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ORDINANCE NO. 361

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR THIRTY-TWO LOTS AND SEVEN PRIVATE LAND TRACTS LOCATED AT 19201 15TH AVENUE NE.

WHEREAS, owners of certain properties, Lots 14 through 23 inclusive, Block 14, Lago Vista according to the plat thereof recorded in Volume 30 of Plats 45, records of King County, have filed a preliminary formal subdivision application for thirty-two building lots and six open space tracts and one access tract located at 19201 15th Avenue NE; and

WHEREAS, on September 2, 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 September 2, 2004, the Planning Commission recommended approval of the preliminary formal subdivision and entered findings of fact and conclusions based thereon in support of that recommendation formal subdivision; and

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the preliminary formal subdivision of certain properties as described above and located at 19201 15th Avenue NE 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. 201318 as set forth by the Planning Commission on September 2, 2004 and as attached hereto as Exhibit 1 are hereby adopted, with the following addition to Condition #2:

“The Homeowners Association shall also be responsible for maintaining and repairing frontage improvements within the public right-of-way abutting the subdivision, as may be required under Shoreline Municipal Code Chapter 12.05 as amended, including landscaping and trees.”

Section 2. Preliminary Formal Subdivision Adoption. The preliminary formal subdivision 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 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

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and publication of the title as a summary of this ordinance.

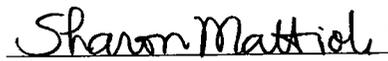
PASSED BY THE CITY COUNCIL ON SEPTEMBER 27, 2004.



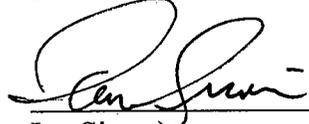
Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:



Sharon Mattioli
City Clerk



Ian Sievers
City Attorney

Date of Publication: September 30, 2004

Effective Date: October 5, 2004

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

Cedar Heights Preliminary Formal Subdivision Review, Project No. 201318

Summary

After reviewing and discussing the Cedar Heights Preliminary Formal Subdivision proposal on September 2, 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 modifications and additions to staff recommended conditions.

I. FINDINGS AND CONCLUSIONS**1. PROJECT SITE CHARACTERISTICS**

- 1.1 The legal description of the property is: Lots 14 through 23 inclusive, Block 14, Lago Vista according to the plat thereof recorded in Volume 30 of Plats 45, records of King County.
- 1.2 The project site is 88,445 square feet or 2.03 acres in area and consists of eight separate tax parcels; 3971701320, 3971701330, 3971701335, 3971701340, 3971701345, 397171354, 3971701355, and 3971701370.
- 1.3 Access to the entire property comes solely from 15th Avenue NE.
- 1.4 The existing property is vacant.
- 1.5 The project site gradually slopes upward from east to west at the street and more dramatically toward the western boundary, the greatest slope being approximately 20%.
- 1.6 Sixty-four significant trees are located at the project site, one of which is in the right-of-way and four near the exterior boundary of the site.
- 1.7 A 150-foot wide transmission line easement transects the southern edge of the site.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located in the North City Neighborhood on the west side of 15th Avenue NE between NE Perkins Way and NE 192nd Street.
- 2.2 A mix of single and multi-family developments characterizes the immediate neighborhood on 15th Avenue NE. Two businesses are

located across the street. Single family residences occupy lots abutting the subject property.

2.3 The classification of 15th Avenue NE is principal arterial.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

3.1 The Land Use Map in the Comprehensive Plan designates the project site for mixed use with the southern fifty feet of the site as low density residential. This designation is applied to stable and developing areas and is intended to encourage the development of pedestrian oriented places, with architectural interest that integrate a wide variety of retail, office and service uses with residential uses.

3.2 Policy 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 Policy 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 Policy H6 - Encourage compatible infill development on vacant or underutilized sites.

4. REGULATORY AUTHORITY

4.1 Shoreline Municipal Code (SMC) 20.30.060 requires preliminary formal subdivisions 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 Several preapplication meetings were held with the developer and City staff. The most recent meeting held prior to the neighborhood meeting was December 17, 2003. The proposal at that time was to subdivide into 37 townhouse lots.

5.2 A neighborhood meeting was held January 27, 2003 for the proposed 37 units. During the public comment period, it was brought to the attention of

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staff that the applicant inadvertently omitted a street, 12th Avenue NE, in their notification of the neighborhood meeting. The street was included during the City mailings when the consolidated application and public hearing notice was posted.

- 5.3 The preliminary formal subdivision application for 32 lots and State Environmental Policy Act (SEPA) checklist were submitted on June 9, 2004.
- 5.4 The proposal was determined to be complete for processing on July 7, 2004.
- 5.5 A Consolidated Notice of Application and Notice of Public Hearing for the proposal was issued on July 22, 2004 with request for public comment ending on August 6, 2004.
- 5.6 A SEPA Threshold Determination of Non-Significance for the proposal was issued on August 18, 2004 with the administrative appeal ending

6. PUBLIC COMMENT

- 6.1 There was one written public comment letter received for this proposal. The letter expressed concern about density, tree protection, dumpster location, open space, the proposed sports complex, and building height.
- 6.2 Three neighbors testified at the public hearing. Concerns were expressed about building design, pedestrian circulation, pest control, impacts during construction, and, soil contamination.
- 6.3 The Planning Commission modified or added the following conditions in response to neighbor's concerns:
 - Modified Condition #5 to ensure the intent of single-family attached residential design standards are met.
 - Added Condition #12 to ensure adequate pedestrian access is provided.
 - Added Condition #13 to provide pest control.
 - Added Condition #14 to ensure slope stabilization.
 - Added Condition #15 to determine if the soil was contaminated from previous uses.

7. REVIEW CRITERIA

- 7.1 The following review criteria shall be used to review proposed subdivisions:

A. ENVIRONMENTAL

- **CRITERIA:** *Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas chapter, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing and site grading standards sections.*

No critical areas are located on the site. The project must comply with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5.

- **CRITERIA:** *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.*

The proposal provides one access to 15th Ave NE. The proposed lots are to be located along one access tract in the flattest portion of the site. Considerable grading will be necessary due to the general slope of the site.

- **CRITERIA:** *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as, flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section.*

The property does not contain hazardous land conditions.

- **CRITERIA:** *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.*

The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the Surface Water Design Manual. The project must also comply with all height restrictions as specified in SMC Chapter 20.50.

B. LOT AND STREET LAYOUT

- **CRITERIA:** *Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.*

The proposal meets design standards for zero lot line development as set forth in SMC Chapter 20.50. No nonconforming structures, uses, or lots will be created.

- **CRITERIA:** *Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.*

Although 15th Avenue NE is not a highway, it is a principal arterial. No direct access to the street from the newly platted lots is proposed. One shared access tract will be owned and maintained by all lots.

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- **CRITERIA:** *Each lot shall meet the applicable dimensional requirements of the Code.*

This proposal meets the applicable dimensional requirements specified for zero lot line development as set forth in SMC Chapter 20.50.

- **CRITERIA:** *Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.*

Direct access to the public sidewalk will be available from the proposed on-site pedestrian circulation system.

C. DEDICATIONS

- **CRITERIA:** *The City Council may require dedication of land in the proposed subdivision for public use.*
- **CRITERIA:** *Only the City Council may approve a dedication of park land. The Council may request a review and written recommendation from the Planning Commission.*
- **CRITERIA:** *Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.*
- **CRITERIA:** *Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.*

Dedication of right-of-way or park land is not required for this proposal.

D. IMPROVEMENTS

- **CRITERIA:** *Improvements which may be required, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.*

This project will comply with the all requirements specified in the City of Shoreline Development Code and Development Engineering Guide.

- **CRITERIA:** *Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.*

This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.

8. ZONING DESIGNATION, DENSITY AND PERMITTED USES

- 8.1 The project site is zoned as Residential - 24 units per acre (R-24), except for the southern fifty feet, which is R-6.
- 8.2 The maximum number of units allowed by the density requirements is 44 units; the minimum number of units for the site should be 20.

- 8.3 The proposed density is 15.8 units per acre.
- 8.4 SMC 20.40.120 specifies that zero lot line townhouses are a permitted use in both R-24 and R-6 Zones. All the residential units will be located in the R-24 Zone. Open space, guest parking and a portion of the sports court will occupy the R-6 Zone.

9. SITE DEVELOPMENT STANDARDS

- 9.1 Lot Layout - Exception 2 to SMC Table 20.50.020(1) allows some dimensional standards to be modified. These standards include minimum lot width, minimum lot area, and minimum yard setbacks. The proposed modifications are:

- a) Reduction of minimum lot width to 17 feet,
- b) Reduction of minimum lot area to approximately between 1,100 square feet and 1,500 square feet,
- c) Minimum interior lot line setbacks to zero.

The project shall be required to meet impervious and building coverage requirements specified in SMC Chapter 20.50 as calculated using all lots of the plat.

- 9.2 Building Heights - The maximum building height for R-24 is 35 feet or 40 feet with a pitched roof. The proposed height of the buildings is 34 feet. This height should not block the views of the neighbors to the west because the buildings will be situated approximately 20 to 25 feet lower on the slope.

The project shall be required to meet impervious and building coverage requirements specified in SMC Chapter 20.50 as calculated using all lots of the plat.

- 9.3 Building Heights - The maximum building height for R-24 is 35 feet or 40 feet with a pitched roof. The proposed height of the buildings is 34 feet. This height should not block the views of the neighbors to the west because the buildings will be situated approximately 20 to 25 feet lower on the slope.

- 9.4 Building Design Standards - SMC 20.50.180(A) specifies that to the maximum extent feasible, primary facades and building entries single family attached residences shall face the street. The units immediately adjacent to 15th Ave NE should present a façade toward the street that contributes to the streetscape in a similar manner as the single family attached housing development on the northwest corner on Westminster Avenue N and N. 150th Street.

- 9.5 Open Space - Seven private common areas are proposed for open space. Landscaping, a sports court, and the guest parking lot will be located within these areas. Much of the common area will be under the City Light transmission lines. The applicant must provide written permission from City Light before the easement area may be paved. All building lots and

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dumpster locations must be outside the easement. Combined, the total area of open space will need to meet the calculation requirements of SMC 20.50.160 and be clearly delineated on the landscape plan to be submitted with the site development permit. If the units each have two bedrooms, a total of 4,160 square feet of open space is required. If the units each have three bedrooms, a total of 5,440 square feet of open space is required. It appears the square footage of common area will more than meet the minimum requirements. These private land tracts will be owned and maintained by the thirty-two zero lot line townhouse lots.

- 9.6 Significant Tree Removal - Sixty four significant trees are located throughout the project site. Of these trees eighteen, or 28%, are proposed to be retained. This complies with the minimum tree retention standard of 20% as set forth in SMC 20.50.350.
- 9.7 Parking - SMC Table 20.50.390A requires that a minimum of two off street parking spaces per unit be provided for single family attached units. All vehicle parking and storage for single-family detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Two parking spaces are proposed for each unit. Eighteen additional guest parking spaces are proposed to be located under the transmission lines.
- 9.8 Access - One shared access tract will be owned and maintained by the thirty-two zero lot line townhouse lots. The access tract will accommodate two separate pedestrian walkways that access the public street. The access road does not end in a turnaround or hammerhead. This exception was allowed in order to retain the large cluster of significant trees on the north property line. A turnaround would reduce the number of retained trees to below the aforementioned 20% minimum tree retention standard. The Shoreline fire Department approved the elimination of the turnaround because all buildings must be sprinklered.
- 9.9 Dedication - Dedications may be required in the following situations: (SMC 20.70.040)
- To accommodate motorized and non-motorized transportation, landscaping, utility, street lighting, traffic control devices, and buffer requirements;
 - The City will accept maintenance responsibility of the facility to be dedicated;
 - The development project abuts an existing substandard public street and the additional right-of-way is necessary to incorporate future frontage improvements for public safety;
 - Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

This project does not meet any of the above situations, so therefore does not require dedication of any property for public right-of-way.

- 9.10 Landscaping - SMC 20.50.490 requires Type I (full screen) landscaping in building setbacks for multi-family residential development adjacent to single family zones and Type II (filtered screen) adjacent to other multi-family zones. Fifteen feet of Type I (full screen) landscaping is required along the western and southern boundaries of the project and five feet of Type II (filtered screen) landscaping along the northern boundary. The landscaping plan will need to demonstrate compliance with all landscaping requirements and be submitted with the site development permit.

10. Adequacy of Public Facilities

- 10.1 Water Supply - Shoreline Water District has issued a Water Availability Certificate with a fire flow analysis.
- 10.2 Sanitary Sewer Service - Ronald Wastewater District has issued Sewer Availability Certificate.
- 10.3 Fire Protection - The Shoreline Fire Department has reviewed and approved the preliminary plat for site access and fire lane distance. Sprinklers systems will be required in all buildings.
- 10.4 Traffic Capacity - An estimated average of 17.6 p.m. peak hour trips will be generated by this proposal, based on the formula set forth in the Institute of Transportation Engineers *Trip Generation Manual* for townhouse/single family attached residential development (.55 p.m. trips per dwelling unit). This number is below the traffic study requirement threshold of 20 p.m. peak hour trips as specified in SMC 20.60.140(A). However, a traffic impact assessment has been requested for review as part of the site development permit package, because of possible impacts on a principal arterial that is already under study. Further mitigation may be required as a result of the assessment.

11. Engineering and Utility Development Standards

- 11.1 Storm Water Management - The City of Shoreline Public Works Department has preliminarily approved the Drainage Plan for the proposal. Submittal of engineered drawings and a Technical Information Report for site development approval will be required before the final approval of the plat. If downstream analysis indicates capacity deficiency, Level 3 detention or other mitigation may be required.
- 11.2 Utility Undergrounding - SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 11.3 Frontage Improvements - The proposal will require the installation of frontage improvements on 15th Avenue NE subject to the design standards of the Engineering Development Guide.

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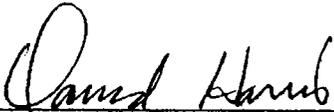
II. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission unanimously recommends approval of the Cedar Heights Preliminary Formal Subdivision, Project No. 201318, with the following conditions: (Planning Commission modifications and additions to staff recommended conditions are italicized.)

1. A maximum of thirty-two lots and seven private land tracts, one for access and six for common area shall be created. The square footage and assigned addresses for the lots shall be shown on the face of the final plat. The delineation and square footage of all private land tracts shall be declared on all plans submitted for the site development permit and also shown on the face of the final plat. All existing or new restrictions, easements, or tracts and their purpose shall be shown on the face of the final plat.
2. Homeowners 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 thirty-two zero lot line town home lots (described as Lots 1 through 32) 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 all private land tracts for private roadway and all other common areas; landscaping in all common areas; and 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 into the right-of-way and into other public areas.
3. A maximum of thirty-two zero lot line townhomes are permitted.
4. 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."
5. *The units immediately adjacent to 15th Avenue NE should present a facade towards the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner of Westminster Avenue N and N 150th Street.*
6. Applicant shall apply for a Site Development Permit to be reviewed and approved by the City of Shoreline that includes all on-site engineering, grading and utility installation, all site in any private land tracts, all onsite landscaping, and tree retention. The completion of this work shall be secured by a plat performance financial guarantee.
7. Applicant shall apply for a right-of-way use permit for frontage improvements on 15th Avenue NE adjacent to the project site to be reviewed and approved by City of Shoreline Public Works that comply with development standards in effect at the time of application. The completion of this work shall be secured by a plat performance financial guarantee.

8. The following language shall be shown on the face of the final plat: "All site development and right-of-way work shall be constructed in accordance to plans under City of Shoreline File #'s (*site development and right-of-way application number*)".
9. Applicant shall provide written approval from City Light before any approval by the City for site work done within transmission line easement. No building lot shall encroach on said easement. The Homeowner's Association shall be responsible for the maintenance of any agreement with City Light.
10. Applicant shall meet any required conditions established by the Shoreline Utilities Water Availability Certificate.
11. Applicant shall meet any required conditions established by the Ronald Wastewater District Sewer Availability Certificate.
12. *In addition to pedestrian access to 15th Avenue NE from along the access tract in the proposed development, pedestrian access from Units on Lots 1-18 shall be provided by an additional continuous pedestrian path on the north side of Lot 32.*
13. *Pest control or extermination, to the extent necessary, shall be completed prior to the demolition of the existing buildings.*
14. *The retaining wall and any required stabilization of the slope on the west boundary of the site shall be completed prior to the commencement of building construction.*
15. *A Level II environmental soil analysis shall be required, particularly for the area where the garage is located, and staff will take appropriate action.*

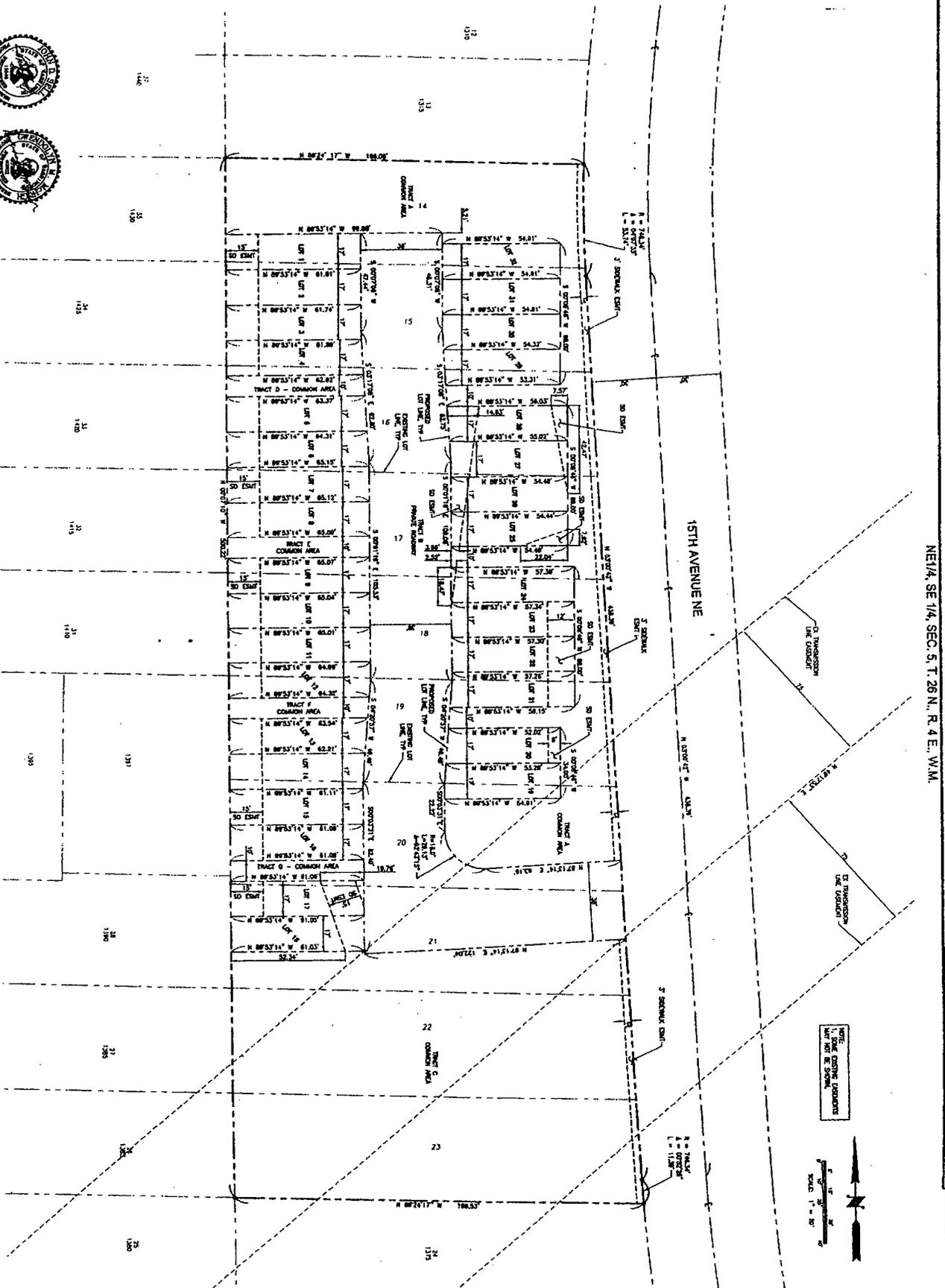
City of Shoreline Planning Commission



David Harris
Chairperson

SEPTEMBER 9, 2007

Date



NE 1/4, SEC. 5, T. 26 N., R. 4 E., W.M.

WATER SERVICE
METER LOCATION



201218

CEDAR HEIGHTS - PRELIMINARY PLAT
 19221 - 15th Avenue Northeast
 Shoreline, Washington

PLOT PLAN



Layton & Sell, Inc., P.S.
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 Redmond, Washington 98052-3262
 Office: (425)841-8181 Fax: 882-2154

DESIGNED: JJS/DMY
DRAWN: JJS/DMY/DKY
CHECKED:
APPROVED:
DATE: MAR. 23, 2004

NO. 1
REVISION
DATE: 4/13/04
BY: 67
DATE:

PROJECT NO. 2004-011
 SHEET NO. C2