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**Council Meeting Date:** September 27, 2004

**Agenda Item:** 9(b)

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**CITY COUNCIL AGENDA ITEM  
CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 361, a preliminary formal subdivision for 32 zero lot line lots located at 19201 15th Avenue NE
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Timothy M. Stewart AICP, PADS Director Paul MacCready, Planner

**ISSUE STATEMENT:**

The issue before Council is an application for a preliminary formal subdivision that would create thirty-two zero lot line single family lots located at 19201 15th Avenue NE.

The applicant proposes to subdivide eight lots into thirty-two building lots, six open space tracts and one access tract. Please see Exhibit A: Vicinity Map and Site Plan.

Demolition is proposed for four existing uninhabitable buildings and construction of thirty-two zero lot line townhomes grouped into seven fourplexes and two duplexes along the access tract. Landscaping (including existing significant tree clusters), guest parking, and a sports court/play area are proposed within the common areas.

During deliberations, the Planning Commission inquired about the details regarding the design of the street end of the access tract, specifically why it did not include a turnaround. The developer worked with staff and determined that preservation of significant trees at the north end of the site warrant altering the design of the street end. Public Works and the Fire Department reviewed the submitted layout and determined that a turnaround is not necessary. Staff is now working with the applicant on an engineering variance to vary the street end requirements.

The Comprehensive Plan identified this area for potential mixed use and high density development. During the 2001 reconciliation process the Planning Commission evaluated and recommended rezoning the subject property to R-24 for higher density. Staff had initially recommended R-8 zoning. This developer has been working with the City on this project since that time. This infill development supports the Comprehensive Plan's goal to accommodate growth that is compatible with the surrounding environment

Shoreline Municipal Code (SMC) 20.30.060 requires a preliminary formal subdivision to be processed as a quasi-judicial or "Type-C" action, which requires an open record public hearing. The Planning Commission conducted a hearing on September 2, 2004.

The Planning Commission unanimously recommends that Council approves the preliminary formal subdivision as recommended by staff and detailed in Exhibit B and as modified in Exhibit C.

**Staff Recommended Amended Condition:**

Shoreline Municipal Code (SMC) 12.05.020 requires abutting property owners to maintain public sidewalks in safe condition. The burden and expense of maintenance and repair of sidewalks along the side of any street shall fall upon and be borne by the property directly abutting thereon. The Homeowner's Association should be responsible for the maintenance and repair of any required frontage improvements abutting the subdivision.

Council review of Type-C actions must be based upon the written record and no new testimony may be heard.

**ALTERNATIVES ANALYZED:**

The following options are within the discretion of the Council and have been analyzed by staff:

- The Council could adopt the preliminary formal subdivision recommended by the Planning Commission and staff by adopting Ordinance No. 361, included as Exhibit C.
- The Council could adopt the preliminary formal subdivision recommended by the Planning Commission and staff by adopting Ordinance No. 361 (included as Exhibit C), but amending Condition 2 to add "The Homeowner's Association shall also be responsible for maintaining and repairing frontage improvements within the public right-of-way abutting the subdivision".
- The Council could adopt the preliminary formal subdivision, but amend the Planning Commission's Findings of Fact, Conclusions and Conditions, included as Exhibit C.
- The Council could amend the Planning Commission's Findings of Fact and Conclusions and deny the preliminary formal subdivision.

**FINANCIAL IMPACTS:**

There are no direct financial impacts to the City.

**RECOMMENDATION:**

The Planning Commission and staff recommend that Council adopt Ordinance No. 361, included as Exhibit C, thereby approving the preliminary formal subdivision for thirty-two building lots, six open space tracts and one access tract located at 19201 15th Avenue NE. Staff also recommends that Council adopt amended Condition 2.

Approved By: City Manager  City Attorney 

**EXHIBITS:**

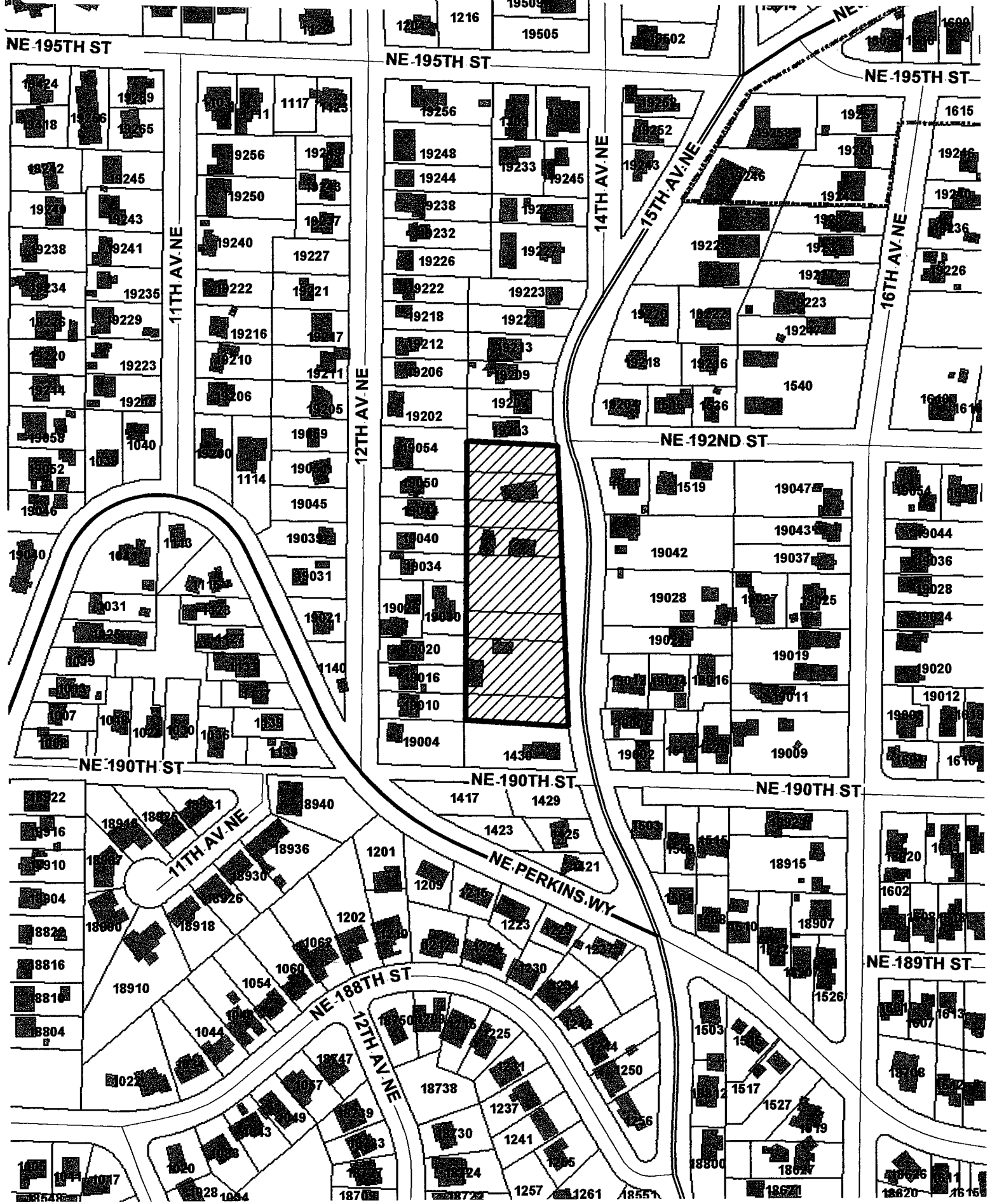
Exhibit A: Vicinity Map and Site Plan

- Exhibit B: Planning Commission Staff Report, September 2, 2004
- Exhibit C: Ordinance 361; Planning Commission Findings, Conclusions, and Recommendation, September 8, 2004
- Exhibit D: Planning Commission Minutes, September 2, 2004

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# VICINITY MAP & SITE PLAN

# EXHIBIT A

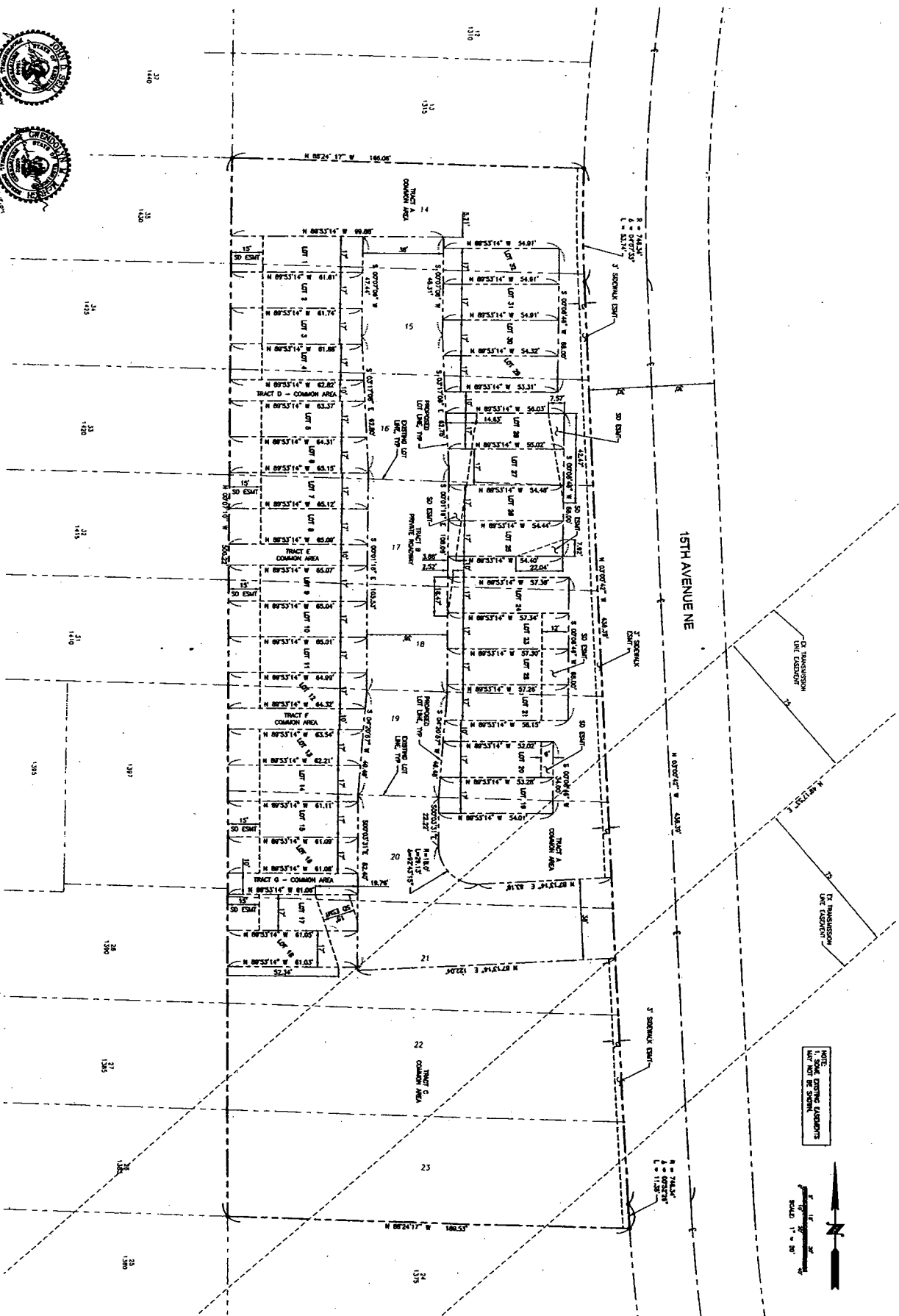


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NE 1/4, SE 1/4, SEC. 5, T. 26 N., R. 4 E., W.M.

15TH AVENUE NE



NOTE:  
1. SOME EXISTING EASEMENTS  
ARE NOT SHOWN.



20121212

**CEDAR HEIGHTS - PRELIMINARY PLAT**  
19021 - 15th Avenue Northeast  
Shoreline, Washington

**PLOT PLAN**



**87**  
Layton & Sell, Inc., P.S.  
15500 Redmond Way & Suite 303  
Redmond, Washington 98052-3202  
Office: (425)881-8151 • Fax: 885-2154

DESIGNED: JDS/GJM  
DRAWN: JDS/GJM/DRY  
CHECKED:  
APPROVED:

DATE: MAR. 23, 2004

ADDED STORM ORNANCE EXASMENT TO LOTS 24, 25,  
26, 27, & 28.

DATE: 4/13/04  
BY: GBE

C2

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**Planning Commission Meeting Date: 9-2-2004**

**Agenda Item: 6.a**

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**PLANNING COMMISSION AGENDA ITEM  
CITY OF SHORELINE, WASHINGTON**

<p><b>AGENDA TITLE:</b> Cedar Heights Preliminary Formal Subdivision <b>DEPARTMENT:</b> Planning and Development Services <b>PRESENTED BY:</b> Paul E. MacCready, Planner</p>
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**I. PROPOSAL**

The proposed Preliminary Formal Subdivision (File No. 201318) would create thirty-two new lots and seven private tracts from eight existing lots at 19201 15th Avenue Northeast. (See Vicinity Map **Attachment A**). Demolition is proposed for four existing vacant buildings and construction of thirty-two zero lot line townhomes with a private tract for access and two private common area tracts. The units will be clustered into seven fourplexes and two duplexes. (See Preliminary Plat Drawing **Attachment B**). Onsite improvements required for this proposal include stormwater detention and landscaping.

**II. FINDINGS OF FACT AND CONCLUSIONS**

**1. PROJECT SITE CHARACTERISTICS**

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



**2. NEIGHBORHOOD CHARACTERISTICS**

- 2.1 The project site is located in the North City Neighborhood on the west side of 15th Avenue Northeast between NE Perkins Way and NE 192nd Street.
- 2.2 A mix of single and multi-family developments characterizes the immediate neighborhood on 15th Avenue North. Two businesses are located across the street. Single family residences occupy lots abutting the subject property
- 2.3 The classification of 15th Avenue North is principal arterial.

**3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT**

- 3.1 The Land Use Map in the Comprehensive Plan designates the project site for mixed use with the southern fifty feet of the site as low density residential. This designation is applied to stable and developing areas and is intended to encourage the development of pedestrian oriented places, with architectural interest that integrate a wide variety of retail, office and service uses with residential uses.
- 3.2 Policy LU23 - Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600 to 2,400 new housing units and the future needs of Shoreline citizens.
- 3.3 Policy H1 - Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.
- 3.4 Policy H6 - Encourage compatible infill development on vacant or underutilized sites.

**4. REGULATORY AUTHORITY**

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

**5. PROCEDURAL HISTORY**

- 5.1 Several preapplication meetings were held with the developer and City staff. The most recent meeting held prior to the neighborhood meeting was December 17, 2003. The proposal at that time was to subdivide into 37 townhouse lots.
- 5.2 A neighborhood meeting was held January 27, 2003 for the proposed 37 units. During the public comment period, it was brought to the attention of staff that the applicant inadvertently omitted a street, 12th Avenue NE, in their notification of the neighborhood meeting. The street was included during the mailings when the consolidated application and public hearing notice was posted. The applicant and staff will rectify this oversight by directly contacting the neighbor.
- 5.3 The preliminary formal subdivision application for 32 lots and State Environmental Policy Act (SEPA) checklist were submitted on June 9, 2004.
- 5.4 The proposal was determined to be complete for processing on July 7, 2004.
- 5.5 A Consolidated Notice of Application and Notice of Public Hearing for the proposal was issued on July 22, 2004 with request for public comment ending on August 6, 2004.
- 5.6 A SEPA Threshold Determination of Non-Significance (**Attachment C**) for the proposal was issued on August 18, 2004 with the administrative appeal ending on September 1, 2004.

**6. PUBLIC COMMENT**

- 6.1 There was one written public comment letter received for this proposal (**Attachment D**). The letter expressed concern about density, tree protection, dumpster location, open space, the proposed sports complex, and building height.

**7. REVIEW CRITERIA**

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

**A. ENVIRONMENTAL**

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

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

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

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

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

Staff Analysis - The property does not contain hazardous land conditions.

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

Staff Analysis - The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the Surface Water Design Manual. See further analysis under 11.1. The project must also comply with all height restrictions as specified in SMC Chapter 20.50.

## **B. LOT AND STREET LAYOUT**

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

Staff Analysis - The proposal meets design standards for zero lot line development as set forth in SMC Chapter 20.50. No nonconforming structures, uses, or lots will be created. This final proposal reduces the total number of lots by five from 37 to 32.

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

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

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

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

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

Staff Analysis - Public sidewalk access will be available from the proposed on-site sidewalk system.

### **C. DEDICATIONS**

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

Staff Analysis - Dedication of right-of-way or park land is not required for this proposal. See further analysis under 9.6.

### **D. IMPROVEMENTS**

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

Staff Analysis - This project will comply with the all requirements specified in the City of Shoreline Development Code and Development Engineering Guide. See further analysis under 9, 10, and 11.

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

Staff Analysis - This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities. See further analysis under 10.

## **8. ZONING DESIGNATION, DENSITY AND PERMITTED USES**

- 8.1 The project site is zoned as Residential - 24 units per acre (R-24), except for the southern fifty feet, which is R-6.

- 8.2 The maximum number of units allowed by the density requirements is 44 units; the minimum number of units for the site should be 20.
- 8.3 The proposed density is 15.8 units per acre.
- 8.4 SMC 20.40.120 specifies that zero lot line townhouses are a permitted use in both R-24 and R-6 Zones. All the residential units will be located in the R-24 Zone. Open space, guest parking and a portion of the sports court will occupy the R-6 Zone.

## 9. SITE DEVELOPMENT STANDARDS

- 9.1 Lot Layout - Exception 2 to SMC Table 20.50.020(1) allows some dimensional standards to be modified. These standards include minimum lot width, minimum lot area, and minimum yard setbacks. The proposed modifications are:
  - a) Reduction of minimum lot width to 17 feet,
  - b) Reduction of minimum lot area to approximately between 1,100 square feet and 1,500 square feet,
  - c) Minimum interior lot line setbacks to zero.

The project shall be required to meet impervious and building coverage requirements specified in SMC Chapter 20.50 as calculated using all lots of the plat.
- 9.2 Building Heights - The maximum building height for R-24 is 35 feet or 40 feet with a pitched roof. The proposed height of the buildings is 34 feet. This height should not block the views of the neighbors to the west because the buildings will be situated approximately 20 to 25 feet lower on the slope. See attached Schematic Elevation of Typical Building (**Attachment E**).
- 9.3 Building Design Standards - SMC 20.50.180(A) specifies that to the maximum extent feasible, primary facades and building entries single family attached residences shall face the street. The units immediately adjacent to 15th Ave NE should present a façade toward the street that contributes to the streetscape in a similar manner as the single family attached housing development on the northwest corner on Westminster Avenue N and N. 150th Street.
- 9.4 Open Space - Seven private common areas are proposed for open space. Landscaping, a sports court, and the guest parking lot will be located within these areas. Much of the common area will be under the City Light transmission lines. The applicant must provide written permission from City Light before the easement area may be paved. All building lots and dumpster locations must be outside the easement. Combined, the total area of open space will need to meet the calculation requirements of SMC 20.50.160 and be clearly delineated on the landscape plan to be submitted with the site development permit. If the units each have two bedrooms, a total of 4,160 square feet of open space is required. If the

units each have three bedrooms, a total of 5,440 square feet of open space is required. It appears the square footage of common area will more than meet the minimum requirements. These private land tracts will be owned and maintained by the thirty-two zero lot line townhouse lots.

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

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

- 9.9 Landscaping - SMC 20.50.490 requires Type I (full screen) landscaping in building setbacks for multi-family residential development adjacent to

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

#### **10. Adequacy of Public Facilities**

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

#### **11. Engineering and Utility Development Standards**

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

### **III. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward to the City Council a recommendation of approval with conditions as described in **Attachment J** for the Cedar Heights Preliminary Formal Subdivision application.

### **IV. ATTACHMENTS**

Attachment A: Vicinity Map

Attachment B: Preliminary Plat

Attachment C: SEPA Threshold Determination of Non-Significance

Attachment D: Public Comment Letter

Attachment E: Schematic Elevation of Typical Building

Attachment F: Tree Removal and Protection Plan

Attachment G: Shoreline Water District Water Availability Certificate

Attachment H: Ronald Wastewater District Sewer Availability Certificate

Attachment I: Preliminary Site and Drainage Plan

Attachment J: Staff Recommended Conditions of Approval

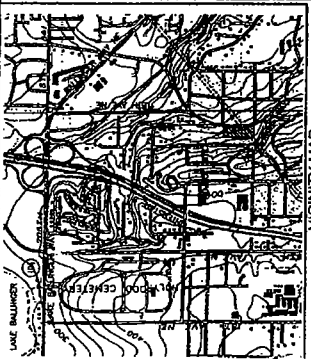


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ZONING BOUNDARY  
 PROJECT SITE BOUNDARY

201318

NE1/4, SE 1/4, SEC. 5, T. 26 N., R. 4 E., W.M.



VICINITY MAP

**OWNER:**  
 WA. BIL. INDIAN  
 137 NORTH 28TH STREET  
 SHREVEPORT, WASHINGTON

**PROJECT ADDRESS:**  
 137 NORTH 28TH STREET  
 SHREVEPORT, WASHINGTON

**BENCHMARKS:**  
 BENCH MARK 11111  
 BENCH MARK 11112  
 BENCH MARK 11113

**DATE:** MAY 23, 2004

**DATUM:** NAD 83

**SCALE:** 1" = 40'

**SHEET INDEX:**  
 01 - COVER SHEET  
 02 - PLAT PLAN  
 03 - SITE & DRAINAGE PLAN  
 04 - TREE REMOVAL & REPLACEMENT PLAN

**DATE:** MAY 23, 2004

**DATUM:** NAD 83

**SCALE:** 1" = 40'

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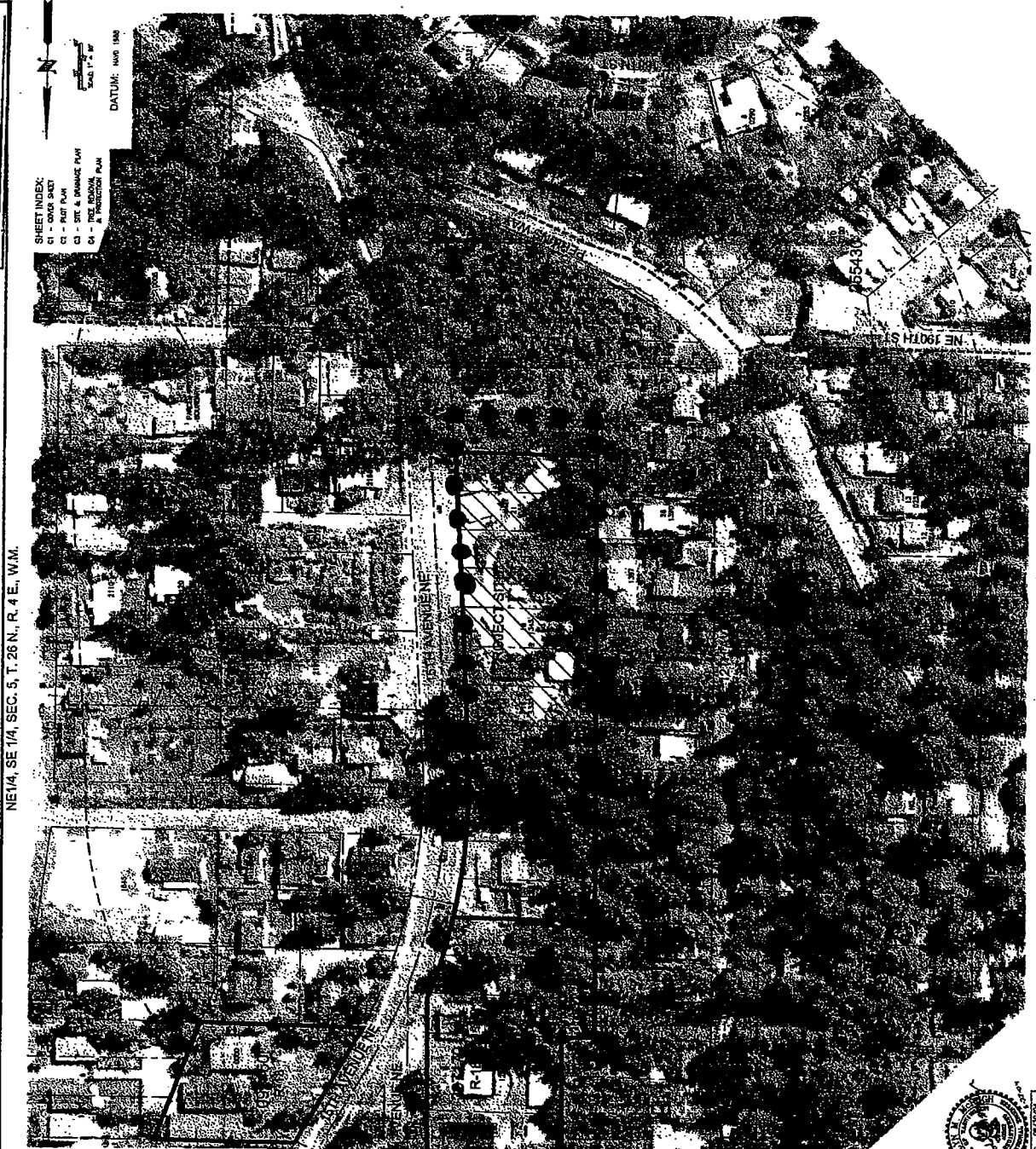
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**DATUM:** NAD 83

**SCALE:** 1" = 40'

**ATTACHMENT A**  
 CEDAR HEIGHTS - PRELIMINARY PLAT  
 COVER SHEET

**Layton & Sell**  
 Layton & Sell, Inc.  
 15000 15th Avenue SW  
 Shoreline, WA 98148  
 Phone: (206) 471-1111  
 Fax: (206) 471-1112

DATE:	MAY 23, 2004
NO.:	
PROJECT:	
APPROVED:	
DESIGNED:	
DRAWN:	
CHECKED:	
DATE:	



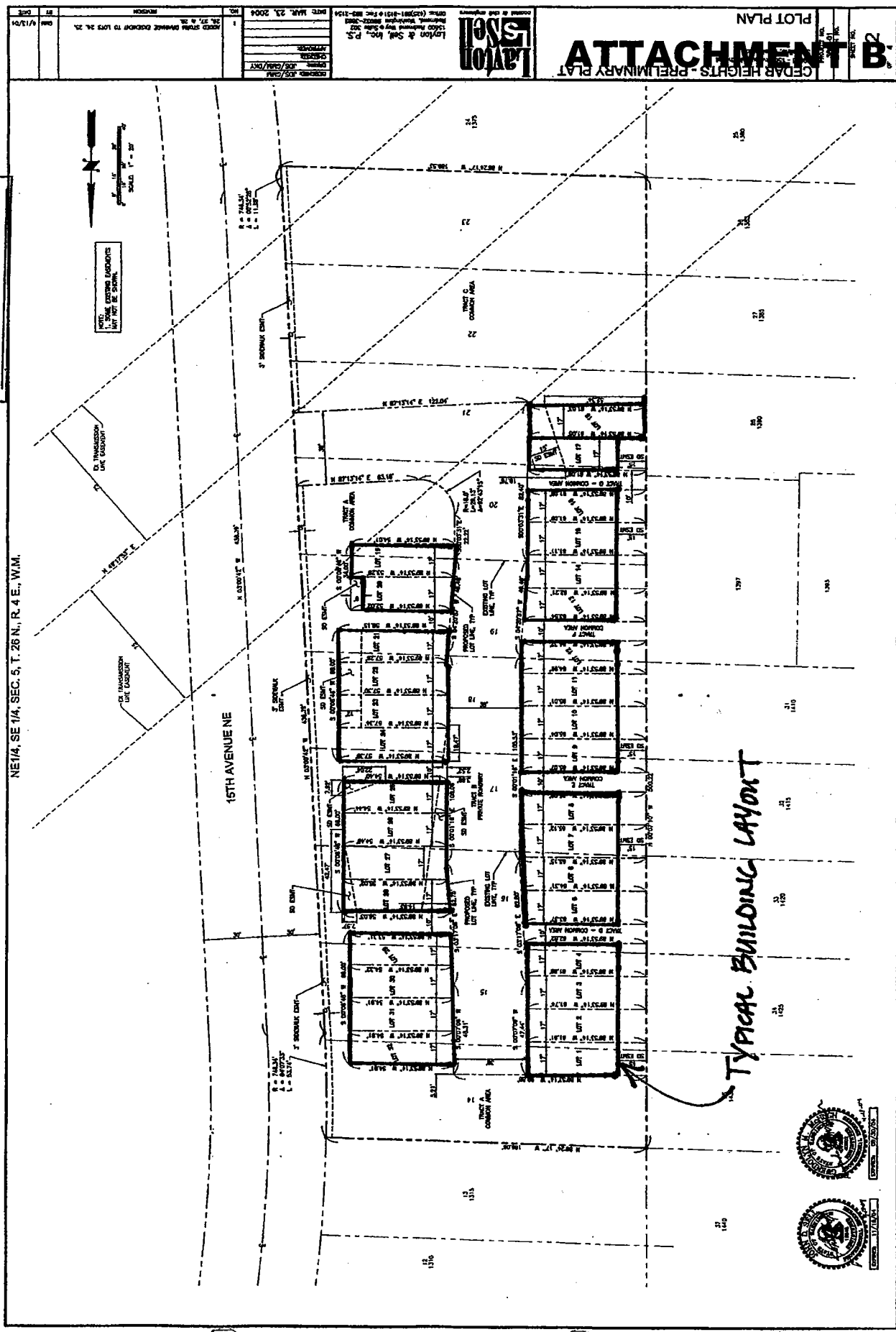
STATE OF WASHINGTON  
 PROFESSIONAL ENGINEER  
 LICENSE NO. 111111  
 EXPIRES 11/11/2004

STATE OF WASHINGTON  
 SURVEYOR  
 LICENSE NO. 111111  
 EXPIRES 11/11/2004

201318

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TYPICAL BUILDING LAYOUT



201318

**ATTACHMENT B**  
CEDAR HEIGHTS - PRELIMINARY PLAT  
PLOT PLAN



NO.	1
DATE	MAY 23, 2004
PROJECT	LOT 24, 25, 26, 27, & 28
OWNER	LYNCH, JAMES W. & WIFE
DESIGNER	LAYTON & SONS, INC.
SCALE	1" = 20'
BY	JLS
CHECKED	JLS
DATE	5/13/04



# ATTACHMENT C

## Planning and Development Services

17544 Midvale Avenue N.  
Shoreline, WA 98133-4921  
(206) 546-1811 ♦ Fax (206) 546-8761

### SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS)

#### CEDAR HEIGHTS, PRELIMINARY FORMAL SUBDIVISION

##### PROJECT INFORMATION

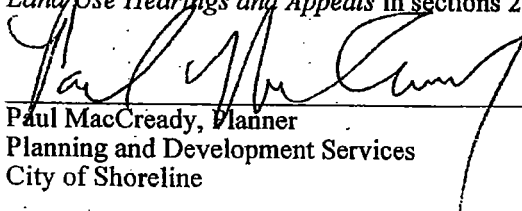
DATE OF ISSUANCE: August 18, 2004  
PROPOSED PROJECT DESCRIPTION: 32 lot attached single family residential subdivision, including nine separate buildings, guest parking and sport court/play area  
PROJECT NUMBER: Preliminary Formal Subdivision, #201318  
APPLICANT: Bill Henson, Property Owner  
AGENT: Dave Fletcher  
LOCATION: 19021 - 15th Ave NE  
PARCEL NUMBERS: 3971701320, 3971701330, 3971701335, 3971701340, 3971701345, 3971701355, 3971701370  
CURRENT ZONING: R-24, Residential - 24 Units Per Acre  
R-6, Residential - 6 Units Per Acre  
CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION: MU, Mixed Use  
LDR, Low Density Residential  
APPEAL DEADLINE: 5:00 PM, September 1, 2004

##### SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS)

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340. The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment and that an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the submitted SEPA Environmental Checklist, the preliminary formal subdivision application, technical information reports and other information on file at the City of Shoreline. This information is available for public review upon request at no charge.

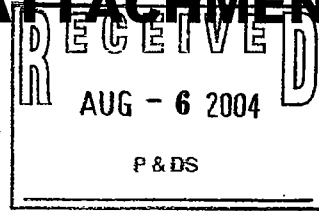
##### APPEAL INFORMATION

There is no additional comment period for this DNS. The optional DNS process as specified in WAC 197-11-355 has been used. The Consolidated Notice of Application and Notice of Public Hearing issued on July 22, 2004 stated the intent of the City of Shoreline to issue a DNS for this proposal using the optional process. Appeals of this DNS must comply with the Shoreline Municipal Code (SMC) general provisions for land use hearings and appeals and be received by the City of Shoreline no later than 5:00 p.m., September 1, 2004. Appeals must include a fee of \$373.00, an appeal statement, and must comply with the *General Provisions for Land Use Hearings and Appeals* in sections 20.30.170-270 of the *Shoreline Development Code*.

  
Paul MacCready, Planner  
Planning and Development Services  
City of Shoreline

08/18/2004  
Date

**ATTACHMENT D**



August 6, 2004

City of Shoreline  
Planning and Development Services  
17544 Midvale Ave. N  
Shoreline, WA 98133-4921

RE: Application File Number 201318  
Project Location 19021 15<sup>th</sup> Ave. NE

Overall we are pleased with the proposal for the townhouse development of this property. However, we have the following issues and concerns about this project:

1. Zoning: we feel the zoning should remain R-24 and not be increased to R-32, as all the surrounding properties are single family residences
2. Area adjacent to our property: the elevation differential between our property and the project creates several concerns for us:
  - a. We feel there should be a retaining wall to protect our property and trees
  - b. We have a very large fir tree close to the property line, we want to be sure that the tree is not injured by the excavation and is protected after the work is completed.
  - c. There are several smaller trees, including 2 juniper (pencil cedar), a golden chain, and vine maple very close to the property line which also need to be protected
  - d. What will be done at the west side of the project - Fencing, landscaping, etc.?
3. Dumpster: according to the plans we will look directly down on the dumpster, we are concerned about it's appearance, smell, and noise. We feel it would be better relocated much closer to 15<sup>th</sup> Ave. NE and slightly south. This would also be an improvement for units 17 and 18.
4. Open Space on the drawing: we would like to know what will be done with the open space near our property line
5. Sports Complex: we are concerned about the noise and hours of usage
6. Final grade and height of buildings: we, as well as several neighbors, are concerned about how the buildings will impact views. Mr. MacCready, Land Use Planner, told us that under R-24 buildings can only be 35 feet high, but didn't say if R-32 could be higher. When will we have an opportunity to comment on the height of the buildings and how they will look?

*James E. Perry*  
*Mildred J. Perry*

James E. and Mildred J. Perry  
19016 12<sup>th</sup> Ave. NE  
Shoreline, WA 98155  
206 364-1194  
[perryinj@aol.com](mailto:perryinj@aol.com)

# ATTACHMENT E



## Cedar Heights Townhouses

Elevation Studies

scale: 1/8" = 1'-0"

04  
12  
04

# A1

sheet

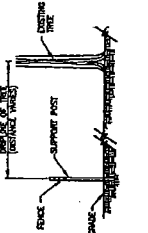
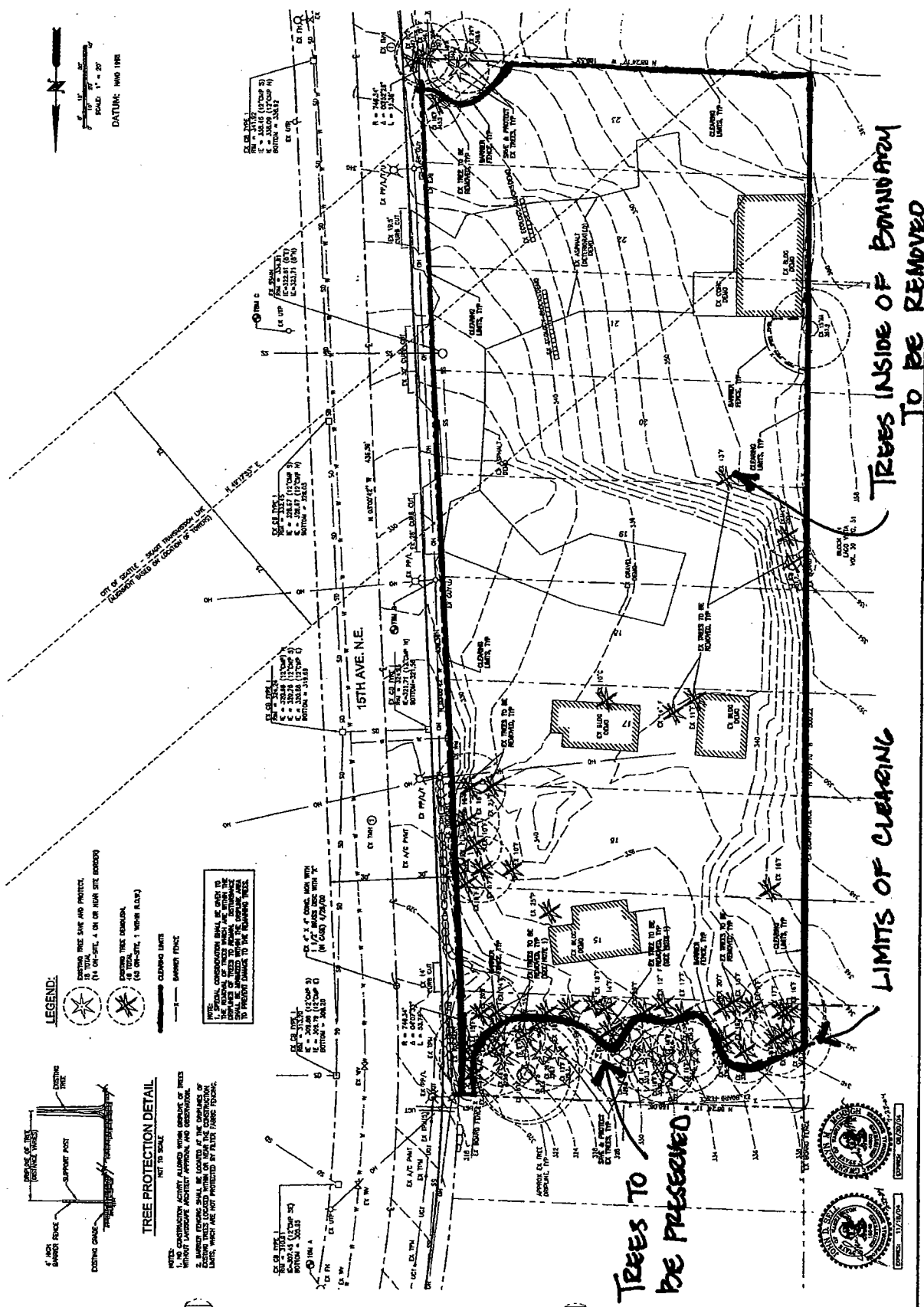
Olympic Associates Company  
701 Dexter Avenue North  
Suite 301  
Seattle, WA 98109

RECEIVED  
JUN 09 2004

P & DS

NE 1/4, SE 1/4, SEC. 5, T. 28 N., R. 4 E., W.M.

		<b>ATTACHMENT</b> CEDAR HEIGHTS - PRELIMINARY PLAN TREE REMOVAL & PROTECTION PLAN
DATE: MAR. 23, 2004 DRAWN BY: [Name] CHECKED BY: [Name]	PROJECT NO.: [Number] SHEET NO.: [Number]	LAYTON TREE REMOVAL & PROTECTION, INC. 15000 Rockwood Ave., Suite 202 Cedar Rapids, IA 52405-3844 Phone: (319) 399-1319 Fax: 399-1344



**LEGEND:**

- EXISTING TREE SAVE AND PROTECT (14" DBH - 24" DBH, 4" ON OR NEAR SITE BOUNDARY)
- EXISTING TREE DEMOLISH (24" DBH, (10" DBH - 24" DBH), 1" MORE RULES)
- EXISTING CLEARING LIMITS
- SHOWN FENCE

**NOTES:**

- NO CONSTRUCTION ACTIVITY ALLOWED WITHIN DESIGNATED TREE PROTECTION ZONES UNLESS OTHERWISE SPECIFIED.
- ALL EXISTING TREES TO BE REMOVED SHALL BE IDENTIFIED BY TREE TAGS AND REMOVED WITHIN THE DESIGNATED TREE PROTECTION ZONES.
- ALL EXISTING TREES TO BE PRESERVED SHALL BE IDENTIFIED BY TREE TAGS AND PROTECTED ACCORDING TO THE FOLLOWING RULES:

LIMITS OF CLEARING

TREES INSIDE OF BOUNDARY TO BE REMOVED

TREES TO BE PRESERVED



201318

**ATTACHMENT G**

This certificate provides the Department of Health and Development Services Group with information necessary to evaluate development proposals



PLANNING AND DEVELOPMENT SERVICES  
17544 Midvale Avenue North  
Shoreline, Washington 98133-4921  
(206) 546-1700

**CITY OF SHORELINE CERTIFICATE OF WATER AVAILABILITY**

*Do not write in this box*

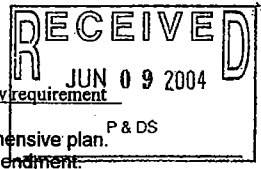
Number	Name

- Building Permit                       Preliminary Plat or PUD  
 Short Subdivision                       Rezone or Other \_\_\_\_\_

Applicant's Name David Fletcher  
 Proposed Use Build 32 single family townhomes  
 Location 19021 15th Avenue NE  
Lots 14 - 23, Block 14, Lago Vista Add  
 (Attach map and legal description if necessary)

**WATER PURVEYOR INFORMATION**

- Domestic Service Only:**
1. a.  Water will be provided by service connection only to an existing 8-inch water main 440 feet from the site.
- b.  Water service will require an improvement to the water system of:  
 (1) \_\_\_\_\_ feet of water main to reach the site; and/or  
 (2) the construction of a distribution system on the site; and/or  
 (3) other (describe) improvement may be required, depending on fire flow requirement
2. a.  The water system is in conformance with a County approved water comprehensive plan.  
 OR b.  The water system improvement will require a water comprehensive plan amendment.
3. a.  The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board approval for extension of service outside the district or city, or is within the County approved service area of a private water purveyor.  
 OR b.  Annexation or BRB approval will be necessary to provide service.
4. a.  Water is/will be available at the rate of flow and duration indicated below at no less than 20 psi measured at the nearest fire hydrant \*southeast 570 feet from the building/property (or as marked on the attached map): \*East side of 15th Ave. NE
- |  |   |
|--|---|
| <p><b>Rate of Flow</b></p> <input type="checkbox"/> Less than 500 gpm (approx. _____ gpm)<br><input type="checkbox"/> 500 to 999 gpm<br><input type="checkbox"/> 1,000 gpm or more<br><input type="checkbox"/> flow test of _____ gpm<br><input checked="" type="checkbox"/> calculation of <u>2,505</u> gpm | <p><b>Duration</b></p> <input type="checkbox"/> less than 1 hour<br><input type="checkbox"/> 1 hour to 2 hours<br><input checked="" type="checkbox"/> 2 hours or more<br><input type="checkbox"/> other _____<br>(Commercial Building permits require flow test or calculation) |
|--|---|
- OR b.  Water system is not capable of providing fire flow.



**COMMENTS/CONDITIONS:** (1) The fire flow requirement for the applicant's proposed project must be determined to identify if improvements to the District's system are necessary. (2) This is not an application for or approval of water service to the proposed site. A proper application must be filed with and accepted by the District before service will be provided. The District has a connection charge (also called general facilities charge) and meter installation charge for each new water service provided. It is recommended that the applicant consult with the District to obtain applicable fees, charges, and procedures which may change during the property development process.

I hereby certify that the above water purveyor information is true. This certification shall be valid for one year from date of signature.

SHORELINE WATER DISTRICT  
 Agency Name  
 GIS/Construction Coordinator  
 Title

Phillip Lay  
 Signatory Name  
  
 Signature  
 6/4/04  
 Date

# ATTACHMENT G

## ADDITIONAL INFORMATION FOR EACH NUMBERED ITEM ON FORM FRONT

- 1A. Domestic service only is referenced in this item, 1A. Domestic service is for in-house consumption only and excludes fire protection.
- 1B. Service for a combination of domestic, fire and other conditions is referenced in this item.
- 4A. A computer analysis of the District's water system was performed for the purpose of determining the available water supply to fight a fire at the site location described on the front of this form. This section summarizes the results and procedures used to determine the fire flow capability of the District's system for fighting a fire at this location.

This analysis was based on the District's existing water system, without any development related improvements. The results of the analysis indicate that the fire flow capacity of the District's existing system is as shown on this form at a residual pressure of 20 psi in the main providing service to the site.

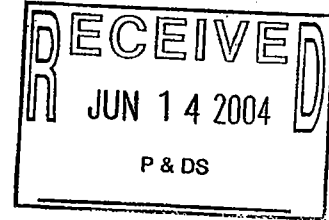
The fire flow capability for this analysis was computed using the Insurance Services Office (ISO) criteria, which is used by the Washington Survey and Rating Bureau, the local rating company. However, the criterion that the single largest source of supply was out of service (i.e., due to failure, maintenance, contamination, etc.) was not used. The largest source of supply to this area is the City of Seattle's Tolt Watershed Supply System. To treat this system as being out of service would be unreasonable and would grossly reduce the District's ability to supply fire flow capacity. A summary of the operational conditions used in the analyses are as follows:

- The District was experiencing peak hourly demand conditions.
- Supply Station 1, 660 Zone Booster Pump Station, and Booster Stations 1 and 2 were operating.
- The 0.4 million gallon (MG) reservoir level was drawn down 7 feet, the 3.7 MG reservoir level was drawn down 19 feet and the 2.0 MG reservoir was drawn down 5 feet.
- Pressure Reducing Station 1 was set at hydraulic elevation 480 and all other pressure reducing stations were at their normal set points.





# ATTACHMENT G



RH2 ENGINEERING, INC  
http://www.rh2.com  
mailbox@rh2.com  
1.800.720.8052

June 9, 2004

Fire Flow Analysis Number: 0403-799

Mr. Phillip Lay, GIS/Construction Coordinator  
Shoreline Water District  
PO Box 55367  
Shoreline, WA 98155

#### WESTERN WASHINGTON

12100 NE 195th St, Ste 100  
Bothell, WA 98011  
(tel) 425.951.5400  
(fax) 425.398.2774

*Sent Via: Hand Delivery*

**Subject: David Fletcher Fire Flow Analysis**

Dear Phillip:

812A Horton Road  
Bellingham, WA 98226  
(tel) 360.676.0836  
(fax) 360.676.0837

A computer analysis of the District's water system was performed for the purpose of determining the available water supply to fight a fire at the site of the 32 proposed single family townhomes located on 19021 15th Avenue NE. This letter summarizes the results and procedures used to determine the fire flow capability of the District's system for fighting a fire at this location.

#### EASTERN WASHINGTON

300 Simon Street SE, Suite 5  
East Wenatchee, WA 98802  
(tel) 509.886.2900  
(fax) 509.886.2313

The fire flow capability for these analyses was computed based on criteria established by the Washington State Department of Health and the American Water Works Association. The criterion that a water system component be taken out of service during a fire flow simulation is maintained by these agencies to ensure that adequate redundancy is provided by the water system and that a reliable supply of water is available for fire protection or other emergency purposes. A summary of the operational conditions used in the analyses are as follows:

- The District was experiencing buildout peak day demand conditions.
- Supply Stations 1 and 3, 660 Zone Booster Pump Station, and Booster Stations 1 and 2 were operating.
- The 0.4 million gallon (MG) reservoir level was drawn down 3 feet, the 3.7 MG reservoir level was drawn down 25 feet, and the 2.0 MG reservoir was drawn down 12 feet.
- All pressure reducing stations were operating at their normal setpoints.
- A water system component was out of service.

#### KITSAP PENINSULA

600 Kitsap Street, Suite 101  
Port Orchard, WA 98366  
(tel) 360.876.7960  
(fax) 360.876.7988



An analysis was performed based on the District's existing water system, without any development related improvements. The results of this analysis indicate that the water main supplying the hydrant located at the east side of 15th Avenue NE, which is approximately 570 feet southeast of the site of the 32 proposed single family townhomes, has a fire flow capacity of approximately 0 gpm at a residual pressure of 20 psi in the main adjacent to the hydrant. This analysis was performed by applying reliability criteria which simulated an out of service condition (i.e., a water main break or closure for other maintenance) for the 8-inch water main in 15th Avenue NE adjacent to the site. Fire flow would not be available in this instance because the valves that would need to be closed to isolate a break in this location would disconnect all supply to the fire flow hydrant. However, fire flow may be provided by the hydrant located north of the intersection of 15th Avenue NE and NE 192nd Street, which is approximately 1,000 feet northeast of the site of the 32 proposed single family townhomes. The water main supplying this hydrant has a fire flow capacity of approximately 1,265 gpm at a residual pressure of 20 psi in the main adjacent to the hydrant.

To improve fire flow in this area, the District's Capital Improvement Project PZ5 may be installed in conjunction with valve improvements to allow shorter segments of the 8-inch water main in 15th Avenue NE to be taken out of service. Once these proposed improvements are in place, hydraulic analyses utilizing reliability criteria indicate an available fire flow capacity of approximately 1,250 gpm at a residual pressure of 20 psi in the main adjacent to the hydrant located closest to the site. Under this scenario, the 8-inch water main in 15th Avenue NE from the hydrant to the intersection of NE 192nd Street was identified as the worst case out of service component.

Copies of the analyses have been retained in our office for future reference.

If you have any questions regarding these analyses, please contact me at (425) 951-5394.

Sincerely,

**RH2 ENGINEERING, INC**

Michele L. Roh  
Project Engineer

Richard H. Harbert, P.E.  
President

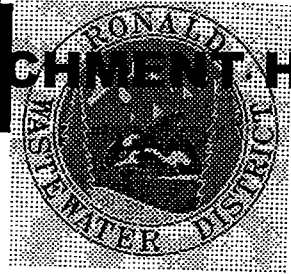
MLR/TL/str



SIGNED: 6/9/04

EXPIRES 8/2/04

RONALD WASTEWATER DISTRICT  
CERTIFICATE OF SEWER AVAILABILITY ATTACHMENT H



This certificate provides the Department of Health and Development Services Group with information necessary to evaluate development

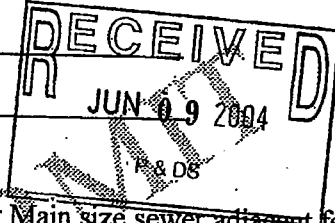
number \_\_\_\_\_ name \_\_\_\_\_ Do not write in this box

- Building Permit  Preliminary Plat or PUD  Short Subdivision  Rezone or other \_\_\_\_\_

APPLICANT'S NAME: David Fletcher

PROPOSED USE: 32 SFR/ Zero Lot Line

LOCATION: 19021 15 AVE NE



SEWER AGENCY INFORMATION

Sewer service will be provided by side sewer connection only to an existing 6" or Main size sewer adjacent feet from the site and the sewer system has the capacity to serve the proposed line. OR

Sewer service will require an improvement by the sewer system of:

(1) Mainline extension required  (2) the construction of a collection system on the site; and/or  (3) other (describe):

2. a.  The sewer system improvement is in conformance with a City approved sewer comprehensive plan OR

b.  The sewer system improvement will require a sewer comprehensive plan amendment.

3. a.  The proposed project is within the corporate limits of the District or has been granted Boundary Review Board approval for extension of service outside the District or City OR

b.  Annexation or BRB approval will be necessary to provide service.

4. Service is subject to the following:

- a. Connection charge: Will be due. See attachment.
- b. Easement(s): See attachment
- c. Other: See attachment.

I hereby certify that the above sewer agency information is true. This certification shall be valid for one year from date of signature.

Ronald Wastewater District  
Agency Name  
Technical Support Specialist  
Title

Jesse Peterson  
Signatory Name  
Jesse Peterson  
Signature  
6 April 2004  
Date

201318

ATTACHMENT TO CERTIFICATE OF SEWER AVAILABILITY

Dated: 6 April 2004

For Applicant: David [unclear] **ATTACHMENT H**

Sewer service is available contingent upon the owner meeting all District requirements under our Rules and Regulations, Res. 90-11 as amended, and any other District policies pertinent to the particular project. We have reviewed the applicant's request and noted some conditions below. A more comprehensive review during the application process may reveal other conditions to be met.

4. c. Other

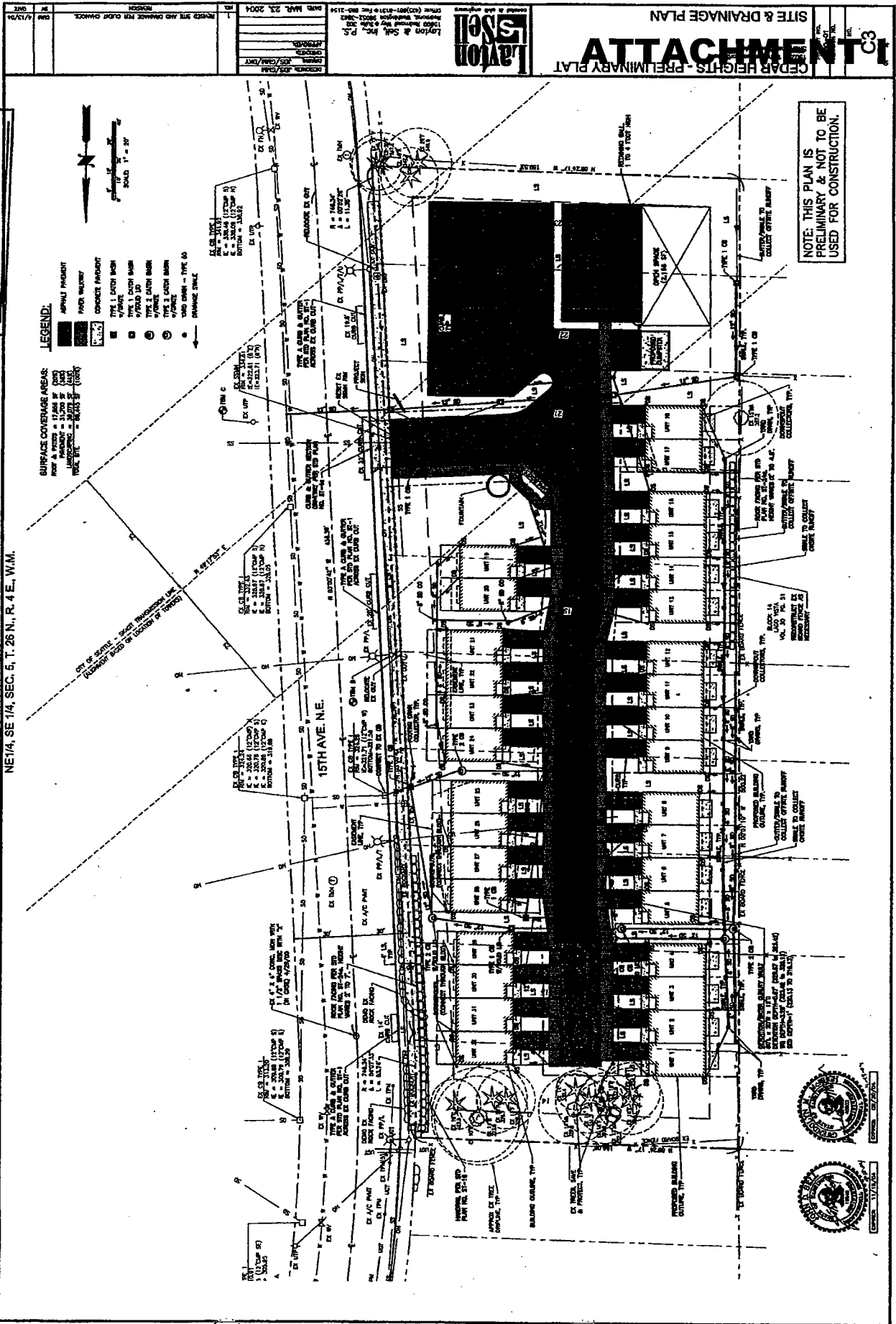
- Applicable District permits, fees, plan review and approval.
- All new connections, additional connections, or revised connections are subject to Metro Capacity Charge. Questions: contact Metro Community Relations at 296-1450.
- Connections are subject to Ronald Wastewater District General Facilities Charge and/or Local Facilities as outlined in Res. 91-04.
- Approved/Recorded short plat or lot line adjustment submitted to District with side sewer permit application.
- Addition encroaches on existing side sewer. Check with Local Plumbing Agency regarding current plumbing regulations.
- Rezone may impact our sewer facility and require future upgrading of our facilities. You will be responsible for all costs (FOR ALL APARTMENT AND CONDO REQUESTS).
- This project requires a developer (mainline) extension. Developer to complete application and submit fees.
- May require saddle on main and right of way permits.
- May require Department of Fisheries approval and permit.
- Hold Harmless (Indemnification) required.
- Cap off of existing sewer required prior to demolition of any structure. Permit and inspection is required. NOTE: Unit will remain in billing until cap off is completed per District specifications.
- Easement will be required on District form and must be returned to District for recording along with appropriate fee. Easement must be submitted prior to issuance of any permits.

Prepared by Jesse Peterson  
Jesse Peterson

**RECEIVED**  
 JUN 09 2004

P & DS

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



**LEGEND:**

**APPROVAL FOOTPRINT**

**PAVING MATERIAL**

**CONCRETE FOOTPRINT**

TYPE 1 CATCH BASIN  
 TYPE 2 CATCH BASIN  
 TYPE 3 CATCH BASIN  
 TYPE 4 CATCH BASIN  
 TYPE 5 CATCH BASIN  
 TYPE 6 CATCH BASIN  
 TYPE 7 CATCH BASIN  
 TYPE 8 CATCH BASIN  
 TYPE 9 CATCH BASIN  
 TYPE 10 CATCH BASIN  
 TYPE 11 CATCH BASIN  
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 TYPE 46 CATCH BASIN  
 TYPE 47 CATCH BASIN  
 TYPE 48 CATCH BASIN  
 TYPE 49 CATCH BASIN  
 TYPE 50 CATCH BASIN

NOTE: THIS PLAN IS  
 PRELIMINARY & NOT TO BE  
 USED FOR CONSTRUCTION.

ATTACHMENT C3  
 CEDAR HEIGHTS - PRELIMINARY PLAT  
 SITE & DRAINAGE PLAN



Layton & Son, Inc.  
 1500 West 10th Street  
 Oklahoma City, Oklahoma 73106  
 Phone: (405) 941-1111  
 Fax: (405) 941-1112  
 Website: www.laytonandson.com

DATE	APPROVED	DESIGNED	DRAWN
MAR 23, 2004	[Signature]	[Signature]	[Signature]
PROJECT	CEDAR HEIGHTS - PRELIMINARY PLAT	SHEET	1 OF 1
CLIENT	OKLAHOMA CITY, OKLAHOMA	SCALE	AS SHOWN

201318

# ATTACHMENT J

## CEDAR HEIGHT PRELIMINARY FORMAL SUBDIVISION STAFF RECOMMENDED CONDITIONS OF APPROVAL

1. In the sizes described and depicted by Attachment B, a maximum of thirty-two lots and eight private land tracts, one for access and six for common area shall be created. The square footage and assigned addresses for the lots shall be shown on the face of the final plat. The delineation and square footage of all private land tracts shall be declared on all plans submitted for the site development permit and also shown on the face of the final plat. All existing or new restrictions, easements, or tracts and their purpose shall be shown on the face of the final plat.
2. Homeowners shall be required to establish and maintain in force and effect, a Covenant for a Homeowner's Association. The Association is to be held with undivided interest by the nineteen zero lot line town home lots (described as Lots 1 through 32) in this subdivision. The Homeowner's Association (owners of the parcels having legal access therefrom and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of all private land tracts for private roadway and all other common areas; landscaping in all common areas; and infrastructure and utilities not dedicated to the City of Shoreline. The Homeowner's Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment into the right-of-way and into other public areas.
3. A maximum of thirty-two zero lot line townhomes are permitted as proposed by Attachment B.
4. The following language shall be shown on the face of the final plat, "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
5. The applicant shall create a façade that contributes to the streetscape that is acceptable to City of Shoreline Planning and Development Services.
6. Applicant shall apply for a Site Development Permit to be reviewed and approved by the City of Shoreline that includes all on-site engineering, grading and utility installation, all site in any private land tracts, all onsite landscaping, and tree retention. The completion of this work shall be secured by a plat performance financial guarantee.
7. Applicant shall apply for a right-of-way use permit for frontage improvements on 15th Avenue NE adjacent to the project site to be reviewed and approved by City of Shoreline Public Works that comply with development standards in effect at the time of application. The completion of this work shall be secured by a plat performance financial guarantee.
8. The following language shall be shown on the face of the final plat: "All site development and right-of-way work shall be constructed in accordance to plans under City of Shoreline File #'s (*site development and right-of-way application number*)".
9. Applicant shall provide written approval from City Light before any approval by the City for site work done within transmission line easement. No building lot shall encroach on said easement. The Homeowner's Association shall be responsible for the maintenance of any agreement with City Light.
10. Applicant shall meet any required conditions established by the Shoreline Utilities Water Availability Certificate and attachments in Attachment H.
11. Applicant shall meet any required conditions established by the Ronald Wastewater District Sewer Availability Certificate and attachments in Attachment I.

**ORDINANCE NO. 361**

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

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

WHEREAS, on September 2, 2004, a public hearing on the application for the preliminary long plat was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

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

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the preliminary formal subdivision of certain properties as described above and located at 19201 15th Avenue NE is consistent with both the City of Shoreline Comprehensive Plan and Development Code and is appropriate for this site;

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

**Section 1.** Findings. The Findings and Recommendation on File No. 201318 as set forth by the Planning Commission on September 2, 2004 and as attached hereto as Exhibit 1 are hereby adopted, with the following addition to Condition #2:

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

**Section 2.** Preliminary Formal Subdivision Adoption. The preliminary formal subdivision is adopted as further described and depicted in Exhibit 2 attached hereto.

**Section 3.** Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

**Section 4.** Effective Date. This ordinance shall go into effect five days after passage

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

**PASSED BY THE CITY COUNCIL ON SEPTEMBER 27, 2004.**

---

Mayor Ronald B. Hansen

**ATTEST:**

**APPROVED AS TO FORM:**

---

Sharon Mattioli  
City Clerk

---

Ian Sievers  
City Attorney

Date of Publication: September 30, 2004

Effective Date: October 5, 2004



# EXHIBIT 1

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

Cedar Heights Preliminary Formal Subdivision Review, Project No. 201318

### Summary

After reviewing and discussing the Cedar Heights Preliminary Formal Subdivision proposal on September 2, 2004 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes, and therefore unanimously recommended approval of such action with modifications and additions to staff recommended conditions.

### I. FINDINGS AND CONCLUSIONS

#### 1. PROJECT SITE CHARACTERISTICS

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

#### 2. NEIGHBORHOOD CHARACTERISTICS

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

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

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

### **3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT**

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

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

3.3 Policy H1 - Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.

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

### **4. REGULATORY AUTHORITY**

4.1 Shoreline Municipal Code (SMC) 20.30.060 requires preliminary formal subdivisions to be processed as a quasi-judicial or "Type-C" action. Type-C actions require an open record public hearing and review by the Planning Commission, who then forwards a recommendation to the City Council for final approval.

4.2 Other applicable regulatory controls are set forth in the SMC as follows:

- SMC 20.30 – Procedures and Administration
- SMC 20.40 – Zoning and Use Provisions
- SMC 20.50 – General Development Standards
- SMC 20.60 – Adequacy of Public Facilities
- SMC 20.70 – Engineering and Utilities Development Standards

### **5. PROCEDURAL HISTORY**

5.1 Several preapplication meetings were held with the developer and City staff. The most recent meeting held prior to the neighborhood meeting was December 17, 2003. The proposal at that time was to subdivide into 37 townhouse lots.

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

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

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

## 6. PUBLIC COMMENT

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

## 7. REVIEW CRITERIA

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

### A. ENVIRONMENTAL

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

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

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

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

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

The property does not contain hazardous land conditions.

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

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

## **B. LOT AND STREET LAYOUT**

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

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

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

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

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

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

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

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

### **C. DEDICATIONS**

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

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

### **D. IMPROVEMENTS**

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

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

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

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

## **8. ZONING DESIGNATION, DENSITY AND PERMITTED USES**

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

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

**9. SITE DEVELOPMENT STANDARDS**

- 9.1 Lot Layout - Exception 2 to SMC Table 20.50.020(1) allows some dimensional standards to be modified. These standards include minimum lot width, minimum lot area, and minimum yard setbacks. The proposed modifications are:
  - a) Reduction of minimum lot width to 17 feet,
  - b) Reduction of minimum lot area to approximately between 1,100 square feet and 1,500 square feet,
  - c) Minimum interior lot line setbacks to zero.

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

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

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

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

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

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

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

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

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

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

## **10. Adequacy of Public Facilities**

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

## **11. Engineering and Utility Development Standards**

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



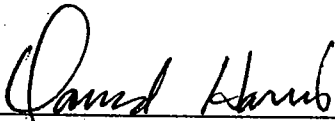
## II. RECOMMENDATION

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

1. A maximum of thirty-two lots and seven private land tracts, one for access and six for common area shall be created. The square footage and assigned addresses for the lots shall be shown on the face of the final plat. The delineation and square footage of all private land tracts shall be declared on all plans submitted for the site development permit and also shown on the face of the final plat. All existing or new restrictions, easements, or tracts and their purpose shall be shown on the face of the final plat.
2. Homeowners shall be required to establish and maintain in force and effect, a Covenant for a Homeowner's Association. The Association is to be held with undivided interest by the thirty-two zero lot line town home lots (described as Lots 1 through 32) in this subdivision. The Homeowner's Association (owners of the parcels having legal access therefrom and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of all private land tracts for private roadway and all other common areas; landscaping in all common areas; and infrastructure and utilities not dedicated to the City of Shoreline. The Homeowner's Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment into the right-of-way and into other public areas.
3. A maximum of thirty-two zero lot line townhomes are permitted.
4. The following language shall be shown on the face of the final plat, "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
5. *The units immediately adjacent to 15th Avenue NE should present a facade towards the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner of Westminster Avenue N and N 150th Street.*
6. Applicant shall apply for a Site Development Permit to be reviewed and approved by the City of Shoreline that includes all on-site engineering, grading and utility installation, all site in any private land tracts, all onsite landscaping, and tree retention. The completion of this work shall be secured by a plat performance financial guarantee.
7. Applicant shall apply for a right-of-way use permit for frontage improvements on 15th Avenue NE adjacent to the project site to be reviewed and approved by City of Shoreline Public Works that comply with development standards in effect at the time of application. The completion of this work shall be secured by a plat performance financial guarantee.

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

**City of Shoreline Planning Commission**

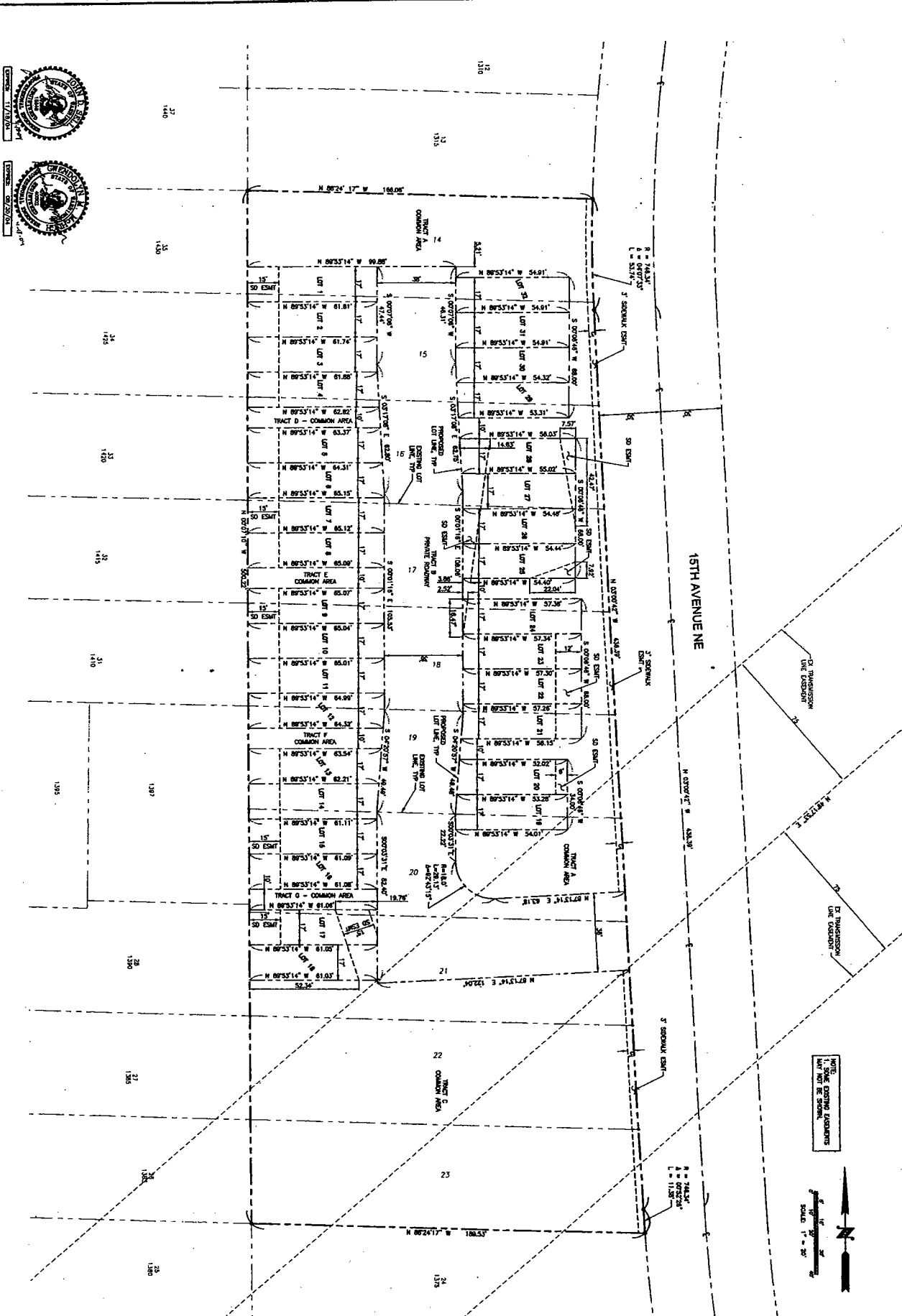


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David Harris  
Chairperson

\_\_\_\_\_  
SEPTEMBER 9, 2007  
Date

NE1/4, SE 1/4, SEC. 5, T. 28 N., R. 4 E., W.M.

15TH AVENUE NE



201318

**CEDAR HEIGHTS - PRELIMINARY PLAT**  
 19021 - 15th Avenue Northeast  
 Shoreline, Washington  
**PLOT PLAN**

**Layton & Sell**  
 123  
 Layton & Sell, Inc., P.S.  
 13600 Redmond Way & Suite 102  
 Redmond, Washington 98052-3962  
 Office: (425)861-6154 Fax: 865-2154

DESIGNED: JDS/GMM
DRAWN: JDS/GMM/DRY
CHECKED:
APPROVED:
DATE: MAR. 23, 2004

1	ADDED STORM DRAINAGE EASEMENT TO LOTS 24, 25, 26, 27, & 28.	DATE	4/13/04
NO.	REVISION	BY	DATE

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# **CITY OF SHORELINE**

## **SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING**

September 2, 2004  
7:00 P.M.

Shoreline Conference Center  
Board Room

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### **PRESENT**

Chair Harris  
Commissioner Sands  
Commissioner MacCully  
Commissioner Hall  
Commissioner Kuboi  
Commissioner McClelland  
Commissioner Phisuthikul

### **STAFF PRESENT**

Tim Stewart, Director, Planning & Development Services  
Andrea Spencer, Senior Planner, Planning & Development Services  
Paul MacCready, Planner II, Planning & Development Services

### **ABSENT**

Commissioner Doering  
Vice Chair Piro

### **1. CALL TO ORDER**

The regular meeting was called to order at 7:00 p.m. by Chair Harris.

### **2. ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Hall, Kuboi, McClelland, Sands, Phisuthikul and MacCully. Vice Chair Piro and Commissioner Doering were excused.

### **3. APPROVAL OF AGENDA**

The Commission unanimously approved the agenda as written.

#### **4. APPROVAL OF MINUTES**

The minutes of August 5, 2004 were approved as amended. The minutes of August 12, 2004 were approved as written. The minutes of August 19, 2004 were approved as amended.

#### **5. GENERAL PUBLIC COMMENT**

There was no one in the audience who desired to address the Commission during this portion of the meeting.

#### **6. STAFF REPORTS**

##### **a. Type C Quasi-Judicial Public Hearing on Formal Plat at 19021 – 15<sup>th</sup> Ave NE**

Chair Harris reviewed the rules and procedures for the public hearing. He reminded the Commissioners of the rules regarding the Appearance of Fairness Law. He asked the Commissioners if they had been contacted by anyone concerning the subject of the hearing. None of the Commissioners indicated an ex parte communication.

Mr. MacCready presented the staff report for the Cedar Heights Preliminary Formal Subdivision Application. He explained that a formal subdivision application is a Type C Action, and as such, the proposal requires an open record public hearing before the Planning Commission. When reviewing subdivision applications, Planning Commission must consider certain criteria and development standards. He said that after considering the proposal, the Planning Commission must make a recommendation to the City Council, who would make the final decision. If the applicant, or a party of record, is unhappy with the City Council's decision, they may appeal it to the Superior Court within 21 calendar days after the final decision is issued. The applicant has three years from the date of preliminary approval to record the final plat. He noted that the City received one comment letter regarding the application from James E and Mildred J. Perry.

Mr. MacCready advised that the subject property is long and narrow and adjacent to 15<sup>th</sup> Ave NE, which is a principal arterial street. There are single-family homes situated on the ridge west of the site. The site is located between the Ballinger and North City Business Districts, and is currently fenced off because of the four vacant buildings on the property. A Seattle City Light transmission line transects the southern portion of the site. The zoning of the subject property is R-24, which allows 24 units per acre, except for the southern most 50 feet, where the guest parking and sports court is proposed to be located. Single-family attached housing is an allowed use in both zones. The current zoning designation would allow 44 units on the site, and the applicant is proposing 32.

Mr. MacCready said some Planning Commissioners have raised concern about a private access tract that does not end in a turn around or hammer head. He referred to the orange handout that was provided to clarify this issue. He explained that the engineering and development guide allows the proposed design when it is approved by the fire department, and the Shoreline Fire Department has reviewed and approved the applicant's design as submitted.

Mr. MacCready said that after reviewing the application the Planning Commission has the option to deny the application, approve the application or approve the application with modifications or additional conditions. He said that if the Commission were to deny the application or change the conditions, they must state the purpose for their recommendation based on the review procedures and criteria stated in the development code. The conditions must be equal to or greater than the minimum standards specified in the code.

Mr. MacCready advised that the Comprehensive Plan identifies the subject property as an area for potential mixed-use and high-density development. During the 2001 reconciliation process, the Planning Commission evaluated and recommended rezoning the subject property to R-24 for higher density, and the developer has been working with the City on this project since that time. This infill development would support the Comprehensive Plan's goal to accommodate growth that is compatible with the surrounding environment. The City staff recommends the Planning Commission forward a recommendation of approval to the City Council with the conditions as listed on Page 50 of the Staff Report.

**Peter Graves, Architect, Olympic Associates Company**, emphasized that this is a preliminary plat application, so the project is only in the early design phase. He referred to the preliminary elevation sketches that were provided to the Commission. He noted that the buildings would be four and two-unit buildings, laid out as attached single-family townhouses. He said the overall height of the buildings would be approximately 33 feet, and the allowable height for the zone is 35 feet. Mr. Graves distributed a site section of the proposal to illustrate how the buildings would be distributed on the site and its relationship to the units across the private driveway. Mr. Graves said the intent of the project is to create a neighborhood streetscape and to preserve as many of the mature trees as possible. There is a stand of trees at the north end of the site, and a hammerhead design at the end of the street would have required the removal of these trees.

Commissioner Hall referred to the higher numbered units along 15<sup>th</sup> Ave NE and inquired if the applicant intends to develop these with an entrance towards 15<sup>th</sup> Ave NE in addition to the garage, which would face the center of the site. Mr. Graves answered that the intention is to create a front stoop facing the center of the site, and then the back end of the building would be more of a private fenced in area. Commissioner Hall inquired if staff discussed Section 20.50.170 of the Development Code with the applicant. This section talks about providing direct pedestrian access from building entries to public sidewalks, other buildings or site open space. Mr. Graves said he has not had this discussion with the staff.

Commissioner McClelland questioned what the building would look like from 15<sup>th</sup> Ave NE. Mr. Graves answered that it would look similar to the front of the building, but it would not have a prominent front door. He added that there would not be a lot of blank wall facing 15<sup>th</sup> Ave NE. Commissioner McClelland inquired if the homeowner's association would own and maintain the private driveway and common areas. If so, this should be made clear in the application.

Commissioner MacCully said it is his understanding that there is currently no sidewalk in this location along 15<sup>th</sup> Ave NE. Mr. MacCready said there is a sidewalk, but it is substandard and the applicant would be required to replace it. Commissioner MacCully recalled that the Commission has discussed on numerous occasions the concept of "sidewalks to nowhere." He expressed his concern that this may be another situation of this type. Even if the sidewalk were improved to standard, it would not lead to anywhere. The

closest crosswalk is at Perkins Way, but there is no way to safely get there. He questioned how the City could deal with the issue of "sidewalks to nowhere" and ensure pedestrian safety for the large number of citizens living in the area.

Mr. Stewart recalled that the City adopted a provision in the Development Code, which allowed for payment in lieu of for sidewalk projects that both the applicant and the City agreed would provide better benefit at some other location. In this case, 15<sup>th</sup> Ave NE is a heavily traveled arterial, and staff recommends that the applicant be required to construct a sidewalk. In the long-range, the staff envisions that all City arterials, especially of this nature, would have some pedestrian facilities on their shoulder. This piece would ultimately be constructed as part of that goal.

Commissioner MacCully said that while he does not disagree with the City's long-term goal, he questioned where the pedestrians would be able to go once they get on the sidewalk. Mr. Hall inquired if the City's right-of-way on 15<sup>th</sup> Ave NE has room for a sidewalk between the proposed development and Perkins Way. Mr. MacCready answered that 15<sup>th</sup> Ave NE has a very wide right-of-way. Commissioner Hall inquired if an appropriate solution would be to put a condition on the subdivision application that would require the project proponent to pay for the development of a sidewalk extension to connect the development with Perkins Way. Mr. Stewart explained that the Development Code requires frontage improvements on those streets abutting redevelopment, and that is what the applicant is proposing to do. In order to require other improvements beyond that, there would have to be strong evidence showing that there was a nexus between the requirement and the improvement. The Public Works staff reviewed the application and did not include this as part of their recommendation.

Commissioner Phisuthikul inquired if there is an existing sidewalk in front of the subject property along 15<sup>th</sup> Ave NE. Mr. MacCready answered affirmatively, but noted that the existing sidewalk does not meet standards because there is no amenity zone between the curb and sidewalk, and the existing sidewalk is 5-foot wide instead of 6-foot wide. Commissioner McClelland questioned if the City requires all developers to replace sidewalks that do not meet the City's current standards. Mr. Stewart said the frontage improvements required by the Development Code include standards for sidewalks and amenity zones, and staff is recommending that the applicant be required to do that level of work. If the existing sidewalk had been up to City standards, this requirement would not have been imposed.

Mr. Stewart referred to the payment in lieu of mechanism, and clarified that the ordinance does not permit the use of the payment in lieu of mechanism for arterial streets. Because 15<sup>th</sup> Ave NE is an arterial, the option is not available for this application.

Commissioner Kuboi referred to Condition 9 of the Staff Report, which makes reference to no part of the building lot being allowed to encroach into the utility easement. However, he noted that in Attachment B it appears that one of the units is encroaching. Mr. MacCready said this would have to be revised for final plat approval. Mr. Graves clarified that the property lines have been moved to be parallel to and on the right-of-way line. The building would not be in the right-of-way. While the property line is currently in the right-of-way, this would be adjusted. Commissioner Phisuthikul referred to Attachment I, which shows the lot line encroaching into the right-of-way, but not the building line. Mr. Graves again stated that this would be corrected before final plat approval.



Commissioner McClelland referred to Condition 2, which states "Homeowners shall be required to establish and maintain in force and effect, a covenant for a homeowner's association. The association is to be held with undivided interest by the 19 zero lot line town home lots."

She suggested that the number 19 should be changed to 32. Mr. MacCready concurred. He also noted that the word "eight" should be replaced with "seven" in the first line of Condition 1.

Commissioner Kuboi inquired if the fire sprinkler system in the buildings would be maintained by the homeowner's association. Mr. Graves answered affirmatively.

Commissioner Phisuthikul inquired where the structures for the common area utilities would be located (sprinkler room, etc.). Mr. Graves said he is not sure where this facility would be located at this point. Generally, a facility of this type would be attached to the side of one of the buildings as an appendage.

Commissioner Phisuthikul said even though the hammerhead requirement has been waived in lieu of the fire sprinkler system perhaps it would be possible to have a small turn around at the end by extending the roadway an additional five feet to the north. Mr. Graves said this expansion would protrude into the drip line of a couple of the larger trees. It was the recommendation of a landscape consultant that they stay away from this area in order to preserve the trees.

## **PUBLIC COMMENT**

**Bill Stephenson, 19034 – 12<sup>th</sup> Ave NE**, said his property is Lot 31, which is in the middle on the west side of the development. He noted that most of the people in attendance at the hearing live on 12<sup>th</sup> Ave NE, yet they were omitted from the original meetings on the project. He said he does not hear a lot of opposition to the development, and many feel it would be an improvement to what currently exists. Most of the concerns are related to the impact to neighbors during the construction period. He would like more information as to the hours of construction.

Mr. Stephenson noted that the proposed drawing says something about replacing the existing wood fence, as needed, and he would like more information on that. In addition, a retaining wall is shown in the plans, and he questioned if this work would be done in the initial phase. He inquired if there is a plan to put up barriers to minimize the impact on the existing neighborhood. Mr. Stephenson said the existing structures on the site are inhabited by rodents. The developer should take care of this problem before the structures are moved so that the rodents do not find a new place to live on neighboring properties.

**Valerie Carnese, 19044 – 12<sup>th</sup> Ave NE**, said her property is Lot 13, so she would be on the northern most end of the project. She said she finds it interesting that their street was omitted from any of the developer's original discussions and meetings. The notice they just received was the first they have heard about the proposal. Ms. Carnese said she takes the bus to work everyday, and she uses the bus stop that is just south of 15<sup>th</sup> Ave NE. She noted that just south of the subject property there is one house that abuts right up to the edge of the property. On the north end of the property, there is grass and a piece of curb that she has to sidle along to get to the bus stop.

Ms. Carnese expressed her concern about traffic at the intersection of Perkins Way and 15<sup>th</sup> Ave NE. There is a lot of traffic at this intersection, and people tend to speed. She said that, overall, she is in favor of the project, but she has some concerns about the impacts to the properties located along 12<sup>th</sup> Ave NE, such as construction hours, building the retaining wall first, etc. She said she has a fence on her eastern property line, and she is curious about what would happen to it.

Ms. Carnese said her biggest concern is regarding the property that is in front of her property. When she moved into her home, there were a tremendous number of barrels of chemicals, etc. She questioned what type of contamination would be found in the soil when digging starts. She also expressed her concern that it is hard to read the diagrams, and she questioned if the applicant could provide a larger version. She also questioned if the two properties would be elevated or set above each other. Mr. MacCready answered that there appears to be a little bit of a grade separation, but not much. Ms. Carnese said that while the applicant indicated that the roofs would be about 33 feet in height, the code would allow up to 40 feet with a peaked roof. She said it appears, from the drawings, that peaked roofs would be constructed. Mr. Graves clarified that the roofs would be peaked, but the overall height of the structures would be in the range of 33 to 34 feet at the highest point.

Ms. Carnese inquired if speed bumps would be constructed inside the subdivision area. Mr. Graves said they do not anticipate speed bumps at this time. The driveway would not be a very long street. Ms. Carnese said she is not clear about the provisions for the entrance to the property. Would there be a traffic signal? Mr. Graves answered that, at this point, there would not be significant enough traffic to require an additional stop light. Ms. Carnese said it appears there would be a 10-foot yard space on the western property line. She inquired if there would be any kind of tree perimeter along the fence.

**Mildred Perry, 19016 – 12<sup>th</sup> Ave NE**, said she agrees with the issues raised by the previous public speakers. She said the building that is currently located on the subject property directly behind her property is an old garage. She questioned what kind of contamination exists in the soil in this area since the site was previously used for car repair. Ms. Perry said her most significant concern is related to pedestrian access. The children that would live in the new development would go to the school, and there is no way for them to get safely to Perkins Way and North City School. She said a few years ago, a group of four homeowners at the corner of Perkins Way and 15<sup>th</sup> Ave NE actually built a stairway down from Perkins Way, but now that a house has been built on the property, this access has been blocked off, too. The City must review this issue before allowing more houses to be built.

Chair Harris inquired regarding the issue of construction impacts. Mr. MacCready explained that the code allows construction to occur between the hours of 7 a.m. and 10 p.m. on weekdays and 9 a.m. to 10 p.m. on the weekends.

Commissioner MacCully asked when the applicant would build the retaining wall. Mr. Graves answered that the retaining wall would be constructed before building excavation would start. It is important to stabilize the site before the buildings are constructed.

Chair Harris inquired regarding the wood fence that currently exists. Mr. MacCready noted that the existing wood fence would be replaced. He pointed out that all of the site issues would be reviewed during the site development permit phase, which would take place between preliminary approval and final plat approval.

Chair Harris asked the applicant to provide input on how the rodent issue would be dealt with. Mr. Graves answered that the rodents would be exterminated before the existing structures would be demolished. He said he would not object to this being recorded as a condition of approval.

Regarding the condition of the soil, Mr. Graves reported that a preliminary soil report was obtained, and there was no record of contamination on the site. Commissioner Hall inquired if samples were taken. Mr. Graves answered that there were six test pits taken on the site. While the study looked more at the capacity of the soil, nothing regarding contamination was identified. Commissioner Phisuthikul pointed out that the study was only related to geotechnical analysis and not environmental testing.

Chair Harris questioned why the people living on 12<sup>th</sup> Ave NE were not notified of the proposal earlier. Mr. MacCready explained that it is the applicant's responsibility to notify the neighbors of the preliminary meeting. He said the person responsible for this notification admittedly made a mistake. Since the project has less of an impact and they were all notified of the public hearing, staff made the determination that they would have sufficient opportunity to provide both written and oral comments at the hearing. Commissioner McClelland said that while the notification process for the neighborhood meeting was sloppily done, it was not intentional. She said it is important for the residents living on 12<sup>th</sup> Ave NE to understand that they are all parties of record because they live within a 500-foot radius of the subject property.

Commissioner McClelland requested that the applicant address the site line for the houses that abut the back yards of the houses on 12<sup>th</sup> Ave NE. Mr. Graves answered that the residents living in the homes along 12<sup>th</sup> Ave NE would look at the rear of the proposed structures, which are proposed to be one bedroom on the top floor, a living room on the middle floor, and a bonus/family room on the ground floor. The tops of the buildings would be sloped, composition roofs, with no mechanical equipment. They do not know the exact site lines at this time, since the design is very preliminary.

Commissioner Sands referred to Section 9.2 on Page 33 of the Staff Report, which says, "This height should not block the views of the neighbors to the west because the buildings will situate approximately 20 to 25 feet lower on the slope."

Commissioner Sands clarified that if the buildings are 34 feet in height and they are situated 25 feet below, there would only be 9 feet of building visible from the homes on 12<sup>th</sup> Ave NE. The existing homes would be looking at or over the roofs of the new buildings.

Commissioner Sands said he would like the applicant to perform some real environmental testing of the soils in the area of the garage. He did not feel that digging pits for geotechnical testing was sufficient for this site. Mr. Stephenson recalled that, years ago, the Environmental Protection Agency conducted testing on the site. He suggested that the applicant obtain a copy of the results of that test.

Commissioner Hall inquired how long the applicant has owned the subject property. Mr. Graves answered that the applicant has owned the property for three years. Commissioner Hall inquired if the property were owned outright. Mr. Graves answered affirmatively. Commissioner Hall inquired if the construction would be secured by a loan. Mr. Graves answered affirmatively. Commissioner Hall pointed out that any lender would require environmental work before granting a loan for construction to the developer.

THE PUBLIC HEARING WAS CLOSED FOR COMMISSION DELIBERATION.

Commissioner Hall said one of his most significant concerns is related to pedestrian access. While he recognizes the City's hesitance to impose additional conditions on a developer, they must consider the safety of the children and the people who ride buses. He felt the Commission would be shirking their responsibility, as agents of the City, if they did not think very hard about requiring a sidewalk that extends beyond the property to Perkins Way. Because a school and a bus stop are located in the vicinity, he felt this would meet the nexus requirement as discussed by Mr. Stewart. The proposed project would provide 32 units, which is the highest residential density in the entire area. It would, therefore, create a demand for pedestrian amenities that exceeds anything that has previously been developed in the neighborhood.

Commissioners Sands inquired how far it is from the subject property to the corner of Perkins Way. The audience indicated that this distance is about two blocks or about 300 feet. Commissioner Sands asked how much per lineal foot it would cost a developer to put in a sidewalk that would meet the City standards. Commissioner MacCully pointed out that there is a significant slope in the right-of-way where the sidewalk extension would be. To put in a sidewalk that complies with City requirements would likely require a substantial retaining wall on one side. Commissioner Sands said the Commission must know how much money the sidewalk extension would cost before they can decide if this type of condition would be too onerous.

Commissioner Sands said he would also like the staff to comment further on how sidewalks relate to concurrency issues. For example, if a traffic study were done that showed that improvements were needed on 15<sup>th</sup> Ave NE, the City would be able to require the applicant to make improvements to the street. He questioned if this same concept would work with sidewalks. If the amount of pedestrian traffic would be increased, would it be appropriate for the City to require the applicant to possibly improve the sidewalks.

Mr. Stewart said that it would, theoretically, be possible for the City to require the sidewalk extension if there were a direct and clear nexus between the impact of the development and the level of service standard that has been established by the City. He explained that the current regulatory mechanism requires that the applicant install sidewalks on the abutting street frontage. It is less clear whether the City has the authority to require extension of the sidewalk off site to make other connections.

Commissioner Hall inquired if there is anything in the law, other than the Constitutional Takings Provision, that would prevent the Planning Commission, as a quasi-judicial body, from attaching a permit condition that goes beyond the minimum requirements in the Development Code. Mr. Stewart answered that the Commission would be exceeding their authority if they were to impose a condition that was not established in the Development Code. There must be a regulatory basis for the Commission's recommendation. Commissioner Hall said he agrees there must be a regulatory basis, but he questioned if the Commission could impose conditions that go beyond the minimum provided in the Development Code. Mr. Stewart said this could only be done if the Development Code authorizes them to do so. However, in this case, he is not sure it does.

Chair Harris noted that the Commission does not have clear evidence that school children would be walking along 15<sup>th</sup> Ave NE to get to school. He cautioned that the Commission should not get involved in debating in whether or not children would be bussed to school. He said the district does accommodate and

change their routes to where school children are to ensure that they have a safe way to school. Commissioner MacCully said that while this should not necessarily be the Commission's focus, it should be one of the elements of their discussion. Other Commissioners agreed.

Commissioner McClelland said it bothers her that no traffic impact study was required for this project. She said she cannot believe that an additional 32 units would not trigger the need for a traffic analysis. Not only would there be no sidewalk to provide pedestrian safety, but they could also have up to 64 more cars entering and exiting the complex on a daily basis. She suggested that the transportation concerns should be bundled together to find solutions. Perhaps there are options other than forcing a sidewalk in an area where it would not fit. For instance, perhaps there is a way to safely cross the street, and walk on the other side.

Commissioner Hall pointed out that most of the public comments have been in favor of the proposed project. He particularly applauded the applicant's effort to save as many trees as possible. He noted that a turn around could be accommodated on the site if one or two of the units were eliminated. He suggested that some conditions could be added to those proposed by the staff to further address the public's concerns.

Commissioner Sands inquired if the Commission would have another opportunity to review the proposal if the preliminary formal subdivision is approved. Mr. Stewart answered that once the preliminary formal subdivision is approved, the Commission would have no further opportunity to place additional requirements on the project.

Commissioner MacCully referred to the Seattle City Light transition line easement, and said he assumes that no development would be allowed under these lines. Mr. Stewart said the restrictions on the use of this easement rest with Seattle City Light as opposed to any regulatory mechanism of the City. There are certain restrictions placed on the use of the property by the easement. Commissioner MacCully inquired if the easement transcends all along the transmission line route. Mr. Stewart said he does not know if this is the same easement all the way through.

Commissioner MacCully inquired if there are currently any houses located in this easement between the subject property and Perkins Way. Mr. MacCready said he is not aware of any houses located under the easement. Commissioner MacCully questioned if a pedestrian access could be developed through this easement to connect with the sidewalk on Perkins Way. Mr. Stewart said this pedestrian way concept could be considered as part of the Transportation Master Plan, but he does not know of any planned access through this area on the books today. He noted the significant grade change that exist in this area.

COMMISSIONER KUBOI MOVED THAT THE PLANNING COMMISSION FORWARD TO THE CITY COUNCIL A RECOMMENDATION OF APPROVAL FOR THE PRELIMINARY SUBDIVISION APPLICATION, WITH THE CONDITIONS IDENTIFIED IN ATTACHMENT J. COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Hall said he would like to add the following additional conditions to the motion:

1. All units developed on lots adjacent to 15<sup>th</sup> Ave NE (Lots 19-32 on Attachment B of the Staff Report), must have an entrance facing 15<sup>th</sup> Ave NE, with direct pedestrian access to 15<sup>th</sup> Ave NE.

2. In addition to pedestrian access to 15<sup>th</sup> Ave NE from along the access road in the proposed development, pedestrian access from the units on Lots 1-18 (the lots opposite 15<sup>th</sup> Ave NE and furthest to the west) shall be provided by an additional continuous sidewalk on the north side of Lot 32.
3. Pest control or extermination shall be completed prior to demolition of the existing buildings.
4. The retaining wall and any required stabilization of the slope on the west boundary of the site would be completed prior to excavation of the site.

Commissioner Hall said he does not believe any of the four additional conditions would be particularly cumbersome. Requiring the entrance to be added on the east side of the street is different than the current architectural design, but he feels strongly that it should be considered.

Commissioner Hall said he would also like to add the following condition:

5. To ensure the safety of the residents, the developer must pay for the construction of a sidewalk along 15<sup>th</sup> Ave NE from the proposed development to the intersection at Perkins Way to the south, provided that the existing right-of-way is of sufficient width to accommodate the existing arterial street and a sidewalk of minimum dimensions allowed for any sidewalk in the Shoreline Development Code.

Mr. MacCready pointed out that the narrowest sidewalk that would be permitted in the City is 6 feet with a 4-foot amenity zone. However, there is a provision that allows the amenity zone to be placed on the other side of the sidewalk, with the sidewalk being installed right next to the curb. Mr. Stewart said it is possible to obtain an engineering variance to grant an exception from the standards. Mr. MacCready added that the minimum ADA requirement would be 3½ feet wide.

Commissioner Hall asked that his fifth condition be amended to read:

5. Require the developer to fund the minimum ADA compliant sidewalk width on the west side of Perkins Way between the development and the intersection at Perkins Way, provided that the existing right-of-way is sufficiently wide to accommodate the arterial street and the minimum ADA width sidewalk.

Commissioner Hall felt this type of requirement would be better than no sidewalk at all. While the preference would be a 6-foot sidewalk with an amenity zone, they need to provide for pedestrian access as much as possible. He felt that now it was the time to fix the problem. He noted that the length of the additional sidewalk extension would be shorter than the length of the development itself. He said he believes there is sufficient nexus associated with the proposed development to require them to extend the sidewalk an additional 200 feet to Perkins Way.

Commissioner McClelland inquired if Commissioner Hall's fifth condition would require the applicant to extend the sidewalk off site. Commissioner Hall said he is asking the applicant to fund the sidewalk improvement to the corner of Perkins Way through an impact fee. Mr. Stewart clarified that an impact fee is a regulatory or legal system that must be established by the City Council. In order to justify an impact fee, a plan for improvements for a broad area must be developed. Next, the City must calculate how much

it would cost to build the infrastructure and adopt it as a plan. Then the cost of the project could be assessed to all of the benefited properties as they redevelop. He further clarified that Commissioner Hall's condition would be the imposition of a requirement on this development to accommodate the impact on the pedestrian system.

Commissioner McClelland referred to the in lieu of fund. Instead of building little chunks of sidewalks, the City would collect in lieu of funds that could be used for larger projects. When discussing this concept, the Commission agreed that the in lieu of funds should be used in the vicinity of the application. She questioned if there is any money in the in lieu of fund in this particular location. Mr. Stewart answered that the City has used this provision on a couple of occasions. Typically, the money will be assigned to a project that is already in the capital improvement project program. The general rule is that if the funds are not used within a six-year period, they must be returned to the applicant. The contributions need to be attached to a real project that is going to be built within that time frame, and he does not know if there is a project that covers the area the Commission is currently concerned about. If the City were to add a project, it would require an amendment to the Capital Improvement Program.

Commissioner McClelland inquired regarding the option of allowing the applicant to have an additional unit on the site in exchange for extending the sidewalk to Perkins Way. Mr. Stewart pointed out that the applicant is not proposing to maximize the density on the site.

Commissioner Phisuthikul suggested that rather than requiring the demolition and replacement of an existing sidewalk to meet City standards, perhaps this money could be used build a sidewalk extension from the existing sidewalk to Perkins Way. Mr. Stewart summarized that Commissioner Phisuthikul is suggesting that the existing sidewalk be preserved in its current condition. In lieu of replacing the existing sidewalk, the sidewalk could be extended off site to Perkins Way. Mr. Stewart said this option

could be presented to the developer as an alternative to meeting the strict standards of the code. However, he suggested that if they were to inspect the current sidewalk, they might find that it is in very bad shape.

Commissioner MacCully said that he supports Conditions 2, 3, 4, and 5 as recommended by Commissioner Hall. However, he referred to Commissioner Hall's Condition 1 and asked why the doors should face 15<sup>th</sup> Ave NE rather than each other. Commissioner Hall said he would assume that the entrances facing the center of the development would be retained. But the code requires that the entrances must be visible from 15<sup>th</sup> Ave NE. Mr. Stewart said staff reviews this level of detail when the actual plans are submitted for the construction of buildings, which is after the preliminary plat and site development permits have been issued. He said the staff has informed the applicant of the standards, and that they will be looking to enforce the standards when the building plans are submitted. He said the staff has also flagged this as Condition 5 of the Staff Report.

Commissioner Phisuthikul suggested the following condition:

6. Condition 5 in the Staff Report should be replaced with the language found in Section 9.3 on Page 33. This section states that, "The units immediately adjacent to 15<sup>th</sup> Ave NE should present a façade toward the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner on Westminster Ave North and North 150<sup>th</sup> Street."

Commissioner Phisuthikul felt that while it is important that there be a residential and streetscape character on the 15<sup>th</sup> Ave NE side, it does not necessarily have to be the main entrances. He said it would be awkward to have the main entrances facing 15<sup>th</sup> Ave NE with access coming to the back door.

Commissioner Hall said that based on the comments provided by Mr. Stewart, he is confident that staff would address this issue when reviewing the building plans for the site. Therefore, he is comfortable dropping his recommended Condition 1. It appears that the City would have no choice but to require an entrance on 15<sup>th</sup> Ave NE. The Commission agreed that Commissioner Hall's recommended Condition 1 should be eliminated.

Commissioner Kuboi inquired if it would be appropriate to add a condition that would prohibit satellite dishes and antennas on top of the roofs. Commissioner Sands reminded the Commission that they are charged with deciding whether or not the developer can build his project on the site, but not with designing the project itself. The Commission agreed that this condition should not be part of the Commission's consideration.

Commissioner Phisuthikul recommended that the following condition be added:

7. A Level II environmental soil analysis should be required, particularly for the area where the garage was located.

Commissioner McClelland questioned if this should be added as a condition, since the Commission earlier discussed that a lending agency would require this type of analysis to be done. Commissioner Sands agreed that a lending agency would require an environmental analysis, but if the project were built without borrowed money, the analysis would not be required.

Commissioner Sands referred to Commissioner Hall's recommended Condition 5. He said that although he would like the sidewalk extension to occur, he is uncomfortable requiring this without knowing what it would cost. He did not feel it would be fair to require something of the developer that could, conceivably, destroy the viability of the project. Since they are pushing to get the builder to do off-site improvements, if they make it so onerous that the project is no longer possible, what is the point of the requirement?

Chair Harris said he would not support Commissioner Hall's recommended Condition 5. He said he feels it is too onerous for the Commission to go outside of the current code requirements and try and design something with limited knowledge. Commissioner Hall suggested that perhaps the Commission should postpone their recommendation and see what the staff and applicant can come up with. The cost of the sidewalk would be imposed on the future landowners of the subject property, but it would be for the good of the families that are going to live there.

Chair Harris argued that the sidewalk extension would also provide a benefit for the neighborhood in general, and this may not be the applicant's responsibility. While it would be an improvement for the 32 new homes, it would also benefit the whole community. He questioned if the current code of standards would allow the Commission to impose that upon a developer.

Commissioner Kuboi said he is sensitive to incremental improvements to the overall project that would



eventually result in the price of the units being higher. He said he personally feels that the goal of the City is to eventually have a more pedestrian friendly environment. But the reality for this particular location is that most people will come out of the development in their cars and take their children to school. The number of people on the sidewalk would be substantially less than the whole population of the new development. He felt the benefits of the sidewalk extension would be primarily to the community at large and only a small minority of the residents of the new development. Therefore, he said he would not support this condition as a must have.

The Commission agreed that, given how split the Commission is on the proposed new conditions, they should vote on each one separately.

8. COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "IN ADDITION TO PEDESTRIAN ACCESS TO 15<sup>TH</sup> AVE NE FROM ALONG THE ACCESS ROAD IN THE PROPOSED DEVELOPMENT, PEDESTRIAN ACCESS FROM UNITS ON LOTS 1-18 (THE LOTS OPPOSITE 15<sup>TH</sup> AVE NE AND FURTHEST TO THE WEST) SHALL BE PROVIDED BY AN ADDITIONAL CONTINUOUS SIDEWALK ON THE NORTH SIDE OF LOT 32.

Commissioner McClelland questioned if the pedestrian path could be whatever is appropriate, rather than requiring a sidewalk. Commissioner Hall agreed that he would be happy with a 3½-foot path instead of requiring a sidewalk. He noted that because it would not be a City sidewalk, it would not have to meet the City standards. Mr. Stewart noted that because of the grade change in this location, stairs would be required. It would not be possible to meet the ADA requirements. Commissioner Hall pointed out that, in order to be sensitive to the trees that are located in this area, he would not want to require that the path be paved.

COMMISSIONER HALL CHANGED HIS AMENDMENT TO REPLACE THE WORD "SIDEWALK" WITH "PEDESTRIAN PATH."

COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED 7-0.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "PEST CONTROL OR EXTERMINATION, TO THE EXTENT NECESSARY, MUST BE COMPLETED PRIOR TO THE DEMOLITION OF THE EXISTING BUILDINGS. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED 7-0.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "THE RETAINING WALL AND ANY REQUIRED STABILIZATION OF THE SLOPE ON THE WEST BOUNDARY OF THE SITE WOULD BE COMPLETED PRIOR TO EXCAVATION OF THE SITE."

COMMISSIONER HALL CHANGED HIS AMENDMENT TO READ, "THE RETAINING WALL AND ANY REQUIRED STABILIZATION OF THE SLOPE ON THE WEST BOUNDARY OF THE

SITE SHALL BE COMPLETED PRIOR TO COMMENCEMENT OF BUILDING CONSTRUCTION.” COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED 7-0.

COMMISSIONER PHISUTHIKUL MOVED THAT THE MOTION BE AMENDED TO REPLACE CONDITION 5 IN THE STAFF REPORT WITH THE FOLLOWING LANGUAGE FROM ITEM 9.3 ON PAGE 33 OF THE STAFF REPORT: “THE UNITS IMMEDIATELY ADJACENT TO 15<sup>TH</sup> AVE NE SHOULD PRESENT A FAÇADE TOWARDS THE STREET THAT CONTRIBUTES TO THE STREETScape IN A SIMILAR MANNER AS THE SINGLE-FAMILY ATTACHED HOUSING DEVELOPMENT ON THE NORTHWEST CORNER OF WESTMINSTER AVE NORTH AND NORTH 150<sup>TH</sup> STREET.” COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED 7-0.

COMMISSIONER PHISUTHIKUL MOVED THAT THE MOTION BE AMENDED TO ADD A CONDITION THAT WOULD REQUIRE A LEVEL II ENVIRONMENTAL ANALYSIS, PARTICULARLY FOR THE AREA WHERE THE GARAGE IS LOCATED.

Mr. Stewart questioned what staff would do with an environmental analysis once they receive it. Commissioner Hall pointed out that once the analysis is filed with the City, it becomes part of the record. Commissioner Phisuthikul said the intent of his recommended condition was that any contamination issues should be brought to the attention of the public and the City, and the City staff could choose how they want to act on the information as part of their SEPA review.

Mr. Stewart read SEPA Checklist Item 7.A, regarding environmental health, which questions if there would be any environmental health hazards, including exposure to toxic chemicals, risk of fire, explosion, spill or hazardous waste that could occur as a result of this proposal. The answer in the SEPA Checklist was “none.” Commissioner Hall clarified that the issue of concern is any existing contamination from prior uses rather than contamination that might occur as a result of the development proposal. Mr. Stewart said this issue is typically handled between a property owner and a lending agency.

Commissioner MacCully referred to Item 1.4 on Page 28 of the Staff Report, which states that the property is vacant. He clarified that while there is no one living on the property, there are structures located there. He questioned if the SEPA review took into account the previous uses on the site.

Commissioner McClelland clarified that Commissioner Phisuthikul’s recommended condition would require an environmental analysis. Once this report has been completed, the City staff could consider this information as part of their future review of the development proposal. Commissioner Hall pointed out that even if staff were unable to take any specific action as a result of the environmental report, once in the public record, the property owner would have to disclose any environmental contamination that is found on the site.

Commissioner McClelland clarified that Commissioner Phisuthikul’s recommended condition would require an environmental analysis. Once this report has been completed, the City staff could consider this information as part of their future review of the development proposal. Commissioner Hall pointed out that even if staff were unable to take any specific action as a result of the environmental report, once in the public record, the property owner would have to disclose any environmental contamination that is found on the site.

COMMISSIONER PHISUTHIKUL AGAIN MOVED THAT THE MOTION BE AMENDED TO ADD A CONDITION THAT WOULD REQUIRE A LEVEL II ENVIRONMENTAL ANALYSIS AND THAT STAFF TAKE APPROPRIATE ACTION. COMMISSIONER HALL SECONDED THE MOTION. THE MOTION CARRIED 7-0.

The Commission discussed Commissioner Hall's recommendation that a condition be added that would require the developer to fund a 42-inch ADA compliant sidewalk along 15<sup>th</sup> Ave NE from the development to the intersection of Perkins Way, provided that the existing right-of-way is sufficient to accommodate it.

Commissioner Phisuthikul pointed out that even if the sidewalk were required to be 42-inches wide, it would still not be able to meet the ADA requirements because of the significant slope that exists along the street. Commissioner Hall agreed that the condition should not make reference to ADA compatibility. Chair Harris questioned if a sidewalk that is not ADA compliant could be built on public property. Mr. Stewart said he does not know the answer to that question. Commissioner MacCully suggested that they should send it forward and see what the City Council has to say about the issue.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO ADD THE FOLLOWING CONDITION: "TO ENSURE THE SAFETY OF THE RESIDENTS, THE DEVELOPER MUST PAY FOR THE CONSTRUCTION OF A 42-INCH WIDE SIDEWALK ALONG 15<sup>TH</sup> AVE NE, FROM THE DEVELOPMENT TO THE INTERSECTION OF PERKINS WAY TO THE SOUTH, PROVIDED THAT THE EXISTING RIGHT-OF-WAY IS OF SUFFICIENT WIDTH TO ACCOMMODATE IT. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION FAILED 2-5, WITH COMMISSIONERS MACCULLY AND HALL VOTING IN FAVOR OF THE MOTION AND CHAIR HARRIS AND COMMISSIONERS MCCLELLAND, PHISUTHIKUL, KUBOI AND SANDS VOTING IN OPPOSITION.

COMMISSIONER KUBOI'S MAIN MOTION TO FORWARD TO THE CITY COUNCIL A RECOMMENDATION OF APPROVAL FOR THE CEDAR HEIGHTS PRELIMINARY FORMAL SUBDIVISION APPLICATION (FILE NO. 201318), WITH THE CONDITIONS IDENTIFIED IN ATTACHMENT J WAS UNANIMOUSLY APPROVED AS AMENDED TO INCLUDE THE ADDITIONAL CONDITIONS PUT FORTH AND APPROVED BY THE PLANNING COMMISSION.

## **7. REPORTS OF COMMITTEES AND COMMISSIONERS**

None of the Commissioners provided a report during this portion of the meeting.

## **8. UNFINISHED BUSINESS**

There was no unfinished business scheduled on the agenda.

## **9. NEW BUSINESS**

There was no new business scheduled on the agenda.