

**CITY OF SHORELINE HEARING EXAMINER  
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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**PROJECT INFORMATION SUMMARY**

PROJECT: Preliminary Formal Subdivision for Briarcrest  
Townhomes

PROJECT FILE NUMBER: 201791

LOCATION: 14539 32<sup>nd</sup> Avenue NE

APPLICANT Real Property Development Co., LLC

RECOMMENDATIONS: Department: Approve  
Hearing Examiner: Approve

PUBLIC HEARING: September 10, 2009

**Introduction**

The proposal is a Preliminary Formal Subdivision to create five zero-lot-line lots and an access tract; the site is currently being developed with five townhome units in two buildings. A public hearing on the proposed subdivision was held on September 10, 2009, in Council Chambers at Shoreline City Hall, 17500 Midvale Avenue North, Shoreline, WA. Represented at the hearing were: Planning and Development Services, by Brian Lee, Associate Planner; the applicant, Real Property Development Co., LLC, by Jay Finney. The Examiner viewed the site on September 10, 2009.

After due consideration of the evidence presented at the public hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

**Findings of Fact**

1. The proposal is for a Preliminary Formal Subdivision to create five zero lot-line lots and an access tract. The property is addressed as 14539 32<sup>nd</sup> Avenue NE and is located in the southeast section of the Briarcrest neighborhood. The site is currently being developed with five townhome units located in two buildings, under permits that have already been issued.
2. The site is approximately 8,503 square feet and is accessed from 32<sup>nd</sup> Avenue NE.

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3. The property is zoned Residential – 24 units per acre (R-24). The surrounding area is zoned medium- to high-density residential, and includes single family homes and multifamily buildings. There are a number of commercial developments along Bothell Way NE, a block east.
4. The Comprehensive Plan designates the site as Mixed-Use. Policy LU17 encourages development of Mixed-Use areas as pedestrian-oriented places with architectural interest which integrate a wide variety of retail, office and service uses with residential uses.
5. Policy H1 states: “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.”
6. Policy H6 states: “Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.”
7. The site was rezoned from R-12 to R-24 in 2006.
8. A SEPA Determination of Non-Significance was issued on December 24, 2008 for the proposed development. Building permits for the duplex and a triplex were issued on February 23, 2009. Site development and right of-way permits were also issued on February 23, 2009.
9. Three trees were approved for removal from the site during the development review process. The remaining tree on site is a significant tree under the Code, and is required to be retained.
10. The dimensions and density of the development are shown at page 5 of the staff report and comply with the requirements in the R-24 zone for zero-lot line developments.
11. The project complies with the Code requirements for off-street parking. Direct access from the street right-of-way to parking areas is provided, as well as a paved pedestrian path.
12. During the development approval review, the City Public Works Department approved the Road and Storm Drain Plan for the development at this site. The Ronald Wastewater District reviewed and approved the wastewater disposal system, and the Seattle Public Utilities reviewed and approved the water supply system.
13. The Shoreline Fire Department reviewed and approved the plans for site access and fire hydrant proximity during the development process.

14. A neighborhood meeting was held on June 1, 2009, on the proposed preliminary formal subdivision. The notice of application was issued on July 1, 2009, and the notice of public hearing was issued on August 19, 2009.

15. The Department reviewed the proposal and recommends approval without conditions.

16. No public comments on the proposed preliminary subdivision were submitted to the Department or offered at the public hearing.

### **Conclusions**

1. Under Ordinance 534, the Hearing Examiner holds a public hearing on a proposed preliminary formal subdivision, and makes a recommendation to the City Council, which is the final decisionmaker on the application.

2. SMC 20.30.410 contains the Code criteria for preliminary subdivisions. The criteria address environmental resources and impacts, lot and street layout, dedications, and improvements.

3. RCW 58.17.110(2) provides that a subdivision shall not be approved unless:

*(a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.*

4. Environment. The proposed subdivision would meet the environmental criteria in SMC 20.30.410.A. There are no environmentally critical areas on site, and the proposed development complies with the City's tree conservation requirements and with grading and drainage impacts. No hazardous natural conditions have been identified at the site. Off-site impacts, including potential impacts upon drainage and views, would be minimized, as the development at the site complies with the City's stormwater requirements, and with other Codes limiting height, bulk and scale.

5. Lots and Street Layout. The proposed lots contain usable building areas and meet the design standards for zero-lot-line development under Chapter 20.50 SMC. No nonconforming structures, uses or lots would be created. The proposed lots do not front on primary or secondary highways, and the dimensional requirements of the Code in Chapter 20.50 SMC.

6. The proposed subdivision makes provision for pedestrian walkways, and includes improvements to the street frontage in the form of new sidewalks.

7. Dedications. No dedications were identified that would be required for this five-lot subdivision.

8. Improvements. The project will comply with the applicable Development Code requirements for parking and access, landscaping and significant tree retention. The public facilities comply with the standards of Chapter 20.60 SMC (Adequacy of Public Facilities) with regard to wastewater disposal, water supply, and fire protection. The project also meets the applicable standards of Chapter 20.70 SMC (Engineering and Utility Development Standards).

9. The proposed five-lot plat makes meets the criteria of SMC 20.30.410. The plat also meets the provisions of RCW 58.17.110. It makes appropriate provisions for public health, safety and general welfare, drainage, access and other facilities and services. The proposed subdivision will also serve the public use and interest, creating the additional opportunities for owner-occupied housing in a manner consistent with City Comprehensive Plan policies.

10. The proposed preliminary subdivision should be approved.

### **Recommendation**

The Hearing Examiner recommends **APPROVAL** of the proposed preliminary formal subdivision.

Entered this 16<sup>th</sup> day of September, 2009.



Anne Watanabe  
Hearing Examiner

### **Exhibits**

Department Staff Report with attachments  
Powerpoint presentation September 10, 2009  
Plat map