

ORIGINAL

ORDINANCE NO. 348

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING A PRELIMINARY LONG PLAT FOR TEN LOTS AND TWO PRIVATE LAND TRACTS FROM TWO CONTIGUOUS LOTS LOCATED AT 14515 DAYTON AVENUE NORTH AND 422 NORTH 145TH STREET.

WHEREAS, owners of certain properties, with parcel numbers 1826049114 and 1826049329, have filed a preliminary long plat application for ten lots and two private land tracts from two contiguous lots located at 14515 Dayton Avenue North and 422 North 145th Street; and

WHEREAS, on February 5, 2004, a public hearing on the application for the preliminary long plat was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on February 5, 2004, the Planning Commission recommended approval of the preliminary long plat and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the preliminary long plat of certain properties, located at 14515 Dayton Avenue North and 422 North 145th Street (with parcel numbers 1826049114 and 1826049329) is consistent with both the City of Shoreline Comprehensive Plan and Development Code and is appropriate for this site;

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

Section 1. Findings. The Findings and Recommendation on File No. 201265 as set forth by the Planning Commission on February 5, 2004 and as attached hereto as Exhibit 1 are hereby adopted with the following amendment to Recommendation 8:

8. Developer shall have a Right-of-Way Use Permit reviewed and approved by the City of Shoreline that includes (a) pedestrian sidewalk, (b) non-glare street lighting and (c) curb and gutters all designed to City of Shoreline guidelines on the west side of Dayton Avenue North adjacent to the project site. Design for road improvements shall be approved by the City to preserve significant trees where traffic safety is not compromised. The completion of this work shall be secured by a plat performance financial guarantee.

Section 2. Preliminary Long Plat Adoption. The preliminary long plat is adopted as further described and depicted in Exhibit 2 attached hereto.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this

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Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage and publication of the title as a summary of this ordinance.

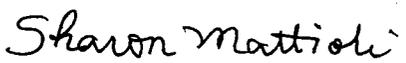
PASSED BY THE CITY COUNCIL ON MARCH 22, 2004.



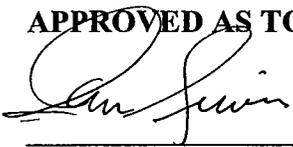
Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:



Sharon Mattioli
City Clerk



Ian Sievers
City Attorney

Date of Publication: March 25, 2004
Effective Date: March 30, 2004

FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE CITY OF SHORELINE PLANNING COMMISSION

Dayton Townhomes Preliminary Long Plat Review, Project No. 201265

Summary –

After reviewing and discussing the Dayton Townhomes Preliminary Long Plat proposal on February 5, 2004 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes and therefore unanimously recommended approval of such action with conditions.

I. FINDINGS AND CONCLUSIONS

1. Project Site Characteristics

- 1.1 The project site is approximately 18030 square feet in size and consists of two contiguous lots at 14515 Dayton Avenue North (Tax Parcel No. 1826049114) and 422 North 145th Street (Tax Parcel No. 1826049329).
- 1.2 A detached home is located on each lot and a concrete driveway for each is accessed from Dayton Avenue North.
- 1.3 The net residential density of the project site is 4.83 units per acre.
- 1.4 The project site slopes very gradually from north to south, approximately 4.4%.
- 1.5 Seventeen significant trees are located at the project site, with most being on or near the current front lot lines of each lot.

2. Neighborhood Characteristics

- 2.1 The project site is located in the Westminster Triangle Neighborhood at the northwest corner of North 145th Street and Dayton Avenue North.
- 2.2 The immediate neighborhood on Dayton Avenue North is characterized by multi-family developments. A few blocks to the west, there are number of commercials developments on Greenwood Avenue North.
- 2.3 Both North 145th Street at the project site and Westminster Way are classified as Principal Arterial streets. Greenwood Avenue is classified as a Collector Arterial street. Dayton Avenue is classified as a Residential Street.

3. Comprehensive Plan Land Use Designation and Policy Support

- 3.1 The Land Use Map, Figure LU-1 designates the north lot for Mixed Use and the south lot for Medium Density Residential Use at the project site. The Mixed Use designation encourages the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses. The types of housing permitted by Medium Density Residential Use include detached single family homes, duplexes, triplexes, zero lot line townhomes, cottage housing, and under certain conditions, apartments.
- 3.2 LU23 - Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600 to 2,400 new housing units and the future needs of Shoreline citizens.
- 3.3 H1 - Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.
- 3.4 H6 - Encourage compatible infill development on vacant or underutilized sites.

4. Regulatory Authority

- 4.1 Shoreline Municipal Code (SMC) 20.30.060 requires preliminary long plats to be processed as a quasi-judicial or "Type-C" action. Type-C actions require an open record public hearing and review by the Planning Commission, who then forwards a recommendation to the City Council for final approval.
- 4.2 Other applicable regulatory controls are set forth in the SMC as follows:
 - SMC 20.30 – Procedures and Administration
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards

5. Procedural History

- 5.1 Administrative Order No. 301150 was issued on June 18, 2003 granting an onsite parking reduction to one space per unit for the north lot and one space per unit provided a Comprehensive Plan amendment and Rezone application were approved for the south lot. The City of Shoreline never received a Comprehensive Plan amendment and Rezone application for the south lot therefore this portion of the administrative order is not applicable.
- 5.2 The required Neighborhood Meeting was held on August 14, 2003.
- 5.3 The proposal consisting of the Preliminary Long Plat application and State Environmental Policy Act (SEPA) checklist were received on October 8, 2003.
- 5.4 The proposal was determined to be complete for processing on November 14, 2003.
- 5.5 A Notice of Application for the proposal was issued on November 20, 2003 with request for public comment ending on December 5, 2003.
- 5.6 A SEPA Threshold Determination of Nonsignificance for the proposal was issued on January 14, 2004 with the administrative appeal ending on January 28, 2004.
- 5.7 A Notice of Public Hearing for the proposal was issued on January 22, 2004.

6. Public Comment and Staff Response

6.1 Written Public Comment - King County METRO Transit requested that the right westbound lane of North 145th Street not be blocked during construction in the immediately vicinity of METRO public transit stop located on North 145th Street just east of Dayton Avenue North.

Staff Response - The City of Shoreline would not permit loading and unloading to be completed in right of way owned by King County as the west bound lanes of North 145th Street currently are. However, in a case where a City of Shoreline Right-of-Way Use Permit is required for any construction and/or equipment staging, the permit process ensures that any appropriate traffic control is implemented and all access to a public transit stop is maintained.

6.2 Public Hearing Testimony – The Planning Commission received testimony from both Mark Deutsch, residing at 19715 Ashworth Avenue North, Shoreline and Kirsty Cameron, residing at 14356 Evanston Avenue North, Seattle regarding the lack of tree preservation for this project.

Staff Response – Staff recommended in Attachment L, Condition 5 that the developer shall meet the minimum tree retention requirement of 20% or four trees at the project site as set forth in SMC 20.50.350 through alternate building designs and/or frontage improvement variances.

7. Zoning Designation, Maximum Density and Permitted Uses

7.1 The project site is split zoned as Residential – 48 units per acre (R-48) for the north lot and Residential – 12 units per acre (R-12) for the south lot.

7.2 The proposed densities are 36.2 units per acre for the north lot and 6.1 units per acre for the south lot.

7.3 SMC 20.40.120 sets forth zero lot line townhomes as a permitted use in the R-48 Zoning District and detached single family homes as a permitted use in the R-12 Zoning District.

8. Site Development Standards

8.1 R-12 Lot Size – The one lot for the detached home meets the minimum lot size of 2,500 square feet as set forth in SMC 20.50.020(A)(1).

8.2 R-48 Lot Size - Pursuant to SMC 20.50.020(A)(1)(2), the nine zero lot line townhome lots propose to reduce minimum lot size of 2,500 square feet to a lot size range of 527.9 square feet to 722.7 square feet. Building setbacks may also be reduced to provide a usable building area.

8.3 Open Space – A proposed 1,900 square foot private land tract for storm water infiltration and passive open space exceeds the maximum open space requirement of 1,530 square feet for nine, three bedroom or more units as calculated using the standards in SMC 20.50.160. This private land tract will be owned and maintained by the nine zero lot line townhome lots.

8.4 Significant Tree Removal – All seventeen significant trees located at the project site are proposed to be removed as depicted by the Arboricultural Consulting Evaluation Report and Map, thereby exceeding the minimum tree retention requirement of 20% or four trees as set forth in SMC 20.50.350. The evidence

submitted is not sufficient to warrant a reduction of this minimum requirement when alternate building designs and frontage improvement variances are possible.

- 8.5 Parking and Access – Administrative Order No. 301150 permitted an onsite parking reduction to one space for each of the nine zero lot line townhome lots. A proposed 2,830.8 square foot private land tract for access will be owned and maintained by the nine zero lot line townhome lots. For all proposed lots with public street frontage, direct pedestrian access is proposed.
- 8.6 Landscaping – SMC 20.50.490 requires Type II landscaping in building setbacks for multi-family residential development adjacent multi-family and/or commercial zoning. A Landscaping Plan to demonstrate this requirement has not been submitted.

9. Adequacy of Public Facilities

- 9.1 Water Supply – Seattle Public Utilities has issued Water Availability Certificates for the proposal.
- 9.2 Sewer Service – Ronald Wastewater District has issued Sewer Availability Certificates for the proposal.
- 9.3 Fire Protection – The Shoreline Fire Department has reviewed and preliminarily approved the Site Plan for site access and fire hydrant proximity to the site.
- 9.4 Traffic Capacity – An estimated average of 5.41 p.m. peak hour trips will be generated by this proposal, well below the traffic study requirement threshold of 20 p.m. peak hour trips as set forth in SMC 20.60.140(A).

10. Engineering and Utility Development Standards

- 10.1 Storm Water Management – The City of Shoreline Public Works Department has preliminarily approved the Road and Storm Drain Plan for the proposal.
- 10.2 Right-of-Way Dedication – Pursuant to SMC 20.70.050, the proposal will dedicate to the City of Shoreline the eastern most 30' from both existing lots adjacent to Dayton Avenue North. As higher density redevelopment occurs on Dayton Avenue in this neighborhood, the City of Shoreline continues to require additional right-of-way dedication to accommodate the resulting increasing number of vehicles and pedestrians. The proposal to dedicate 2' in the right-of-way for North 145th Street is not required by the City of Shoreline as this right-of-way owned by King County.
- 10.2 Utility Undergrounding – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 10.3 Frontage Improvements – The proposal will require the installation of frontage improvements on Dayton Avenue North subject to the design standards of the Engineering Development Guide. Frontage improvements on North 145th Street may be required by King County, but are not encouraged by the City of Shoreline in an effort to preserve three significant trees in close proximity to the right-of-way edge where curb, gutter and sidewalk currently exist.

II. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission unanimously recommends approval of the Dayton Townhomes Preliminary Long Plat proposal, Project No. 201265 with the following conditions:

1. In the sizes described and depicted by Attachment A, a maximum of ten lots and two private land tracts, one for access and one for storm water infiltration and open space shall be created. The sizes and the assigned addresses shall be shown on the face of the Final Plat.
2. The following language shall be shown on the face of the Final Plat, "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
3. Owners shall be required to establish and maintain in force and effect, a Covenant for a Homeowner's Association. The Association is to be held with undivided interest by the nine zero lot line townhome lots (described as units 1A, 1B, 2A, 2B, 3A, 3B, 3C, 3D and 3E) in this subdivision. The Homeowner's Association (owners of the parcels having legal access therefrom and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of: (1) Private Land Tract for storm water infiltration and passive open space (1899.8 square feet) and all other common areas; (2) Private Road Tract (2830.8 square feet); (3) Landscaping in all common areas; and (3) Infrastructure and utilities not dedicated to the City of Shoreline. The Homeowner's Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment (e.g., boats, recreational vehicles) into the right-of-way and into other public areas.
4. A maximum of nine zero lot line townhomes and one detached home are permitted as proposed by Attachment B.
5. Developer shall meet the minimum tree retention requirement of 20% or four trees at the project site as set forth in SMC 20.50.350 through alternate building designs and/or frontage improvement variances.
6. Developer shall have a Site Development Permit reviewed and approved by the City of Shoreline that includes (a) all onsite engineering and utility installation and (b) all onsite landscaping. The completion of this work shall be secured by a plat performance financial guarantee.
7. Developer shall dedicate to the City of Shoreline the eastern most 30' from both existing lots adjacent to Dayton Avenue North as described and depicted in Attachment A, which shall become effective upon recording of the Final Plat.
8. Developer shall have a Right-of-Way Use Permit reviewed and approved by the City of Shoreline that includes (a) pedestrian sidewalk, (b) non-glare street lighting and (c) curb and gutters all designed to City of Shoreline guidelines on the west side of Dayton Avenue North adjacent to the project site. The completion of this work shall be secured by a plat performance financial guarantee.

9. Developer shall meet any required conditions established by the Seattle Public Utilities Water Availability Certificates in Attachment F and Attachment G.
10. Developer shall meet any required conditions established by the Ronald Wastewater District Sewer Availability Certificates Attachment H and Attachment I.

City of Shoreline Planning Commission



Brian Doennebrink
Chairperson

Date

DAYTON TOWNHO

**SECTION 18, T.26N., R4E.,
CITY OF SHORELINE
KING COUNTY, WASHING**

ORIGINAL

RESTRICTIONS AND COVENANTS

RAINAGE FACILITIES MAINTENANCE

If the City of Shoreline determines that maintenance or repair work is required to be done to the private drainage facilities proposed on the described property, the Director of Public Works shall give the owners of the property within the jurisdiction of the drainage facility, the person responsible for maintenance of the city, or other person or agent in control of said property notice of the specific maintenance and/or repair required. The Director of Public Works shall allow a reasonable time in which such work is to be completed by the title holders to whom such notice is given. If the above required maintenance and/or repair is not completed within the time set by the Director, the city may perform the required maintenance and/or repair. Written notice will be sent to the title holders advising the city's intention to perform such maintenance and/or repair. Maintenance and/or repair work will not commence until at least seven days after such notice is mailed.

If at any time the City of Shoreline reasonably determines that any existing retention/detention system creates any of the conditions listed in Shoreline Code and herein incorporated by reference, the Director may take measures specified therein.

The title holders shall assume all responsibility for the cost of any maintenance and for repairs to the retention/detention facility. Such responsibility shall include reimbursement to the city within 30 days of the receipt of the invoice for any such work performed. Overdue payments will require payment of interest at the current legal rate for liquidated judgments. If legal action ensues, any costs or fees incurred by the city will be borne by the parties responsible for said reimbursements. This covenant benefits all citizens of City of Shoreline, and such and concerns the land and shall run with the land and be binding on all heirs, successors and assigns.

SEATTLE CITY LIGHT EASEMENT-EXHIBIT A

EASEMENT (Overhead and Underground)

THIS EASEMENT GRANTS to the City of Seattle (hereafter referred to as Grantee), its successors and assigns, the right, privilege and authority to install, construct, erect, alter, improve, repair, energize, operate and maintain electric overhead and underground distribution facilities at depths not exceeding 15 feet, which consist of poles with braces, guys and anchors, crossarms, transformers, ducts, vaults, manholes, cabinets, containers, conduits, wires and other necessary or convenient appurtenances to make said underground and overhead installation an integrated electric system. All such electric system is to be located across, over, upon and under the following described lands and premises situated in the County of King, State of Washington, to wit:

AS SHOWN ON THE FACE OF THE PLAT.

Together with the rights at all times to the Grantee, its successors and assigns, of ingress to and egress from said lands across adjacent lands abutting the described easement area for the purpose of installing, constructing, reconstructing, repairing, renewing, altering, changing, patrolling, energizing and operating said electric system, and the right at any time to remove all or any part of said electrical system from said lands.

Also the right to the Grantee, its successors and assigns, at all times to cut and trim brush, trees or other plants standing or growing upon said lands or adjacent lands which, in the opinion of the Grantee, interfere with the maintenance or operation of the system, or constitute a menace or danger to said electrical system.

It is further covenanted and agreed that no structure or fire hazards will be erected or permitted within the above described easement area without prior written approval from the Grantee, its successors and assigns; that no digging will be done or permitted within the easement area which will in any manner disturb the facilities or their solidity or unearth any portion thereof; and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of said lines and appurtenances.

The City of Seattle is to be responsible, as provided by law, for any damage through its negligence in the construction, maintenance and operation of said electric system across, over, upon and under the property granted in this easement or adjacent lands thereto.

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee, its successors, assigns shall permanently remove said poles, wires and appurtenances from said lands or shall otherwise permanently abandon said electric system, at which time all such rights, title, privileges and authority hereby granted shall terminate.

LEGAL DESCRIPTION

SOUTH ORIGINAL PARCEL:

THE EASTERLY 80 FEET OF THE FOLLOWING DESCRIBED PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASH.

DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION;
THENCE NORTH 30 FEET;
THENCE EAST 463.4 FEET TO THE TRUE POINT OF BEGINNING;
THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION,
THENCE N 0°08'00" W, 90.45 FEET;
THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION,
THENCE S 0°08'00" E, 90.45 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

NORTH ORIGINAL PARCEL:

THE NORTH 180.9 FEET OF THE SOUTH 210.9 FEET OF THE EAST 280.1 FEET WEST 623.20 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, R. W.M., IN KING COUNTY, WASHINGTON;

LESS THE SOUTH 90.45 FEET OF THE EAST 159.8 FEET;
ALSO LESS THE WEST 159.64 FEET;
ALSO LESS THE THE SOUTH 65 FEET OF THE WEST 120.10 FEET THERE

NOTES

INSTRUMENT USED: SOKKIA SET 5 EDM
METHOD USED: FIELD TRAVERSE

APPROXIMATE POINT ACCURACY: ±0.05'

SURVEY MEETS OR EXCEEDS STATE STANDARDS PER WAC 332-130-05

MONUMENTS SHOWN HEREON WERE VISITED ON FEBRUARY 27 & 28, 21

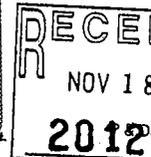
THE INFORMATION SHOWN ON THIS MAP REPRESENTS THE RESULTS OF MADE ON THE INDICATED DATE AND CAN ONLY BE CONSIDERED AS THE EXISTING CONDITION AT THAT TIME.

NO EASEMENTS, RESTRICTIONS OR RESERVATION OF RECORD WHICH WERE DISCLOSED BY A TITLE REPORT ARE SHOWN.

REFERENCES:
SURVEYS RECORDED UNDER THE FOLLOWING KING COUNTY AUDITOR FILE NO. 198103269006, 20011130900001 AND 20020215900002.

MAXIMUM IMPERVIOUS SURFACE ALLOWED = 90%

MAXIMUM BUILDING COVERAGE ALLOWED = 70%



REVISION

IN THE SW 1/4 SW 1/4, SECTION 18, T26N, R

EMERALD LAND SURVEYING, INC.
PO BOX 13694
MILL CREEK, WA 98082 (425) 359-7198

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