**Council Meeting Date:** August 20, 2001 **Agenda Item:** 9(a)

# CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

| | |
|---|---|
| **AGENDA TITLE:** | Type C Action: Adoption of Ordinance No. 283 Amending Contract Zone 1999-01 Shoreline Village Townhomes |
| **DEPARTMENT:** | Planning and Development Services |
| **PRESENTED BY:** | Tim Stewart, Director of Planning and Development Services<br>Rachael Markle, Senior Planner |

**PROBLEM/ISSUE STATEMENT:**

Council adopted contract 1999-01 on January 24, 2000. The Contract was for the construction of sixteen new dwelling units in eight duplex buildings on approximately 1.6 acres of land on the west side of 15th Avenue NE at NE 166th Street (see Attachment A: Vicinity Map).

The issue before your Council is an application to amend Contract Zone 1999-01. The proposal is to replace 32 parking spaces with 16, 2-car garages. To accommodate the garages, the 8 duplexes would be replaced by 4 buildings containing a total of 16 single family attached units. By combining the units, the amount of open space increases from approximately 2,850 sq. ft. as contracted, to 6,950 sq. ft. as amended.

An amendment to a Contract Zone is a Quasi-Judicial process: a Type "C" Application. The Development Code states that your Council is the final decision-maker for all Type "C" applications. The Planning Commission completed its recommendation to Council on the proposed amendments on July 12, 2001. The Development Code states that a decision on this type of an application should be made within a 120-day target. In order to meet this target, staff has scheduled this item with your Council at this time.

**ALTERNATIVES ANALYZED:**

- The Council could adopt the amendments to Contract Zone 1999-01 as proposed.
- The Council could amend the proposed amendments to Contact Zone 1999-01.
- The Council could deny the request to amend Contract Zone 1999-01.

**FINANCIAL IMPACT:**

- There are no direct financial impacts to the City.

**RECOMMENDATION**

The Planning Commission and staff recommend that Council adopt Ordinance No. 283, which amends Ordinance No. 224 that adopted Contract Zone 1999-01.

Approved By: City Manager City Attorney

## INTRODUCTION

The issue currently before the Council is an application to amend Contract Zone 1999-01. This amendment proposes to replace 32 parking spaces with 16, 2-car garages. To accommodate the addition of garages, the 8 duplexes would be replaced by 4 buildings containing a total of 16 single family attached units. By combining the units, the amount of open space increases from approximately 2,850 sq. ft. as contracted, to 6,950 sq. ft. as amended. This is the City's first request to amend an adopted Contract Zone. The Planning Commission and staff recommend adoption of the proposed amendments to Contract Zone 1999-01.

## BACKGROUND

Shoreline Village Townhomes: Contract Zone 1999-01, was last discussed with your Council on January 24, 2000. Your Council approved the Contract Zone with one amendment by unanimously adopting Ordinance No. 224. The amendment added a new condition requiring staff and the applicant to revisit the site plan with the goal of reconfiguring that plan so that some buildings face the street. As Council may recall, the site is located in the Ridgecrest Neighborhood and is bounded on the east by 15th Avenue NE and to the south by the Shoreline School District Bus Barn. This is the first time your Council has been asked to consider the applicant's proposed amendments to Contract Zone 1999-01.

### PROPOSED AMENDMENTS

The applicant is requesting amendments to the approved Contract Zone 1999-01 for the following reasons:

- The applicant would like to change the contracted design to include attached two car garages;
- The applicant would like to remove conditions of the Contract that no longer apply if the design of the project is amended to include attached two car garages; and
- The applicant would like to remove conditions of the Contract that have been difficult to implement.

Attachment B is the Contract Zone 1999-01 as approved by City Council on January 24, 2000 including all conditions. Attachment C is Ordinance 283, which contains Contract Zone 1999-01 as amended and recommended by the Planning Commission and staff. The proposed amendment updates the adopted general site plan, existing tree removal plan, landscape plan, and elevations to include the addition of garages to each of the units. The following is a description of the proposed changes between the plans as adopted and the plans as amended:

**General Site Plan** - The general site plan adopted as part of Contract 1999-01 would be completely revised as part of the proposed amendment (See Attachment C). The major difference between the two plans is the replacement of parking stalls with two car garages and driveways for each unit. To accommodate the addition of garages and driveways, the applicant created more open space by attaching the units into groups. By attaching the units into groups the amount of open space

increases from approximately 2,850 sq. ft. as contracted, to 6,950 sq. ft. as amended.

**Elevations and Landscape Plan** - The elevations and landscape plan adopted as part of Contract 1999-01 would be completely revised as part of the proposed amendment in order to convert the previously required street side parking into attached garages.

**Rezone Site Plan** - This is replaced by the revised General Site Plan.

**Road Profile** - The road plan would be removed as part of this amendment. The road will be designed and constructed as shown on the site plan. The road configuration depicted on the site plan is very similar to the road plan that is currently in the Contract, but this plan must be re-engineered to reflect the changes as amended. The applicant will submit an engineered road plan as part of the site development permit.

**Existing Tree Removal Plan** - This plan is combined with the landscape plan. The landscape plan as amended identifies the existing trees that will be removed. The adopted Contract showed the removal of 24 existing trees. The amended Contract shows the removal of basically the same 24 existing trees.

**Conditions** - The Contract Zone 1999-01 was approved with 21 conditions. Some of the conditions must be amended to accommodate the change from 16 units without garages served by 32 parking spaces to 16 units each with a two car garage. The applicant is also requesting to amend and remove a few of the conditions that have been problematic to comply with in the implementation of the project. Those conditions with significant amendments are depicted below with requested deletions shown as "strike-throughs" and additions shown with the text underlined. Discussion regarding each significant proposed amendment to the conditions is shown in Italics.

8. ~~Parking spaces and landscaping of parking areas submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall be modified to include:~~

   ~~(a) relocation of handicapped parking spaces to area in front of Building E, F or G~~

   ~~(b) providing marked guest parking spaces north of Building H~~

   ~~(c) combining landscaping areas in parking lot so that a planted areas is located adjacent to Building C,~~

   ~~(d) providing that all planted sections within the parking area include trees and shrubs in addition to ground cover.~~

   ~~The City must approve the Vegetation Planting Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit.~~

   *If the Contract is amended, this condition will be irrelevant since the parking spaces are proposed to be replaced with garages and driveways.*

10. ~~A~~ Two common open space areas totaling approximately 6,940 sq. ft. ~~(34 feet by 65 feet) between buildings D and E~~ shall be provided. ~~This~~ These areas shall be improved with plantings, seating, and other amenities, as identified on site plans

submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20.50.160.

*Since the applicant is proposing to construct single family attached units instead of duplexes, the open space areas located between buildings as specified above would be shifted and combined to create two larger more useable areas of open space.*

11. A paved roadway as described on site plans submitted by ~~JRR Engineering~~ Architectural Design Associated to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20 shall be constructed. This roadway shall be dedicated in fee or as a public access easement to the City of Shoreline prior to the issuance of a Certificate of Occupancy for Shoreline Village.

*Staff did not require the applicant to submit a separate engineered road plan at this time to avoid the completion of engineering prior to knowing whether the amendment would be approved. If the amendment is approved, the applicant will have to submit an engineered road plan as depicted in the site plan as part of the site development permit.*

16. Owners shall install, monitor and maintain a Surface/Storm Water Management Plan, pursuant to Memorandum issued by the City of Shoreline on September 14, 1999. The Plan and Agreement shall also incorporate the measures listed below:

a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Ron Riach/JRR Engineers, dated 1/6/99.

b) A complete set of construction drawings is to be submitted, approved and a site development permit issued before beginning any construction.

c) ~~An easement must be obtained from the School District for storm tight drain line~~ The engineering plans and connection to the drainage system located on Shoreline School District property to be reviewed and approved before issuance of a site development permit. If the Shoreline School District terminates the right to connect to this drainage system, the property owner(s) shall comply with the requirements of the stormwater management manual in effect at the time of the termination.

d) All drainage facilities are to be dedicated to the City of Shoreline before a Certificate of Occupancy is issued for Shoreline Townhomes.

The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, prior to the issuance of the site development permit.

*As a policy, the School District is unable to give private parties easements on School District property. Therefore, requiring the applicant to obtain an easement from the School District is unrealistic. However, the applicant has met with Hal Beumel, Director of Facilities and Modernization, Shoreline Public*

*Schools, and has been assured of access to the storm drain located on the school property, subject only to the approval of the School District's engineer as to the design.*

20. Owners shall, in accord with the direction of the King County Historic Landmarks Commission: (a) provide an archival photographic record of the structure (Lot 87) that is listed in the King County Historic Site Survey; ~~and (b) list the structure for sale for the amount of $1.00 with the listing to be published weekly for a period of one month prior to demolition. If the structure is sold, then the applicant shall pay to the buyer an amount equivalent to the cost of demolition of the structure to be contributed to the cost of its relocation.~~

*The Planning Commission recommended amending this condition based on testimony from the applicant that the structure in question was not historic to Shoreline. The structure was relocated from Seattle to Shoreline to construct Interstate 5. The house also has a basement, which makes the relocation more difficult. In addition, if the seller pays the equivalent to the cost of demolition to the buyer, the seller still has to demolish the basement. Staff supports this amendment to the condition. The original condition was generated in response to a single letter received in October 1999 asserting that this structure was historic.[1] The King County Historic Landmarks office and the Shoreline Historic Museum reviewed the project in 1999 and determined that the structure would not meet the criteria for listing as a landmark. There was no public testimony regarding the structure at the 11/4/99 or 7/12/01 Public Hearings.*

~~21. Prior to filing the Concomitant Rezone Agreement, staff and the applicant shall revisit the site layout with the goal of rotating some of the buildings or reconfiguring them so they face the street where feasible.~~

*The available area in which to construct a unit facing 15th Avenue is constrained by the required alignment of the access. Therefore, the applicant proposes to place the open space at the entrance of the development. The applicant has proposed to create more useable open space by attaching more of the proposed units. Staff met with the applicant prior to filing the application for contract zone amendment to discuss the rotation of some of the buildings to face 15th Avenue NE. The applicant stated that the buildings could not be reoriented based on the following reasons: (1) Road alignment and pedestrian walkways, adjusted at the direction of staff during site plan review, do not leave adequate space between the structures and the new roadway allow for rotation of the structures to face 15th Avenue; and (2) A grade change of approximately 6' between the first unit and 15th Avenue NE would significantly undermine the intended benefit of rotating a building so that the entry way faces 15th Avenue NE.*

21. The garages and driveways shall be designed and constructed to meet the general development standards as described in SMC Title 20.50.140 (B) and (F).

[1] The Letter from Ken Howe received October 22, 1999 is not attached, but is available upon request.

## APPLICATION REVIEW

Standard notice procedures soliciting public comments resulted in the receipt of two (2) letters. Each letter is included in Attachment D and staff has summarized the comments in the letters and provided responses to land use issues in the Public Comment Chart below. The Planning Commission conducted a Public Hearing at a Special Meeting on July 12, 2001 regarding the proposed amendments to Contract Zone 1999-01. Only the applicant and his agent testified.

**Public Comment**

| Source of Comment | Summary of Land Use Comments | Staff Response |
|---|---|---|
| Bob Mascott written comment from the Neighborhood Meeting | • Approval of project<br>• Concerns include view from 165th St., trees, and stormwater | The applicant has submitted elevations that show the view from 165th Street. Trees are proposed to be retained as shown on plans, replaced, and protected as originally conditioned. Stormwater will be designed and managed as conditioned and in compliance with the 1995 King County Stormwater Manual.***Note: staff incorrectly stated that the 1998 King County Stormwater Manual applied in the Planning Commission Report.*** |
| Steve and Deborah Marchant 16261 12th Avenue NE (6/24/01 comment letter) | * Concerned about quality of life for future tenants living adjacent to the Bus Barn | Contract Zone 1999-01 has already been approved. The action under consideration is to amend the design of the approved Contract. |
| Deborah Marchant 16261 12th Avenue NE (6/14/01 comment letter) | * Requested that outdoor lighting be required to be nonglare and shielded. | The Commission could amend Condition 14 to include these requirements. ***Note: The Planning Commission did not amend Condition 14.*** |

## ALTERNATIVES ANALYSIS

### APPLICABLE CODES

This Contract was developed under Title 18. The amendments to the Contract were submitted after the adoption of Title 20, which repealed Title 18. Therefore, staff had to determine how to review the proposed amendments to a contract that is vested to repealed regulations. Staff reviewed the proposed amendments to Contract Zone 1999-01 using Title 20. For items, which no change is proposed, Title 18 continues to be the controlling Development Code.

### CRITERIA

The initial proposal was found by the Planning Commission and Council to meet the rezone decision criteria, listed below, provided in Section 20.30.320(B) of the

Development Code. The Planning Commission and staff agree that the proposed revisions to the initial contract rezone do not change this finding.

***Criteria 1:*** ***The rezone (amendment to Contract Zone) is consistent with the Comprehensive Plan.***

Examples of relevant Comprehensive Plan policies include:

*LU23: Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600-2,400 new housing units and the future needs of Shoreline citizens.*

*LU 30: Encourage the integration of open spaces into residential neighborhoods, including identification and protection of existing stands of trees and vegetation which serve as a greenbelt buffer, and small pocket parks when adopted and maintained to City park standards by private organizations.*

*Goal H I: Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.*

*H6: Encourage compatible infill development on vacant or underutilized sites.*

***Criteria 2:*** ***The rezone (amendment to Contract Zone) will not adversely affect the public health, safety or general welfare.***

***Criteria 3:*** ***The rezone (amendment to the Contract Zone) is warranted in order to achieve consistency with the Comprehensive Plan.***

***Criteria 4:*** ***The rezone (amendment to the Contract Zone) will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.***

**Criteria 5:** **The rezone (amendment to the Contract Zone) has merit and value for the community.**

**SUMMARY**

The original Contract Zone 1999-01 was found to be consistent with rezone criteria by both the Planning Commission and Council in January 2000. The proposed amendments replacing parking areas with attached two car garages and driveways, and others do not significantly alter the project. Additional open space is proposed as part of this amendment, which could be viewed as adding merit and value for the community.

Based on the Planning Commission Findings of Fact and Determination dated 8/02/01(See Attachment E) that the proposed amendments to Contract Rezone 1999-01 meet the decision criteria as specified in the Development Code, the Planning Commission and staff support the recommended alternative of adopting the

amendments as proposed. If your Council finds that the proposed amendments to Contract Zone 1999-01 do not meet the decision criteria, your Council could:

- Amend the proposed amendments to Contact Zone 1999-01; or
- Deny the request to amend Contract Zone 1999-01.

If this application is not approved, the applicant retains the right to construct the project as adopted by Contract Rezone 1999-01.

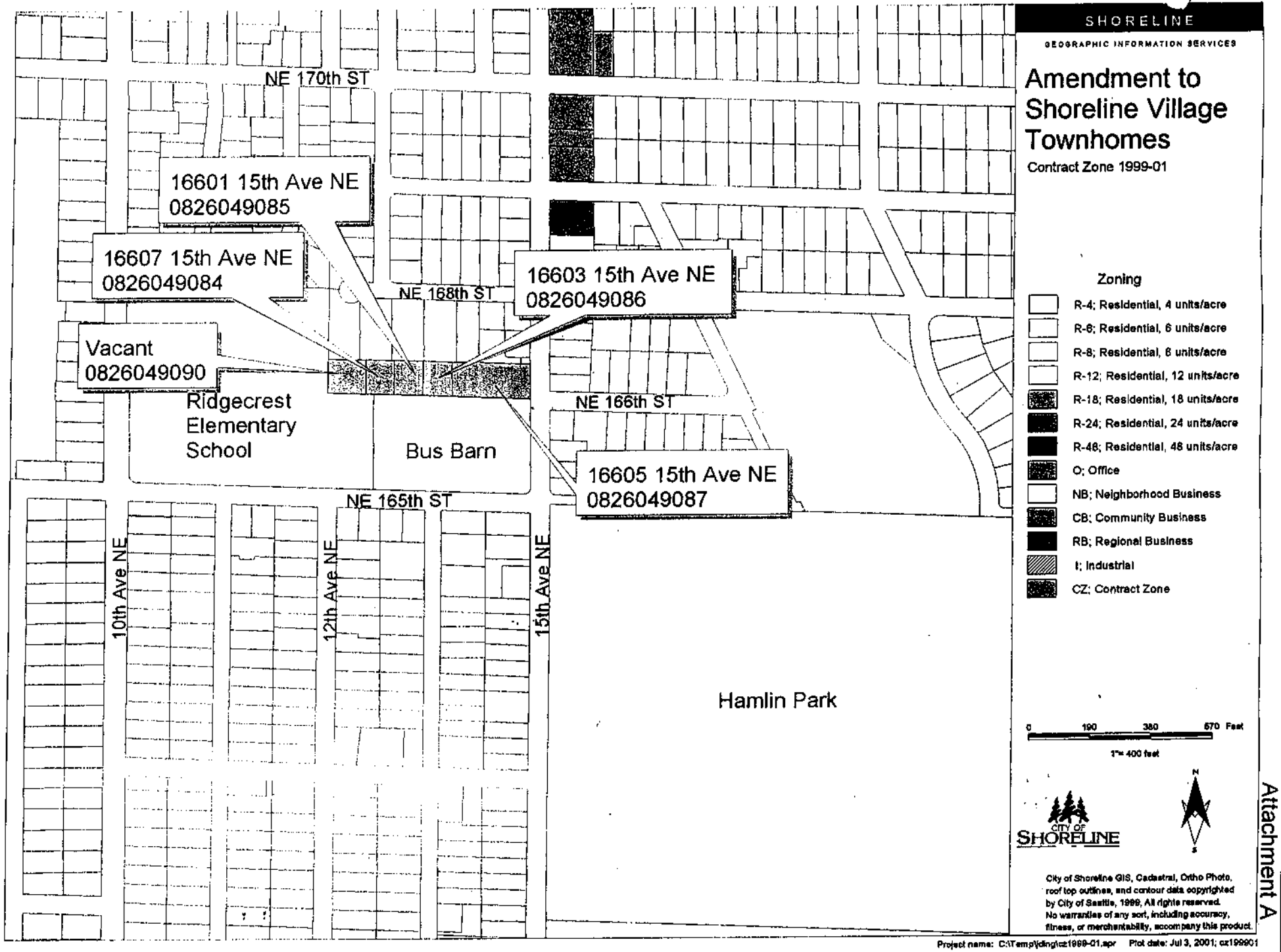
## RECOMMENDATION

The Planning Commission and staff recommend that Council adopt Ordinance No. 283, which amends Ordinance No. 224 that adopted Contract Zone 1999-01.

## ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Ordinance 224: Adopted Contract Zone 1999-01
Attachment C: Ordinance 283: Amended Contract Zone 1999-01
Attachment D: Public Comment Letters
Attachment E: Planning Commission Findings and Determination 8/02/01

# ATTACHMENT A


SHORELINE
GEOGRAPHIC INFORMATION SERVICES
Amendment to Shoreline Village Townhomes
Contract Zone 1999-01
NE 170th ST
16601 15th Ave NE
0826049085
16607 15th Ave NE
0826049084
NE 168th ST
16603 15th Ave NE
0826049086
Vacant
0826049090
Ridgecrest Elementary School
Bus Barn
NE 166th ST
16605 15th Ave NE
0826049087
NE 165th ST
10th Ave NE
12th Ave NE
15th Ave NE
Hamlin Park
Zoning
R-4; Residential, 4 units/acre
R-6; Residential, 6 units/acre
R-8; Residential, 8 units/acre
R-12; Residential, 12 units/acre
R-18; Residential, 18 units/acre
R-24; Residential, 24 units/acre
R-48; Residential, 48 units/acre
O; Office
NB; Neighborhood Business
CB; Community Business
RB; Regional Business
I; Industrial
CZ; Contract Zone
0 190 380 570 Feet
1"= 400 feet
N
CITY OF SHORELINE
City of Shoreline GIS, Cadastral, Ortho Photo, roof top outlines, and contour data copyrighted by City of Seattle, 1999, All rights reserved. No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.
Project name: C:\Temp\jding\cz1999-01.apr Plot date: Jul 3, 2001; cz199901

# ATTACHMENT B

# ORDINANCE NO. 224

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING OF A 1.6 ACRE PARCEL LOCATED AT 15th AVE NE AND NE 166th FROM R-6 TO CONTRACT ZONE #CZ-1999-01 SUBJECT TO RESTRICTIVE COVENANTS**

WHEREAS, the subject property, described as Shoreline Village, located on the west side of 15th Avenue NE at NE 166th Street is designated on the Comprehensive Plan as low density, high density residential and community commercial (which allows high density residential development); and

WHEREAS, owners of the property have applied to rezone the above property from R-6 to a Contract Zone. The Planning Commission considered the application for zone change at a public hearing on November 4, 1999, and has recommended approval as subject to a concomitant zoning agreement as a covenant restricting the uses and setting conditions of development as specified in this Contract Zone and Concomitant Zoning Agreement #CZ-1999-01, and

WHEREAS, a declaration of nonsignificance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council reviewed the recommendations of the Planning Commission and determined that the proposed amendment and Concomitant Zoning Agreement should be approved to provide residential development to accommodate growth consistent with the State of Washington Growth Management Act (RCW Ch. 36.70A);

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

**Section 1.** Findings. The Planning Commission's Findings and Recommendation attached hereto as Exhibit A, approving the rezone of the parcel, more fully described and depicted in Exhibit B attached hereto, and known as Shoreline Village, are hereby adopted.

**Section 2.** Amendment to Zoning Map. The official zoning map of the City of Shoreline adopted by Ordinance No. 125, is hereby amended to change the zoning classification of that certain property described and depicted in Exhibit B attached hereto, from R-6 to Contract Rezone #CZ-1999-01 subject to the Concomitant Zoning Agreement attached hereto as Exhibit C, which covenant is incorporated herein as part of this ordinance by reference, and all uses of the property rezoned by this ordinance shall be in strict conformity with the provisions of the Concomitant Zoning Agreement. Nothing in this ordinance or the concomitant zoning agreement attached hereto shall limit the Shoreline City Council from amending, modifying, or terminating the land use designation adopted by this ordinance.

037

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

**Section 4.** Effective Date and Reversion. This ordinance shall go into effect five days after passage, publication of the title as a summary of this ordinance and the proper execution and recording of the Concomitant Zoning Agreement attached hereto as Exhibit "C"; provided, that if such Agreement is not executed and recorded within thirty days from the date of final passage of this ordinance, this ordinance shall become void and not go into effect. If a complete building application for development of the property rezoned by this ordinance is not filed within three (3) years of the effective date of this ordinance, or owners of all interest in the property file a written request, the property shall revert to an R-6 zoning designation or such other default land use or zoning designation as may hereafter be adopted by the City Council.

**PASSED BY THE CITY COUNCIL ON JANUARY 24, 2000**

Mayor Scott Jepsen

**ATTEST:**

Sharon Mattioli, CMC
City Clerk

**APPROVED AS TO FORM:**

Ian Sievers
City Attorney

Date of Publication: January 27, 2000
Effective Date: February 1, 2000

CERTIFICATION

I, the undersigned, RUTH ANN ROSE, DEPUTY CITY CLERK of the City of Shoreline, Washington, certify that this is a true and correct copy of Ordinance No. 224

Subscribed and sealed this 2nd day of February 1999 2000

RUTH ANN ROSE
DEPUTY CITY CLERK

038

No. 1145

**CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND** Date 2/15/00

R.A. Ransom

Shoreline Village Townhomes
#CZ-1999-01
Ordinance No. 224

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated FEB. 14, 2000, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and JOHN GARBE and RICHARD SMITH (hereinafter "Owners").

RECITALS

A. Owners are the owners of real property located in King County legally described as:

Section 8, Township 26 North, Range 4 East, Willamette Meridian, on the west side of the intersection of 15th Avenue NE and NE 166th Street (Tax Parcels 84, 85, 86, 87, 90).

Parcel 84: The east 90 feet of the west 210 feet of the south third of the east half of the north half of he south half of the southeast quarter per King County Short Plat No. 7272.

Parcel 85: Third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 86: The east 90 feet of the west 390 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 87: The south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter less the west 390 feet, thereof, less county road per King County Short Plat 7272.

Parcel 90: The west 120 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

(Hereafter described as "Property").

B. Owners have applied to rezone the Property from its current zoning, R-6, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has approved the rezone application provided the Property is developed under conditions and limitations which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned CZ #1999-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein.

022

specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.

1. **Title.** Owners are the sole and exclusive owners of the Property described above.

2. **Uses.** The Owners or their successors may construct sixteen (16) residential units in eight (8) duplex units on the Property.

3. **Conditions.** The rezone of the Property is subject to the conditions recited in Exhibit A.

4. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.

5. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.

6. **Filing.** A copy of this covenant will be filed for record with the King County records and elections division.

7. **Attorney Fees.** In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNERS

John Garbe

Richard Smith

CITY OF SHORELINE

Bob Deis, City Manager

APPROVED AS TO FORM:

Ian Sievers
City Attorney

023

) ss.
COUNTY OF KING )

I certify that I know or have satisfactory evidence that John Garbe appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: 2-10-2000

KATHY A. BEALS NOTARY PUBLIC COMMISSION EXPIRES 12-15-03 STATE OF WASHINGTON

By: Kathy A. Beals
Notary Public in and for the State of Washington
residing at King County.
My commission expires 12-15-03.

STATE OF WASHINGTON )
) ss.
COUNTY OF KING )

I certify that I know or have satisfactory evidence that Richard Smith appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: 2-11-2000

KATHY A. BEALS NOTARY PUBLIC COMMISSION EXPIRES 12-15-03 STATE OF WASHINGTON

By: Kathy A. Beals
Notary Public in and for the State of Washington
residing at King County.
My commission expires 12-15-03.

STATE OF WASHINGTON )
) ss.
COUNTY OF KING )

I certify that I know or have satisfactory evidence that Bob Deis appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: FEBRUARY 14, 2000

By: Ruth Ann Rose
Notary Public in and for the State of Washington
residing at Kirkland.
My commission expires 2/19/00.

024

**SHORELINE VILLAGE TOWNHOMES: CONDITIONS OF CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND**

**The rezone of the Property is subject to the conditions recited herein as follows:**

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. A maximum of 16 townhomes in 8 duplex units are permitted as proposed on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999 subject to revisions approved pursuant to condition 21.
3. The following features on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall control development:
   - Structural design, façade materials, gabled rooflines
   - Orientation and siting of structures
   - Building height
   - Building bulk and scale
   - Setbacks for front, back and side yards
   - Lot coverage for buildings
   - Privacy and defensible space
   - Pervious and impervious surface coverage
4. Tree retention as provided on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall be required for site development. In the event that trees stipulated for retention are removed (whether inadvertently or through an approved building permit), each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed. Each replacement tree must be a minimum of two inches in caliper.
5. Development shall provide and maintain fencing around tree preservation areas for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.
6. Development shall provide new landscape plantings, including trees, shrubs, groundcover, and perennial/annual flowering plants, as provided on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title18.16.
7. Development applications shall include:
   (a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.
   (b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 – 18.60.370.
   (c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of three years. The performance bond or security may be amended to continue for an additional three years following the installation of substantial replacement vegetation.

   The City must approve the Vegetation Mitigation Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit. Vegetation management shall be designed, implemented and effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

025

Shoreline on June 25, 1999 shall be modified to include:

(a) relocation of handicapped parking spaces to area in front of Building E, F or G

(b) providing marked guest parking spaces north of Building H

(c) combining landscaping areas in parking lot so that a planted areas is located adjacent to Building C,

(d) providing that all planted sections within the parking area include trees and shrubs in addition to ground cover.

The City must approve the Vegetation Planting Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit.

9. A sound attenuation fence along the southern boundary of the property, to address noise impacts from the adjacent Shoreline School District Bus Barn shall be provided. The fence shall be approved by the City of Shoreline and installed prior to the issuance of the Certificate of Occupancy for Shoreline Village.

10. A common open space area (34 feet by 65 feet) between buildings D and E shall be provided. This area shall be improved with plantings, seating, and other amenities, as identified on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title18.16.

11. A paved roadway as described on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title 12.10 shall be constructed. This roadway shall be dedicated in fee or as a public access easement to the City of Shoreline prior to the issuance of a Certificate of Occupancy for Shoreline Village.

12. A pedestrian sidewalk as identified on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title 18.18 shall be constructed.

13. The Development shall provide for a vegetation mitigation plan for the vegetation along the north property line and such plan shall include a provision to protect off-site vegetation. The plan shall be reviewed and approved by a certified arborist.

14. Owner shall design, install and maintain streetlighting which is sufficient to illuminate the site and is directed toward the interior of the site in order to limit impacts on neighboring properties to the north of Shoreline Village. The lighting plan shall be approved by the City of Shoreline and lighting shall be installed prior to the issuance of the Certificate of Occupancy.

15. Owners shall construct and maintain a solid screen (e.g., wood fencing, landscaping) along the northern boundary of the property to provide a buffer along the joint north property line for Shoreline Village and the south property line of the abutting properties on NE 168th Street.

16. Owners shall install, monitor and maintain a Surface/Storm Water Management Plan, pursuant to Memorandum issued by the City of Shoreline on September 14, 1999. The Plan and Agreement shall incorporation the measures listed below:

(a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Ron Riach/JRR Engineers, dated 1/6/99.

(b) A complete set of construction drawings is to be submitted, approved and a site development permit issued before beginning any construction.

026

(c) An easement must be obtained from the School District for storm drain tight line;

(d) All drainage facilities are to be dedicated to the City of Shoreline before a Certificate of Occupancy is issued for Shoreline Townhomes.

The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, shall be approved by the City's Planning Department prior to the issuance of the Site development permit.

17. Owner shall provide a Standard Conditions Plan and Agreement, with detailed information and specifications for Grading Conditions, Drainage Conditions and Erosion Control Conditions.

18. Owners shall be required to establish and maintain in force and effect, a Homeowner's Association, to be responsible for maintenance of common areas, infrastructure and utilities.

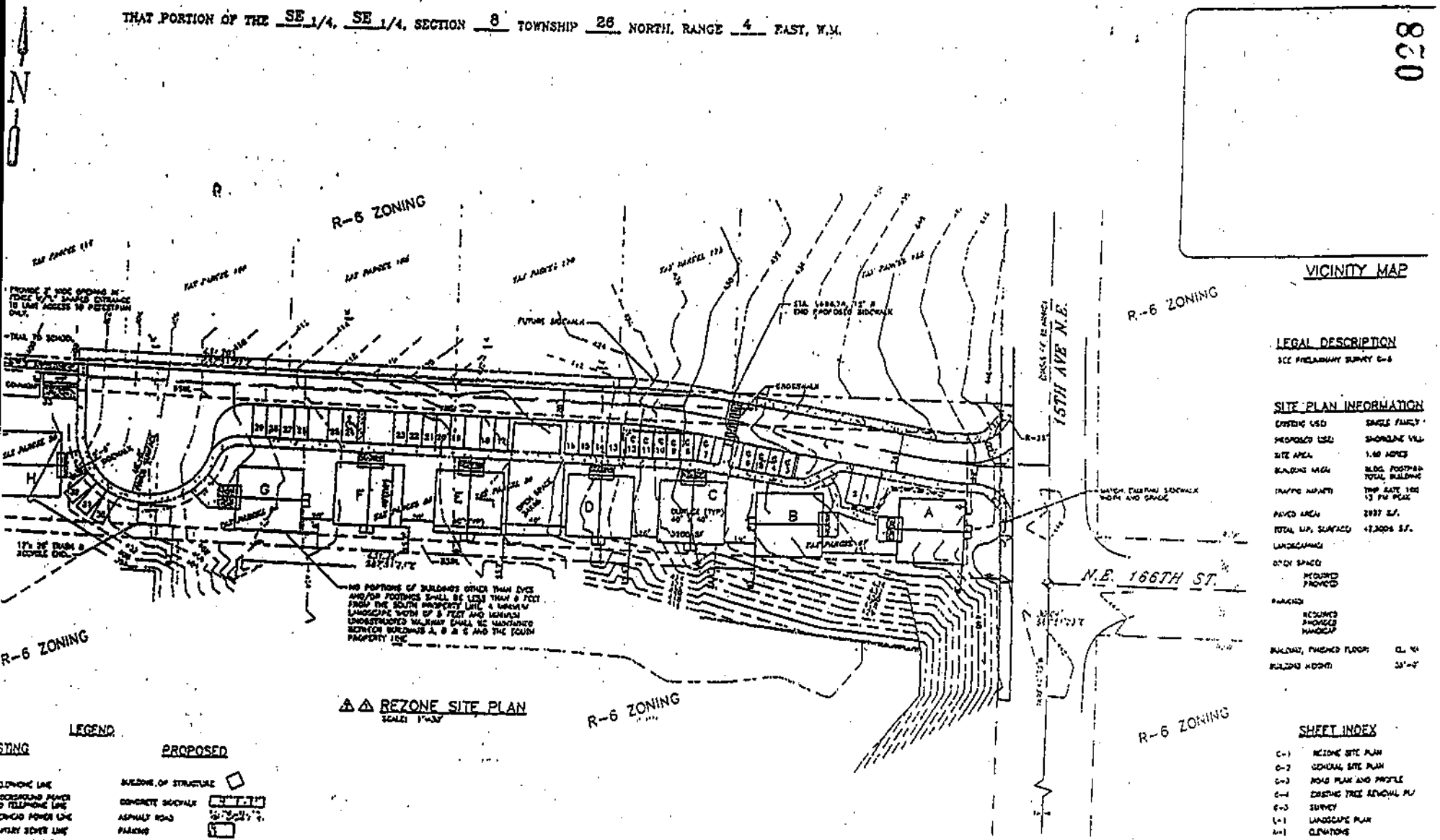
19. Owners shall file a lot line adjustment to vacate lot lines within the Property. The merger shall be completed prior to the issuance of the Site development permit for Shoreline Village.

20. Owners shall, in accord with the direction of the King County Historic Landmarks Commission: (a) provide an archival photographic record of the structure (Lot 87) that is listed in the King County Historic Site Survey; and (b) list the structure for sale for the amount of $1.00 with the listing to be published weekly for a period of one month prior to demolition. If the structure is sold, then the applicant shall pay to the buyer an amount equivalent to the cost of demolition of the structure to be contributed to the cost of its relocation.

21. Prior to filing the Concomitant Rezone Agreement, staff and the applicant shall revisit the site layout with the goal of rotating some of the buildings or reconfiguring them so they face the street where feasible.

027

THAT PORTION OF THE SE 1/4, SE 1/4, SECTION 8 TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M.




⚠⚠ REZONE SITE PLAN
SCALE: 1"=30'

VICINITY MAP

LEGAL DESCRIPTION
SEE PRELIMINARY SURVEY C-6

SITE PLAN INFORMATION

| | |
|---|---|
| EXISTING USE | SINGLE FAMILY |
| PROPOSED USE | SHORELINE VILL |
| SITE AREA | 1.60 ACRES |
| BUILDING AREA | BLDG. FOOTPRIN TOTAL BUILDING |
| TRAFFIC IMPACT | TRIP RATE 10.0 13 PM PEAK |
| PAVED AREA | 2937 S.F. |
| TOTAL IMP. SURFACE | 47,300± S.F. |
| LANDSCAPING | |
| OPEN SPACE: REQUIRED / PROVIDED | |
| PARKING: REQUIRED / PROVIDED / HANDICAP | |
| BUILDING, FINISHED FLOOR | EL. 10 |
| BUILDING HEIGHT | 33'-0" |

SHEET INDEX


| | |
|---|---|
| C-1 | REZONE SITE PLAN |
| C-2 | GENERAL SITE PLAN |
| C-3 | ROAD PLAN AND PROFILE |
| C-4 | EXISTING TREE REMOVAL PL |
| C-5 | SURVEY |
| L-1 | LANDSCAPE PLAN |
| A-1 | ELEVATIONS |
| A-2 | FLOOR PLANS |
| A-3 | STREETSCAPE NORTH ELEVAT |


LEGEND

EXISTING

PROPOSED
BUILDING OR STRUCTURE
CONCRETE SIDEWALK
ASPHALT ROAD
PARKING
CONTOURS
SILT FENCE
SANITARY SEWER PIPE
STORM DRAIN PIPE
WATER PIPE
UNDERGROUND ELEC.
OVERHEAD ELEC.
FILTER FABRIC FENCE
ELECTRIC METER
LUMINAIRE
SIGN
CATCH BASIN TYPE 1
CATCH BASIN TYPE 2
GATE VALVE
SANITARY SEWER MANHOLE
HOSE BIB

JRR ENGINEERING

| | | | |
|---|---|---|---|
| SCALE: 1"=30' | | REZONE SITE PLAN | |
| DATE: 11/19/98 | 12/16/98 AS REQUIRED BY CITY REVIEW | JOB NUMBER: 97-33 | |
| DRAWN: RKR | 12/16/98 AS REQUIRED BY CITY REVIEW | | |

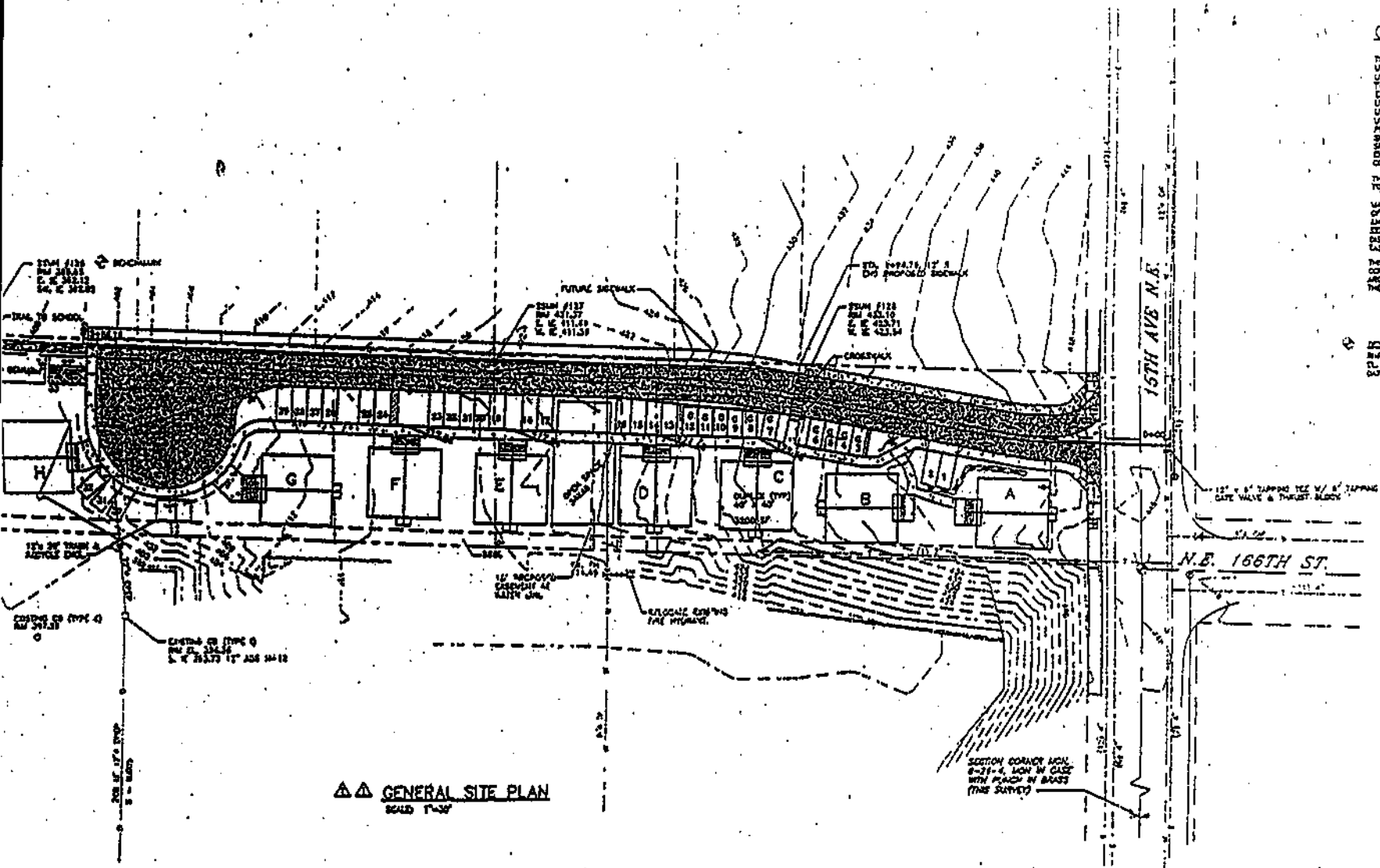
SHORELINE VILLAGE TOWNHO
OWNER: JOHN F. RICHARD SMITH
C/O: [illegible] 22727 HWY. 99,
[illegible] 98026
(425) 774-4040
ENGINEER: [illegible]

189

PORTION OF THE SE 1/4, SE 1/4, SECTION 8 TOWNSHIP 26 NORTH, RA[illegible]4 EAST, W.M.

023

190




## GENERAL NOTES:

THE CONTRACTOR SHALL VERIFY THE LOC[illegible] UTILITIES PRIOR TO CONSTRUCTION, AND [illegible] UTILITIES UNDERGROUND LOCATION CENTE[illegible] TWO WORKING DAYS BEFORE BEGINNING [illegible] EXISTING UTILITIES MAY NOT BE SHOWN, [illegible] UTILITIES SHOWN ARE APPROXIMATE. THE [illegible] USE DUE CARE AND CAUTION DURING EX[illegible] UTILITIES AND ALL COSTS OF IDENTIFYING, PROTECTING, STABILIZING AND/OR REPAIR[illegible] SHALL BE INCLUDED IN THE PROJECT BID. [illegible] SHALL RECORD THE LOCATION OF ALL UT[illegible] ENCOUNTERED AND IMPROVEMENTS INSTAL[illegible] CONSTRUCTION ON THE RECORD DRAWING

THE CONTRACTOR SHALL TAKE ALL PROCES[illegible] TO AVOID EROSION/SEDIMENTATION DURIN[illegible]

MATERIAL TO BE REMOVED FROM THE SIT[illegible] OF BY THE CONTRACTOR IN A MANNER C[illegible] LAWS AND LOCAL REGULATIONS. UNLESS OTHE[illegible] SEPARATE PAYMENT WILL BE ALLOWED FO[illegible] DISPOSAL OF MATERIAL. ALL WORK ASSO[illegible] TASK SHALL BE CONSIDERED INCIDENTAL.

THIS PLAN SHEET IS NOT INTENDED TO S[illegible] CONSTRUCTED. THE CONTRACTOR IS RES[illegible] ARCHITECTURAL, STRUCTURAL, ELECTRICAL, [illegible] THE FOLLOWING CIVIL SHEETS FOR ADDITI[illegible]

BENCHMARK
RIM OF STORM [illegible] 136 LOCATED NEAR SW[illegible] CT. 344.63 DATUM: NGVD

## ⚠⚠ GENERAL SITE PLAN

SCALE 1"=30'

JRR ENGINEERING

| | | | | |
|---|---|---|---|---|
| ISSUED | 1" = 30' | | | |
| DATE | 8/1/98 | ⚠ 4/4/98 | AS REQUIRED BY CITY REVIEW | |
| DRAWN | RKR | ⚠ 1/14/99 | AS REQUIRED BY CITY REVIEW | RKR |
| CHECKED | RKR | No. | DATE | REVISION |

APP'D

SHEET TITLE: GENERAL SITE PLAN

JOB NUMBER: 97-33

SHEET NO.: [illegible]

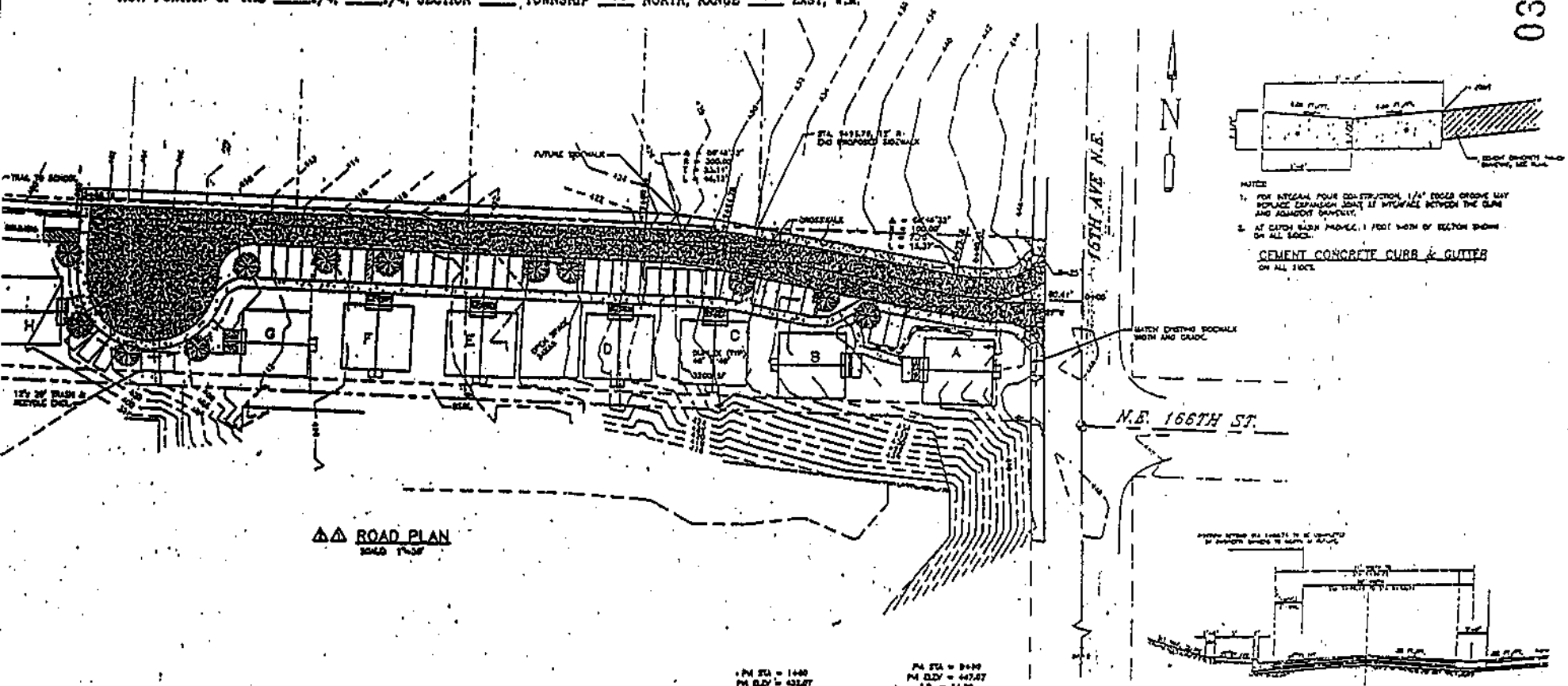
SHORELINE VILLAGE TOWN

OWNER: JOHN GARBE & RICHARD SMITH C/O: JIM BRAUN, 23727 HWY, EDMONDS, WA 98026 (425) 771-4040

ENGINEER: Ronald K. Rieck, P.E., d.b.a. J[illegible] 18030 52ND Ave. W., Edmonds (425) 787-6028 FAX 743-63

030

THAT PORTION OF THE SE 1/4, SE 1/4, SECTION 8, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M.




⚠⚠ ROAD PLAN

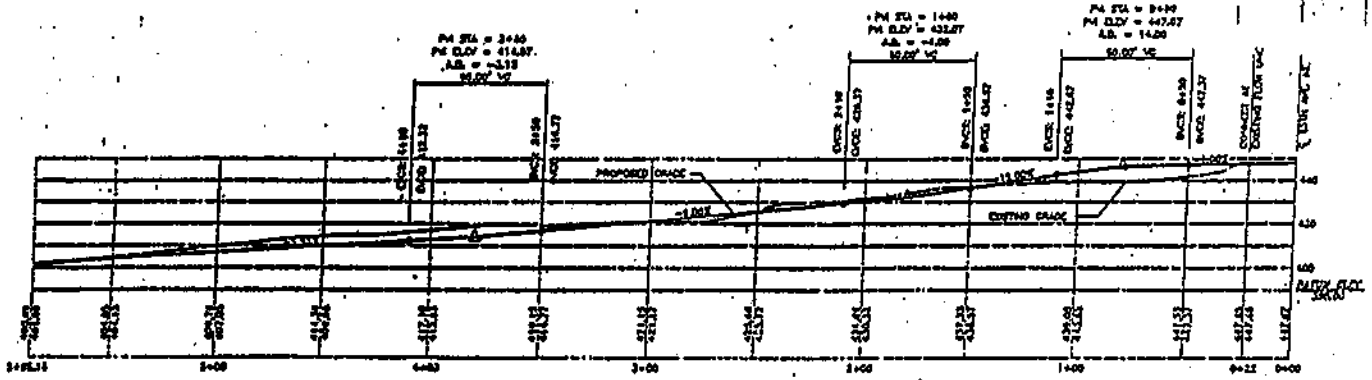


NOTES:
1. FOR INTEGRAL POUR CONSTRUCTION, 1/4" TOOLED GROOVE MAY REPLACE EXPANSION JOINT AT INTERFACE BETWEEN THE CURB AND ADJACENT CONCRETE.
2. AT CATCH BASIN PROVIDE 1 FOOT WIDTH OF SECTION SHOWN ON ALL SIDES.

CEMENT CONCRETE CURB & GUTTER
ON ALL SIDES



⚠ ROAD SECTION
NOT TO SCALE




⚠ ROAD PROFILE

JRR ENGINEERING

| | | | |
|---|---|---|---|
| SCALE | 1" = 1' | SHEET TITLE | ROAD PLAN & PROFILE |
| DATE | 8/1/98 | JOB NUMBER | 97-33 |
| DRAWN | ROR | | |
| CHECKED | RWK | | |
| FILE NAME | C:\SLV\DWG\C-SLVDWG.DWG | SHEET NO | 97-33 |

| No. | DATE | REVISION | APP'D |
|---|---|---|---|
| ⚠ | 8/1/98 | REVISED AS REQUIRED BY CITY REVIEW | ROR |
| ⚠ | 9/15/98 | REVISED AS REQUIRED BY CITY REVIEW | ROR |

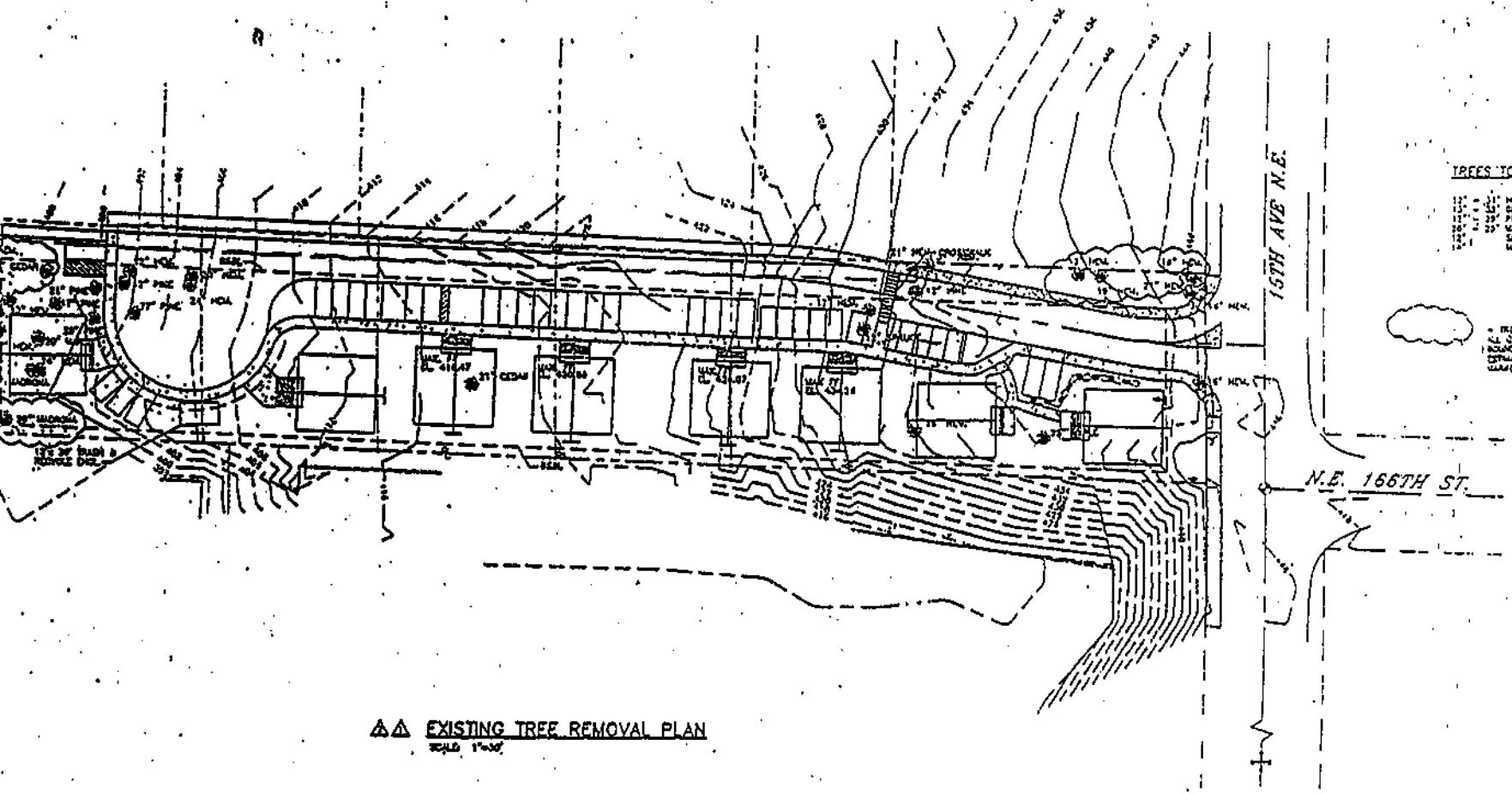
DATE PREPARED: AUGUST 1, 1998

SHORELINE VILLAGE TOWNHOMES
OWNER: JOHN CARBE & RICHARD SMITH
C/O: JAU BRAUN, 23727 HWY. 99, STE. 203
EDMONDS, WA. 98026
(425) 774-4040

ENGINEER: Ronald K. Rice, P.E., & Engineering
16030 52ND Ave. W., Edmonds, WA. 98026
(425) 787-6030, FAX 742-5731

191

THAT PORTION OF THE SE 1/4, SE 1/4, SECTION 8 TOWNSHIP 26 NORTH, R 4 EAST, W.M.




## ⚠⚠ EXISTING TREE REMOVAL PLAN

SCALE 1"=30'

JRR ENGINEERING

| | | | |
|---|---|---|---|
| SCALE | 1" = 30' | | |
| DATE | 8/1/98 | 1 | 10/21/98 AS REQUIRED BY CITY REVIEW |
| DRAWN | JRR | 2 | 12/4/98 AS REQUIRED BY CITY REVIEW |
| CHECKED | RKR | No. | DATE REVISION |
| FILE NAME | C:\JOBS\97-33\C-EXISTING.DWG | | DATE PREPARED AUGUST 1, 1998 |

SHEET TITLE: EXISTING TREE REMOVAL PLAN

JOB NUMBER: 97-33

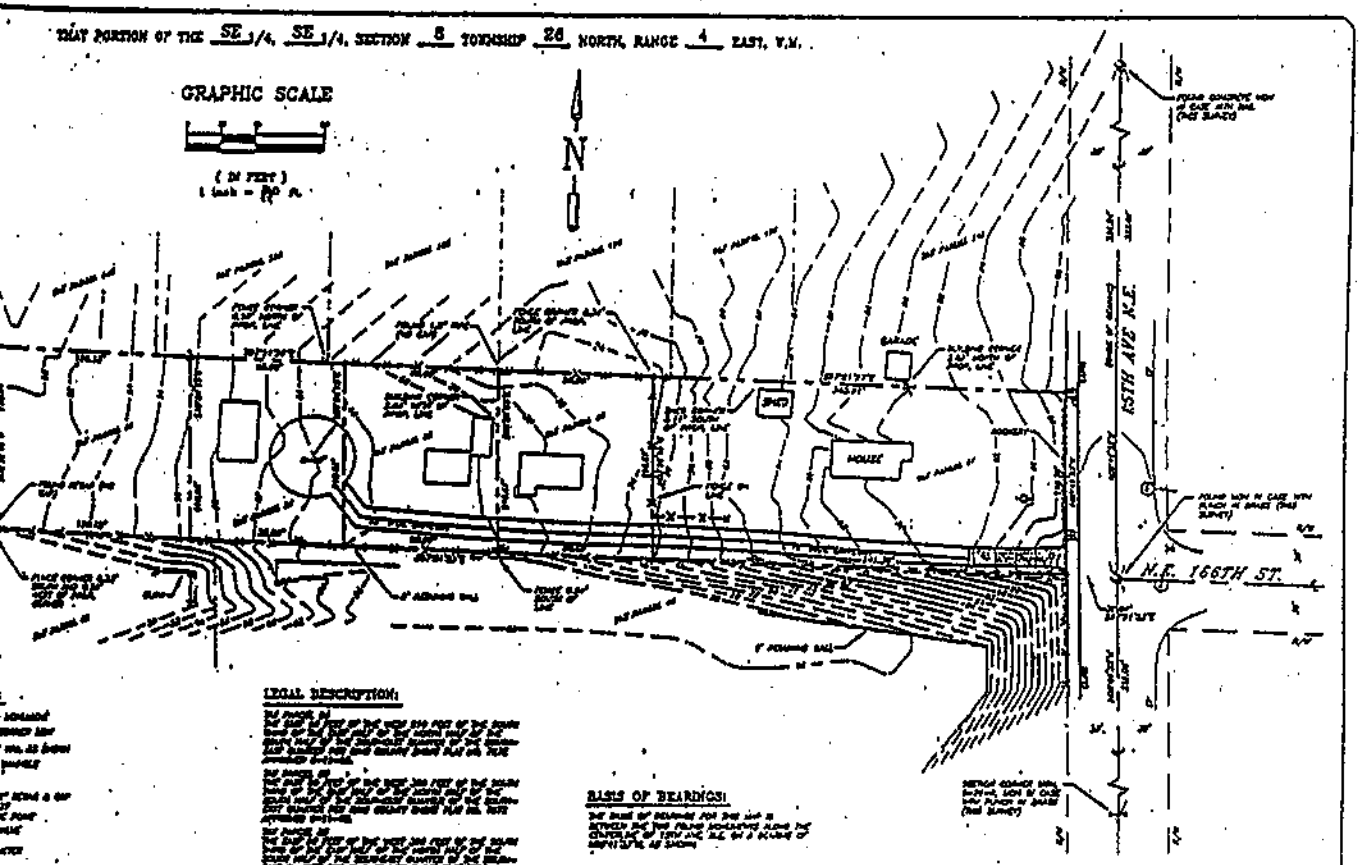
CLIENT JOB: 97-33

SHORELINE VILLAGE TOWNH

OWNER: JOHN GARBC & RICHARD SMITH C/O: JIM BRAUN, 23727, HWY. EDMONDS, WA. 98026 (425) 774-4040.

ENGINEER: Ronald K. Risch, P.E., d.b.a. JR 16030 52ND Ave. W., Edmonds, (425) 787-6020, FAX 742-52

THAT PORTION OF THE SE 1/4, SE 1/4, SECTION 8 TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M.




LEGAL DESCRIPTION:

BASIS OF BEARINGS:

NOTES:

SURVEYOR'S CERTIFICATE

BRAUN
LOT SURVEY
RECORD OF SURVEY
KING COUNTY WASHINGTON

RECORDING CERTIFICATE

CRONES & ASSOC.
LAND SURVEYORS

## ⚠ SITE SURVEY
SCALE 1"=30'

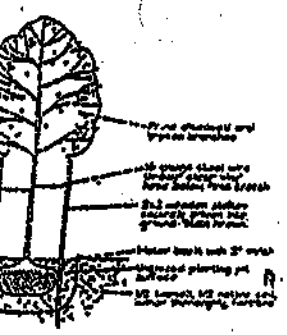
NOTE:
TOPOGRAPHIC AND BOUNDARY SURVEY INFORMATION PROVIDED BY:
CRONES & ASSOCIATES, LAND SURVEYORS
[illegible]

JRR ENGINEERING

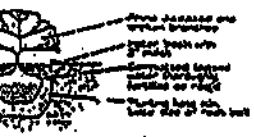
SCALE 1" = 30'
DATE 8/1/96

SHEET TITLE SURVEY

SHORELINE [illegible] AGE TOWN
OWNER: JON [illegible] & RICHARD SW
C/O. [illegible] JUN, 22727 NW
EDMON[illegible] WA, 98036
(425) 37[illegible]-4540



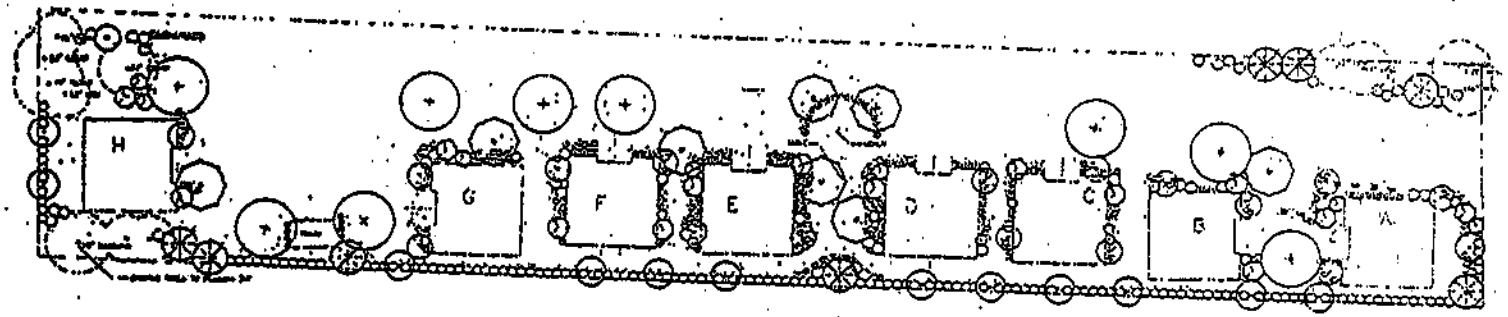
TREE PLANTING DETAIL



NTING DETAIL

NTING BED DETAIL

SPACING DETAIL




15TH AVE N.E.

194

## NOTES

1. Subgrades, including berms, to within 150th feet provided by General Contractor unless otherwise noted.
2. Subgrade shall be scarified or reloaded if conditions roughen.
3. 45° slopes 2-way typical or slopes in all planting areas.
4. 3" depth fine grade bark mulch in all planting beds.
5. All plant materials shall be healthy, full and conform to USA standard nursery stock, latest edition.
6. Plant material or size or kind not available may be substituted only with approval of Landscape Architect or Owner.
7. All trees plantings shall have triangular spacing.
8. All trees are shall be inspected by Owner prior to arrival.
9. Positive drainage shall be maintained. Mound planting areas between 12".
10. Shrubs and trees minimum 48" from curb for car overhang unless otherwise noted.
11. 6" deep bark, edging strip where bark is adjacent to building.
12. Landscape Contractor shall maintain site until final inspection and acceptance by Owner.

PLANT LIST

| Symbol | Material / Common Name | Size |
|---|---|---|
| | Acer rubrum 'Red Sunset' / Red Sunset Maple | 2" Cal., min. B&B |
| | Cercis canadensis 'Forest Pansy' / Forest Pansy Redbud | 2" Cal., min. B&B |
| | Pyrus calleryana 'Chanticleer' / Chanticleer Flowering Pear | 2" Cal., min. B&B |
| | Acer circinatum / Vine Maple | 7' Ht., 5 cane min. B&B |
| | Thuja plicata / Western Red | 6'-8' ht., B&B |
| | Taxus x media 'Hicksii' / Hicks Yew | 6' and 8' Ht. B&B |
| | Thuja occidentalis 'Emerald Green' / Emerald Green Arborvitae | 30" min. |
| | Rhododendron 'Unique' | 24" min. |
| | Pieris japonica 'Dorothy Wyckoff' / Japanese Andromeda | 24" min. |
| | Prunus laurocerasus 'Otto Luyken' / Otto Luyken Laurel | 3 Gallon |
| | Abelia x 'Edward Goucher' | 2" min. |
| | Arctostaphylos uva-ursi / Kinnikinnick | 2 Gallon |
| | Xanthorrhoea alstonii / Xanthorrhoea | 4" pots @ 24" O.C. |
| | Seeded Lawn | 4" pots @ 24" O.C. |

LANDSCAPE PLAN

0 15 30 60

SOUTH ELEVATION

NORTH ELEVATION

WEST & EAST ELEVATION

034

SHORELINE VILLAGE

SHORELINE WASH
SMITH-GARBE DEVE

MINAKE ARCHITEC

035

SHORELINE VILLAGE

SHORELINE WASHINGTON

SMITH-GARBE ENT

MINAKER ARCHITECTU

# STREETSCAPE NORTH ELEVATION

scale 1" = 32'-0"

SHORELINE VILLAGE

SHORELINE WASHINGTON

SMITH-GARBE DEVELOPMENT

MINAKER ARCHITECTURE

ARCHITECTURE URBAN DESIGN PLANNING

036

# ATTACHMENT C

**ORDINANCE NO. 283**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING ORDINANCE NO. 224 WHICH APPROVED CONTRACT ZONE 1999-01 FOR A 1.6 ACRE PARCEL LOCATED AT 15th AVE NE AND NE 166th FROM R-6 TO CONTRACT ZONE**

WHEREAS, the City Council adopted Ordinance 224 approving Contract Zone CZ 1999-01 for Shoreline Village Townhomes; and

WHEREAS, the property owner has applied to amend the CZ 1999-01 zone. The Planning Commission considered the application at a public hearing on July 12, 2001, and has recommended approval of the proposed amendments to Contract Zone CZ 1999-01, and

WHEREAS, the City Council supports the Planning Commission recommendation; and

WHEREAS, the Concomitant Zoning Agreement 1999-01 as amended has been determined by the City Council to meet the decision criteria as defined in SMC Title 20.30.230; and

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

**Section 1. Findings.** The Planning Commission's Findings and Recommendation for the Shoreline Village Townhomes Amendment dated August 2, 2001 approving the contract zone amendment are hereby adopted by reference.

**Section 2. Amendment** The Concomitant Rezone Agreement and Covenant Running With The Land attached as Exhibit C to Ordinance No 224 is hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference. Nothing in this ordinance or the Concomitant Zoning Agreement attached hereto shall limit the Shoreline City Council from amending, modifying, or terminating the land use designation adopted by this ordinance.

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

**Section 4. Effective Date and Reversion.** This ordinance shall go into effect five days after passage, publication of the title as a summary of this ordinance and the proper execution and recording of the Concomitant Zoning Agreement attached hereto as Exhibit A; provided, that if such Agreement is not executed and recorded within thirty days from the date of final passage of this ordinance, this ordinance shall become void and not go into effect. If a complete building application for development of the property rezoned by this ordinance is not filed within three (3) years of the effective date of this ordinance, or owners of all interest in the property file a written request, the property shall revert to an R-6 zoning designation or such other default land use or zoning designation as may hereafter be adopted by the City Council.

**PASSED BY THE CITY COUNCIL ON AUGUST 20, 2001**

Mayor Scott Jepsen

**ATTEST:**

**APPROVED AS TO FORM:**

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: August
Effective Date: August

**EXHIBIT A**

**CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND**

Shoreline Village Townhomes
#CZ-1999-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated February 14, 2000, amended on _____, 2001 by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and JOHN GARBE (hereinafter "Owner").

RECITALS

A. The owner of real property located in King County legally described as:

Section 8, Township 26 North, Range 4 East, ~~Willamette Meridian,~~ on the west side of the intersection of 15th Avenue NE and NE 166th Street (Tax Parcels 84, 85, 86, 87, 90).

Parcel 84: The east 90 feet of the west 210 feet of the south third of the east half of the north half of he south half of the southeast quarter per King County Short Plat No. 7272.

Parcel 85: Third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 86: The east 90 feet of the west 390 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 87: The south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter less the west 390 feet, thereof, less county road per King County Short Plat 7272.

Parcel 90: The west 120 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

(Hereafter described as "Property").

B. The owner has applied to rezone the Property from its current zoning, R-6, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has approved the rezone application provided the Property is developed under conditions and limitations, which shall be considered as a qualification to the City's zoning designation.

D. The Owner has applied to amend the approved concomitant rezone agreement 1999-01 to alter the design of the project.

E. The City has approved the application to amend concomitant rezone agreement 1999-01 provided the property is developed under the conditions of the concomitant agreement and applicable development regulations.

NOW THEREFORE, the Owner covenant and agree, on behalf of himself and his successors and assigns, that during the entire period that the Property is zoned CZ #1999-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owner specifically agrees that this Covenant touches, concerns, enhances, benefits and runs with the Property.

1. Title. The Owner is the sole and exclusive owner of the Property described above.

2. Uses. The Owner or his successors may construct sixteen (16) residential units ~~in eight (8) duplex units~~ on the Property.

3. Conditions. The rezone of the Property is subject to the conditions recited in Exhibit A B.

4. Remedies. Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.

5. Binding Effect. This Covenant shall remain in full force and effect, and be binding upon the Owner and his successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owner fails to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owner of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.

6. Filing. A copy of this covenant will be filed for record with the King County records and elections division.

7. Attorney Fees. In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNER

_____
John Garbe

CITY OF SHORELINE

_____
Steve Burkett, City Manager

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

STATE OF WASHINGTON )
) ss.
COUNTY OF KING )

I certify that I know or have satisfactory evidence that John Garbe appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED:_____

By: _____
Notary Public in and for the State of Washington
residing at _____.
My commission expires_____.

STATE OF WASHINGTON )
) ss.
COUNTY OF KING )

I certify that I know or have satisfactory evidence that Steve Burkett appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the City Manager of City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED:_____

By: _____
Notary Public in and for the State of Washington
residing at _____.
My Commission expires_____.

**EXHIBIT ~~D~~ B:**

## SHORELINE VILLAGE TOWNHOMES: CONDITIONS OF CONCOMITANT REZONE AGREEMENT AND COVENANT AS AMENDED RUNNING WITH THE LAND

The rezone of the Property is subject to the conditions recited herein as follows:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.

~~2.~~A maximum of 16 ~~townhomes~~ units ~~in 8 duplex units~~ are permitted as proposed on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 ~~subject to revisions approved pursuant to condition 21~~. Exhibit B-1.

3. The following features on site plans and building elevations (Exhibit B-2) submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 shall control development with allowances for minor changes to materials and design*:

   - Structural design, façade materials, gabled rooflines
   - Orientation and siting of structures
   - Building height
   - Building bulk and scale
   - Setbacks for front, back and side yards
   - Lot coverage for buildings
   - Privacy and defensible space
   - Pervious and impervious surface coverage

   * Minor changes to materials and design are limited to changes that meet or exceed the development requirements denoted in SMC Title 20.

4. Tree retention as provided on ~~site~~ Landscape plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 shall be required for site development. Exhibit B-3. In the event that trees stipulated for retention are removed (whether inadvertently or through an approved building permit), each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed. Each replacement tree must be a minimum of two inches in ~~caliper~~ diameter at breast height.

5. Development shall provide and maintain fencing around tree preservation areas for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.

6. Development shall provide new landscape plantings, including trees, shrubs, groundcover, and perennial/annual flowering plants, as provided on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title ~~18.16~~20.50.450-20.50.510.

7. Development applications shall include:

(a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.

(b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 – 18.60.370.

(c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of three years. The performance bond or security may be amended to continue for an additional three years following the installation of substantial replacement vegetation.

The City must approve the Vegetation Mitigation Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit. Vegetation management shall be designed, implemented and effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

8. ~~Parking spaces and landscaping of parking areas submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall be modified to include:~~

~~(a) relocation of handicapped parking spaces to area in front of Building E, F or G~~

~~(b) providing marked guest parking spaces north of Building H~~

~~(c) combining landscaping areas in parking lot so that a planted areas is located adjacent to Building C,~~

~~(d) providing that all planted sections within the parking area include trees and shrubs in addition to ground cover.~~

~~The City must approve the Vegetation Planting Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit.~~

9. A ~~sound attenuation~~ a six-foot solid wood fence along the southern boundary of the property, to address noise impacts from the adjacent Shoreline School District Bus Barn shall be provided. The fence shall be approved by the City of Shoreline and installed prior to the issuance of the Certificate of Occupancy for Shoreline Village.

10. ~~A~~ Two common open space areas totaling approximately 6,940 sq. ft. ~~(34 feet by 65 feet) between buildings D and E~~ shall be provided. ~~This~~ These areas shall be improved with plantings, seating, and other amenities, as identified on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20.50.160.

11. A paved roadway as described on site plans submitted by ~~JRR Engineering~~ Architectural Design Associated to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20 shall be constructed. This roadway shall be dedicated in fee or as a public access easement to the City of Shoreline prior to the issuance of a Certificate of Occupancy for Shoreline Village.

12. A pedestrian sidewalk as identified on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 18.18 shall be constructed.

13. The Development shall provide for a vegetation mitigation plan for the vegetation along the north property line and such plan shall include a provision to protect off-site vegetation. The plan shall be reviewed and approved by a certified arborist.

14. Owners shall design, install and maintain streetlighting which is sufficient to illuminate the site and is directed toward the interior of the site in order to limit impacts on neighboring properties to the north of Shoreline Village. The lighting plan shall be approved by the City of Shoreline and lighting shall be installed prior to the issuance of the Certificate of Occupancy.

15. ~~Owners shall~~ construct and maintain a solid screen (e.g., wood fencing, landscaping) along the northern boundary of the property to provide a buffer along the joint north property line for Shoreline Village and the south property line of the abutting properties on NE 168th Street.

16. Owners shall install, monitor and maintain a Surface/Storm Water Management Plan, pursuant to Memorandum issued by the City of Shoreline on September 14, 1999. The Plan and Agreement shall also incorporate the measures listed below:

    (a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Ron Riach/JRR Engineers, dated 1/6/99.

    (b) A complete set of construction drawings is to be submitted, approved and a site development permit issued before beginning any construction.

    (c) ~~An easement must be obtained from the School District for storm tight drain line~~ The engineering plans and connection to the drainage system located on Shoreline School District property to be reviewed and approved before issuance of a site development permit. If the Shoreline School District terminates the right to connect to this drainage system, the property owner(s) shall comply with the requirements of the stormwater management manual in effect at the time of the termination;

    (d) All drainage facilities are to be dedicated to the City of Shoreline before a Certificate of Occupancy is issued for Shoreline Townhomes.

    The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, shall be approved by the City's Planning Department prior to the issuance of the Site development permit.

17. Owner shall provide a Standard Conditions Plan and Agreement, with detailed information and specifications for Grading Conditions, Drainage Conditions and Erosion Control Conditions.

18. ~~Owners shall~~ be required to establish and maintain in force and effect, a Homeowner's Association, to be responsible for maintenance of common areas, infrastructure and utilities.

19. Owners shall file a lot line adjustment to vacate lot lines within the Property. The merger shall be completed prior to the issuance of the Site development permit for Shoreline Village.

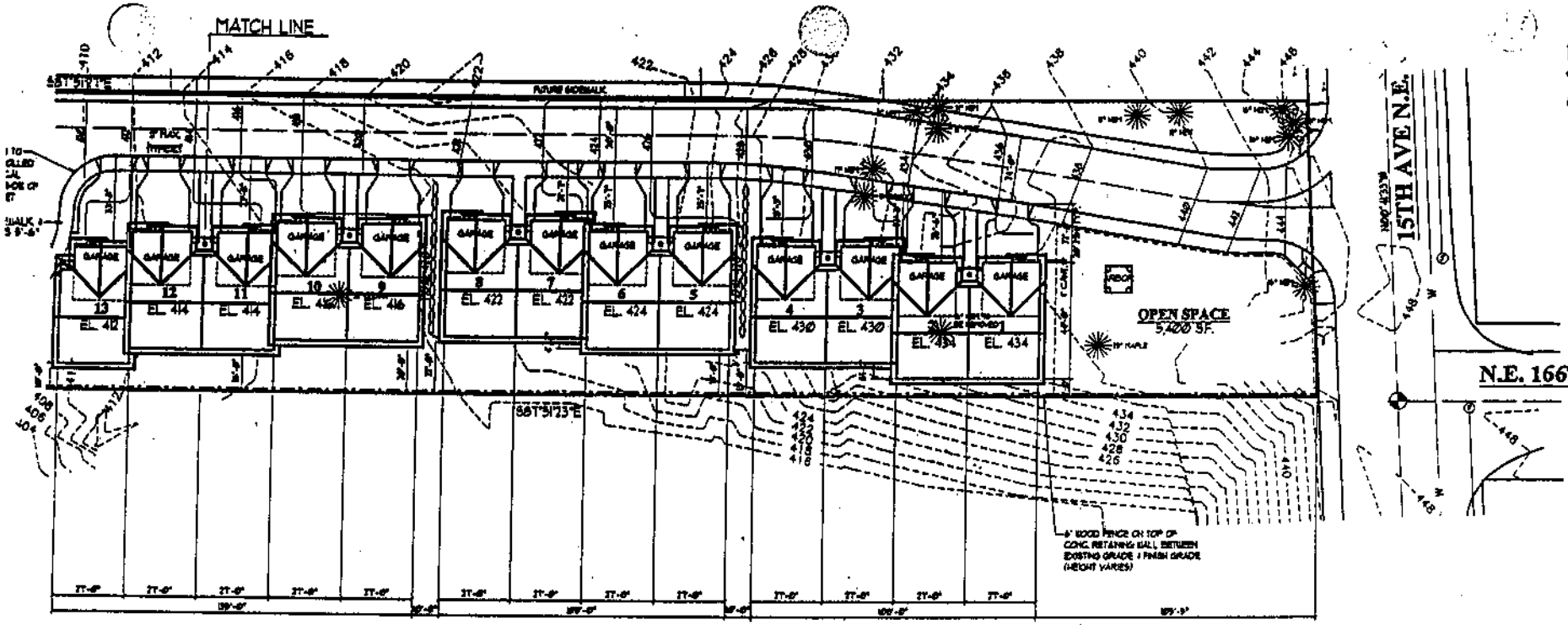
~~20.~~ Owners shall, in accord with the direction of the King County Historic Landmarks Commission: (a) provide an archival photographic record of the structure (Lot 87) that is listed in the King County Historic Site Survey; ~~and (b) list the structure for sale for the amount of $1.00 with the listing to be published weekly for a period of one month prior to demolition. If the structure is sold, then the applicant shall pay to the buyer an amount equivalent to the cost of demolition of the structure to be contributed to the cost of its relocation.~~

21. ~~Prior to filing the Concomitant Rezone Agreement, staff and the applicant shall revisit the site layout with the goal of rotating some of the buildings or reconfiguring them so they face the street where feasible.~~

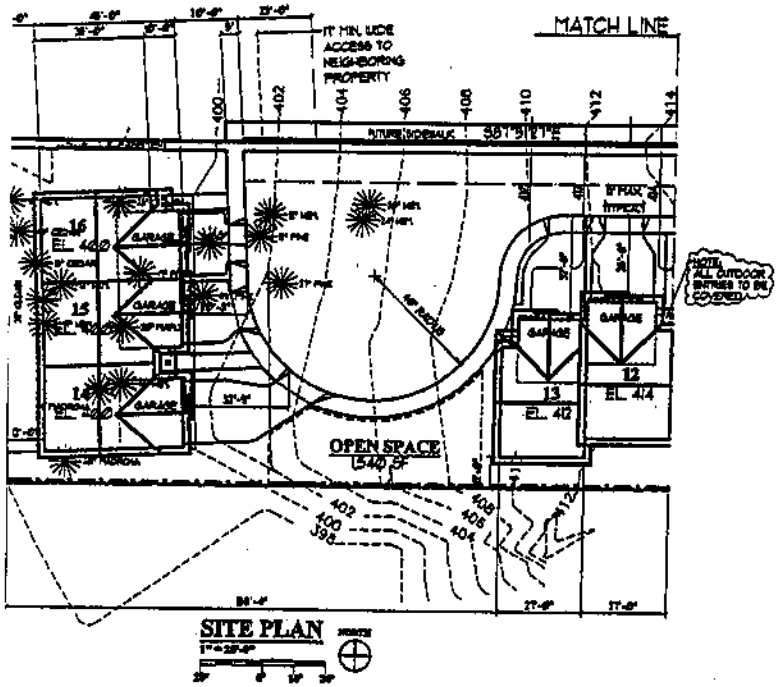
22. The garages and driveways shall be designed and constructed to meet the general development standards as described in SMC Title 20.50.140 (B) and (F).

EXHIBIT B-1

045




SITE PLAN
1" = 30'-0"




SITE PLAN
1" = 20'-0"

## PROJECT INFORMATION:

**LEGAL DESCRIPTION:**

SECTION 6, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, ON THE WEST SIDE OF THE INTERSECTION OF 15TH AVENUE NE. AND NE 166TH STREET (TAX PARCEL NUMBERS 84, 85, 86, 87, 561)

PARCEL 84:
THE EAST 150 FEET OF THE WEST 250 FEET OF THE SOUTH THIRD OF THE EAST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER PER KING COUNTY SHORT PLAT NO. 1273.

PARCEL 85:
THIRD OF THE EAST HALF OF THE NORTH HALF OF THE SOUTH OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER PER KING COUNTY SHORT PLAT NO 1273

PARCEL 86:
THE EAST 150 FEET OF THE WEST 250 FEET OF THE SOUTH THIRD OF THE EAST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER PER KING COUNTY SHORT PLAT NO. 1273

PARCEL 87:
THE SOUTH THIRD OF THE EAST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LESS THE WEST 398 FEET, THEREOF, LESS COUNTY ROAD PER KING COUNTY SHORT PLAT NO. 1273

PARCEL 561:
THE WEST 150 FEET OF THE SOUTH THIRD OF THE EAST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF KING COUNTY SHORT PLAT NO. 1273

**TAX ACCOUNT #:**
6824684-5084
6824684-5085
6824684-5086
6824684-5087
6824684-5090

**SITE ADDRESS:**
16401 15th AVENUE NE.
16403 15th AVENUE NE.
16405 15th AVENUE NE.
16407 15th AVENUE NE.
SHORELINE, WASHINGTON

| | |
|---|---|
| ZONE: | CONCEPT REZONE |
| OCCUPANCY: | R-3 |
| CONSTRUCTION: | V-N 1 HR |

**IMPERVIOUS SURFACE**

| | |
|---|---|
| LOT | (approx.) 44,940 S.F. |
| BUILDING (165 x 16 UNITS) | 18,145 S.F. |
| ROAD | 16,240 S.F. |
| DRIVEWAY/WALKS | 10,875 S.F. |
| OPEN SPACE | 6,540 S.F. |

**GIS**
THE FOLLOWING SHALL BE ADDRESSED BY DEVELOPER:
1) VEGETATION LANDSCAPING & IRRIGATION
2) STORM WATER PLAN
3) LOCATION OF OPEN SPACE AREA

**PROJECT TEAM:**

**ARCHITECT**
KIRK CHRISTIANSON, PARTNER
ARCHITECTURAL DESIGN ASSOCIATES
2221 EVERETT AVENUE #203
EVERETT, WASHINGTON 98201
(425) 259-8661

**DEVELOPER**
STAN STRICKLAND

ARCHITECTURAL DESIGN

208

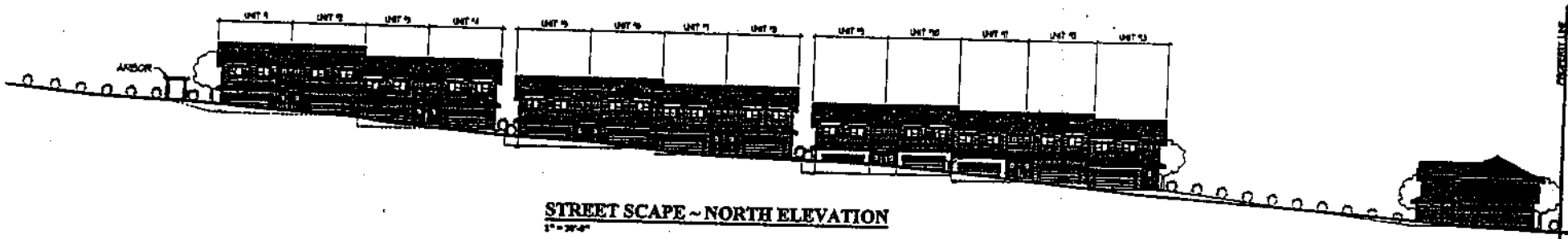
Proposed Preliminary Plat
SHORELINE VILLAGE

SP 1

EXHIBIT B-2

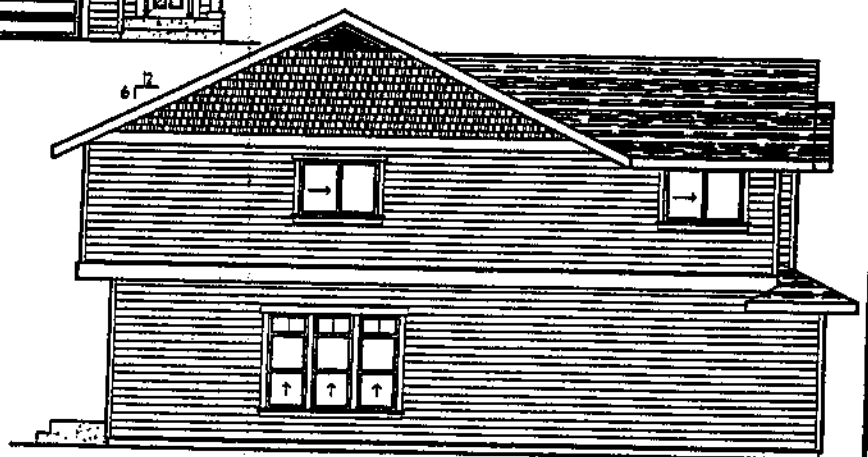
# SHORELINE VILLAGE TOWN HOMES

047



STREET SCAPE ~ NORTH ELEVATION

EAST ELEVATION



PROPOSED STREET ELEVATION ~ EAST

ARCHITECTURAL DESIGN

209

STREET

SHORELINE VILLAGE TOWNHOMES

2007

A-2 /

EXHIBIT B-2

# SHORELINE VILLAGE TOWN HOMES

048

SOUTH "REAR" ELEVATION

1" = 30'-0"

ARCHITECTURAL DESIGN ASSOCIATES

SOUTH "REAR" ELEVATION

Proposed Townhomes for SHORELINE VILLAGE TOWNHOMES

20073

A-2

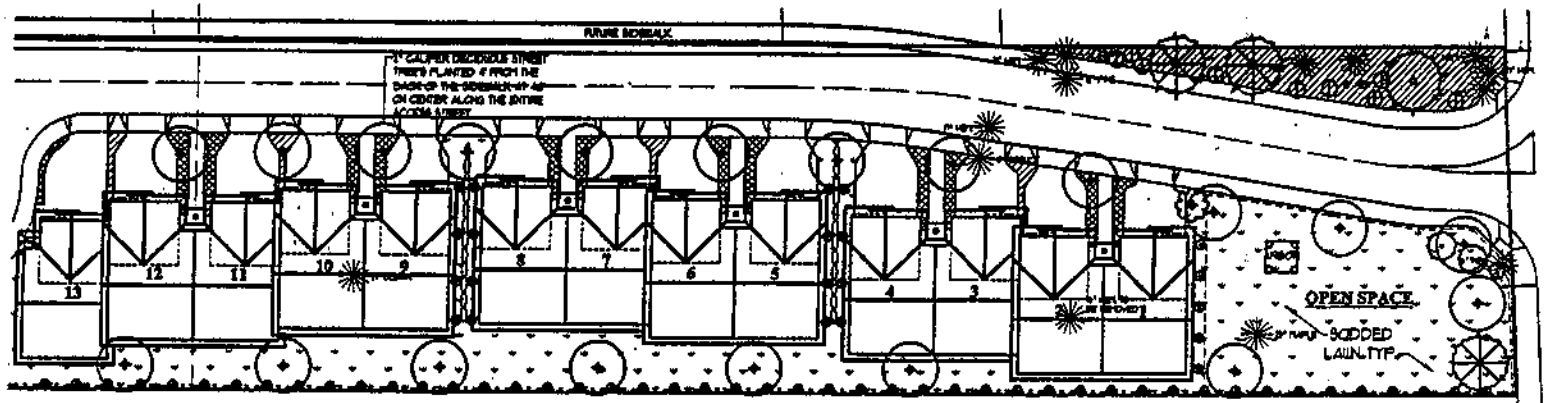
3 /

210

EXHIBIT B-3

046

MATCH LINE



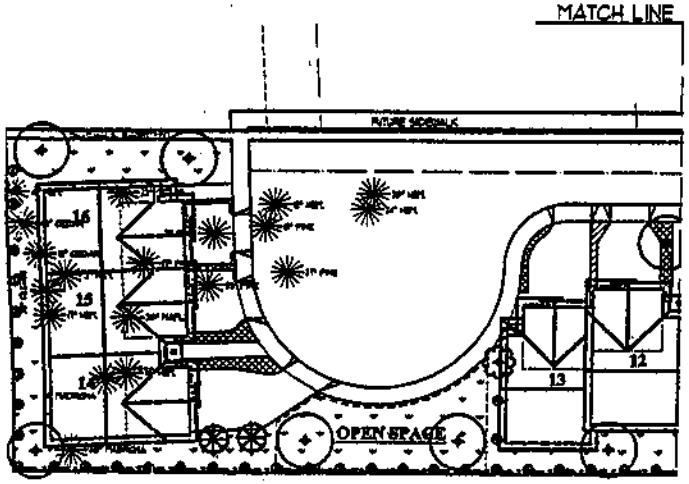

LANDSCAPE PLAN

| PLANTING SCHEDULE | | |
|---|---|---|
| SYMBOL | BOTANICAL | SIZE |
| | ACER RUBRU 'RED SUNSET' / RED SUNSET MAPLE | 3" CAL. MIN. B&B |
| | CERCIS CANDENSIS 'FOREST PANSY' / FOREST PANSY REDBUD | 2" CAL. MIN. B&B |
| | ACER CIRCINATUM / VINE MAPLE | 6' HT. MIN. B&B |
| | PINUS NIGRA / AUSTRIAN PINE | 6' HT. MIN. B&B |
| | TSUGA HERTENSIANA / MOUNTAIN HEMLOCK | 6' AND 8' HT. B&B |
| | THUJA OCCIDENTALIS 'EMERALD GREEN' / EMERAL GREEN ARBORVITAE | 5' MIN. |
| | PRUNUS LAUROCERASUS 'OTTO LUYKENII' OTTO LUYKEN LAUREL | 3' MIN. |
| | ARCTOSTOPHYLLOS 'VA-ONE-ONE-ONE' | 4" POTS @ 24" o.c. |
| | GAULTHERIA SHALLON/SALAL | 4" POTS @ 24" o.c. |
| | SODDED LAWN | |
| | EXISTING TREES - SEE PLAN FOR SPECIES | SEE PLAN |

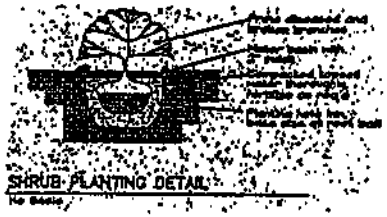
NOTES

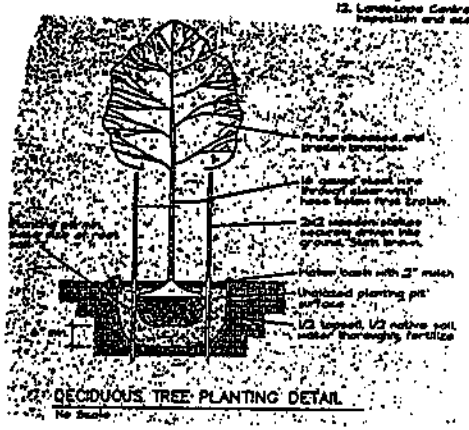
1. Subgrades, including berms, to within 1/10th foot provided by General Contractor unless otherwise noted.
2. Subgrade shall be scarified or rototilled if conditions require.
3. 4" depth 3-way topsoil or equal in all planting areas.
4. 2" depth fine grade bark mulch in all planting beds.
5. All plant material shall be healthy, full and conform to USA standard for every stock, latest edition.
6. Plant substitutes or size or kind not available may be substituted only with approval of Landscape Architect or Owner.
7. All mass plantings shall have triangular spacing.
8. All tree pits shall be inspected to insure proper drainage.
9. Positive drainage shall be maintained. Mound planting areas minimum 12".
10. Shrubs and trees minimum 42" from curb for car overhang unless shrubstops noted.
11. 3" wide bark mowing strip where lawn is adjacent to building.
12. Landscape Contractor shall maintain site until final inspection and acceptance by Owner.

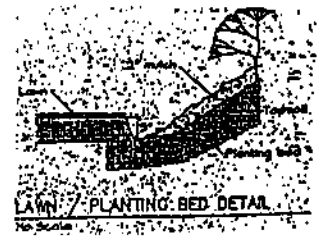
MATCH LINE

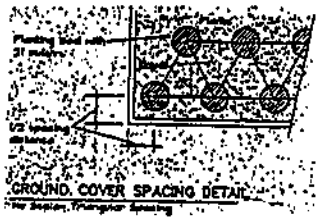



LANDSCAPE PLAN




211

SHORELINE VILLAGE

# ATTACHMENT D

1-30-2001

I would like to state my approval of this project as presented at this meeting.
My concerns were the trees from 165th Street - Trees - and stormwater

R. Haskett

049

RECEIVED
JUN 15 2001
P & DS

RECEIVED
P & DS

June 14, 2001
16261 12th ave NE
Shoreline, WA
98155

Dear Planning & Development,
Planning Commission & City Council-

Regarding Shoreline Village Townhomes development @ 16605 15th ave NE.

Please make it mandatory that all outdoor lights is non glare & shielded.

I live where I will see these proposed new homes from my kitchen window. And glaring lights will hurt my eyes. Deb Moore Marchant

050

RECEIVED
P & DS

Re: Shoreline Village Townhomes
Bad Idea.

June 25, 2001

To whom this concerns —

Our concern with this project is primarily focused on the quality of life for those who may live in these townhomes.

The location is such that it is almost inhabitual. Between the diesel fumes from the school buses & the loud engines of the school buses, how could it be possible to live there? Steve & Debora Merchant
16261 12th ave NE.

051

# Findings and Determination
# of the City of Shoreline Planning Commission

Shoreline Village Townhomes Amendment of
Contract Zone 1999-01, File #201016

***Summary-***
After reviewing and discussing the Shoreline Village Townhomes Amendment of Contract Zone 1999-01 on July 12, 2001 the Shoreline Planning Commission did find and determine that the amended contract was in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommended approval of such action as conditioned.

## I. Findings of Fact

1. Project Description-
   - 1.1 Amend Contract Zone 1999-01 Shoreline Village Townhomes
   - 1.2 Section 8, Township 26 North, Range 4 East, on the west side of the intersection of 15th Avenue NE and NE 166th Street (Tax Parcels 84, 85, 86, 87, 90).
   - 1.3 Amend Contract Zone 1999-01 Shoreline Village Townhomes

**General Site Plan**
The general site plan adopted as part of Contract 1999-01 would be completely revised as part of the proposed amendment. The major difference between the two plans is the replacement of parking stalls with two car garages and driveways for each unit. To accommodate the addition of garages and driveways, the applicant created more open space by attaching the units into groups. By attaching the units into groups the amount of open space increases from approximately 2,850 sq. ft. as contracted, to 6,950 sq. ft. as amended.

**Elevations and Landscape Plan**
The elevations and landscape plan adopted as part of Contract 1999-01 would be completely revised as part of the proposed amendment.

**Rezone Site Plan**

As part of Contract 1999-01 a rezone site plan and a general site plan were adopted. The amendment would delete the rezone site plan and adopt amendments to the original site plan. Only one site plan is needed.

**Road Profile**
The road plan would be removed as part of this amendment. Although the road plan for the amended Contract will be nearly the same as the road plan in the Contract, it must be engineered to reflect the changes as amended.

**Existing Tree Removal Plan**
This plan would be removed as part of this amendment. The existing tree removal plan for the Contract as amended is combined with the landscape plan. The landscape plan as amended identifies the existing trees that will be removed. The adopted Contract showed the removal of 24 existing trees. The amended Contract shows the removal of 24 existing trees.

**Lot Survey**
The lot survey would not be effected by the proposed amendment and would remain as part of the Contract.

**Floor Plans**
The Contract as amended would not include floor plans. Floor plans are typically not part of a land use action.

**Conditions**
In addition to the detailed plans listed above, Contract Zone 1999-01 was approved with 21 conditions. Some of the conditions must be amended to accommodate the change from 16 units without garages served by 32 parking spaces to 16 units each with a two car garage. The applicant is also requesting to amend and remove a few of the conditions that have been problematic to comply with in the implementation of the project. The amendments are depicted below with requested deletions shown as "strike-throughs" and additions shown with the text underlined.

2. Procedural History-
   - 2.2 Public hearing held by the Planning Commission July 12, 2001
   - 2.3 Complete Application Date: May 31, 2001
     Notice of Application Date: June 14, 2001
   - 2.4 Neighborhood Meeting Date: January 30, 2001
   - 2.5 Shoreline City Council adopted Contract 1999-01 on January 24, 2000, Ordinance No. 224.

3. Public Comment-
   - 3.1 The following individuals participated in Neighborhood Meetings:
     Pete & Sheila Theodoratos 1215 NE 168th ST
     Bob Mascott 1651 NE 169th ST

Sally Granger 16804 16th AVE NE
Jose Manhog 1256 NE 169th ST
Randy Lidren 1243 NE 168th ST
Young Kim 1233 NE 168th ST
James Forneris 16253 15th AVE NE
John J. Daly 16247 15th AVE NE
Patty Hale 16528 8th AVE NE
Kathy Triesch Saul & John B. Saul 1225 NE 168th ST
Jim Lindler 1639 NE 169th ST
John Thompson 16615 15th AVE NE
Susan & Joe Dubuque 1232 NE 168th ST
Mike & Mary Williams 1504 NE 166th ST
Fernando Leiva 1802 NE 169th ST
John & Lily Kim address not given

3.2 Written Comments have been received from:
Bob Mascott 1651 NE 169th ST
Steve & Deborah Marchant 16261 12th AVE NE
Deborah Marchant 16261 12th AVE NE

3.3 Public Testimony was given during the Public Hearing by:
John Garbe 12616 49th W. Mukilteo, WA 98275
Jim Braun 22727 Highway 99 Suite 203 Edmonds, WA 98026

4. SEPA: The project as contracted under Contract Zone 1999-01 was reviewed using the State Environmental Policy Act (SEPA) checklist and was issued a Determination of Nonsignificance on October 15, 1999. An updated SEPA checklist was prepared to address the proposed amendments to Contract Zone 1999-01. Although the proposal has been modified, these changes are not expected to result in any significant adverse impacts. After review of the updated SEPA checklist, it has been determined that the Determination of Nonsignificance (DNS) will be retained for the Contract as amended and no new DNS will be issued.

5. Consistency-

3.1 The application has been evaluated and found to be consistent with the five criteria listed in Shoreline Municipal Code Section 20.30.320 (B)

3.2 This rezone does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Contract Zone 1999-01 was reveiwed and approved using SMC Title 18. Amendments to Contract Zone 1999-01 are subject and conditioned to comply with Title 20. For elements of the contract that were not amended or not conditioned to Title 20, Title 18 applies. Permit applications shall show compliance with the 1995 King County Storm Water Design Manual and Title 18 and Title 20 of the Shoreline Municipal Code (SMC).

## II. Conclusions

1. **Criteria 1: The rezone (amendment to Contract Zone) is consistent with the Comprehensive Plan.**

   Contract Zone 1999-01 was found to be consistent with the Comprehensive Plan by both the Planning Commission and Council. The amendment proposed to Contract Zone 1999-01 would replace 32 parking spaces with 16 two-car garages and driveways. The changes to the site plan, landscaping plan, and elevations proposed to accommodate the garages do not affect the Contract Zone 1999-01's compliance with the Comprehensive Plan.

   Therefore, the Contract Zone as amended is still consistent with Comprehensive Plan policies such as:

   *LU23: Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600-2,400 new housing units and the future needs of Shoreline citizens.*

   *LU 30: Encourage the integration of open spaces into residential neighborhoods, including identification and protection of existing stands of trees and vegetation which serve as a greenbelt buffer, and small pocket parks when adopted and maintained to City park standards by private organizations.*

   *Goal H I: Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.*

   *H6: Encourage compatible infill development on vacant or underutilized sites.*

2. **Criteria 2: The rezone(amendment to Contract Zone) will not adversely affect the public health, safety or general welfare.**

   Contract Zone 1999-01 was found to have no adverse affects on the public health, safety, or general welfare by both the Planning Commission and Council. The proposed amendment to replace the parking area with attached two car garages and driveways does not significantly alter the project. The development of this site must meet the requirements of Title 18 for Contract Zone 1999-01 and Title 20 for any part of the plan that is proposed to be amended. Section 20.10.020 states the general purpose of the code is to "promote the public health, safety, and general welfare."

The project as contracted under Contract Zone 1999-01 was reviewed using the State Environmental Policy Act (SEPA) checklist and was issued a Determination of Nonsignificance on October 15, 1999. An updated SEPA checklist was prepared to address the proposed amendments to Contract Zone 1999-01. Although the proposal has been modified, these changes are not expected to result in any significant adverse impacts. After review of the updated SEPA checklist, it has been determined that the Determination of Nonsignificance (DNS) will be retained for the Contract as amended and no new DNS will be issued.

3. **Criteria 3: The rezone (amendment to the Contract Zone) is warranted in order to achieve consistency with the Comprehensive Plan.**

   The adoption of Contract Zone 1999-01 was warranted in order to achieve consistency with the Comprehensive Plan. The proposed amendment to Contract Zone 1999-01 does not alter the Contract's consistency with the Comprehensive Plan.

4. **Criteria 4: The rezone(amendment to the Contract Zone) will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.**

   Contract Zone 1999-01 was found to not be materially detrimental to uses or property in the immediate vicinity by both the Planning Commission and Council. The proposed amendment to replace the parking area with attached two car garages and driveways does not significantly alter the project or the project's impact on uses or property in the immediate vicinity.

5. **Criteria 5: The rezone (amendment to the Contract Zone) has merit and value for the community.**

   Contract Zone 1999-01 was found to not be materially detrimental to uses or property in the immediate vicinity by both the Planning Commission and Council. The proposed amendment to replace the parking area with attached two car garages and driveways does not significantly alter the project. Additional open space is proposed as part of this amendment, which could be viewed as adding merit and value for the community.

## III. Recommendation

Based on the Findings, the Planning Commission recommends approval of this application to amend Contract Zone 1999-01 Shoreline Village Townhomes, for the properties located at Section 8, Township 26 North, Range 4 East, on the west side of the intersection of 15$^{th}$ Avenue NE and NE 166$^{th}$ Street (Tax Parcels 84, 85, 86, 87, 90), subject to the following conditions:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.

2. A maximum of 16 ~~townhomes~~ units ~~in 8 duplex units~~ are permitted as proposed on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 ~~subject to revisions approved pursuant to condition 21~~.

3. The following features on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 shall control development with allowances for minor changes to materials and design*:

- Structural design, façade materials, gabled rooflines
- Orientation and siting of structures
- Building height
- Building bulk and scale
- Setbacks for front, back and side yards
- Lot coverage for buildings
- Privacy and defensible space
- Pervious and impervious surface coverage

* Minor changes to materials and design are limited to changes that meet or exceed the development requirements denoted in SMC Title 20.

4. Tree retention as provided on ~~site~~ Landscape plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 shall be required for site development. In the event that trees stipulated for retention are removed (whether inadvertently or through an approved building permit), each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed. Each replacement tree must be a minimum of two inches in ~~caliper~~ diameter at breast height.

5. Development shall provide and maintain fencing around tree preservation areas for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.

6. Development shall provide new landscape plantings, including trees, shrubs, groundcover, and perennial/annual flowering plants, as provided on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to

the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title ~~18.16~~20.50.450-20.50.510.

7. Development applications shall include:

(a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.

(b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 – 18.60.370.

(c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of three years. The performance bond or security may be amended to continue for an additional three years following the installation of substantial replacement vegetation.

The City must approve the Vegetation Mitigation Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit. Vegetation management shall be designed, implemented and effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

~~8. Parking spaces and landscaping of parking areas submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall be modified to include:~~

~~(a)relocation of handicapped parking spaces to area in front of Building E, F or G~~

~~(b) providing marked guest parking spaces north of Building H~~

~~(c)combining landscaping areas in parking lot so that a planted areas is located adjacent to Building C,~~

~~(d) providing that all planted sections within the parking area include trees and shrubs in addition to ground cover.~~

~~The City must approve the Vegetation Planting Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit.~~

9. A ~~sound attenuation~~ a six foot solid wood fence along the southern boundary of the property, to address noise impacts from the adjacent Shoreline School District Bus Barn shall be provided. The fence shall be approved by the City of Shoreline and installed prior to the issuance of the Certificate of Occupancy for Shoreline Village.

*10.* ~~A~~ Two common open space areas totaling approximately 6,940 sq. ft. ~~(34 feet by 65 feet) between buildings D and E~~ shall be provided. ~~This~~ These areas shall be improved with plantings, seating, and other amenities, as identified on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20.50.160.

11. A paved roadway as described on site plans submitted by ~~JRR Engineering~~ Architectural Design Associated to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20 shall be constructed. This roadway shall be dedicated in fee or as a public access easement to the City of Shoreline prior to the issuance of a Certificate of Occupancy for Shoreline Village.

12. A pedestrian sidewalk as identified on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 18.18 shall be constructed.

13. The Development shall provide for a vegetation mitigation plan for the vegetation along the north property line and such plan shall include a provision to protect off-site vegetation. The plan shall be reviewed and approved by a certified arborist.

14. Owner shall design, install and maintain streetlighting which is sufficient to illuminate the site and is directed toward the interior of the site in order to limit impacts on neighboring properties to the north of Shoreline Village. The lighting plan shall be approved by the City of Shoreline and lighting shall be installed prior to the issuance of the Certificate of Occupancy.

15. Owners shall construct and maintain a solid screen (e.g., wood fencing, landscaping) along the northern boundary of the property to provide a buffer along the joint north property line for Shoreline Village and the south property line of the abutting properties on NE 168$^{th}$ Street.

16. Owners shall install, monitor and maintain a Surface/Storm Water Management Plan, pursuant to Memorandum issued by the City of Shoreline on September 14, 1999. The Plan and Agreement shall also incorporate the measures listed below:

a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Ron Riach/JRR Engineers, dated 1/6/99.

b) A complete set of construction drawings is to be submitted, approved and a site development permit issued before beginning any construction.

*c)* ~~An easement must be obtained from the School District for storm tight drain line~~ The engineering plans and connection to the drainage system located on Shoreline School District property to be reviewed and approved before issuance of a site development permit.

d) All drainage facilities are to be dedicated to the City of Shoreline before a Certificate of Occupancy is issued for Shoreline Townhomes.

The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, shall be approved by the City's Planning Department prior to the issuance of the Site development permit.

17. Owner shall provide a Standard Conditions Plan and Agreement, with detailed information and specifications for Grading Conditions, Drainage Conditions and Erosion Control Conditions.

18. Owners shall be required to establish and maintain in force and effect, a Homeowner's Association, to be responsible for maintenance of common areas, infrastructure and utilities.

19. Owners shall file a lot line adjustment to vacate lot lines within the Property. The merger shall be completed prior to the issuance of the Site development permit for Shoreline Village.

20. Owners shall, in accord with the direction of the King County Historic Landmarks Commission: (a) provide an archival photographic record of the structure (Lot 87) that is listed in the King County Historic Site Survey; ~~and (b) list the structure for sale for the amount of $1.00 with the listing to be published weekly for a period of one month prior to demolition. If the structure is sold, then the applicant shall pay to the buyer an amount equivalent to the cost of demolition of the structure to be contributed to the cost of its relocation.~~

~~21. Prior to filing the Concomitant Rezone Agreement, staff and the applicant shall revisit the site layout with the goal of rotating some of the buildings or reconfiguring them so they face the street where feasible.~~

22. The garages and driveways shall be designed and constructed to meet the general development standards as described in SMC Title 20.50.140 (B) and (F).

**City of Shoreline Planning Commission**

_____ Date: 8/2/01
, Chairperson

**Council Meeting Date:** August 20, 2001 **Agenda Item: 9(b)**

# CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

| | |
|---|---|
| **AGENDA TITLE:** | Resolution No. 179 Opposing The Inclusion of Point Wells On King County's List of Final Candidates For The Brightwater Wastewater Treatment Plant |
| **DEPARTMENT:** | City Manager's Office |
| **PRESENTED BY:** | Kristoff T. Bauer, Assistant to the City Manager |

**PROBLEM/ISSUE STATEMENT:** On July 16th, Council discussed its preferred position regarding King County's inclusion of the Point Wells property. The City had chosen in January 2000 to take a neutral participatory stance on this issue. During the July discussion, all Councilmembers expressed an interest in taking steps to oppose the continued inclusion of Point Wells as a candidate site.

**ALTERNATIVES ANALYZED:**

- Execute a letter to King County Executive Sims and the King County Council articulating the City's concerns regarding the consideration of Point Wells
- Pass a resolution officially stating the City's position regarding the inclusion of Point Wells as a candidate for the siting of the Brightwater wastewater treatment facility (Attachment A)
- Seek an opportunity to meet with Executive Sims and some King County Council Members (Mayor Jepsen and Steve Burkett, City Manager, met with Executive Sims on Thursday, August 9, 2001)
- Continue to participate in King County's siting process

**FINANCIAL IMPACT:** None

## RECOMMENDATION

Staff recommends that Council pass Resolution No. 179 opposing the inclusion of Point Wells on King County's list of final candidates for the Brightwater wastewater treatment plant and sign transmittal letter to Executive Sims and the King County Council.

Approved By: City Manager KTB City Attorney N/A

**ATTACHMENTS**

Attachment A – Resolution No. 179 Opposing The Continued Investigation Of Point Wells By King County As A Candidate Site Of For A Wastewater Treatment Plant

Attachment B – Transmittal Letter to King County Executive, Ron Sims, and the King County Council

**RESOLUTION NO. 179**

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, OPPOSING THE CONTINUED INVESTIGATION OF POINT WELLS BY KING COUNTY AS A CANDIDATE SITE FOR A WASTEWATER TREATMENT PLANT.**

WHEREAS, the King County Executive is scheduled to make a recommendation to the King County Council regarding the identification of two to five "Final Candidate" sites for the County's Brightwater wastewater treatment plant in early September 2001; and

WHEREAS, the Point Wells property on the northwest corner of Shoreline is a "Candidate" under consideration for identification as a "Final Candidate" site; and

WHEREAS, the City of Shoreline has participated in King County's siting process and reviewed information and analysis made available by County staff; and

WHEREAS, the City of Shoreline supports the selection of a site for the Brightwater wastewater treatment plant that is in the best interests of the greater King County region served by the King County Wastewater Treatment Division; and

WHEREAS, the City of Shoreline does not believe that construction of a wastewater treatment plant on the Point Wells property would be in the best interests of the region for the following reasons:

- The earthquake risk to a plant at this site from landslides and liquifiable soils would be high
- Doing so would make two of the County's three major treatment facilities vulnerable to damage from a single tsunami event in Puget Sound
- The site's only roadway access is via a non-arterial residential street that has been subject to closure due to landslide or adverse weather
- The County has placed a high value on increasing the opportunity for water reuse through effective placement and design of the Brightwater treatment facility. Constructing this facility at the Point Wells location would not provide the treated effluent conveyance pipeline necessary to create the backbone of an inexpensive reusable water conveyance system. Wastewater revenues can not legally support the engineering solution proposed by County staff of installing an effluent conveyance system to pump treated water back inland from Point Wells to potential customers. The expense of installing and operating such a conveyance system, or other alternatives such as pilot treatment facilities, could increase the cost of reuse water past the point of marketability. In summary, constructing the Brightwater plant at Point Wells would not create any reuse opportunity that does not already exist, while inland sites under consideration would increase opportunities for reuse consistent with the County's stated objective.
- The usable area of this site makes it less flexible, more expensive to construct, and reduces the potential for future expansion to deal with regulatory change or increased regional needs

- Doing so would displace an important regional resource – asphalt - with no alternative siting available with the potential to increase the cost of road construction and maintenance activities throughout King and Snohomish counties
- Doing so would require the acquisition of a large high value property with only a small percentage of that property available for the intended use; and

WHEREAS, the City of Shoreline believes that a treatment plant at Point Wells would present a uniquely high risk of impact on the adjacent community and that there are other sites under consideration that would better serve the interests of the region and have fewer impacts on the adjacent community due to the fact that:

- Point Wells is the only site accessible only via a single non-arterial residential street
- Point Wells is the farthest from a state highway
- The neighborhoods to the south - Richmond Beach, Innis Arden, Highlands - can't be buffered from potential plant impacts
- All the impacts of a plant located at Point Wells would fall on Shoreline; a community that already hosts several significant regional facilities including:
  - King County Solid Waste Transfer Station
  - King County Bus Shelter
  - King County Roads Maintenance Yard (Brugger's Bog)
  - WSDOT Maintenance Yard
  - WSDOT Administrative Building
  - State Fircrest Property (NERF, Center for Disease Control, Others)

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

**Section 1.** The Council finds that Point Wells is not the best potential location identified for King County's proposed Brightwater facility.

**Section 2.** The Council finds that the continued investigation of Point Wells as a potential location for a regional wastewater treatment facility would be a waste of public resources and lead to unnecessary public and intergovernmental discord.

**Section 3.** The Council finds that the identification of Point Wells as a "Final Candidate" site for the King County Brightwater wastewater treatment plant is not in the best interest of the region or the City of Shoreline and that it shall be the City's policy to oppose such identification.

**Section 4.** The Council directs City staff to convey this resolution to all appropriate entities and take action consistent with the policy established hereby.

**ADOPTED BY THE CITY COUNCIL ON AUGUST 20, 2000.**

_____
Mayor Scott Jepsen

ATTEST:

_____
Sharon Mattioli
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

# ATTACHMENT B

CITY OF SHORELINE

SHORELINE CITY COUNCIL

Scott Jepsen
Mayor

Ron Hansen
Deputy Mayor

Kevin Grossman

Rich Gustafson

Cheryl Lee

Linda Montgomery

Robert Ransom

August 20, 2001

Ron Sims
King County Executive
516 Third Avenue
Seattle, WA 98104-2312

Re: Resolution Opposing The Continued Consideration of Point Wells

Dear Executive Sims:

As a Council, we recently took an opportunity to hear from our residents and staff regarding the inclusion of Point Wells as a Brightwater candidate site. Based upon our knowledge of Point Wells and what we heard, we expressed uniform concern and opposition to the continued consideration of Point Wells as a candidate site for the Brightwater facility. This opposition and our supporting rationale are articulated in the attached resolution, passed by our Council on August 20, 2001.

Shoreline understands the regional need for the proposed facilities. We support the Regional Wastewater Services Plan and the development of additional wastewater treatment capacity. We simply do not believe that continued consideration of the Point Wells site serves the interests of the region or our community. We appreciate your time and attention and hope to continue our participation in this important regional process.

Sincerely,

| | | |
|---|---|---|
| Scott Jepsen<br>Mayor | Ron Hansen<br>Deputy Mayor | Cheryl Lee<br>Council Member |
| Rich Gustafson<br>Council Member | Linda Montgomery<br>Council Member | Kevin Grossman<br>Council Member |

Robert Ransom
Council Member

Enc
C: King County Council