

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Preliminary Formal Subdivision Review for Shoreline Townhomes DEPARTMENT: Planning and Development Services PRESENTED BY: Glen Pickus, AICP, Planner II</p>

A. PROPOSAL

The proposed Preliminary Formal Subdivision (File No. 201478) would create 18 zero-lot-line lots and a critical area tract (wetland and its buffer) on two contiguous parcels at 1160 N 198th St. (**Attachment A**). The development would consist of 18 townhome units in 4 buildings (**Attachment B**). The applicant is proposing a Wetland and Buffer Enhancement Plan (**Attachment C**) to allow for the establishment of minimum wetland buffer widths. Onsite improvements would include typical water, sanitary sewer, and other utilities. Out of the ordinary is the proposed surface water management plan which employs Low Impact Design as provided for in the 2005 King County Surface Water Management Manual. Primary elements of Low Impact Design are the use of pervious pavement and rain gardens to limit, control and treat stormwater runoff.

Under SMC 20.30.060 Preliminary Formal Subdivisions are a quasi-judicial Type C decision in which the Planning Commission is required to hold an open-record public hearing 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 consists of two contiguous lots (Tax Parcel Nos. 2227300070 & 2227300071) totaling approximately 49,531 square feet (1.1 acres).
- 1.2 The site is currently vacant, although a single family residence was located on the site until it was demolished in 1995. Remaining on site are a 500-gallon underground home heating oil tank and concrete slabs and walkways.
- 1.3 The site is located on the north shoreline of Echo Lake. It is generally flat, sloping gently to the southeast, towards the lake, with slopes less than 2%. The southeast corner of the site contains a Type II wetland adjacent to the lake. The wetland is approximately 1,600 square feet in area.
- 1.4 One significant tree (to be retained) is located on the site, within the proposed wetland buffer.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located in the Echo Lake Neighborhood, south of N 200th Street and east of Aurora Avenue N.

- 2.2 Adjacent to the site are multi-family residential developments to the east, west and south and an office building to the north. Echo Lake Park and a portion of the Interurban Trail are approximately 360 feet east of the site. The Aurora Village Transit Center and retail shopping center are located about 350 feet north of the site. West of the site up to Aurora Avenue N are some single family residences and commercial buildings.
- 2.3 N 198th Street is classified as a local street. Aurora Avenue N is a principal arterial. N 200th Street is a collector arterial. N 199th Street is a private street.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the site is High Density Residential. Policy LU14 in the Comprehensive Plan envisions High Density residential areas as transition areas between high intensity uses and lower intensity residential uses. All residential uses are permitted in High Density Residential areas.
- 3.2 LU23: “Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the needs of Shoreline citizens.”
- 3.3 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 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.
- 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)
- 4.3 Revised Code of Washington (RCW) 36.70B.040 Determination of Consistency
- 4.4 RCW 58.17.110 Approval/Disapproval of Subdivisions

5. PROCEDURAL HISTORY

- 5.1 Preapplication meetings were held on June 21, 2005 and Sept. 9, 2005.
- 5.2 A Neighborhood Meeting was held on July 27, 2005.
- 5.3 A third party review of the applicant’s wetland delineation report (**Attachment D**) by the City’s consultant, The Watershed Company, was completed Oct. 18, 2005 (**Attachment E**). The review agreed with and supported the report.

- 5.4 Preliminary Formal Subdivision (File No. 201478) and Site Development Permit (File No. 108437) applications and a State Environmental Policy Act (SEPA) checklist were received on Nov. 8, 2005 (**Attachment F**).
- 5.5 The applications were determined to be complete on Nov. 17, 2005.
- 5.6 A Notice of Application for the proposal was issued on Nov. 23, 2005, with the public comment period ending Dec. 7, 2005. Because the site was not posted with the Notice of Application in a timely manner, a Revised Notice of Application was issued on Dec. 1, 2005, with the public comment period ending Dec. 15, 2005 (**Attachment G**).
- 5.7 A deviation from the provisions of the City-adopted 1998 King County Surface Water Design Manual (as provided for by the manual's general adjustment process) to allow implementation of the 2005 King County Surface Water Design Manual (KCSWDM) stormwater management flow control Best Management Practices was approved on Feb. 1, 2006 (**Attachment H**).
- 5.8 A SEPA threshold Mitigated Determination of Nonsignificance (MDNS) for the proposal was issued on Feb. 7, 2006 (**Attachment I**) with the administrative appeal and comment period ending on Feb. 21, 2006. No comments or appeals were received.
- 5.9 A Notice of Public Hearing was issued on Feb. 28, 2006 for the Planning Commission open record public hearing on March 16, 2006 (**Attachment J**).

6. PUBLIC COMMENT AND STAFF RESPONSE

- 6.1 **Public Comment** – A total of seven comment letters and e-mails were received.
- 6.2 **Staff Response regarding project name** – Three of the comment letters (**Attachment K**) objected to the original name for the project, Echo Lake Townhomes. Staff requested the applicant change the name of the project. The project is now named Shoreline Townhomes.
- 6.3 **Staff Response regarding impact on Echo Lake** – Three letters (**Attachment L**) commented on potential negative impacts of the project on Echo Lake's water quality and wildlife habitat. With wetland and buffer enhancement and construction of stormwater management flow control BMPs, the quality of surface water flowing from the site into Echo Lake will be improved over existing conditions. The hydrology of the wetland will be improved with the partial removal of an existing concrete wall separating the wetland from the lake and installation of dispersion trenches.

The concern that erosion into the lake would be increased by removing the existing concrete wall at the edge of the lake was addressed by modifying that proposal to include removal of only the portion of the wall above the mean high water mark, which will allow a hydraulic connection between the wetland and the lake while still stabilizing the shoreline.

Concerns about increased erosion caused by the concentration of pedestrian activities near the lake were addressed by modifying the wetland enhancement plan to include a raised boardwalk and viewing platform near the lake and fencing, signage, and increased plantings of rose and snowberry plants along pedestrian paths to encourage pedestrians to off the ground near the wetland and lake.

Wildlife habitat opportunities will be increased with removal of invasive non-native plants, planting of native plants, and installation of bird and bat boxes in the wetland buffer.

- 6.4 **Staff response regarding pervious concrete maintenance** – One of the letters referred to in 6.3 above also commented on the need to properly maintain the proposed pervious concrete roadway. The staff recommended conditions of approval include the establishment of a homeowner’s association responsible for the maintenance of common facilities, including the pervious concrete and rain gardens. Another proposed condition requires recording a declaration of covenant and grant of easement, as required by the KCSWDM, with maintenance provisions for the rain gardens and porous concrete.
- 6.5 **Staff response regarding pedestrian access** – The letter referred to in 6.4 above also commented on the need for sufficient and safe pedestrian routes to nearby commercial and transit services. Adequate pedestrian paths are included in the proposal not only on site but also along the access easement that connects the site to N 198th Street. A staff-recommended condition of approval to implement all of the recommendations in the Traffic Impact Assessment prepared by Transportation Engineering NorthWest would improve off-site pedestrian safety.
- 6.6 **Staff response regarding King County request** – King County Wastewater Treatment Division requested copies of sewer extension plans. Staff contacted personnel in the Wastewater Treatment Division to clarify the request. During those discussions it was determined the sewer main crossing the site was not being modified so it was unnecessary to submit sewer extension plans (**Attachment M**).

7. ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES

- 7.1 The project site is zoned Residential – 48 units per acre (R-48), which would allow up to 55 dwelling units to be constructed on the site.
- 7.2 The proposed density is 15.8 dwelling units per acre.
- 7.3 Under SMC 20.40.120 townhomes are a permitted use in the R-48 Zoning District.

8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410)

The following criteria were used to review the proposed subdivision:

8.1 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 SMC 20.80, Critical Areas, and Subchapter 5 of SMC 20.50, Tree Conservation, Land Clearing and Site Grading Standards.*

Staff Analysis: A Type II wetland is located on the site. The proposal complies with the standards established in the critical areas chapter SMC 20.80.200. See further analysis under **Section 12.2** below. 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: With the type of structures proposed, placement of access over existing utility easements, 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. An abandoned home heating oil storage tank and contaminated soil on the site as described in the Aug. 22, 2005 Environmental Site Assessment by Earth Solutions NW (**Attachment O**) will be removed in conformance with relevant regulations prior to construction per Mitigation Measure #6 of the SEPA threshold MDNS (**Attachment I**).

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 KCSWDM. See further analysis in **Section 11.1** below. 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.

8.2 **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. All lots will be buildable with a zero-lot-line townhouse dwelling unit. 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: None of the site fronts on any public streets. Access to N 198th St., which is not a primary or secondary highway, is provided via a “Non-Exclusive Access and Utilities Easement” (King County Recording No. 20060106000015) across private property southwest of the site.

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 9.1** 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. Existing public pedestrian walks and bicycle paths outside of the site are adequate to serve the additional impacts generated by the project. Improvements to the pedestrian access across private land to N 198th Street will be required per the recommendations of the Traffic Impact Analysis by Transportation Engineering Northwest, Inc. (**Attachment N**).

8.3 **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. See further analysis in **Section 11.2** below.

8.4 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 the all requirements specified in the City of Shoreline Development Code and Engineering Development Guide. See further analysis in **Sections 9, 10, 11** and **12** 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.

9. SITE DEVELOPMENT STANDARDS (SMC 20.50)

9.1 Densities and Dimensions in the R-48 Zone (SMC 20.50.020)

Standard	Regulation	Proposed
Base Density	48 du/acre	16 du/acre
Min. Density	8 du/acre	16 du/acre
Min. lot width	30 ft. ⁽²⁾	18-44 ft.
Min. lot area	2,500 sq. ft. ⁽²⁾	1,423 – 4,535 sq. ft.
Min. front yard setback	10 ft.	18 ft. - west
Min. rear yard setback	5 ft.	38 ft. - east
Min. side yard setback	5 ft.	25 ft. - north 6 ft. - south
Base height	50 ft. with pitched roof ⁽⁹⁾	n.a.
Max. building coverage	70%	18.2%
Max. impervious surface	90%	55%

Exceptions

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

(9) For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, NCBD, RB, I, and CZ zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

- 9.2 **Open Space** (SMC 20.50.160) Multifamily developments must provide on-site common recreational open space of at least 170 square feet for each dwelling unit of three or more bedrooms. Exception 20.50.160(A)(2) allows private yards, patios, balconies or roof decks to be credited towards the total recreation space requirement when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Private yards or patios must have a minimum area of 100 square feet and a minimum dimension of 10 feet. The proposal provides each dwelling unit with a patio area at least 170 square feet in area with dimensions at least 10 feet by 17 feet, creating suitable recreational opportunities. Community pathways and gathering areas along with the wetland buffer enhancement plan's boardwalk and viewing platform add to the project's total area of common recreational open space.

Multifamily developments shall provide tot/children play areas within the recreation space on-site except when facilities are available within one-quarter mile that are developed as public parks and are accessible without crossing arterial streets. Play areas are not required for this project as Echo Lake Park is located less than one-quarter mile from the project and is accessible by pedestrians without having to cross any streets.

- 9.3 **Significant Tree Removal** (SMC 20.50.290-370) The site contains one significant tree. That tree is located within the wetland buffer area and will be retained. This complies with the requirement that at least 20% of the significant trees be retained. As no significant trees are to be removed, there are no replanting requirements.
- 9.4 **Parking and Access** (SMC 20.50.380-440) Townhouse developments must provide two off-street parking spaces per dwelling unit (SMC 20.50.390A). The proposal provides each dwelling unit with a one-car garage and a driveway at least 20 feet long to provide a second parking space. In addition, four guest parking spaces are proposed.

Access may cross required yard setbacks provided no more than 10% of the setback area is displaced (SMC 20.50.420). Less than 10% of the setback area is proposed to be displaced by access. Direct access from the street right-of-way to parking areas is subject to SMC 20.60 and the Shoreline Engineering Development Guide.

Pedestrian access should be:

- separate from vehicular traffic where possible; or
- well marked to clearly distinguish it as a pedestrian priority zone; and
- be at least five feet wide (SMC 20.50.430).

All proposed pedestrian access is at least five feet wide and delineated with either a paving material different from that used by vehicle access or by painted lines.

- 9.5 **Landscaping** (SMC 20.50.450-520) Type II landscaping, a filtered screen functioning as a partial visual separator to soften the appearance of parking areas and building elevations, consisting of trees generally interspersed throughout the landscaped strip and spaced to create a continuous canopy with a mix of deciduous and evergreen trees, shrubs and ground cover is required within the yard setback area for multifamily developments adjacent to multifamily and commercial zoning, except where the setback area is displaced by access or

parking. The approved Feb. 27, 2006 Weisman Design Group landscaping plan (**Attachment P**) complies with these requirements.

10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

- 10.1 **Water Supply** – Seattle Public Utilities has issued a Water Availability Certificates (**Attachment Q**) for the proposal.
- 10.2 **Sewer Service** – Ronald Wastewater District has issued a Certificate of Sewer Availability (**Attachment R**) for the proposal.
- 10.3 **Fire Protection** – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site (**Attachment S**).
- 10.4 **Traffic Capacity** – The project will generate an estimated 9 “P.M. Peak Hour Trips,” which is below 20 P.M. Peak Hour Trips, the threshold trigger to require traffic facility improvements as set forth in SMC 20.60.140(A) (See Traffic Impact Analysis, Transportation Engineering Northwest, Oct. 27, 2005, **Attachment N.**)

11. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

- 11.1 **Storm Water Management** – The City of Shoreline Public Works Department has approved the Road and Storm Drain Plan for the proposal.
- 11.2 **Right-of-Way Dedication** – No right-of-way dedication is required as the project does not front any right-of-way and will not have a significant impact on the use of the right-of-way.
- 11.3 **Utility Undergrounding** – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 11.4 **Frontage Improvements** – The project does not front on any right-of-way. Although there may be a site distance deficiency at the intersection of N 198th St. and Aurora Ave. N, none of those deficiencies can be improved by work within the right-of-way. No frontage improvements are required.

12. WETLAND REGULATIONS (SMC 20.80.310-350)

- 12.1 **Wetland classification** (SMC 20.80.320) – The wetland on the site has been classified as a Type II wetland (see **Attachment C**, Wetland Delineation Report, Adolfsen Associates, Inc., Oct. 2005) and confirmed by a third party (see **Attachment D**, The Watershed Company letter, Oct. 18, 2005).
- 12.2 **Required buffer areas** (SMC 20.80.330) – Type II wetlands require a minimum buffer width of 50 feet and a maximum buffer width of 100 feet. The maximum buffer width is required unless the proposed development:
 - is considered low impact; or
 - if wetland and buffer enhancement are implemented.

The proposal to use the minimum buffer width is allowed because it is both considered low impact and wetland and buffer enhancement are part of the proposal.

This proposal is low impact as:

- the proposed use does not involve usage or storage of chemicals;
- passive-use areas are located adjacent to the buffer; and
- the wetland and its buffer are incorporated into the site design in a manner which eliminates the risk of adverse impact on the critical area.

Wetland and buffer enhancement are achieved with the:

- Construction of bat and bird boxes to enhance wildlife habitat with structures likely to be used by wildlife.
- Removal of invasive non-native species followed by planting of native vegetation, which will increase the value of wildlife habitat and improve water quality.

Low impact uses and activities (pedestrian path, boardwalk and viewing platform) are proposed within the buffer. Those uses are consistent with the purpose and function of the wetland buffer and do not detract from the integrity of the buffer. A viewing platform is to be located at the edge of the buffer next to the wetland to proactively mitigate potential erosion and other negative impacts caused by overuse of areas by pedestrians.

The wetland and its associated buffer will be preserved by being placed in a separate tract on which development is prohibited. The location and limitations associated with the tract will be shown on the face of the recorded final plat.

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 and with the proposed conditions listed in **Attachment U**, staff concludes the Preliminary Formal Subdivision of Shoreline 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 Planning Commission is to forward to the City Council a recommendation of **APPROVAL** with conditions as described in **Attachment U** for the Shoreline Townhomes Preliminary Formal Subdivision application.

E. PLANNING COMMISSION ROLE AND OPTIONS

The Planning Commission's recommendation options to the City Council are:

1. Recommend approval with conditions, based on the staff Findings of Fact and Conclusions.
2. Recommend approval without conditions or conditions different from the staff recommended conditions, based on new Findings of Fact and Conclusions as amended by the Planning Commission.
3. Recommend denial of the application, based on new Findings of Fact and Conclusions as amended by the Planning Commission.

F. ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Site Plan and Plat Map (boundaries, lot lines, easements)

Attachment C: Wetland and Buffer Enhancement Plan, Adolfson Associates, Inc., February 2006

Attachment D: Wetland Delineation Report, Adolfson Associates, Inc., October 2005

Attachment E: Third Party Review of Wetland Delineation Report, The Watershed Company, Oct. 18, 2005

Attachment F: SEPA Checklist,, Adolfson Associates, Inc., October 2005

Attachment G: Notice of Application, Nov. 23, 2005 and Revised Notice of Application, Dec. 1, 2005

Attachment H: Memo approving deviation from 1998 King County Stormwater Design Manual, Feb. 1, 2006

Attachment I: SEPA Threshold MDNS, Feb. 7, 2006

Attachment J: Notice of Public Hearing, Feb. 28, 2006

Attachment K: Public Comments regarding subdivision name

Attachment L: Public Comments regarding impact on Echo Lake area water quality, wildlife habitat, and pedestrian safety

Attachment M: King County Wastewater Treatment Division comment letter, Dec. 6, 2005, and staff response, Dec. 15, 2005

Attachment N: Traffic Impact Assessment, Transportation Engineering Northwest, Oct. 27, 2005

Attachment O: Environmental Site Assessment Report (without appendices), Earth Solutions, NW, Aug. 22, 2005

Attachment P: Landscape Plan, Weisman Design Group, Oct. 25, 2005

Attachment Q: Seattle Public Utilities Water Availability Certificate (revised), Feb. 10, 2006

Attachment R: Ronald Wastewater District Sewer Availability Certificate, Oct. 24, 2005

Attachment S: Fire Lane Plan

Attachment T: Draft CC&Rs

Attachment U: Preliminary Staff Recommended Conditions of Approval

Note:

To view attachments

Click on the word "Attachment" ([Attachment A](#)), the box is a hyperlink.