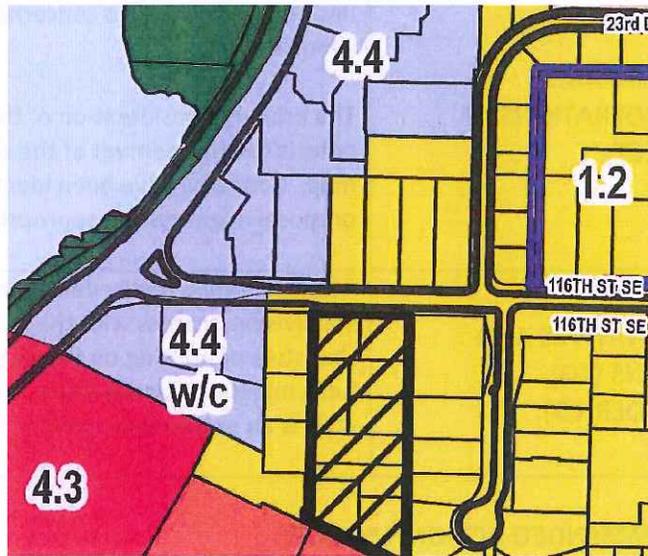
<p>SHORELINE MASTER PROGRAM:</p>	<p>The property appears close to being within the jurisdiction of the Shoreline Master Program. A lily pond located east of SR 527 and north of 116th St SE is connected to Silver Lake by a 30 inch culvert and was likely cut off from the lake by the initial construction of SR 527.</p> <p>Maps, which are information only, shows that the shoreline jurisdiction could extend to the proposed map amendments (shaded pink below).</p>  <p>However, closer review indicates that there are questions about the accuracy of the mapping and whether the shoreline regulations would apply. Regardless, it would not impact the proposed map amendment for this proposal, but before any development would move forward, a determination regarding shoreline jurisdiction would be required.</p>
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DISCUSSION

<p>CONSISTENCY WITH PLANS/AMENDMENT CRITERIA:</p>	<p>Supportive Policies:</p> <ul style="list-style-type: none"> • Assure a wide range of housing opportunities (LU 2.1.1) • Promote increased densities and infill housing types (LU 2.1.2) • Consider changes...as needed to provide for a wide range of housing types (H 4.1.1) • Promote housing alternatives to large lot single family detached dwelling (H 4.1.2) <p>Staff Comments / Analysis: The Everett Comprehensive Plan has several policies that are supportive of the proposed map amendments. In general, the city's plan supports a wide range of housing opportunities, increased densities, and infill housing types, including alternatives to large lot single family detached dwellings. This proposal</p>
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	<p>would implement those policies.</p> <p><u>Non-Supportive Policies/Criteria:</u></p> <ul style="list-style-type: none">• Protect existing single family neighborhoods from substantial changes (H4.2.1)• Everett residents have expressed a strong desire to protect neighborhoods from wholesale land use changes that negatively affect the livability of the community. (LU Background)• It has long been apparent that residents have desired to avoid significant changes in established neighborhoods. Periodically, residents have strongly objected to land use changes or developments that have been perceived to change the character of the neighborhood or community. (LU Concept)• Map Amendment Criteria:<ul style="list-style-type: none">○ Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation?○ Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation?○ Does the proposed land use designation promote a more desirable land use pattern for the community as a whole?○ Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.○ What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity? <p><u>Staff Comments / Analysis:</u> The Everett Comprehensive Plan also has several policies that are meant to protect existing single family neighborhoods from substantial changes. This amendment is not substantial from a city-wide perspective, particularly considering that attached single-family homes are allowed in the existing zone, but at a slightly lower density, through the cluster alternative to subdivision.</p> <p>The most concerning issues with this proposal are 1) creating a logical zoning boundary and 2) whether there are circumstances that warrant a change at the current time.</p>
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The map amendment would create an island of Land Use 1.3 or R-1(A) zoning south of 116th St SE (see map below). Property to the east, west, north and south would all have different land use designations. By some measures, this could be considered a spot rezone. A criterion for a map amendment is that the designation would promote a more desirable land use pattern for the community. The applicant states that the 1.3 designation would allow a "small community of townhomes ..[to] bridge the gap that is this vacant property..." The fact is that properties to the east and west are both single family homes, and this proposal does not appear to promote a more desirable land use pattern.



In order to amend the Comprehensive Plan map, the city must find that circumstances related to the property and area has changed sufficiently to justify the change in the designation, and the assumptions upon which the land use designation of the property is erroneous. The applicant states that since the

"...Comprehensive Plan was last updated, a multi-story residential building has been proposed on a vacant property facing Silver Lake and located west of the property in question. If this proposal goes through, a change in land use designation of 1.3 would allow a slight increase in density on the proposed property, and therefore help integrate that building into the immediate neighborhood."

The applicant acknowledges in the application that "There were no erroneous assumptions in designating this property as a land use of 1.2, but an increase to 1.3 should be allowable."

There is a property at the corner of 116th and SR 527 that is subject to a development agreement in place 10 years ago. This property is designated 4.4 on the Comprehensive Plan Map and zoned B-2

	<p>(Community Shopping). The zoning and development agreement of that property was known during the last comprehensive plan update completed in 2015, and is not justification to conclude that circumstances related to the property and area have changed sufficiently to justify a change in the land use designation.</p> <p>Finally, one criterion is what impacts the change might have on other properties in the vicinity. The city has received one comment letter thus far regarding traffic, parking, wildlife and an adjacent pond.</p>
<p>IMPACTS AND CONSIDERATIONS OF PROJECT:</p>	<p>At the time of writing this staff report, only one public comment letter has been received. No concerns have been expressed by public agencies.</p> <p>The primary consideration of the proposal is whether it meets the criteria for amendment of the comprehensive plan map and zoning map. Concerns have been identified in the analysis above that this proposal might not be appropriate.</p>
<p>ALTERNATIVES AND OPTIONS (TO) CONSIDER(ED):</p>	<p>Attached single family development is an option through a cluster subdivision process with the existing zoning. If the intent is to develop that style of housing on this site, this is an alternative. The number of units might not be the same as if a rezone was allowed, but the housing style is an option that might be developed.</p>

RECOMMENDED ACTION/MOTION:

Planning staff recommends the Planning Commission forward a recommendation of **DENIAL** to the City Council based on the foregoing report. A proposed resolution including findings and conclusions supporting the recommendation of denial is attached.

David,

Thank you for meeting with the Silver Lake Action Committee on Thursday, June 2nd. We appreciate the time that you took to listen to our concerns and answer our questions.

Matthew and I live at 2134 116th ST SE, Everett, WA 98208. Our home, which is new construction and most likely does not appear on any of the city maps yet, is located off of 116th Street SE directly between the two parcels of land discussed during the meeting. The back of our property shares the property line of the land in which the proposed apartment complex is to be built. The front of our property is directly across the street from the land in which the developer is hoping to rezone from single-family residences to multi-family residences, in order to build three-story town homes. We are writing to you to recap the main concerns that we have with the potential developments given our close proximity.

Traffic

Given that 116th Street SE is only one lane each way, the street experiences heavy traffic at multiple times on a daily basis. Specifically, traffic on the road is very bad during the week at the following times: in the morning between the hours of 6:30am and 8:00am, in the afternoon during times that correspond with schools getting out, and then in the evening between 4:30pm and 6:30pm. Even on the weekends traffic still builds up at the intersection.

During the above peak traffic times, the westbound lane (driving towards the lake) of 116th Street SE can experience back ups of nearly a half-mile from the intersection, at times stretching all the way down to 25th Avenue SE. As a result, it is extremely hard to turn left out of our private street, as well out of the other streets further just beyond ours, in order to get onto 116th Street SE headed westbound. It can sometimes take up to 15 minutes until we can safely find a gap to cross one lane of traffic and merge into the westbound lane. During these peak times, traffic trying to head east on 116th Street SE can also get extremely backed up with turning traffic, at times backing all the way up to the North end of the lake. Even during non-peak hours it can still be difficult to turn left out of our street as we are situated close to the intersection and there is no center turning lane.

Coupled with the issues mentioned above, we are extremely concerned about the increase in traffic on 116th Street SE. Specifically, the high volume of vehicles that will be added so close to the intersection of Highway 527 and 116th Street SE as a result of the two proposed developments will make travel even more difficult and dangerous. For example, the proposed apartment complex at approximately 42 units coupled with the townhomes at approximately 22 units would result in a minimum of 64 potential new vehicles that would be added to driveways within approximately 150 feet of the intersection. Not to mention that most of the units will likely have more than one vehicle, as well as guests, that will all be attempting to share the roads.

In addition to the traffic on 116th Street SE, we are concerned about increased traffic on the private road that we live off of. We already experience cars turning off of 116th Street SE and driving down our road in order to turn around. The current plans for the apartment complex has situated the parking lot entrance/exit off of 116th Street SE, with its location paralleling the east property line (which abuts our property). We fear that drivers who are trying to head west will

have a hard time pulling out and will ultimately have to turn right out of the parking lot into the eastbound lane of 116th Street. As a result, it is very likely that these drivers will then take the first immediate right down our road in order to turn around to enable them to then take a left into westbound lane of 116th Street SE. It is important to note that at this time there is an area on the empty lot where the proposed townhomes are to be built. This is currently the most common spot that cars turn around as our road has a "No Outlet" sign. The development of the townhomes will remove this makeshift turnaround area. If turnaround traffic on our road is increased, we are worried that drivers will start using our driveway to turn around.

We were also informed when we moved into our home that the road we live on off of 116th Street SE is considered a private road with an easement. We were told that one of the easement restrictions of the road is that no more than six driveways can be accessed from this road. Currently, there are five driveway access points. The plans that we viewed for the townhomes include one entrance off of the private road. If this were to happen, would our road be further developed? At this time, the private road has no sidewalks, painted lines or streetlights. In addition, two cars going the opposite way can barely squeeze by one another. An entrance to the townhome neighborhood off of the private road would surely bring much more traffic down our road in comparison to a sixth driveway that simply provides access to a single-family residence.

Parking

Parking is already an issue in the Silver Lake area. There is practically no public parking on the Northeast side of the lake. This causes individuals that drive to enjoy the lake to park on the side of 116th Street SE, which houses very limited street parking. Given the size of the lot in which the proposed apartment complex is to be built, it appears that the parking lot will be limited in size. Based on our review of the City of Everett building regulations, each unit may only be required to have one parking spot. If there are multiple drivers living in a unit, where will they park their cars? Will they take away the limited street parking? Also, we may face parking issues of our own if the private road that we live off of is developed further and is made large enough to allow for parking on one side of the street. If this were to happen, inevitably the private road would house parking for lake visitors, the apartment complex, and the townhomes.

It was also noted during the meeting that the apartment complex might have commercial units on the first floor with the possibility of shared parking spaces between the commercial and residential units. If this were to happen, the already limited number of residential parking spaces is further restricted. We understand that the commercial parking will be during specific times. Regardless of any time restrictions, these shared parking spaces will surely cause even more parking issues. Typical operating hours of commercial businesses overlap into the evening time when working residents are returning home and are in need of a parking space.

Subsequently, both the apartment complex and the townhomes will surely draw guests with cars into the area. Where are these individuals supposed to park if parking in the area is already an issue?

Lastly, is there any consideration given to the fact that the current location of the apartment complex's parking lot runs along the entirety of our abutting property line? Not only will we have to contend with the light at night from the required parking lot lights, but we will also have

to listen to the noise from cars/individuals in the parking lot during both the day and night. Noise from the parking lot of an apartment complex is higher in volume and more frequent in nature than that from single-family residences. When looking at the plans from the prior owner of the empty lot, the parking lot was an underground design. A design like this would substantially decrease the amount of light, muffle the noise, and allowed for more of the land to be maintained as green space for everyone's enjoyment.

Wildlife - Pond

There is a wet area surrounded by greenery and trees in the Southeast corner of the property (near our abutting property line). The pond appears to be 5 to 6 feet deep in places and is most likely seasonal, as it is full of water until the heat of the summertime. The wet area seems to play a significant role in both water runoff management and wildlife. The current plans for the apartment complex is to tear down the greenery/trees and remove the pond to make way for the parking lot. We are aware that the old building plans from the previous owner of the land included building a "comparable" wetland at the north-end of the lake. However, how will the wildlife that currently lives here know where they are supposed to go? Every spring the ducklings are hatched by next to the pond, tadpoles hatch and turn into frogs, and many other varieties of wildlife treat this pond as their home. We think that the area should be well observed before considering destroying it for a parking lot, and that the drainage as well as wildlife should be considered.

Zoning and Design in Relation to Surrounding Area

Currently, all of the buildings situated around the lake are no more than three stories high. The apartment complex located on the parcel of land on the corner of Highway 527 and 116th Street SE is currently planned to be five to six stories, which is several stories higher than all of the other buildings around the lake. The height of the apartment complex does not fit in with the rest of the building structures around the lake and will stick out and be an eye sore to anyone passing by.

More specifically, in relation to all of the single-family homes located on the private road that we live on, both the three-story townhomes and the apartment complex will be substantially taller. Essentially, we will be blocked in on both sides by buildings that are taller than our home, thus leaving our property in an undesirable position.

We are also aware that there are zoning height restrictions that limit the height of buildings in relation to residential homes. One of these restrictions in particular can be seen under Title 19, Chapter 6, Table 6.1 (specifically subpart 8), which limits the height of any multifamily (R-3 zoned) residence to 28 feet (as long as they are within 50 feet of a shared property line with a single family residential home). The plans for the townhomes that we viewed have the structures placed at the edge of the property line right across from us. The distance from our property line to where the townhomes would be built is not more than 50 feet. Additionally, it is unlikely that the townhomes situated on the east and south property lines would be more than 50 feet from the residences nearby.

Also, all of the the residential homes situated off of 116th Street SE are one-to-two story single-family residences. As a result, the zoning and flow/design of the buildings is not the least bit

cohesive. As a result of the proposed developments, zoning would alternate from a five-to-six story multi-family apartment complex, to a row of one and two story single-family homes, back up to three-story multi-family townhomes, and then revert back to one and two story single-family residences. The design/flow would look extremely odd and for the most part would go against most of the zoning that is already put in place throughout the city of Everett. Currently there are no other instances of single-family residential zoning that is surrounded immediately on both sides by medium/high density residential zoning.

We are hoping that all of these issues will be considered as the planning and approval process continues. We understand that development in Silver Lake is inevitable. However, the points mentioned above are prevalent issues that will not only greatly affect us due to our abutting property lines, but other individuals as well that live in the surrounding area.

Thank you for your consideration.

Sincerely,
Matthew Clarke and Stacey Robinson



COMPREHENSIVE PLAN AND REZONE APPLICATION

(Attach additional pages if needed)

Name of Applicant Isaac Liu (Rich Trend Properties)

Address 1530 140th Ave NE, Suite 111

City Bellevue State WA Zip Code 98005

Phone 425-296-2808 Alt ph _____

Email Isaac.liu@feoso.com

Maurice Diaz

Primary Contact (if other than applicant) SMR Architects

Address 1700 South Main St, Suite 400

City Seattle State WA Zip Code 98104

Phone 206-316-2689 Alt ph 206-623-1104

Email mdiaz@smrarchitects.com

Property Owner(s) Isaac Liu (Rich Trend Properties)

Address see above City _____ State _____ Zip Code _____

Property Address or Location 116th St SE, east of SR527/19th Ave SE

Tax Parcel No(s) 28052900207500,x7600, x7700, x7800, x7900, x8000, x8100, x8200 (8 lots total)

Area of Property (acres/sq ft) 1.49 acres/65,225 sf

Legal Description (attach for rezone purposes) See attached

Brief Description of Project A rezone of the property is requested for a proposed 16-unit townhouse duplex development.

• **Authorization:** I am the owner or am authorized by the owner to sign and submit this application. I grant permission for City staff and agents to enter onto the subject property for the sole purpose of making any inspections of the property which are necessary to process this application. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete, and correct.

Signature Maurice Diaz Date 30 June 2016

Please print name Maurice Diaz Owner Applicant Primary Contact

City and State where this application is signed Seattle, WA

City State

FOR OFFICIAL USE ONLY

FILE # _____

FEE \$ _____

RECEIPT # _____



Comprehensive Plan Map Amendment and Rezone Application – Silver Lake Townhomes – 1 July 2016

Project Narrative

Everett's Comprehensive Plan contains the following criteria that provide guidance to decision makers in their review of applications to amend land use designations. Please consider each of the following review criteria and respond to them on a separate piece of paper. The response should identify which of the criteria is being addressed. Where the criteria spells out relevant policies or criteria, found in either the City's Comprehensive Plan or Zoning Code, please reference the relevant section when noting such support for your application. City staff will help with any questions you may have in regard to completing this work.

1) The proposed land use designation must be supported by or be consistent with the existing policies of the various elements of the Comprehensive Plan. NOTE: Please refer to the location criteria beginning on page LU-65. Please refer to specific policies, especially those in the Land Use and Housing sections.

The property currently has a land use designation of 1.2, and we are proposing that it be revised to a 1.3 land use designation. Land Use Element Policy 2.1.2 seeks to 'Promote increased densities and infill housing types in all residential neighborhoods through appropriate design standards that reinforce the single family character of areas zoned single family, and which assure that multiple family developments integrate with and enhance the neighborhoods in which they are permitted.' In the overall community surrounding Silver Lake, this property is located on the border between existing high-density properties (such as assisted living complexes, apartment buildings, and townhouse communities, most of which are located along SR 527/19th

Ave SE) and single family houses. Constructing a small community of townhomes on this density border would allow for a smoother transition from the high density area surrounding Silver Lake to the less dense single family houses. A small community of townhomes would also support Housing Element Objective 4.6, which states, "In order to maximize the public investment that has already been made in public infrastructure, the City shall support the compact land use strategy of the comprehensive plan with housing measures that increase the residential density of the Everett Planning Area and that maintain the quality and character of existing neighborhoods."

2) Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element

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Dean A. Kralios

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to justify a change to the land use designation? If so, the circumstances which have changed should be described in detail to support findings that a different land use designation is appropriate.

Since Everett's Comprehensive Plan was last updated, a multi-story residential building has been proposed on a vacant property facing Silver Lake and located west of the property in question. If this proposal goes through, a change in land use designation of 1.3 would allow a slight increase in density on the proposed property, and therefore help integrate that building into the immediate neighborhood.

3) Are the assumptions on which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed.

The current land use designation of 1.2 is assigned to properties containing 5-10 dwellings per gross acre. However, a designation increase to 1.3 allows 10-12 dwellings per gross acre, which is not a significant increase in allowable density. There were no erroneous assumptions in designating this property as a land use of 1.2, but an increase to 1.3 should be allowable.

*4) Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, **a detailed description of the qualities of the proposed land use designation** that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.*

Yes, the proposed land use designation of 1.3 promotes a more desirable land use pattern for the community. As stated before, the property in question is located on the border between high-density and low-density properties. A small community of townhomes would help bridge the gap that is this vacant property between these two areas.

In forecasting population growth in the vicinity, a logical increase of density would seem to project eastward from SR 527 and move along the arterial collector road of 116th St SE.

5) Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find

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that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.

The proposed land use designation does not need to be applied to other properties in the vicinity, since the high end density of an R-1/1.2 is already comparable to the low end density of an R-1(A)/1.3 (both at 10 dwellings per gross acre, according to Table 9: Comprehensive Plan / Zoning / SMP Equivalency Table of the Everett Comprehensive Plan).

The proposed development would take into consideration the building scale, density, and building separations/setbacks of the proposed townhouses to be comparable and favorable to the neighboring properties.

6) What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?

The proposed change of land use designation would have little impact on the current use of other nearby properties. The scale and building height of the townhomes would be comparable to the immediate surrounding single family houses. The proposed density increase would fall under the next land use designation, going from 1.2 to 1.3, and thereby changing only slightly in density – going from 5-10 dwellings per gross acre in an R-1/1.2 to the 10-12 dwellings per gross acre of an R-1(A)/1.3.

Additionally, there would be a significant landscape buffer between the property and the houses to the west, thereby providing a visual buffer between zones and properties.

7) Would the change of the land use designation sought by the proponent create pressure to change the land use designations of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long term interests of the community in general?

Revising the land use designation of this property from 1.2 to 1.3 would not create pressure to change the land use designations of nearby properties, as the building scale, density, and building separations/setbacks of the proposed development would be comparable and favorable to the neighboring properties.

Rezone

Rezoning can be either non-project or performance agreement rezoning. In order to better understand the differences between the two rezoning processes, it is advised that you speak with Long Range Planning staff in advance of responding to this section.

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1) *Which rezone type are you seeking?*

We seek a Rezone from R-1 to R-1(A).

2) *Address your vision for how the subject property or properties would be used if the rezone were approved, and how the request, if granted, would benefit the City of Everett and its citizens.*

If the rezone to an R-1(A) were to be approved, aside from providing housing stock for the immediate region, the proposing townhouse development would also create a model of increased density that is suitable as a transition between the Mixed-Use Commercial / Multiple Family developments along SR 527 / 19th Ave SE and the single-family detached homes of the R-1 zones to the east. The new townhouse dwellings would be in scale with neighboring houses, with the intent to carefully incorporate the cluster into the existing fabric.

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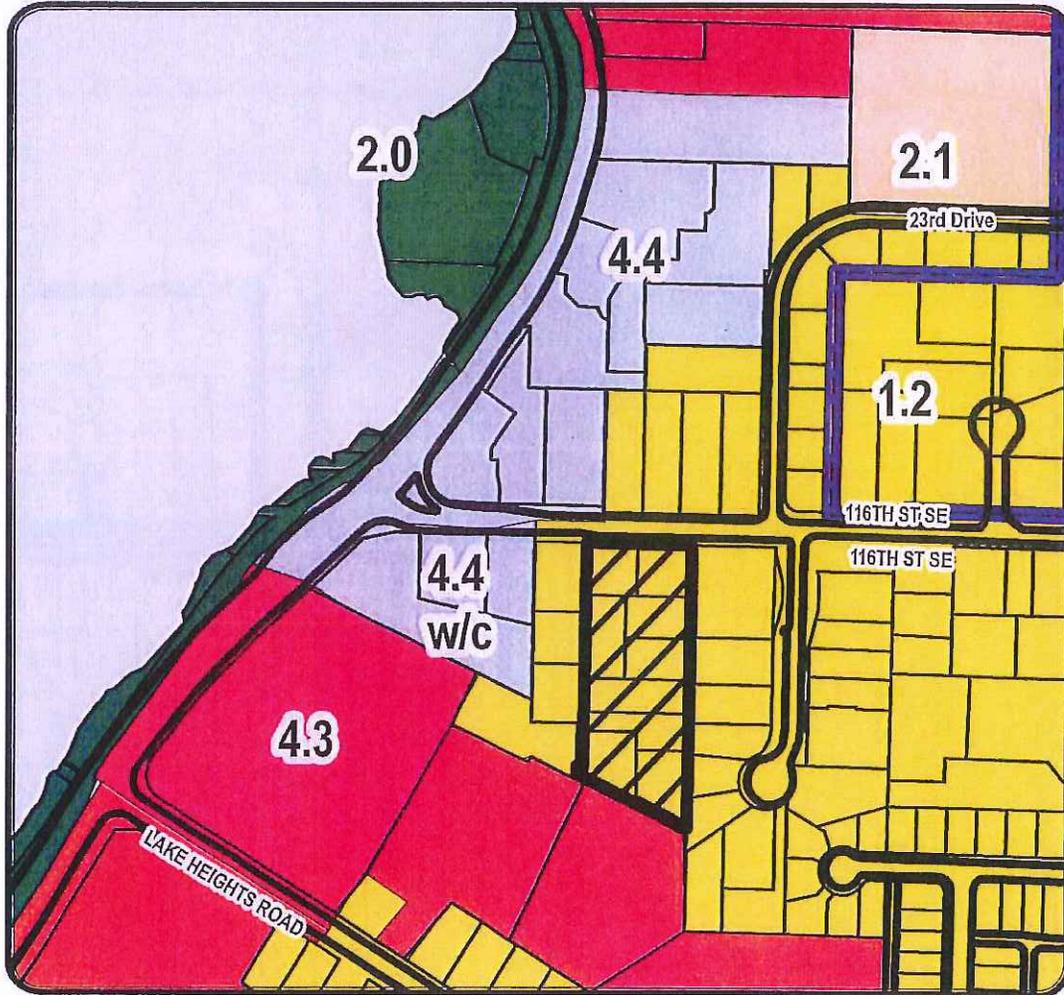
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Silverlake Townhomes

Comprehensive Plan Amendment

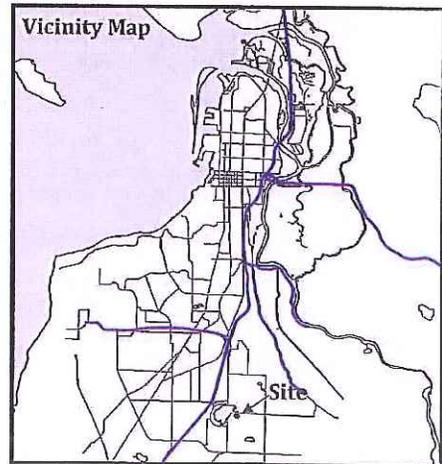
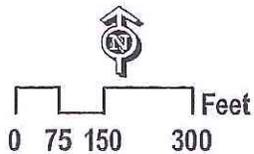
1.2 Single Family detached (5-10 du/ac) to

1.3 Single Family detached (10-12 du/ac)



Comprehensive Plan Legend:

-  Action Area (1.49 Acres)
-  2.0 Park
-  1.2 Single Family Detached, 5-10 DUA
-  1.3 Single Family Detached, 10-12 DUA
-  1.6 Multiple Family, 20-29 DUA
-  4.3 Community Business, Office
-  4.4 Mixed Use Commercial, Multiple Family
-  Everett City Limits



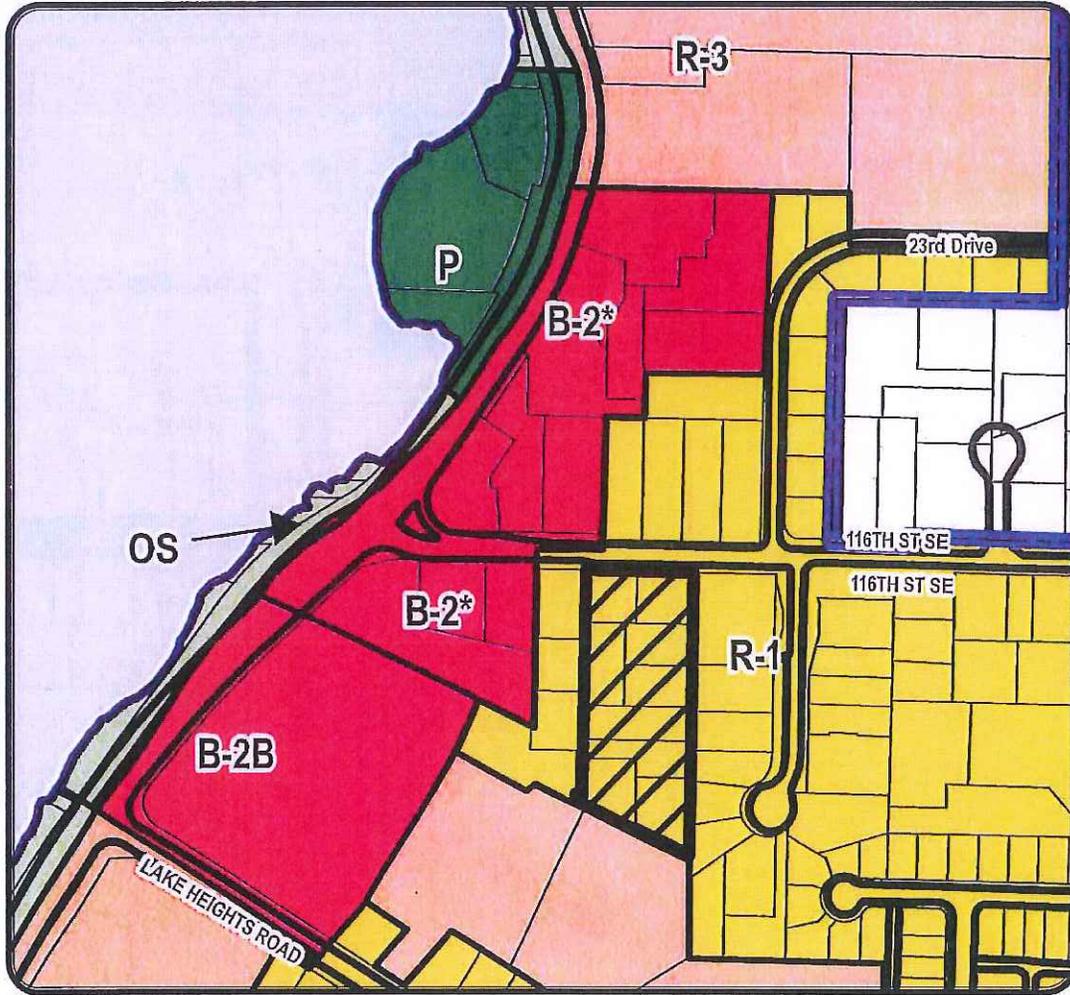
July 2016

Silverlake Townhomes

Zoning Amendments

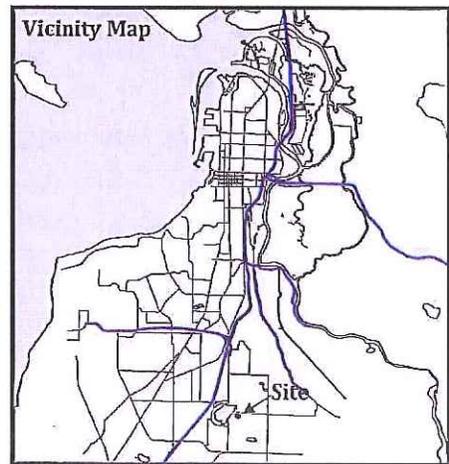
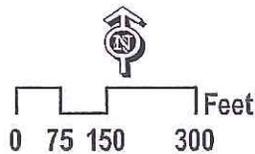
R-1 Single Family detached Low Density

R-1A Single Family Attached



Zoning Legend:

-  Action Area (1.49 Acres)
-  OS Open Space
-  Park
-  R-1 Single Family, Low Density
-  R-3 Single Family, Medium Density
-  B-2 Community Business
-  B-2B Office
-  Everett City Limits



July 2016



PLANNING COMMISSION RESOLUTION NO. 16-0__

A RESOLUTION Recommending Denial of Amendments to the Comprehensive Plan Land Use Map and Zoning Map Regarding COMP 16-002 and REZ 16-002

WHEREAS, Isaac Liu (Rich Trend Properties) submitted an application to amend the Comprehensive Plan Land Use Map from 1.2 to 1.3, and an application to amend the Zoning Map from R-1 to R-1(A); and

WHEREAS, the application was submitted on July 1, 2016 and was included on the docket of potential comprehensive plan amendments the city would consider in 2016-2017; and

WHEREAS, the Planning Commission of the city of Everett reviewed the proposed amendments, received public input at a duly advertised public hearing, and finds that:

1. A Determination of Nonsignificance (DNS) under the State Environmental Policy Act was issued on November 2, 2016 regarding the proposed action.
2. Notice of the application, SEPA determination and public hearing were provided as follows:
 - a. A Notice of Public Hearing and Determination of Non-significance was published in the Everett Herald on November 4, 2016.
 - b. A Notice of Public Hearing and Determination of Non-significance was sent to property owners within 500 feet of the proposal, neighborhood groups and those on the city's SEPA Notice mailing list.
 - c. A 60-day notice to the Washington State Department of Commerce was provided on October 6, 2016.
 - d. Two large signs (24" x 36") were posted on the property on November 5, 2016.
3. Amendment of the Comprehensive Plan Land Use Map must consider the factors outlined in Chapter 1, Introduction, Section VII.H of the Everett Comprehensive Plan, as follows:
 1. The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan.
 2. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances that have changed should be described in detail to support findings that a different land use designation is appropriate.
 3. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time

the Land Use Element was adopted, that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed.

4. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.

5. Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.

6. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?

7. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long-term interests of the community in general?

4. The proposal is a site-specific amendment of the zoning map. Amendment of the Zoning Map for site-specific proposals must meet the criteria outlined in EMC 19.41.160.D.2:
 - a. The proposed rezone is consistent with the Everett comprehensive plan; and
 - b. The proposed rezone bears a substantial relation to public health, safety or welfare; and the proposed rezone promotes the best long-term interests of the Everett community; and
 - c. The proposed rezone mitigates any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity of the subject property.
5. The Planning Commission finds the following goals of the Growth Management Act (RCW 36.70A.020) applicable to this proposal:
 - (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
 - (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
6. The Everett Comprehensive Plan indicates the Land Use Designation of 1.2 and 1.3 are both considered "single family detached residential" which "is applied to areas presently developed with predominantly single-family detached dwellings that the City intends to preserve as primarily single family neighborhoods. Other dwelling types will be allowed

under certain circumstances, such as duplexes, single family attached, or rearyard infill dwellings.” (Chapter 2, Section V.D.1)

7. Table 9 in the Land Use Element identifies the density and zoning equivalency for various land use designations. A Land Use Designation of 1.2 is 5-10 dwellings per gross acre with an equivalent zoning of R-1 or R-2. A Land Use Designation of 1.3 is 10-12 dwellings per gross acre with an equivalent zoning of R-1(A) or R-2.
8. The Planning Commission finds several Land Use and Housing Element policies were applicable to this proposal, including Policy 2.1.1 (wide range of housing opportunities), 2.1.2 (increased densities and infill), 2.1.9 (well-designed infill), 4.1.1 (wide range of housing types), 4.1.2 (housing alternatives to large lot single family), and 4.2.1 (protect existing single family neighborhoods).
9. The change from R-1 to R-1(A) zoning would affect the uses and development standards subsequent development would be required to comply with.
 - a. Single-family attached would change from a required cluster development subject to public hearing and decision in the R-1 zone to a permitted use in the R-1(A) zone.
 - b. Minimum lot area would change from 6,000 square foot (sf) minimum in the R-1 zone to 5,000 sf minimum in the R-1(A) zone.
 - c. Maximum lot coverage would increase from 35% in the R-1 zone to 40% in the R-1(A) zone.
 - d. Landscaping requirements would change from a lawn in the R-1 zone to ornamental effects landscaping in the R-1(A) zone.

WHEREAS, the Planning Commission of the City of Everett concludes that:

1. The Everett Comprehensive Plan supports a wide range of housing opportunities, increased densities and infill housing types, including alternatives to large lot single family detached dwellings. See Land Use Policies 2.1.1 and 2.1.2; Housing Element Policies 4.1.1, 4.1.2.
2. The Everett Comprehensive Plan protects existing single family neighborhoods from substantial changes. See Housing Policy H4.2.1, Land Use Policy 2.1.9, Land Use Background and Land Use Concept.
3. In order to amend the Everett Comprehensive Plan Land Use Map, the City must give consideration to promoting a more desirable land use pattern and not find that approval is a grant of special privilege. The Planning Commission finds that properties to the east, west, north and south all have different land use designations. The Planning Commission concludes that this application would create an island of land use inconsistent with the neighborhood, thereby not promoting a more desirable land use pattern.
4. The Planning Commission concludes that there are no circumstances related to the property and area that have changed sufficiently to justify a change in the designation.

5. The Planning Commission concludes that there were no erroneous assumptions in designating this property as a 1.2 Land Use.
6. The Zoning Code requires that a map amendment be consistent with the Comprehensive Plan. Since the Planning Commission concludes that the application is not consistent with the Comprehensive Plan, an amendment of the Zoning Map is not warranted.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the City Council DENY this application to amend the comprehensive plan land use designation from 1.2 to 1.3 and to amend the zoning map from R-1 (single-family detached low-density residential) to R-1(A) (single-family attached, low-density residential).

PASSED and APPROVED this 6th day of December, 2016.

Planning Commission Chair

Planning Commission Secretary

For:

Against:

Absent:

Abstain: