

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 291, a preliminary formal subdivision for 5 zero-lot-line lots and 1 access tract located at 14539 32 nd Ave.NE
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Brian Lee, Associate Planner

ISSUE STATEMENT:

The issue before Council is an application for a preliminary formal subdivision that would create 5 zero-lot-line lots and 1 access tract, located at 14539 32nd Avenue NE.

The Hearing Examiner recommends that Council approve the preliminary formal subdivision as recommended by staff and detailed in Attachment B.

Shoreline Municipal Code (SMC) 20.30.060 requires preliminary formal subdivision applications to be processed as a quasi-judicial or "Type-C" action and an open record public hearing. The Hearing Examiner conducted an open record hearing on September 10, 2009. Council review of Type-C actions must be based on the written record and no new testimony may be heard.

The applicant, Real Property Development Co., LLC proposes to subdivide one existing parcels into 5 separate lots and one access tract. The property is located in the southeast section of Shoreline's Briarcrest neighborhood. See Attachment A for an aerial view of the site, the site plan and plat map, and photographs of the buildings that are currently under construction at the site.

The site is currently zoned high-density residential, 24-units per acre (R-24). This site was rezoned from R-12 to R-24 in July 2006 to provide a transition area between high intensity commercial uses and lower intensity residential uses. This proposal serves that purpose and also provides infill development in support of the Comprehensive Plan's goal to accommodate growth that is compatible with the surrounding environment.

A SEPA determination of non-significance was issued December 24, 2008 in conjunction with the site development and building permits for 5-units. Based on zoning and property size, building permits can be issued for the maximum number of dwelling units allowed on a site without subdividing.

Five single-family units in two separate buildings, a duplex and a triplex, have been developed on the site. The approved stormwater detention system meets 1998 King County Surface Water Design Manual (KCSWM) standards. Provisions for wastewater disposal, water supply, and fire protection comply with the standards of SMC 20.60 – Adequacy of Public Facilities.

At the public hearing, the Hearing Examiner heard a brief summary of the proposal from staff. One resident from the neighborhood was present to observe the process and did not have any comments.

ALTERNATIVES ANALYZED:

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

- The Council could approve the preliminary formal subdivision without conditions as recommended by the Hearing Examiner and staff by adopting Resolution No. 291, included as Attachment C.
- The Council could approve the preliminary formal subdivision, but amend the Hearing Examiner's Findings of Fact or Conclusions included as Exhibit 1 to the proposed Resolution based on the record and add new Conditions.
- The Council could amend the Hearing Examiner'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 Hearing Examiner and staff recommend the Council adopt Resolution No. 291, included as Attachment C, thereby approving the preliminary formal subdivision with conditions (Attachment E) for 5 building lots and one access tract located at 14539 32nd Avenue NE.

Approved By: City Manager  City Attorney 

EXHIBITS:

Attachment A: Vicinity Map, Site Plan, and Photographs of new buildings

Attachment B: Hearing Examiner Staff Report, September 10, 2009

Attachment C: Resolution No. 291

Exhibit 1: Hearing Examiner's Findings, Conclusions, and Recommendation

Attachment D: Minutes of Hearing Examiner hearing of September 10, 2009

Attachment E: Conditions of Approval



PLAT # _____
CITY OF SHORELINE,
WASHINGTON

BRIARCREST TOWNHOMES

EMERALD LAND SURVEYING, INC.

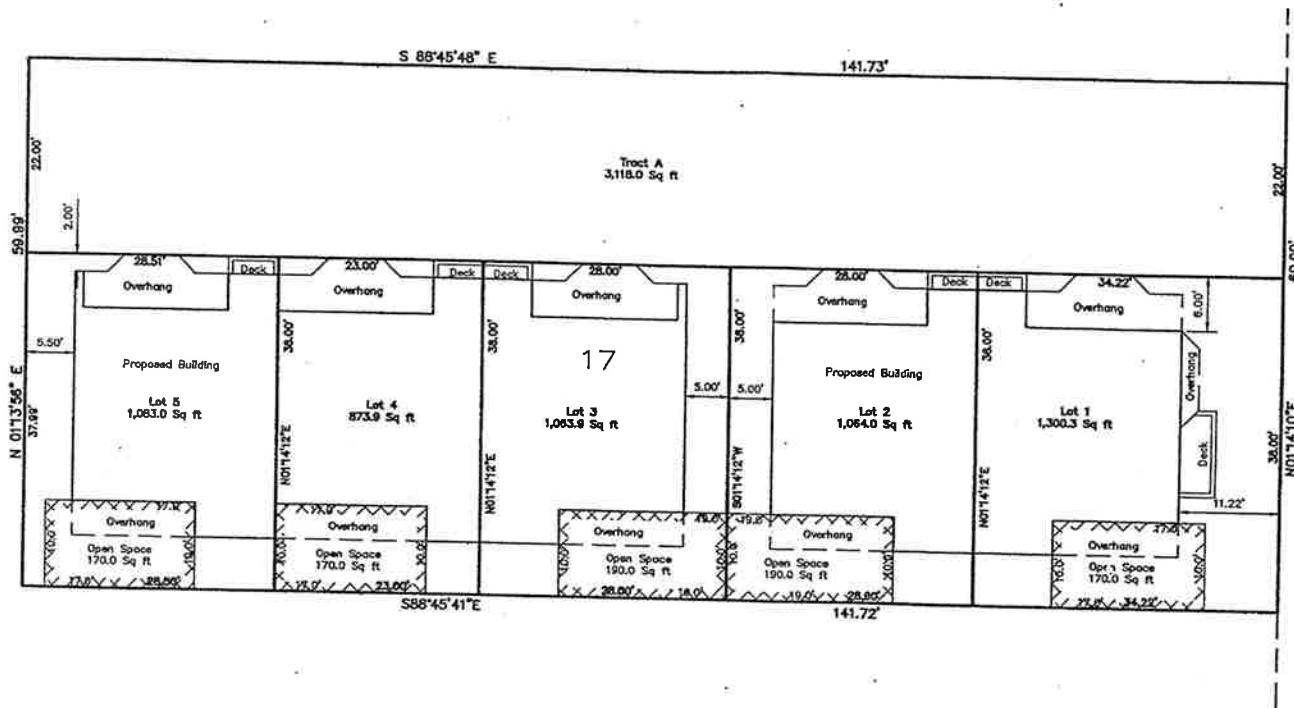
BRENT L. EARLE, PLS
PO BOX 13684
MILL CREEK, WA 98082
(425) 359-7198

Real Property
Development Co.
14539 32nd Ave NE
Shoreline, WA

RECORDING NO. _____

VOL./PAGE _____

SCALE : 1 INCH = 10 FT.



Note:
Parking for each Lot provided
within the proposed buildings.

Tract A is for Ingress, Egress and
Utilities. Lots within this
subdivision shall have an
undivided interest in Tract A
on recording.

32nd Avenue Northeast





Shoreline
5 NEW TOWNHOMES IN SHORELINE
3 Bedroom • 2.5 Bath Units

Unit	Size	Price
101	1,400 sq. ft.	\$249,900
102	1,400 sq. ft.	\$249,900
103	1,400 sq. ft.	\$249,900
104	1,400 sq. ft.	\$249,900
105	1,400 sq. ft.	\$249,900

1900 1st Avenue W
Call Lili Townhomes - No Homeowners dues!
Starry home over 1400 sq. ft.
Large master suite with full bath & walk-in closet
Full with Solar panel pre-wired system
Excellent Shoreline Schools - 3rd & 4th grade
Separate kitchen, dining, living, and 4 bedrooms


Doug Holman (206) 930-1733
www.dougholman.com

BLAT GREEN



Hearing Examiner Meeting Date: September 10, 2009

**Shoreline Hearing Examiner
CITY OF SHORELINE, WASHINGTON**

AGENDA TITLE: Preliminary Formal Subdivision Review for Briarcrest Townhomes DEPARTMENT: Planning and Development Services PRESENTED BY: Brian Lee, Associate Planner 

A. PROPOSAL

The proposed Preliminary Formal Subdivision (File No. 201791) would create 5 zero-lot-line lots and an access tract at 14539 32nd Avenue NE (Attachment A). The development consists of 5 townhome units in 2 buildings that are currently under construction (Attachment B).

Under Ordinance No.534 certain quasi-judicial Type C land use permits, such as Preliminary Formal Subdivisions, shall have an open-record public hearing set before the Shoreline Hearing Examiner to consider the application and public testimony then make a recommendation for approval, approval with conditions or denial to the City Council which is the decision-making authority for Preliminary Formal Subdivisions.

B. FINDINGS OF FACT

1. PROJECT SITE CHARACTERISTICS

- 1.1 The project site is approximately 8,503 square feet (.2 acres). Tax ID #1568100330.
- 1.2 The site is currently zoned R-24. This site was previously rezoned from R-12 to R-24 in July 2006.
- 1.3 Construction of the duplex and a triplex are currently under way for the previously approved building permits (112011 & 112012). Both Site Development (112013) and Right-of-Way (113519) permits have also been issued.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The site is located in the southeast section of Shoreline's Briarcrest neighborhood.
- 2.2 The surrounding area is zoned medium to high-density residential, and is comprised mainly of single family homes and multi-family buildings. A block to the east, there are number of commercial developments on Bothell Way NE.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the site is Mixed-Use. Policy LU17 in the Comprehensive Plan encourages Mixed-Use areas with the development of pedestrian oriented places, with architectural interest, that integrate a wide variety or retail, office and services uses with residential uses.

- 3.2 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."
- 3.3 H6: "Encourage infill development on vacant or underutilized sites to be compatible with existing housing types."

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, which then forwards a recommendation to the City Council for final approval. However, interim regulation adopted under Ordinance No.534 requires Preliminary Formal Subdivisions to have an open-record public hearing set before the Shoreline Hearing Examiner. The Hearing Examiner is to consider the application and public testimony then make a recommendation for approval, approval with conditions or denial to the City Council which is the decision-making authority for Preliminary Formal Subdivisions.
- 4.2 Applicable regulatory controls set forth in the SMC include:
- SMC 20.30 – Procedures and Administration
(Subdivisions – SMC 20.30.360-480)
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
(Multi-family Design Standards – SMC 20.50.120-210)
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards
 - SMC 20.80 – Critical Areas (Wetlands – SMC 20.80.310-350)
 - Ordinance No.534 – Interim Record Hearing Regulation
- 4.3 Revised Code of Washington (RCW) 36.70B.040 Determination of Consistency
- 4.4 RCW 58.17.110 Approval/Disapproval of Subdivisions

5. ENVIRONMENTAL

- 5.1 A SEPA determination of non-significance was issued with the Site Development permit (File No.112013) on December 24, 2008 (Attachment C).

6. PROCEDURAL HISTORY

- 6.1 The site was rezoned from R-12 to R-24 in 2006.
- 6.2 Building permits for a duplex and a triplex were issued on February 23, 2009.
- 6.3 Site Development and Right-of-Way permits were also issued on February 23, 2009.
- 6.4 A Pre-application Meeting for the subdivision was held on May 12, 2009.
- 6.5 A Neighborhood Meeting was held on June 1, 2009.
- 6.6 Application for Preliminary Formal Subdivision (File No. 201791) was received on June 23, 2009 (Attachment D).
- 6.7 The application was determined to be complete on June 23, 2009.

- 6.8 A Notice of Application for the proposal was issued on July 1, 2009, with the public comment period ending July 16, 2009 (Attachment E).
- 6.9 A Notice of Public Hearing was issued on August 19, 2009 for the Hearing Examiner open record public hearing on September 10, 2009 (Attachment F).

7. PUBLIC COMMENT AND STAFF RESPONSE

- 7.1 Public Comment – No comments were received.

8. ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES

- 8.1 The project site is zoned Residential – 24 units per acre (R-24), which would allow up to 5 dwelling units to be constructed on the site.
- 8.2 Under SMC 20.40.120 “duplexes” and “single-family attached dwellings” are permitted uses in the R-24 Zoning District.

9. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410)

The following criteria were used to review the proposed subdivision:

9.1 Environmental (SMC 20.30.410A)

Criteria: Where environmental resources exist, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas chapter, Chapter 20.80 SMC.

Staff Analysis: No critical areas exist on the site. The project has complied 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: With the type of structures being built, placement of a shared access over drainage pipes and sewer lines, and the relatively flat site, grading will be minimized.

Criteria: Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected.

Staff Analysis: There are no existing natural hazardous conditions on the site.

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 appropriate stormwater drainage requirements will be met. The project must comply with all height restrictions as specified in SMC Chapter 20.50 which will minimize the impact, if any, on off-site views.

9.2 Lot and Street Layout (SMC 20.30.410B)

Criteria: Lots shall be designed to contain a usable building area to ensure the lot is developed consistent with the standards of the SMC 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.

Criteria: Lots shall not front on primary or secondary highways unless there is no other feasible access.

Staff Analysis: Access for all lots will be via 32nd Avenue NE, which is not a primary or secondary highway.

Criteria: Each lot shall meet the applicable dimensional requirements of the SMC.

Staff Analysis: This proposal meets the applicable dimensional requirements specified for zero-lot-line development as set forth in SMC Chapter 20.50. See further analysis in Section 10.1 below.

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: Adequate pedestrian walks are provided within the project site. Improvements to street frontage, including a new sidewalk will be installed prior to recording of the final plat.

9.3 Dedications (SMC 20.30.410C)

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: No dedications are required for this proposal.

9.4 Improvements (SMC 20.30.410D)

Criteria: Improvements which may be required include, 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 all requirements specified in the City of Shoreline Development Code and Engineering Development Guide. See further analysis in Sections 10 and 11 below.

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 in Section 11 below.

10. SITE DEVELOPMENT STANDARDS (SMC 20.50)

10.1 Densities and Dimensions in the R-24 Zone (SMC 20.50.020)

Standard	Regulation	Proposed
Base Density	24 du/acre	24 du/acre
Min. Density	10 du/acre	10 du/acre
Min. lot width	30 ft.(2)	23-34 ft.
Min. lot area	2,500 sq. ft. (2)	873 – 1,300 sq. ft.
Min. front yard setback	10 ft.(2)	11 ft. - east
Min. rear yard setback	5 ft.(2)	5.5 ft. - west
Min. side yard setback	5 ft.(2)	22 ft. - north 6 ft. - south
Base height	40 ft. with pitched roof	34 ft.
Max. building coverage	70%(2)	43-65%
Max. impervious surface	85%(2)	52-84%

Exceptions:

(2) These standards may be modified to allow zero lot line developments.

10.2 Significant Tree Removal (SMC 20.50.290-370)

The site contained four significant trees. In order to comply with the requirement that at least 20% of significant trees be retained, three trees were approved for removal during the Site Development permit process. The development includes replanting of five trees along with new landscaping along the perimeter of the property.

10.3 Parking and Access (SMC 20.50.380-440)

Each residential dwelling unit must provide two off-street parking spaces (SMC 20.50.390A). The development provides each dwelling unit with a two-car garage and a driveway at least 20 feet long. Both direct access from the street right-of-way to parking areas and a paved pedestrian path are provided.

11. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

11.1 Wastewater – Ronald Wastewater District has reviewed and approved the wastewater disposal system during the development process.

11.2 Water – Seattle Public Utilities has reviewed and approved the water supply system during the development process.

11.3 Fire Protection – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site during the development process.

12. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

- 12.1 Storm Water Management – The City of Shoreline Public Works Department has approved the Road and Storm Drain Plan during the development process.
- 12.2 Right-of-Way Dedication – No right-of-way dedication was required.
- 12.3 Utility Undergrounding – Undergrounding of utility per SMC 20.70.470(A)(3) was implemented during the development process.
- 12.4 Frontage Improvements – Frontage improvement requirements were implemented during the development process.

C. CONCLUSIONS

RCW 36.70B.040 Determination of Consistency, requires a proposed project shall be reviewed for consistency with a local government's development regulations during project review by consideration of:

- Type of land use;
- The level of development, such as units per acre or other measures of density;
- Infrastructure, including public facilities and services needed to serve the development; and
- The characteristics of the development, such as development standards.

RCW 58.17.110 Approval/Disapproval of Subdivisions, requires proposed subdivisions to:

- Make appropriate provisions for the public health, safety, and general welfare; and
- Serve the public use and interest for open spaces, drainage ways, streets, other public ways, potable water supplies, sanitary wastes, parks and recreation, and all other relevant facts.

Based on the above Findings of Fact staff concludes the Preliminary Formal Subdivision of Briarcrest Townhomes has:

- Met the requirements of the City of Shoreline Development Standards, 2005 Comprehensive Plan, and Municipal Code.
- Made appropriate provisions for the public health, safety, and general welfare.
- Serves the public use and interest.

D. STAFF PRELIMINARY RECOMMENDATION

Staff's preliminary recommendation to the Hearing Examiner is to forward to the City Council a recommendation of approval for the Briarcrest Townhomes Preliminary Formal Subdivision application.

E. HEARING EXAMINER ROLE AND OPTIONS

The Hearing Examiner's recommendation options to the City Council are:

1. Recommend approval based on the staff Findings of Fact.
2. Recommend approval with conditions, based on new Findings of Fact and Conclusions as amended by the Hearing Examiner.
3. Recommend denial of the application, based on new Findings of Fact and Conclusions as amended by the Hearing Examiner.

F. ATTACHMENTS

- Attachment A: Vicinity Map
- Attachment B: Site Plan
- Attachment C: SEPA Threshold DNS, December 24, 2008
- Attachment D: Application for Preliminary Formal Subdivision
- Attachment E: Notice of Application
- Attachment F: Notice of Public Hearing

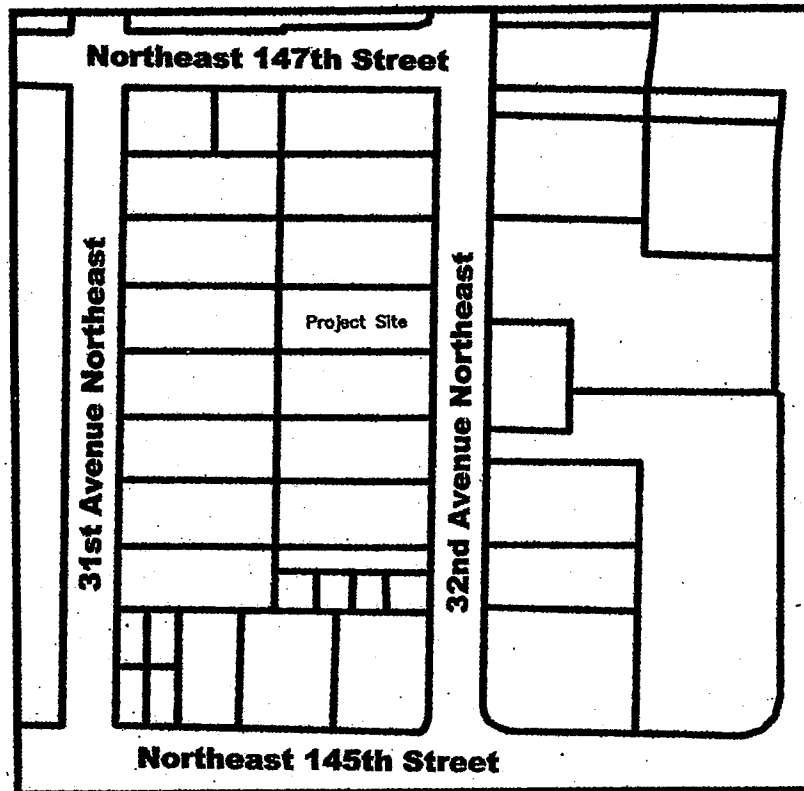
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Vicinity Map
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PLAT #
CITY OF SHORELINE,
WASHINGTON

BRIARCREST TOWNHOMES

EMERALD LAND SURVEYING, INC.

BRENT L. EBLE, PLS
PO BOX 13684
MILL CREEK, WA 98082
(425) 335-7188

RECORDING NO.

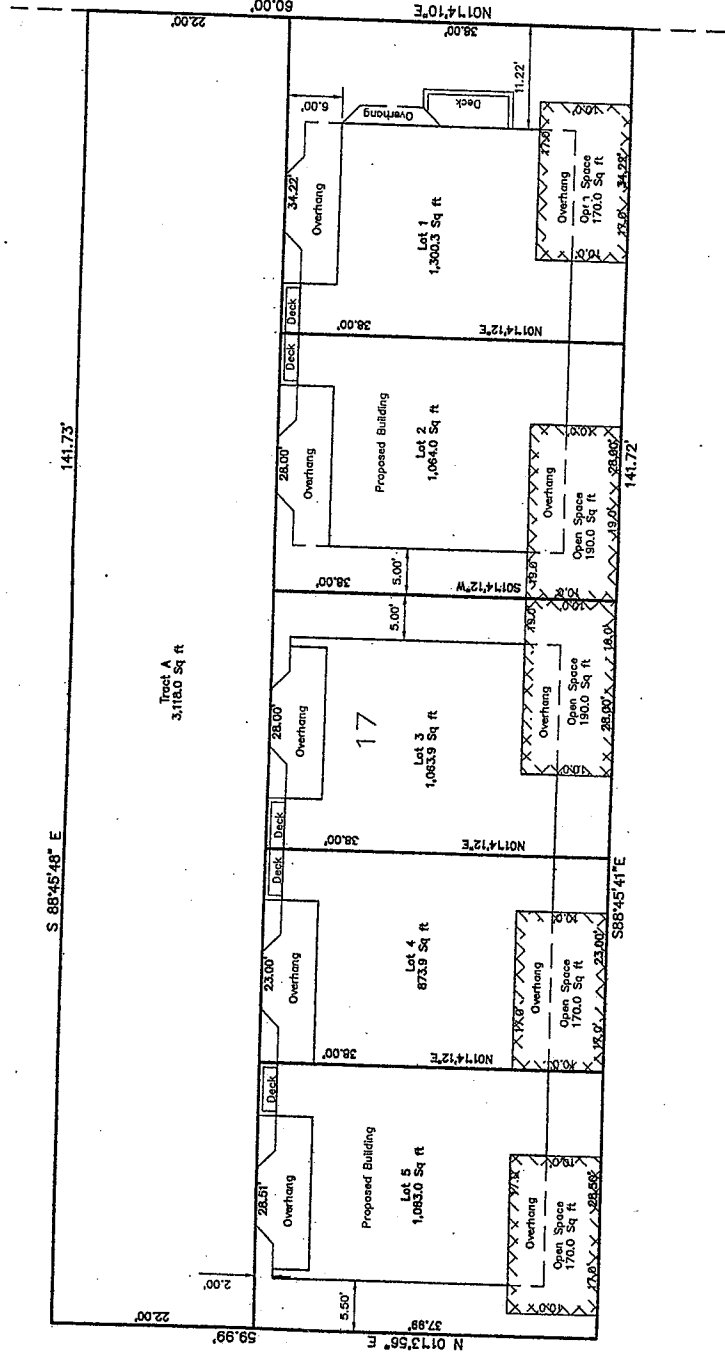
VOL./PAGE

Real Property
Development Co.
14539 32nd Ave NE
Shoreline, WA

SCALE : 1 INCH = 10 FT.



MERIDIAN
NAD 83-91



32nd Avenue Northeast

Note:
Parking for each Lot provided
within the proposed buildings.
Tract A is for Ingress, Egress and
Utilities. Lots within this
subdivision shall have an
undivided interest in Tract A
on recording.



Planning and Development Services

17500 Midvale Avenue N.
Shoreline, WA 98133-4921
(206) 801-2500 ♦ Fax (206) 546-8761

SEPA THRESHOLD DETERMINATION DETERMINATION OF NONSIGNIFICANCE (DNS)

Duplex and Triplex at 14539 32nd Ave NE

PROJECT INFORMATION

Date of Issuance:	December 24, 2008
Proposed Project Description:	Site development and construction of a duplex and triplex (5 total units).
Project Number:	112013
Applicant:	City of Shoreline
Location:	14539 32 nd Ave NE
Parcel Numbers:	1568100330
Current Zoning:	R-24 (Residential - 24 Units Per Acre)
Current Comprehensive Plan Land Use Designation:	Mixed Use
Appeal Deadline:	5:00 p.m. January 7, 2009

THRESHOLD DETERMINATION: Determination of Non-significance (DNS).

The City of Shoreline has determined that the project will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after visits to the project site and review of the environmental checklist, site plan, civil improvement plans and other information on file with the City. This information is available to the public upon request at no charge.

Pursuant to WAC 197-11-158 the City finds that additional environmental analysis, protection and mitigation measures have been adequately addressed in Shoreline development regulations and comprehensive plan adopted under chapter 36.70 RCW. The City will employ Best Management Practices (BMPs) to minimize any potential impacts.

APPEAL INFORMATION

The optional DNS process, as specified in WAC 197-11-355, has been used. A Notice of Application that stated the lead agency's intent to issue a DNS for this project was issued on January 3, 2008, followed by a 14-day comment period. There will be no additional public comment period for this DNS. Appeals of the SEPA threshold determination must be received by the City by 5:00 p.m. on January 7, 2009. Appeals must include a fee of \$420.75 and must comply with the General Provisions for Land Use Hearings and Appeals in sections 20.30.170-270 of the Shoreline Development Code.

David Levitan, Project Manager
Department of Planning and Development Services

12/24/08

Date



Planning and Development Services

PERMIT APPLICATION

PARCEL INFORMATION (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address: 14539 32nd Ave NE
(Leave blank if address is not assigned)

Parcel Number (Property Tax Account Number): 156810-0330

Legal Description: Lot 17, Block 4, Chittenden's Terrace Park

PROPERTY OWNER INFORMATION

Name: Real Property Development Co. LLC Email: _____

Address: 8001 14th Ave NE City: Seattle State: WA Zip: 98115

Phone: 206-527-6363 Cell Phone: _____

Owner's Authorized Agent: Matt Gallagher Email: mgallagher@rpaseattle.com

Address: 8001 14th Ave NE City: Seattle State: WA Zip: 98115

Phone: 206-527-6363 Cell Phone: 206-330-8214

PROJECT INFORMATION

Type of Application	<input type="checkbox"/> Single Family	<input checked="" type="checkbox"/> Multifamily	<input type="checkbox"/> Non-residential	<input type="checkbox"/> Legislative
Building/Construction	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Mechanical	<input type="checkbox"/> Fire Sprinkler
	<input type="checkbox"/> Addition/Remodel	<input type="checkbox"/> Demolition	<input type="checkbox"/> Plumbing	<input type="checkbox"/> Fire Alarm
			<input type="checkbox"/> Other	
Land Use	<input type="checkbox"/> Clearing & Grading	<input type="checkbox"/> Site Development	<input type="checkbox"/> Use -Home Occupation	<input type="checkbox"/> Conditional Use
	<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Bed and Breakfast	<input type="checkbox"/> Code Interpretation
	<input type="checkbox"/> Short Plat	<input type="checkbox"/> Engineering Variance	<input type="checkbox"/> Temporary Use	<input type="checkbox"/> Rezone
Other	<input type="checkbox"/> Critical Area Reasonable Use Permit	<input type="checkbox"/> Comprehensive Plan Amendment		
	<input type="checkbox"/> Critical Area Special Use Permit	<input type="checkbox"/> Development Code Amendment		

PROJECT DESCRIPTION: Subdivide one parcel into five lots
Construction Valuation: _____

CONTRACTOR INFORMATION

Company Name: Real Property Development Co. Email: mgallagher@rpaseattle.com

Contact Person: Matt Gallagher Contact Phone: 206-330-8214

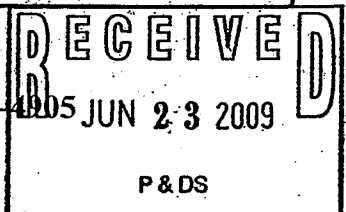
Address: 8001 14th Ave NE City: Seattle State: WA Zip: 98115

Contractor's Registration No.: REALPDC940KK Expiration Date: 09/15/09

I am the property owner or authorized agent of the property owner. I certify that to the best of my knowledge, the information submitted in support of this permit application is true and correct. I certify that I will comply with all applicable City of Shoreline regulations pertaining to the work authorized by the issuance of a permit. I understand that issuance of this permit does not remove the owner's responsibility for compliance with state or federal laws regulating construction or environmental laws.

Signature Matthew Gallagher
Property Owner and/or Authorized Agent

Date 6/1/09





Notice of Preliminary Formal Plat Application

July 1, 2009

Name of Applicant and Application No.: Matt Gallagher / Real Property Development Co. / 201791

Location & Description of Project: 14539 32nd Ave. NE – Tax #1568100330 / Subdivision of one residential parcel into five with separate access tract.

Application Submitted & Complete: June 23, 2009

Project Manager Name & Phone #: Brian Lee 206-801-2553

Project Information: Total Lot Area: 8,509 square feet; Maximum Height: 40 feet;
Zone: R-24 (24 dwelling units per acre); Minimum Lot Size: 2,500 square feet
(Modifiable with zero lot line development).
Please note that this proposal meets the density provisions of the City of Shoreline Development Code. Based on the lot area, this property may support 6 dwelling units. The City will evaluate the public comments received and, where appropriate, include them in the conditions of approval.

Public Comment: The public comment period ends July 16, 2009 at 5:00 p.m. Interested persons are encouraged to mail, fax (206) 546-8761 or deliver comments to City of Shoreline, Attn: Brian Lee, 17500 Midvale Avenue North, Shoreline, WA 98133 or emailed to blee@shorelinewa.gov. You may also request a copy of the decision once it has been made.

Open Record Public Hearing: Interested parties are also encouraged to participate in a public hearing that will be scheduled before the Planning Commission in the Mt. Rainier Room at the Shoreline Conference Center, 18560 First Avenue NE, Shoreline, WA. When that public hearing is scheduled a public notice will be issued.

Development Regulations Used and Environmental Documents submitted:

Current Shoreline Municipal Code and Comprehensive Plan; 2005 DOE Manual; and 2007 Engineering and Development Guide. An environmental review was completed during the rezone process and a determination of non-significance (DNA) was issued for the site. All documents are available for review at the City Hall Annex, 1110 N. 175th Street Suite #107.

Other Required Permits: Final Formal Subdivision.



Notice of Public Hearing of the Hearing Examiner

Applicant: Matt Gallagher, Real Property Development Co.

Application No.: 201791

Permit Requested: Preliminary Formal Subdivision

Location & Description of Project: 14539 32nd Ave. NE; Subdivision of one residential parcel into five.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for September 10, 2009 at 1:00pm in the Council Chambers at City Hall, 17500 Midvale Ave. N, Shoreline, WA..

Copies of the notice of application, application materials and applicable codes are available for review at City Hall, 17500 Midvale Ave. N.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually, according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

RESOLUTION NO. 291

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON
APPROVING A PRELIMINARY PLAT FOR FIVE LOTS AT 14539 32ND AVE
NE, SHORELINE, WASHINGTON.**

WHEREAS, an application for a Preliminary plat approval for 5 zero-lot-line lots and 1 access tract was received for an R-24 zoned .2 acre property located at 14539 32nd Ave. NE in Shoreline; and

WHEREAS, A SEPA determination of non-significance was issued December 24, 2008 on the proposed action; and

WHEREAS, on September 10, 2009, a public hearing on the application was held before the Hearing Examiner for the City of Shoreline pursuant to notice as required by law and the Hearing Examiner recommended approval of the preliminary plat without conditions; and

WHEREAS, upon consideration of the application the City Council has determined that the Preliminary Plat is consistent with the Comprehensive Plan, Shoreline Municipal Code, and appropriate for this site; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE AS
FOLLOWS:**

1. **Section 1. Findings and Decision.** The Shoreline Hearing Examiner's Findings, Conclusions and Recommendation attached hereto as Exhibit 1, are hereby adopted, and a the Preliminary Plat at 14539 32nd Ave. NE, Shoreline, WA is approved.

ADOPTED BY THE CITY COUNCIL ON OCTOBER 12, 2009.

Cindy Ryu, Mayor

Attest:

Scott Passey, City Clerk

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

RECEIVED
SEP 17 2009
CITY CLERK
CITY OF SHORELINE

PROJECT INFORMATION SUMMARY

PROJECT: Preliminary Formal Subdivision for Briarcrest
Townhomes

PROJECT FILE NUMBER: 201791

LOCATION: 14539 32nd Avenue NE

APPLICANT Real Property Development Co., LLC

RECOMMENDATIONS: Department: Approve
Hearing Examiner: Approve

PUBLIC HEARING: September 10, 2009

Introduction

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

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

Findings of Fact

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

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Briarcrest Townhomes Preliminary Formal Subdivision 201791
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3. The property is zoned Residential – 24 units per acre (R-24). The surrounding area is zoned medium- to high-density residential, and includes single family homes and multifamily buildings. There are a number of commercial developments along Bothell Way NE, a block east.
4. The Comprehensive Plan designates the site as Mixed-Use. Policy LU17 encourages development of Mixed-Use areas as pedestrian-oriented places with architectural interest which integrate a wide variety of retail, office and service uses with residential uses.
5. Policy H1 states: “Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.”
6. Policy H6 states: “Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.”
7. The site was rezoned from R-12 to R-24 in 2006.
8. A SEPA Determination of Non-Significance was issued on December 24, 2008 for the proposed development. Building permits for the duplex and a triplex were issued on February 23, 2009. Site development and right of-way permits were also issued on February 23, 2009.
9. Three trees were approved for removal from the site during the development review process. The remaining tree on site is a significant tree under the Code, and is required to be retained.
10. The dimensions and density of the development are shown at page 5 of the staff report and comply with the requirements in the R-24 zone for zero-lot line developments.
11. The project complies with the Code requirements for off-street parking. Direct access from the street right-of-way to parking areas is provided, as well as a paved pedestrian path.
12. During the development approval review, the City Public Works Department approved the Road and Storm Drain Plan for the development at this site. The Ronald Wastewater District reviewed and approved the wastewater disposal system, and the Seattle Public Utilities reviewed and approved the water supply system.
13. The Shoreline Fire Department reviewed and approved the plans for site access and fire hydrant proximity during the development process.

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

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

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

Conclusions

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

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

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

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

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

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

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

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

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

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

10. The proposed preliminary subdivision should be approved.

Recommendation

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

Entered this 16th day of September, 2009.



Anne Watanabe
Hearing Examiner

Exhibits

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

CITY OF SHORELINE
HEARING EXAMINER SUMMARY MINUTES
PRELIMINARY FORMAL SUBDIVISION - PUBLIC HEARING
14539 32ND AVENUE NE
APPLICATION #201791

Thursday, September 10, 2009 - 1:00 p.m.
Shoreline City Hall
Room 107

1) Introductory statements by the Hearing Examiner

City of Shoreline Hearing Examiner Anne Watanabe introduced herself and gave the details of the hearing. She noted that her recommendation will be forwarded to the City Council. She also gave the attendees the opportunity to introduce themselves. Present were: Brian Lee, Associate Planner/Project Manager, Flannary Collins, Assistant City Attorney, Jay Finney, Builder, on behalf of Will Property Development.

2) Staff report

Brian Lee corrected two typographical errors in the staff report. He stated that on the second to the last paragraph in Section 9, Staff Analysis the language which states "Section 9.1" should be changed to "Section 10.1." He added that in Section 9.3 the last sentence in the last paragraph should be deleted. Continuing, he stated that the first paragraph, last sentence in Section 9.4 refers to Section 9, 10, and 11 and should only refer to Sections 10 and 11, therefore, he stated that the "9" should be deleted. Mr. Lee continued and highlighted that the project was located at 14539 32nd Avenue NE and the site is .2 acres in size, zoned R-12 with residential 24 units per acre. The proposal, he explained is for a formal subdivision to create five (5) zero-lot line lots for the townhome units currently under construction. He displayed a picture and site plan of the subject property. He reviewed the procedural history of the project and communicated the staff analysis which included street frontage and a new sidewalk being installed prior to the recording of the final plat. This project, he communicated, based on the staff analysis noted that this project will comply with all requirements specified in the Shoreline Development Code and Engineering Development Guide. He stated that the City staff recommends approval of this project to the Shoreline City Council.

Hearing Examiner Watanabe discussed significant tree removal requirements in Section 10.2 of the report. She verified with Mr. Lee that the site contained one significant tree and the minimum retention of 20% is the requirement. Furthermore, he stated that no trees were removed in the site development process and the development will include the planting of five new trees. She also verified with Mr. Lee that the Shoreline Municipal Code (SMC) doesn't require any covenants for any common wall type structures. However, it is an option for the developer. Mr. Finney communicated that it is a requirement in the City of Seattle to add the covenants, conditions and

restrictions (CC&Rs) with the short plat on townhouses, but they aren't required in Shoreline. HE Watanabe noted that she isn't going to require them. Mr. Finney also noted that these aren't shared wall structures because there is a one inch air gap between the units. HE Watanabe reiterated that there would be shared areas so there is a maintenance issue with roofs, detention systems, access road, etc.

3) Applicant's testimony

Mr. Finney declined comment.

4) Public testimony

There was no public testimony given.

5) Questions/and or cross examination as appropriate

Hearing Examiner Watanabe verified the three (3) exhibits for the record.

Exhibit 1 - Staff report

Exhibit 2 - Mr. Lee's PowerPoint presentation

Exhibit 3 - Plat map

6) Adjournment

Hearing adjourned at 1:32 p.m.



Anne Watanabe, City of Shoreline Hearing Examiner

Staff Recommended Conditions of Approval

1. A maximum of 5 lots and one private access tract shall be created. The sizes and the assigned addresses for the lots shall be shown on the face of the Final Plat. The delineation and size of the private access tract shall be declared on all plans submitted for the Site Development Permit and also shown on the face of the Final Plat.
2. A maximum of 5 zero-lot-line lots are permitted as depicted in the approved Site Plan for Preliminary Formal Subdivision dated June 16, 2009.

The following notes 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.”
 - “Any future developments on the 5 newly created lots shall meet zero lot-line development standards.”
 - “Tract A is a joint-use access tract where residential or commercial development is permanently prohibited.”
3. Prior to recording of the Final Plat, owners shall be required to establish, record and maintain in force and effect a Covenant for a Homeowner’s Association. The Association is to be held with undivided interest by the 5 zero-lot-line town home lots (described as lots 1-5) in this subdivision. The Homeowner’s Association is to be responsible for maintaining, repairing and/or rebuilding of the (1) access road; (2) required landscaping; and (3) infrastructure and utilities not dedicated to the City of Shoreline including utilities and drainage facilities.