

CITY OF SHORELINE
PLANNING AND COMMUNITY DEVELOPMENT
STAFF REPORT FOR HEARING EXAMINER

May 8, 2019 PUBLIC HEARING

Project Name: Didenko Plat Alteration Application

Project File No.: PLN18-0186

REQUEST: Dmitriy Didenko (Applicant) requests the removal of a note on a recorded subdivision, Short Plat No. 1176077, Recording No. 7702170562 (**Exhibit 2**). The note that is requested to be removed requires a 40-foot building setback from the right-of-way for Parcel 2. The Applicant intends to build a single-family home on the Property.

GENERAL INFORMATION:

Applicant &

Property Owner: Dmitriy Didenko
1510 NE Perkins Way
Shoreline, WA 98155

Property Location: Unaddressed vacant property generally located at the southwest corner of NE Perkins Way and 15th Avenue NE

Tax Parcel No: 2555900327

Legal Description: PARCEL 2 OF KING COUNTY SHORT PLAT NUMBER 1176077, RECORDED UNDER RECORDING NUMBER 7702170562, BEING A SUBDIVISION OF LOT 15, BLOCK 5, FIR VIEW TERRACE 2ND ADDITION, AS PER PLAT RECORDED IN VOLUME 47 OF PLATS, PAGE 27, RECORDS OF KING COUNTY, WASHINGTON;

SITUATE IN THE CITY OF SHORELINE, COUNTY OF KING,
STATE OF WASHINGTON.

The above described parcel will be referred to in this Staff Report as "Property."

The subject short plat will be referred to in this Staff Report as "Short Plat."

PROPERTY CHARACTERISTICS:

- A. Size: 0.17 acres (7,533 square feet)
- B. Shape: Irregular
- C. Zoning: R-6

- D. Site Access and Situation: The Property is located near the intersection of NE Perkins Way and 15th Avenue Northeast in the northeastern part of the City of Shoreline (**Exhibit 3, Vicinity Map**). The Property contains a curb cut from 15th Avenue Northeast, which is classified as a Principal Arterial, approximately 35 feet south of NE Perkins Way, which is classified as a Collector Arterial.
- E. Existing Land Use: The Property is a vacant lot with some site improvements that include a public sidewalk; a King County Metro bus stop with a bench; some gravel leading to an abutting property to the north; a portion of a rockery associated with the same abutting property to the north; a portion of a rockery associated with the abutting property to the south; and an electrical pole/street light.
- F. Neighborhood: North City Neighborhood.
- G. Natural Features: The Property consists of two relatively level terraces within the upper western and lower eastern portions, separated by a steep east-facing slope within the eastern portion of the Property (**Exhibit 4, Site Photographs**). The Property is heavily vegetated with trees and underbrush. According to the survey submitted under the Pre-Application file, the Property contains nineteen (19) significant sized trees (**Exhibit 5**). Pursuant to Shoreline Municipal Code (SMC), a Significant Tree is defined as any tree eight (8) inches or greater in diameter at breast height if it is a conifer and twelve (12) inches or greater in diameter at breast height if it is a nonconifer (SMC 20.20.048).
- H. Critical Areas: According to the Critical Areas Worksheet attached to the application (**Exhibit 6**), the steepest slope found on the property is about 40 percent. City mapping indicates there are Geologic Hazards on the Property (**Exhibit 7**). The City map layer is based on data collected during the 2016 King County LiDAR project. The Property is mapped as containing Geologic Hazards due to its topography. A survey (**Exhibit 5**) of the Property that includes topographical contours, confirms portions of the Property are sloped more than 40 percent. However, since no development application is present at this time, which would require a Critical Areas Report, the type, extent and location of Geologic Hazard Areas are approximate (SMC 20.80.025).

PROCEDURAL HISTORY:

- A. Pre-Application Meeting: City staff and the Applicant met on June 5, 2018.
- B. Application Submittal: The application for Plat Alteration was submitted to the Planning and Community Development Department on November 27, 2018. The application was deemed complete on December 12, 2018.
- C. Signatures of Property Owners in the Short Plat: The application for Plat Alteration was accompanied by the consent of one (1) persons having an ownership interest in lots within the Short Plat. Pursuant to SMC 20.30.425, the application for the alteration of a subdivision must contain the signatures of the majority of persons having an ownership interest in the lots in the subject

subdivision or *portion to be altered*. Here, given that the 40-foot setback applies only to the Property, just the Applicant was required to sign the application.

- D. Notice of Application: A Notice of Application is required for a plat alteration (SMC 20.30.425(C)). The Notice of Application (**Exhibit 8**) was made available to the public on December 18, 2018. In addition to the methods required by the SMC, the City posted the Notice of Application on the City's Land Use Action and Planning Notices webpage.

The Notice of Application provided that a public hearing may be requested within 14 calendar days of receipt of the notice and any public comments were required to be submitted no later than 5:00 p.m. on January 2, 2019.

- E. Public Hearing: Two timely requests for public hearing were received during the 14-day period (**Exhibit 9 and Exhibit 10**). The first request was from Norman Hill. The second request was from Rainer Legal Advocates representing several individuals, including Norman Hill, and Khalil and Rona Masshoor, the owners of Lot 1 of the Short Plat.
- F. Public Comments: In addition to the public hearing request, one comment was received during the above request period (**Exhibit 10**). The comment was from Rainer Legal Advocates representing several individuals, including Khalil and Rona Masshoor, the owners of Lot 1 of the Short Plat, and Norman Hill.
- G. Notice of Public Hearing: Pursuant to SMC 20.30.180, Notice of Public Hearing (**Exhibit 11**) was made available to the public on April 22, 2019. In addition to the methods required by the SMC, the City posted the Notice of Public Hearing on the City's Land Use Action and Planning Notices webpage, and sent it to Rainer Legal Advocates, representing individuals who requested the public hearing.
- H. SEPA: Pursuant to WAC 197-11-800(6)(d), this proposal is exempt from SEPA review.

REVIEW CRITERIA ANALYSIS:

- A. A public hearing was requested for this plat alteration application. Therefore, it is processed as a Type C action for which the Hearing Examiner is the decision-making authority. SMC 20.30.425(D)(2) states:

The decision-making authority shall review the submittal materials and may approve or deny after a written determination is made whether the public use and interest will be served by the alteration and whether the alteration satisfies the review criteria set forth in SMC 20.30.410(B).

- B. Staff Analysis for SMC 20.30.410(B) Review Criteria:
1. Environmental (SMC 20.30.410(B)(1))

According to the City of Shoreline GIS mapping data, the Property contains Geologic Hazards. Compliance with the 40-foot front building setback shown on the Short Plat would give the Applicant fewer design options to building outside the steepest part of the Property. Any application for development approval will have to meet SMC Title 20 (Development Code), including Chapter 20.80 Critical Areas.

2. Lot and Street Layout (SMC 20.30.410(B)(2))

A Critical Area Report would determine whether the Property contains usable building area. The City's Critical Area regulations do not outright prohibit development in Geologic Hazard areas, but instead depend on site-specific analysis provided by a qualified professional and the proposal meeting the design criteria contained in SMC 20.80.224, in addition to the other requirements of SMC Chapter 20.80. The Property abuts NE Perkins Way and 15th Avenue Northeast so there is sufficient access. Any application for future development approval will have to meet the dimensional standards in the Development Code and the requirements for site access in the Development Code and Engineering Development Manual.

The following table describes the standards of development for the R-6 zone as specified in SMC Table 20.50.020(1).

	R-6 Dimensional Standard
Min. Lot Area	7,200 sf
Min. Lot Width	50 ft
Min. Front Setback	20 ft*
Min. Rear Setback	15 ft*
Min. Side Setback	5 ft*
Max. Height	30 ft (35 ft with pitched roof)
Max. Bldg. Coverage	35%
Max. Hardscape Area	50%

*SMC 20.50.040(F) makes allowance for lots with unusual geometry, flag lots with undesignated setbacks, or site conditions, such as critical areas, to have reduced individual required setbacks, provided the total of setbacks are no less than the sum of the minimum front yard, rear yard, and side yards setbacks. No rear or side yard setback shall be less than five (5) feet and no front yard setback shall be less than 15 feet.

3. Dedications and Improvements (SMC 20.30.410(B)(3))

The Property currently has a public sidewalk. Any required dedications or improvements (e.g., utilities, stormwater system) shall take place at time of development permit application.

4. Unit Lot Development (SMC 20.30.410(B)(4))

This subsection applies exclusively to unit lot developments for single-family attached dwelling units or zero lot line developments, therefore this criterion is not applicable.

C. Public Use and Interest (SMC 20.30.425(D)(2))

The restrictive language sought to be deleted from the face of the Short Plat sets a minimum front building setback of 40 feet. As shown above, the R-6 zoning district requires a minimum front building setback of 20 feet, which may be reduced to 15 feet through the optional aggregate setback provision found in SMC 20.50.040(F). The Critical Area regulations act as an overlay to the zoning regulations, in the event of any conflict between the R-6 regulations and the Critical Area regulations, the regulations which provide greater protection to the critical area applies (SMC 20.80.020(A)). In this circumstance, the Short Plat setback of 40 feet limits design options that may provide greater protection to the critical area. The intent of the Critical Area regulations is to protect the public from injury, loss of life, property damage or financial losses due to flooding, erosion, landslide, seismic events, or soils subsidence. It is in the public interest to allow the Critical Area regulations, not the Short Plat restriction, to control development on the Property.

DEPARTMENT RECOMMENDATION:

Based on the above, the Planning & Community Development Department recommends **APPROVAL** of the Plat Alteration for PLN18-0186 to remove the 40-foot front (east) building setback on Parcel 2 of Short Plat No. 1176077 subject to the following conditions:

1. No later than thirty (30) calendar days after the date of the Hearing Examiner's decision of approval, the Applicant shall produce a revised drawing or text of the approved alteration to the plat, conforming to the recording requirements of Chapter 58.17 RCW, and submit such revision document to the City for signature.
2. If the Applicant fails to pay any outstanding fees related to PLN18-0186, the City may withhold signature until such time as outstanding fees are paid in full.
3. After payment in full of any outstanding fees by the Applicant and signature by the City, the Applicant shall file, at the Applicant's sole cost and expense, the revision document with the King County Recorder's Office. The Applicant shall provide a copy of the recorded document to the City.
4. If the Applicant fails to provide a revised drawing or text of the approved alteration within the time period set forth in Condition No. 1 and pay any outstanding fees in full, then the Hearing Examiner's decision shall become null and void and the Short Plat shall remain as originally recorded. All subsequent development proposal shall be subject to the 40-foot setback.



Catherine Lee, AICP, Associate Planner
April 22, 2019