

Exhibit "B"

Agenda bill/staff report dated October 24, 2017 - Attachment 2.

CPA17-0002 & REZ17-0001, land use designation change from "Single Family Residential" with a "Residential Transition Overlay" to "Light Commercial"; and a rezone (zoning map amendment) from "R-7, Residential" to "C-1, Light Commercial" for three parcels totaling 0.72 acres, for Nexus Youth & Families.



AGENDA BILL APPROVAL FORM

Agenda Subject: CPA17-0002 & REZ17-0001, Nexus Youth & Families Comprehensive Plan Land Use Amendment and Rezone		Date: October 24, 2017
Department: Community Development & Public Works, Planning Services	Attachments: (See exhibit listing at the end of this report)	Budget Impact: N/A
Administrative Recommendation: Planning Commission to conduct a public hearing and recommend to City Council approval of the Nexus Youth & Families Comprehensive Plan Amendment and Rezone (zoning map amendment) request.		
Background Information: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>APPLICANT: Sylvia Fuerstenberg Nexus Youth & Families 1000 Auburn Way South Auburn, WA 98002</p> </div> <div style="width: 45%;"> <p>PROPERTY OWNERS: Nexus Youth & Families (Parcels 192105-9142, 9145) Jay & Daniel Bartholomew (Parcel 192105-9077)</p> </div> </div> <p>REQUEST: File Nos. CPA17-0002 & REZ17-0001: Request to amend the Comprehensive Plan Land Use Map Designation of three parcels from "Single Family Residential" with a "Residential Transition Overlay" to "Light Commercial"; and the zoning (zoning map amendment) from "R-7, Residential" to "C-1, Light Commercial". Two of the three parcels are owned by Nexus Youth & Families ("Nexus"), the other is owned by Jay & Daniel Bartholomew.</p> <p>LOCATION: The proposal consists of three adjacent parcels located between Auburn Way S. and 'H' St. SE, approximately 120 ft. south of 9th St. SE. King Co. Parcel Nos. 192105-9142, 192105-9145, and 192105-9077. The addresses for the three parcels are 911 'H' St. SE, 915 'H' St. SE, and 921 'H' St. SE. See "Vicinity Map", <u>Exhibit 3</u>, and "Ownership Map", <u>Exhibit 4</u>.</p>		
Reviewed by Council & Committees: <div style="display: flex;"> <div style="flex: 1;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="flex: 1;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex;"> <div style="flex: 1;"> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Fire <input type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="flex: 1;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: <div style="display: flex; justify-content: space-between;"> <div> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Tabled _____ </div> <div style="text-align: right;"> Call for Public Hearing ____/____/____ Until ____/____/____ Until ____/____/____ </div> </div>		
Councilmember:		Staff:
Meeting Date:		Item Number:

FINDINGS OF FACT:

1. The Applicant, Sylvia Fuerstenberg, representing Nexus Youth & Families (“Nexus”), submitted a Comprehensive Plan Map Amendment (City File No. CPA17-0002) and Rezone request (REZ17-0001) applications on June 8, 2017, before the year 2017 application deadline for Comprehensive Plan amendments (June 9, 2017).
2. The City of Auburn first adopted amendments to its Comprehensive Plan in compliance with the Washington State Growth Management Act (GMA) requirements, as amended, in 1995. The Auburn Comprehensive Plan has been amended annually each year since, generally for housekeeping items and for coordination with the Capital Facilities Plan.
3. The City of Auburn adopted a substantially revised Comprehensive Plan (including map amendments) in response to periodic updates required by the GMA under Ordinance No. 6584 on December 15, 2015.
4. RCW 36.70A.130 (GMA) provides for annual amendments to locally adopted comprehensive plans. Except in limited circumstances, these amendments shall be considered by the City’s Legislative body no more frequently than once per year. The annual limitation and exceptions are also restated under ACC 14.22.060.

Comprehensive Plan Related Findings

5. In June 2017 the City Council adopted Ordinance No. 6655 which allows the Planning Commission and City Council to consider associated map changes (for Comp. Plan and Zoning map amendments), concurrently. This eliminates the need for the Hearing Examiner to subsequently consider a zoning map amendment public hearing when it is related to a Comprehensive Plan map amendment.
6. Auburn City Code (ACC) Chapter 14.22 outlines the process for submittal of privately-initiated comprehensive plan amendments and the general processing as follows:

“Section 14.22.100

- A. The planning commission shall hold at least one public hearing on all proposed amendments to the comprehensive plan. Notice of such public hearing shall be given pursuant to Chapter 1.27 ACC and, at a minimum, include the following:
 1. For site-specific plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within a radius of 300 feet of the proposed map amendment request, not less than 10 calendar days prior to the public hearing;
 2. For area-wide plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within the area subject to the proposed amendment;
 - c. Notice shall be posted in at least two conspicuous locations in the area subject to the proposed amendment not less than 10 calendar days prior to the date of the public hearing.
- B. Notwithstanding the above, the director may expand the minimum noticing provisions noted above as deemed necessary.
- C. Planning Commission Recommendation. The planning commission shall conduct a public hearing on all potential comprehensive plan amendments and shall make and forward a

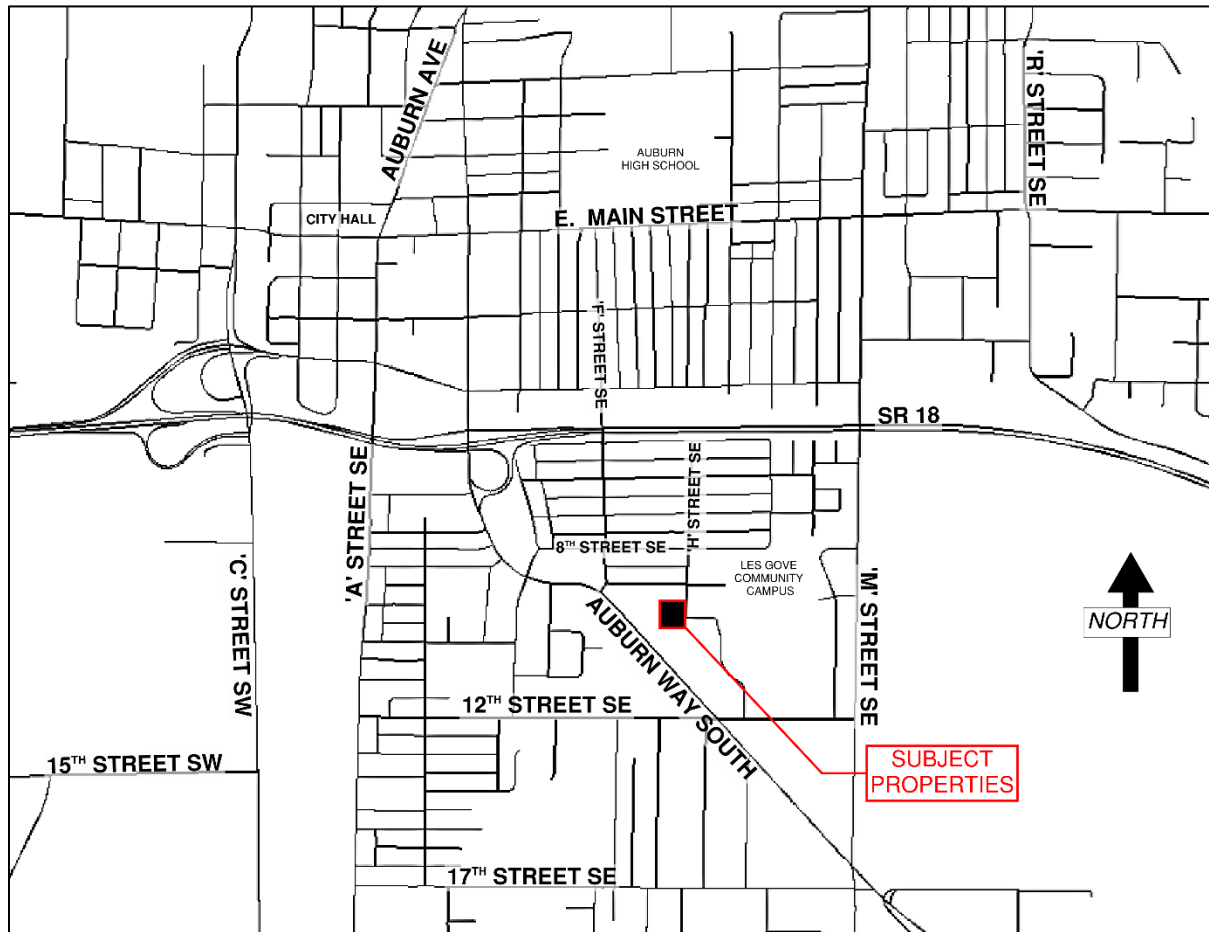
- recommendation on each to the city council. The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.
- D. The city council, if it elects to amend the comprehensive plan, shall adopt written findings and adopt said amendments by ordinance.
 - E. State Review. All comprehensive plan amendments considered by the planning commission shall be forwarded for state agency review consistent with RCW 36.70A.106.
 - F. Any appeal of an amendment to the comprehensive plan shall be made in accordance with Chapter 36.70A RCW. (Ord. 6172 § 1, 2008.)”
7. Per Chapter 14.22 Auburn City Code (“ACC”), privately-initiated amendments to the Comprehensive Plan shall have at least one public hearing before the Planning Commission who then forward on a recommendation to the City Council. City Council consideration and action on the amendments generally occurs, but is not required, prior to the end of the year. Chapter 14.22 ACC ‘Comprehensive Plan’ is attached as Exhibit 6 for reference.
8. Due to the nature of policy/text changes, and the minimal amount of private-initiated map amendments, the optional process for conducting a public open house on the docket of comprehensive plan amendments as provided for in the city code, was not conducted.

Zoning Code Related Findings

9. Chapter 18.68 ACC (Zoning) Amendments)) outlines the process for submittal of privately-initiated zoning amendments and the general processing. Per ACC 18.68.030(B)(1)(b), when the Planning Commission is considering a rezone (zoning map amendment) which requires a Comprehensive Plan Land Use Map amendment, the public hearings shall be conducted concurrently and a recommendation on both shall be forwarded to the City Council. Chapter 18.68 ACC ‘Amendments’ is attached as Exhibit 7 for reference
10. Pursuant to Chapter 197-11 WAC and Chapter 16.06 ACC, this project is subject to State Environmental Policy Act (“SEPA”) environmental review. A Determination of Non-Significance (“DNS”), for the Comprehensive Plan amendment and Rezone request was issued under City File No. SEP17-0012 on August 24, 2017; with the comment period ending September 8, 2017 and an appeal period ending September 22, 2017. One public comment was submitted (See Exhibit 8); no appeal was filed.
11. Pursuant to RCW 36.70A.106, the proposed Comprehensive Plan amendment outlined in this agenda bill were sent to the Washington State Dept. of Commerce and other State agencies as required for the 60-day State review. See Exhibit 9. No comments have been received from the Dept. of Commerce or other State agencies as of the date of this report.
12. The public hearing notice was published on October 17, 2017 in the Seattle Times, at least 10 days prior to this November 1, 2017 Planning Commission public hearing. Public notice was also mailed to property owners within 300 feet and those requesting said notice, posting on the City’s website, and posting on the subject properties.
13. The following Staff Report and recommendation describes and addresses the Comprehensive Plan Land Use Map amendment and Rezone request by Nexus.

COMPREHENSIVE PLAN AMENDMENT AND REZONE REQUEST – STAFF ANALYSIS:

1. The Comprehensive Plan amendment seeks to change the designation of three parcels from “Single Family Residential” with a “Residential Transition Overlay” to “Light Commercial”. The parcels are King Co. Parcel Nos. 192105-9142, 192105-9145, and 192105-9077; and the addresses are 911 ‘H’ St. SE, 915 ‘H’ St. SE, and 921 ‘H’ St. SE. The three parcels total approximately 0.72 acres. See [Exhibit 10](#) and the following vicinity map:



2. Similarly, the Rezone request seeks to change the classification of the same three parcels from “R-7, Residential Seven Dwelling Units per Acre” to “C-1, Light Commercial”. The parcels are King Co. Parcel Nos. 192105-9142, 192105-9145, and 192105-9077; and the addresses are 911 ‘H’ St. SE, 915 ‘H’ St. SE, and 921 ‘H’ St. SE. See [Exhibit 11](#).
3. As indicated by the Applicant’s narratives (See [Exhibit 12](#) and [Exhibit 13](#)), the requested changes are to accommodate future expansion of the Nexus Youth & Families Campus. Nexus Youth & Families (formerly Auburn Youth Resources (AYR)) is a non-profit organization that provides mental health counseling for youth, groups and families through chemical dependency prevention, treatment and aftercare and homeless services of emergency shelter, intercept homeless youth through a street outreach program and provide supportive housing across South King County. The facilities at this location include a clinic, 2 administrative buildings, 2 youth shelters, storage buildings, and the Arcadia House which will be under construction soon (Arcadia House is a replacement building for an existing supportive house, which will be demolished). See [Exhibit 14](#) for reference.

4. At its ultimate buildout the Nexus Campus will intend to serve homeless youth and single mothers through provision of permanent supportive housing, clinic services, and case management and support services. Nexus has also requested in the Rezone request for a new use to be added to the C-1, Light Commercial zoning district that fully encompasses their proposed uses; this text amendment will be subsequently considered under a separate application and presented to Planning Commission after review of the 2017 Comprehensive Plan amendments have been completed.
5. The current Comprehensive Plan Land Use designation, zoning classification, and current land uses of the subject properties and surrounding properties are as follows:

	Comp Plan Designation	Zoning Classification	Existing Land Use
On-Site	"Single Family Residential" w/ "Residential Transition Overlay"	R-7, Residential	3 single-family homes; 2 are currently used as shelters by Nexus, the other is used as a residence by the Bartholomews
North	"Single Family Residential" w/ "Residential Transition Overlay"	R-7, Residential	Single-family homes
South	"Light Commercial"	C-1, Light Commercial	Nexus Clinic
East	"Institutional"	I, Institutional	Les Gove Community Campus
West	"Light Commercial"	C-1, Light Commercial	Nexus Admin.

6. The three parcels front onto 'H' St. SE, which is classified as a 'Local Residential' street; 'H' St. SE is then connected to Auburn Way S ('Principal Arterial' classified street) via 9th St. SE ('Local Residential') and the unnamed alley on the north side of the project site. Part of the western portion of the alley will be widened to 20 ft. to support emergency services in conjunction with the Arcadia House construction (the alley is currently approximately 12 ft. wide). The remainder of the alley will be widened with subsequent / future development of the Nexus Campus. Circulation plans for eventual buildout would be to direct a majority of the traffic either directly onto Auburn Way S or via the alley to Auburn Way S. See the Conceptual Campus Site Plan, Exhibit 14.
7. Based on historic zoning maps, the subject properties have had similar single-family zoning designations since at least 1964 (note these parcels were annexed into the City in 1948). The Comprehensive Plan designation has also been single-family since at least 1960.

COMPREHENSIVE PLAN RELATED – CONCLUSIONS:

The purpose of the City's Comprehensive Plan is to provide a policy basis for potential future zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent, as required by the following City Code provision:

"14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the comprehensive plan. Capital budget decisions shall be made in conformity with the comprehensive plan."

The City Code provides certain criteria for decisions on amending the Comprehensive Plan under ACC 18.14.22.110. These criteria are listed below, followed by a Staff Analysis in *italics*. The Applicant's responses to these criteria are included in Exhibit 12.

1. Criterion #1 – ACC 14.22.110(A)(1): The proposed change will further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent.

Staff Analysis: The Comprehensive Plan (Land Use Element, Page LU-9) provides the following explanation for the “Light Commercial” Land Use Designation:

“Light Commercial

Description

This category represents the prime commercial designation for small to moderate scale commercial activities. These commercial areas should be developed in a manner which is consistent with and attracts pedestrian oriented activities. Such areas should encourage walkability, leisure shopping, engaging public space, and should provide other amenities conducive to attracting shoppers.

Designation Criteria

1. Previously developed light commercial areas buffered from more intense commercial or industrial designations by landscaping or environmental features; or
2. Located along arterial or collector streets;
3. Properties that are buffered from the Single Family designation by landscaping, environmental features, or the Residential Transition designation; and
4. Meets the development parameters of the Light Commercial designation.

Implementing Zoning Designations

Light Commercial

Policies

- Policy LU-60.** *A wide range of consumer-oriented goods and services are compatible within this designation since creating an attractive shopping environment is a primary emphasis. Permitted uses would consist of local-serving and community-serving retail trade, offices, personal services, eating establishments, financial institutions, governmental offices, and similar uses.*
- Policy LU-61.** *Parking lots must be located and designed in a manner that softens their appearance from adjacent public roads. This is accomplished through landscaping, pedestrian spaces, and the location of buildings on the property. Where practicable, low impact development techniques and landscaping should be used to promote on site stormwater infiltration and shading of hard surfaces. Minimum and maximum parking ratios must be established for each type of permitted use.*
- Policy LU-62.** *Development incentives should be established that encourage the creation of electric car charging stations, use of sustainable building and/or operational practices, development of non-motorized infrastructure, and proximity and connection to public transit.*
- Policy LU-63.** *Multiple family dwellings are only allowed as part of mixed-use developments where they do not interfere with the shopping character of the area, such as within the upper stories of buildings.*
- Policy LU-64.** *Drive in windows should only be allowed accessory to a permitted use, and only when carefully sited under the administrative use process, in order to ensure that an area's pedestrian environment is not compromised.*
- Policy LU-65.** *Large scale regional retail uses and uses which rely on direct access by vehicles or involve heavy truck traffic (other than for merchandise delivery) are not appropriate in this category.*
- Policy LU-66.** *Unightly outdoor storage and similar activities should be prohibited.*
- Policy LU-67.** *Encourage adaptive reuse, particularly of historic properties.*

Policy LU-68. Upzone requests to the next zone should be approved based on the innovations in transportation and stormwater management and public amenities proposed for the development associated with the request."

Per ACC 18.23.030(C), the intent of the C-1, Light Commercial zoning district is:

"...intended for lower intensity commercial adjacent to residential neighborhoods. This zone generally serves as a transition zone between higher and lower intensity land uses, providing retail and professional services. This zone represents the primary commercial designation for small- to moderate-scale commercial activities compatible by having similar performance standards and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers and pedestrians."

As identified in the C-1 intent statement above, this zoning district allows provisions for retail uses as well as professional services. Nexus does not engage in any retail or commercial uses, however, does provide professional services for homeless youth and single mothers. Nexus has also applied for a zoning text amendment to include their specific type of facility as an allowable use in the C-1 zoning district (to be reviewed by the Planning Commission at a future date).

Although an argument could be made that the C-1 zone may not be the most suitable location for this type of facility, looking at certain facts an argument could also be made that this is a suitable use for this location; 1) with the exception of the Bartholomew parcel, the other four parcels within the Nexus campus are already owned and operated by Nexus as similar uses (although to a much-lesser scale), 2) the campus fronts-on and has direct access to Auburn Way S, a principal arterial, 3) there is an existing Metro transit stop in front of the Arcadia House, 4) the campus has an intervening alley right-of-way to the north, providing a delineated buffer to the existing single-family homes, and 5) there are existing public services and facilities located in close proximity to the campus, including the library, community center, and Nexus' other service (e.g. clinic) that the homeless occupants could utilize.

Other applicable policies from the City's Comprehensive Plan that support the Nexus application are as follows:

From the 'Core Plan':

Policy 11. Participate in and support efforts to provide solutions for persons experiencing homelessness.

Policy LU-30. Encourage development of permanent supportive housing to address the homeless population and those with special needs.

Policy H-10. Provide a land use plan and zoning that offers opportunities to achieve a variety of housing styles and densities for private and non-profit housing providers.

Policy H-31. Encourage and support human and health service organizations that offer programs and facilities for people with special needs. Support programs in particular that help people to remain within the community, including those that are veterans, disabled, seniors, single parent households, and the homeless.

Policy H-43. Work with other jurisdictions and health and social service organizations to implement a coordinated, regional approach to homelessness.

Policy H-47. Support nonprofit organizations during all stages of siting and project planning and when applying for county, state, and federal funding.

2. Criterion #2 – ACC 14.22.110(A)(2): Whether the capacity to provide adequate services is diminished or increased.

Staff Analysis: The proposed application for a change in the Comprehensive Plan designation has been reviewed by the City's Utilities, Traffic division, and the Valley Regional Fire Authority. Based on these reviews, the change would not adversely affect the provision of services. As is typical with development in the City, adequate infrastructure improvements will be required to be provided concurrent with future development. Although no specific construction activity is proposed or permitted with this amendment, eventual buildout of these three parcels in relation to the overall Nexus Campus is not anticipated to be detrimental to public services. Traffic impacts will be reviewed once the campus planning by the applicant has been finalized to ensure accurate mitigation measures are provided (through Applicant preparation and City review of a Traffic Impact Analysis).

3. Criterion #3 – ACC 14.22.110(A)(3): Assumptions upon which the comprehensive plan is based are found to be invalid.

Staff Analysis: While the policies of the Comprehensive Plan are not invalid, the Applicant's request to change three parcels from residential to commercial designations are not out of character with the designations or uses in the immediate vicinity. The Nexus Campus is bordered on three sides by public rights-of-way and to the south is a City-owned parking lot. The requested change is a logical expansion of the Light Commercial land use for this particular use.

4. Criterion #4 – ACC 14.22.110(A)(4): A determination of change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the specific section of the comprehensive plan that dictates the need for a proposed amendment.

Staff Analysis: The proposed change is for three parcels to Light Commercial which is consistent with the adjacent parcels to the south and west, all of which are also owned by Nexus. A change in conditions or circumstances would be the ever-increasing number of homeless people. Nexus seeks to help with the especially vulnerable homeless populations, the youth/young adults and single mothers. Also, as stated under Criterion #1, above, the Comprehensive Plan lists numerous goals/policies to address homelessness.

5. Criterion #5 – ACC 14.22.110(A)(5): If applicable, a determination that a question of consistency exists between the comprehensive plan and Chapter 36.70A RCW, the countywide planning policies for either King and/or Pierce County, as appropriate, and Vision 2040: Growth and Transportation Strategy for the Puget Sound Region.

Staff Analysis: The change, if approved, would continue to be consistent with the Growth Management Act (Chapter 36.70A RCW), the King County Countywide Planning Policies and Vision 2040. The proposal is consistent because it furthers provision of services and housing for the homeless population.

6. Criterion #6 – ACC 14.22.110(A)(6): If the request is to change the land use designation of a specific property on the comprehensive plan land use map, the applicant must demonstrate one of the following:
- a. The current land use designation was clearly made in error or due to an oversight;
 - b. The proposed land use designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;
 - c. There has been a change in conditions since the current land use designation came into effect.

Staff Analysis: The requested change is consistent with item b in that the adjacent properties to the west and south are designated Light Commercial.

REZONE RELATED – CONCLUSIONS:

The Applicant has requested a rezone from “R-7, Residential” to “C-1, Light Commercial”. Per ACC 18.68.030(B)(1)(b) if the rezone request also requires changes to the Comprehensive Plan, the Planning Commission shall hold a public hearing and make a recommendation to the City Council. Chapter 18.68 ACC contains the intent and process for zoning code amendments, in this case a site-specific zoning map amendment has been requested. Auburn City Code does not contain any specific rezone criteria for City Staff to review; however, Case Law offers some rezone criteria (“*A Little Bit Pregnant: The Multi-Personalities of Site Specific Rezones - Or - A Cheat Sheet for Everything You Need to Know about Site-Specific Rezones*”, by Phil Olbrechts on mrsc.org, April 1, 2013) as follows:

“...require that the proponents of a rezone must establish that conditions have substantially changed since the original adoption and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. If a rezone implements the comprehensive plan, a showing that a change of circumstances has occurred is not required.”

With the change in City procedures by ordinance No. 6655 to allow concurrent recommendations by the Planning Commission on both the Comprehensive plan and zoning map changes, the recommendations on each should be consistent and therefore does not need to show a change in circumstances has occurred.

The requested rezone bears a substantial relationship to the public health, safety, morals and welfare. Adequate public facilities such as water, sewer, and electricity, are capable of being provided for the parcels upon future development and would therefore not be detrimental to public health. The rezone itself is not anticipated to allow any uses or acts that would pose any detrimental effects on the morals or welfare of the public; the uses planned by Nexus for future development of the campus would be a benefit to the community by serving a vulnerable population. As for impacts to public safety, the proposed Nexus facilities could be seen to have favorable or unfavorable impacts. Providing services for homeless youth could attract users to the neighborhood that may not typically be there, however, the services are also intended to assist homeless youth to provide shelter and integrate into productive society.

STAFF RECOMMENDATION:

Planning Commission to recommend to City Council **approval** of the Nexus Youth & Families request for a Comprehensive Plan Land Use Map amendment for three parcels from “Single Family Residential” with a “Residential Transition Overlay” to “Light Commercial”; and a rezone from “R-7, Residential” to “C-1, Light Commercial”.

EXHIBIT LIST:

(Please see the last divider in the ‘working binder’ for these exhibits.)

- Exhibit 1. CPA17-0002 and REZ17-0001 Staff Report
- Exhibit 2. Comprehensive Plan Amendment Application
- Exhibit 3. Rezone Application
- Exhibit 4. Vicinity Map
- Exhibit 5. Ownership Map
- Exhibit 6. Chapter 14.22 ACC
- Exhibit 7. Chapter 18.68 ACC
- Exhibit 8. SEPA Comment Letter
- Exhibit 9. Dept. of Commerce 60-Day Acknowledgement Letter, received August 22, 2017
- Exhibit 10. Comprehensive Plan Land Use Maps

- Exhibit 11. Rezone Maps
- Exhibit 12. Comprehensive Plan Written Statement from Applicant
- Exhibit 13. Rezone Written Statement from Applicant
- Exhibit 14. Conceptual Nexus Campus Plan
- Exhibit 15. Notice of Application and Determination of Non-Significance
- Exhibit 16. Notice of Public Hearing