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**Staff Report to Hearing Examiner**

**Preliminary Formal Subdivision**

**File No. PLN23-0078, N 185th St Formal Plat**

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**A. APPLICATION**

Applicant: Brian Kalab, Insight Engineering Co. **(Exhibit 2, Application)**

Property Owners: MSR Highland LLC

Owner's Authorized Agent: Brian Kalab, Insight Engineering Co.

An application for a Preliminary Formal Subdivision to subdivide two (2) residential parcels into thirteen (13) unit lots for single-family attached residences (townhomes) was filed on June 21, 2023, and assigned File No. PLN23-0078 **(Exhibit 2, Application)**. This proposed subdivision is being reviewed concurrently with site development and right-of-way permits under the Subdivisions without Development process set forth in SMC 20.30.410(A)(1).

**B. BACKGROUND**

**1. SITE CHARACTERISTICS<sup>1</sup>**

- 1.1 Site addresses: 1809 and 1815 N 185th St
- 1.2 Site tax parcel numbers: 370590-0025 and 370590-0021
- 1.3 The Site is roughly rectangular in shape with two "bump-outs" totaling approximately 17,035 square feet (0.39 acres).
- 1.4 The Site abuts N 185<sup>th</sup> Street with approximately 122 feet of frontage, the western 62 feet of frontage being 120 feet deep, and the eastern 60 feet of frontage being 150 feet deep; the eastern portion of the property contains two "bump-outs," the southern bump-out being 60 feet wide by 30 feet deep and the eastern bump-out being 10.5 feet wide by 54.5 feet deep **(Exhibit 3, Boundary/Topographic Survey)**.
- 1.5 The Site currently contains two (2) single-family residences. These structures will be demolished to facilitate the future development of the subdivided property.
- 1.6 The Site topography changes in various ways across the course of the Site, generally sloping down from north to south with an approximate 10-foot change in elevation.
- 1.7 There are no critical areas or critical area buffers on the Site.

**2. COMPREHENSIVE PLAN LAND USE DESIGNATION AND ZONING**

- 2.1 The Comprehensive Plan land use designation for the Site is Station Area 2 (SA2). The purpose of this land use designation is to encourage Transit Oriented

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<sup>1</sup> For the purpose of this Staff Report, "Site" means the two tax parcels collectively.

Development (TOD) in areas surrounding the future light rail stations. The SA2 designation is intended to provide a transition from the SA1 (Station Area 1) designation and encourages the development of higher density residential along arterials in the subarea, neighborhood commercial uses, reduced parking standards, increased housing choices, and transitions to lower density single family homes.

- 2.2 The Site is zoned Mixed-Use Residential 45' (MUR-45') which requires a minimum density of 18 units per acre, or a minimum of 8 units for this Site **(Exhibit 4, Zoning Map)**.
- 2.3 Pursuant to SMC 20.40.160, single-family attached residential dwellings are an allowed use in MUR-45'.

### 3. NEIGHBORHOOD CHARACTERISTICS

- 3.1 The Site is located on the south side of N 185<sup>th</sup> St, approximately 62 feet east of Wallingford Ave N in the Meridian Park neighborhood **(Exhibit 5, Vicinity Map)**. The Echo Lake neighborhood is just across the street, on the north side of N 185<sup>th</sup> St.
- 3.2 North 185<sup>th</sup> Street is classified as a Minor Arterial.
- 3.3 The parcels abutting the Site, and north, across N 185<sup>th</sup> St, are all zoned MUR-45'. Going further south and away from the N 185<sup>th</sup> St corridor, the zoning changes to R-6. Further west, approaching Stone Ave N, the zoning changes to Town Center (TC), and further east, it stays MUR-45' until 1<sup>st</sup> Ave NE where it changes to MUR-70' approaching the Shoreline North/185<sup>th</sup> St Light Rail Station.
- 3.4 The Meridian Park neighborhood contains portions of the historic Ronald community dating back to the early 1900s. It is located at the core of Shoreline and is bordered by NE 185<sup>th</sup> Street, I-5, N 160<sup>th</sup> Street and Aurora Avenue N. The Town Center subarea is located primarily within this neighborhood. The portion of this neighborhood along 185<sup>th</sup> St from Ashworth Ave N to I-5 were rezoned as part of the 185<sup>th</sup> Street Station Subarea Plan to the Mixed-Use Residential (MUR) zones. The Meridian Park neighborhood has experienced redevelopment in recent years, including several townhouse redevelopments, and one four-story apartment building (15 units), since the MUR zoning was established in 2015. Similarly, the Echo Lake neighborhood, on the north side of N 185<sup>th</sup> St, has experienced significant redevelopment in recent years, primarily townhouse redevelopments, and one four-story apartment building (22 units), since the MUR zoning was established in 2015.

### 4. REGULATORY AUTHORITY

- 4.1 SMC 20.30.060 requires Preliminary Formal Subdivisions to be processed as a quasi-judicial or "Type-C" actions. The Hearing Examiner is to hold an open record public hearing and submit a recommendation, supported by findings and conclusions, to the City Council, which will make the final decision on the application.
- 4.2 Applicable regulatory controls set forth in the SMC include:
  - SMC 20.30 – Procedures and Criteria

- (Preliminary Subdivisions – SMC 20.30.410)
- SMC 20.40 – Zoning and Use Provisions  
(Station Area Uses – SMC 20.40.160)
- SMC 20.50 – General Development Standards  
(Dimensional and Density Standards – SMC 20.50.020)
- SMC 20.60 – Adequacy of Public Facilities
- SMC 20.70 – Engineering and Utilities Development Standards

4.3 RCW 58.17.110 Approval/Disapproval of Subdivisions

## 5. ENVIRONMENTAL

- 5.1 An [Interpretive Statement](#) from Ecology (dated March 1, 2023), states that SEPA review is not required for exempt minor new construction proposals under WAC 197-11-800(1) that also include a subdivision of land. The construction of residential structures of up to 30 dwellings is considered categorically exempt under Washington’s State Environmental Policy Act. Therefore, a 13-unit formal subdivision is not subject to environmental review under SEPA.
- 5.2 The Site is located within the 185<sup>th</sup> Street Station Planned Action Area, established under [Ordinance No. 707](#).

## 6. PROCEDURAL HISTORY

- 6.1 Pursuant to SMC 20.30.080, a Pre-application Meeting for the proposed subdivision was held on February 15, 2022. (PRE21-0239)
- 6.2 Pursuant to SMC 20.30.090, a Neighborhood Meeting was held on June 8, 2022 **(Exhibits 6 and 7, Neighborhood Meeting Notice and Neighborhood Meeting Report)**.
- 6.3 An application for Preliminary Formal Subdivision (File No. PLN23-0078) was submitted on June 21, 2023. The application was determined to be complete on July 3, 2023.
- 6.4 Pursuant to SMC 20.30.120, a Notice of Application for the proposed subdivision was issued on September 26, 2023, with the comment period ending October 10, 2023 **(Exhibit 8, Notice of Application)**.
- 6.5 Pursuant to SMC 20.30.180, a Notice of Public Hearing was issued on August 13, 2024, for the Hearing Examiner open record public hearing on August 28, 2024 **(Exhibit 9, Notice of Public Hearing)**.

## 7. PUBLIC AND AGENCY COMMENT

- 7.1 Public Comment – One (1) comment was received:  
One (1) comment, dated October 10, 2023, was received during the Notice of Application comment period. The comment expressed concerns about the type and mid-block configuration of the proposed subdivision, that placing townhouses in the middle of the block would hinder redevelopment on the remaining lot to the west, a corner lot, and restrict the possibility of constructing denser housing in the form of apartment buildings. Staff considered this comment and determined that the MUR-45’ zoning district allows for both the single-family attached use (e.g.,

townhouses) and multifamily use (e.g., apartments), as both are consistent with the vision in the 185th Street Station Subarea Plan. Attached vertical units (townhouses) do typically result in less density than stacked units (apartments), but the Site will increase in density from six (6) units per acre currently to thirty-four (34) units per acre with the proposal. While it may be a missed opportunity that this proposed subdivision does not include the corner lot on N 185<sup>th</sup> St and Wallingford Ave N, it will not prevent that single lot from redeveloping, as similarly situated lots with MUR-35' or MUR-45' zoning have been redeveloped with 4-6 townhouse units. To the east of the Site, there are seven (7) lots which all remain detached single-family homes that could experience infill or redevelopment with the MUR-45' zoning. **(Exhibit 10, Notice of Application Public Comments)**

7.2 Agency Comment – No comments were received by any agencies during the Notice of Application comment period.

C. STAFF ANALYSIS

**8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410)**

The following criteria were used to review the proposed subdivision:

**8.1 SMC 20.30.410(B)(1): Environmental:**

*Criterion (a): Where environmental resources exist, such as trees, streams, geologic hazards, or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing, and site grading standards sections.*

Staff Analysis: No critical areas or buffers exist on the Site. As proposed, the subdivision will comply with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5.

*Tree Retention Table*

<b>Measure</b>	<b>Number / Percentage</b>	<b>Notes</b>
Significant Trees	13	Any healthy tree six inches or greater in diameter at breast height (dbh) (SMC 20.20.048)
Significant Trees Removed	10	
Significant Trees Retained	<b>3</b>	
Nonsignificant Trees Removed*	2	King County lists English Holly as a <a href="#">weed of concern</a> so the two (2) English Holly trees are excluded
Exempt Trees	6	Per SMC 20.50.310(B), six (6)

Measure	Number / Percentage	Notes
Removed		significant trees under 24 inches DBH are exempt from retention and replacement requirements
Non-Exempt Trees Removed	4	
Percent of Retained Trees	3 / 7 = 0.42 or <b>42%</b>	At least 25% of the significant trees on a given site shall be retained (SMC 20.50.350(B)(1))
Replacement Trees Required	8	

Due to the landscaping requirements, which are in addition to the tree replacement requirements, the applicant is proposing a total of seventeen (17) replacement trees, a mix of Japanese Maples and Hinoki Cypress. **(Exhibits 11 and 12, Arborist Report and Tree Landscape Plan).**

*Criterion (b): 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 topography changes in various ways across the course of the Site, generally sloping down from north to south with an approximate 10-foot change in elevation. As proposed, the subdivision has one access driveway from N 185<sup>th</sup> St, running north-south, then turning east-west, forming a “T” shape so the individual unit garages can be accessed. No grading is proposed in the southern part of the site, to ensure the health of trees proposed for retention. Overall, the existing topography of the site has been respected as much as possible, with only 100 cubic yards of cut and 800 cubic yards of fill proposed for this project. **(Exhibits 13 and 14, Site Plan and Site Grading Plan).**

*Criterion (c): 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 floodplains, landslide hazards, 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 (B)(1)(a) and (b) of this section, Chapter 20.80 SMC, Critical Areas, and Chapter 13.12 SMC, Floodplain Management.*

Staff Analysis: There are no existing natural hazardous conditions on the Site for either future residents or nearby residents or property.

*Criterion (d): Low impact development (LID) techniques shall be applied where feasible to minimize impervious areas, manage stormwater, and preserve on-site natural features, native vegetation, open space and critical areas.*

Staff Analysis: LID techniques and stormwater requirements are reviewed under the 2019 Department of Ecology (DOE) Stormwater Manual. The Public Works Department has indicated the proposed subdivision and

associated site development will conform to the stormwater requirements of the DOE Stormwater Manual as mandated by the City's Engineering Development Manual.

**8.2 SMC 20.30.410(B)(2): Lot and Street Layout**

*Criterion (a): 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 lots will be platted in a linear manner, oriented north-south. Lots 1-6 have frontage on N 185<sup>th</sup> St and Lots 7-13 are located to the south of Lots 1-6 with an access drive tract in-between. To the south of Lots 7-13, and the east of Lot 13, is an open space tract. Each proposed lot is rectangular in shape, containing the necessary footprint for an attached single-family residence and, in some cases, a portion of landscaping abutting the unit and walkways into the units. Because this is a unit lot subdivision, redevelopment of individual lots will be limited and, a covenant shall be noted on the face of the final plat (see Section 9.4, Criteria E). **(Exhibit 15, Preliminary Plat)**

*Criterion (b): 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: Lots 1-6 have frontage on N 185<sup>th</sup> Street, which is a Minor Arterial; lots 7-13 have no street frontage, but instead are accessed via an access drive in a proposed tract. Vehicle access for all lots is via this common access drive in a proposed tract. Both the Shoreline Fire Department and Public Works Departments have approved the access as proposed. **(Exhibit 15, Preliminary Plat)**

*Criterion (c): Each lot shall meet the applicable dimensional requirements of the Code.*

Staff Analysis: SMC Table 20.50.020(2) does not establish a minimum lot width and area for the MUR-45' zoning district.

*Criterion (d): 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: Improvements to street frontage, including a new sidewalk along the site frontage of N 185<sup>th</sup> Street, are required as a condition of approval. **(Exhibit 13, Site Plan).**

**8.3 SMC 20.30.410(B)(3): Dedications and Improvements**

*Criterion (a): The City may require dedication of land in the proposed subdivision for public use.*

Staff Analysis: The proposed subdivision requires a dedication of right-of-way (ROW) of 10.5 feet on N 185<sup>th</sup> Street. The ROW dedication is required to be recorded prior to issuance of the associated ROW permit and are also recommended as a condition of approval of this preliminary formal subdivision. As of the date of writing this report the applicant was in the final stages of having the dedication recorded.

*Criterion (b): Only the City may approve a dedication of park land.*

Staff Analysis: No dedication of park land is required or proposed. Building permits will be conditioned upon the payment of Park Impact Fees pursuant to SMC Chapter 3.70 prior to issuance to address impact to the City's park system.

*Criterion (c): In addition, the City may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems. Required improvements may 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: Improvements are required as a condition of approval within the N 185<sup>th</sup> Street right-of-way abutting the Site.

Along N 185th Street, provide a curb-to-curb width of 45.5-feet by shifting the south curb line to accommodate the 185th Street Corridor Project. Then provide a 6-inch curb, 5-foot amenity zone and 10-foot sidewalk (5-foot concrete sidewalk and 5-foot asphalt path for cyclists). A ROW Dedication of 10.25-feet is required. All required improvements are being reviewed under the 2023 City of Shoreline Engineering Development Manual (EDM). **(Exhibits 13 and 16, Site Plan and Right-of-Way Plan).**

Building permits will be conditioned upon the payment of Transportation Impact Fees pursuant to SMC 3.80 prior to issuance to address impacts to the City's transportation network.

#### 8.4 **SMC 20.30.410(B)(4): Unit Lot Subdivision**

*Criterion (a): The provisions of this subsection apply exclusively to unit lot development, mixed single-family attached development, or zero lot line development.*

Staff Analysis: The proposed subdivision is a unit lot development or zero lot line development with 13 proposed lots. The applicant has selected Option 1 in SMC 20.30.410.A, which is Subdivision without Development, so building permits have not yet been submitted under which the determination would be made if this is a unit lot development or zero lot line development, the difference being construction type (structurally dependent units versus structurally independent units).

*Criterion (b): Unit lot, mixed single-family attached, and zero lot line developments may be subdivided into individual unit lots. The development as a whole shall meet the applicable development standards.*

Staff Analysis: The proposed subdivision vested to development standards in effect on July 3, 2023. The 13 lots created by the proposed subdivision will be independent fee-simple lots for individual townhome units. For the overall site, all development standards, as noted in Sections 9, 10, and 11 of this report, are being met.

*Criterion (c): As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020, Exception 2.*

Staff Analysis: The individual unit lots in the proposed subdivision have modified setback and hardscape coverage requirements. The individual lots' setbacks range from zero feet to 5 feet and from 73% to 100% lot coverage (**Exhibit 13, Site Plan**). The site overall meets the minimum setback and hardscape requirements subject to SMC Table 20.50.020(2), Exception 2. (**Exhibit 13, Site Plan**).

*Criterion (d): Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of the property owner(s) and/or the homeowners' association shall be executed for the use and maintenance of common garage, parking and vehicle access areas; solid waste storage and/or collection area(s); on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs of individual units; and other similar features, and shall be recorded with the King County Recorder's Office. These shall be recorded prior to final plat application or shown on the face of the final plat.*

Staff Analysis: A shared access tract (Tract 999) and a shared open space tract (Tract 998) will be established as part of the proposed subdivision. At the applicant's discretion, each unit lot may have an undivided interest in Tracts 998 and 999 or a homeowner's association may be formed for ownership of the tracts. Easements are also needed for shared walkways that traverse individual unit lot lines. All covenants, restrictions, and responsibilities of property owners are required to be recorded prior to approval of the final plat in a separate document, or, in the alternative, shown on the face of the final plat.

*Criterion (e): Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement set forth on the face of the plat.*

Staff Analysis: The applicant does not propose parking for dwelling units on a different unit lot. Required parking is proposed within the garages of each proposed townhouse unit.

*Criterion (f): The final plat shall note all conditions of approval. The final plat shall also note that unit lots are not separate buildable lots independent of the overall development and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.*

Staff Analysis: This criterion is a mandatory condition of approval for a unit lot subdivision. As a condition of approval, this information shall be included on the face of the final plat.

*Criterion (g): For unit lot development, the applicant shall record a covenant on the plat that states, "These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code."*

Staff Analysis: The applicant has selected Option 1 in SMC 20.30.410.A, which is Subdivision without Development, so building permits have not yet been submitted under which this would be reviewed. This restriction shall be placed on the final plat if the units are designed as structurally dependent.

**9. SITE DEVELOPMENT STANDARDS (SMC 20.50)**

9.1 Densities and Dimensions in the MUR-45' Zone (SMC 20.50.020)

Standard	Regulation	Parent Lot
Base Density	N/A	N/A
Min. Density	18 du/acre 8 units	34 du/acre 13 units
Min. lot width	N/A	N/A
Min. lot area	N/A	N/A
Min. front yard setback	15 ft if located on 185th Street <sup>2</sup>	0 ft to new ROW line (10.5' dedication) <sup>3</sup>
Min. side yard setbacks	5 ft.	5 ft.
Min. rear yard setback	5 ft.	5 ft.
Base height	45 ft.	N/A
Max. building coverage	N/A	N/A
Max. impervious surface	90%	90%

*Per SMC Table 20.50.020(2), Footnote 2, except for density and height, all these standards may be modified for unit lot and zero lot line developments for internal lots only.*

9.2 Significant Tree Removal (SMC 20.50.290-370)

<sup>2</sup> The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

<sup>3</sup> Pre-dedication, the setback from N 185<sup>th</sup> Street is 10.5 feet.

There are thirteen (13) significant trees existing on the Site. Trees range in size from 7.0 inches in diameter at breast height (DBH) to 50.0 inches DBH. King County lists English Holly as a [weed of concern](#) so the two (2) English Holly trees are not included in the required calculations for tree retention or replacement. Per SMC 20.50.310(B), six (6) significant trees under 24 inches DBH are exempt from retention and replacement requirements. Therefore, four (4) trees require replacements and 42% are retained. Eight (8) replacement trees are required.

9.3 Parking and Access (SMC 20.50.380-440)

Each townhome unit must provide one off-street parking space (SMC 20.50.390(A)). All required parking spaces are proposed to be located within the garages of each townhome unit.

**10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)**

10.1 Wastewater – The Public Works Department Wastewater Utility staff have reviewed the proposed subdivision and determined that sufficient sewer capacity is currently available, subject to conditions. (**Exhibit 17, Project Reviews Report**)

10.2 Water – Seattle Public Utilities (SPU) has reviewed the proposed subdivision and has issued a Water Availability Certificate, subject to conditions (**Exhibit 18, Water Availability Certificate**).

10.3 Fire Protection – The Shoreline Fire Department, a special purpose district separate and distinct from the City, has reviewed the plans for access, water pressure to the Site, and proximity to fire hydrants and found the plans satisfactory. Sprinkler systems designed in accordance with NFPA 13D will be required for all units. Building permits will be conditioned upon the payment of Fire Impact Fees pursuant to SMC 3.75 prior to issuance (**Exhibit 17, Project Reviews Report**).

10.4 Surface and Stormwater Management – The Public Works Department has reviewed the proposed subdivision and associated development and determined that surface water standards as set forth in the Engineering Development Manual, which are based on the 2019 DOE Stormwater Manual shall be satisfied, subject to conditions (**Exhibit 17, Project Reviews Report**).

10.5 Streets and Access – The Public Works Department has reviewed the proposed subdivision and associated development and determined that there is adequate access from N 185<sup>th</sup> Street via a shared access driveway. Frontage improvements for N 185<sup>th</sup> Street include providing a curb-to-curb width of 45.5-feet by shifting the south curb line to accommodate the 185th Street Corridor Project. Then providing a 6-inch curb, 5-foot amenity zone and 10-foot sidewalk (5-foot concrete sidewalk and 5-foot asphalt path for cyclists). Frontage improvements are required prior to final plat approval. Alternatively, the applicant may post a bond or other surety for frontage improvements, as provided in SMC 20.30.440, prior to final plat approval.

**11. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)**

11.1 Right-of-Way Dedication – The proposed subdivision requires a ROW dedication of 10.5 feet on N 185<sup>th</sup> St as a condition of approval.

11.2 Frontage Improvements – The following frontage improvements are required as a condition of approval and shall be installed by the applicant prior to final plat approval, or the applicant may post a bond or other surety as described in Section 10.5 above.

a) N 185<sup>th</sup> St:

- i. Provide a curb-to-curb width of 45.5-feet by shifting the south curb line to accommodate the 185th Street Corridor Project;
- ii. 6-inch concrete curb;
- iii. 5-foot-wide amenity zone; and
- iv. 10-foot-wide sidewalk (5-foot concrete sidewalk and 5-foot asphalt path for cyclists).

11.3 Utility Undergrounding – Undergrounding of all utilities per SMC 20.70.430 is required.

### C. CONCLUSIONS

Based on the above, Staff concludes the proposed Preliminary Formal Subdivision:

- Has met the applicable requirements of the Shoreline Municipal Code, including SMC Title 20 Unified Development Code.
- Has met the criteria in RCW 58.17.110, Approval or disapproval of subdivision and dedication.
- Will make appropriate provisions for the public health, safety, and general welfare. The units within the proposed subdivision will be connected to public sewer and water systems, subject to conditions set forth by the sewer and water providers. Additional stormwater runoff due to the increase of hardscape on Site will be managed according to current City and State standards. Anticipated traffic impacts will be mitigated through the payment of Transportation Impact Fees and construction of frontage improvements along N 185<sup>th</sup> Street. Impacts to the City’s Park System and to the Shoreline Fire Department will be mitigated through Park and Fire Impact Fees. Impact fees will be due prior to building permit issuance.
- Will serve the public use and interest. The Site is located within the 185<sup>th</sup> Street Station Subarea which promotes denser development in proximity to the high-capacity transit, specifically Sound Transit’s 185<sup>th</sup> Street light rail station located approximately 0.65 miles from the Site. The denser mixed-use residential zoning is intended to improve walkability and reduce car dependency. The proposed subdivision’s creation of 13 unit lots will result in an additional 11 residential units beyond the 2 residential units that currently exist on the Site, thereby helping to address the regional housing shortage in the Central Puget Sound area. In addition, by increasing density of this type, walkability and social interaction is promoted; car dependency is reduced, resulting in less greenhouse gas emissions and congestion; public services can be provided more efficiently; and more housing types are provided within the City.

### D. STAFF RECOMMENDATION

Staff’s recommendation to the Hearing Examiner is to forward to the City Council a recommendation of approval for the proposed Preliminary Formal Subdivision application, PLN23-0078, subject to the following conditions:

1. Demolition permits and associated wastewater cap-off permits shall be obtained. The site development permit and the right-of-way permit shall not be issued until the City has approved demolition permits and wastewater cap-off permits. Failure to apply for or receive approval of demolition permits and wastewater cap-off permits shall render the Preliminary Plat null and void and as such, no Final Plat shall be approved or recorded.
2. Applicant shall comply with all applicable provisions of the Shoreline Municipal Code, specifically SMC Title 20 Unified Development Code.
3. All existing and proposed restrictions, easements, tracts, and their purpose shall be clearly shown on the face of the Final Plat.
4. All utility easements for water service, sewer service, underground power, and telecommunications shall be noted on the face of the Final Plat.
5. A use and maintenance agreement shall be recorded, filed separately, or noted on the face of the Final Plat for all joint access and utility easements/tracts.
6. All stormwater facilities required pursuant to DEV23-1522 shall be complete and pass inspection prior to approval of the Final Plat, or the applicant shall post suitable bond or surety to guarantee the completion of improvements within one year of the date of approval of the Final Plat.
7. A stormwater declaration of covenant in a form acceptable to the City shall be recorded with the King County Recorder's Office prior to approval of the Final Plat and the recording number shall be clearly noted on the face of the Final Plat. If the applicant has posted a bond or surety, then the declaration of covenant shall be recorded on each lot shown on the final plat prior to release of the bond or surety. Or, in the alternate, covenant language in a form acceptable to the City shall be included on the face of the Final Plat.
8. A joint use and maintenance agreement identifying the rights and responsibilities of the property owners within the Final Plat, or a homeowner's association, shall be executed for the maintenance and operation of the stormwater facilities and recorded with the King County Recorder's Office prior to approval of the Final Plat. Or, in the alternative, joint use maintenance agreement language shall be included on the face of the Final Plat. If the declaration of covenant is used to outline the maintenance requirements, it must expressly be stated on the final plat.
9. The ROW Dedication shall be recorded prior to final plat approval and the recording number(s) shall be shown on the final plat. All frontage improvements required pursuant to ROW23-1523 shall be complete and pass inspection prior to Final Plat approval, or the applicant may post a bond or other surety to guarantee the completion of the improvements within one year of the approval of the final plat.
10. All conditions of the water availability certificate issued by Seattle Public Utilities shall be met:
  - a. Design and install approximately 203 feet of 8-inch ductile iron pipe water main in N 185th St, extending from Wallingford Ave N to the eastern parcel boundary, including appurtenance(s).
11. All conditions set forth by City of Shoreline Public Works-Wastewater Division for new sewer connections shall be met:

- a. Sanitary Sewer easement required to be recorded with King County and noted on the final plat.
  - b. All materials and workmanship in connection with the installation of any sewers connected to the public sewer shall be as specified by City of Shoreline Public Works Department Engineering Development Manual (EDM) Division 4 Wastewater.
12. All new development shall be served with underground power and separate meters for each dwelling unit.
13. Protective fencing shall be installed around the driplines of trees identified by the City in order to ensure their survival during construction.
14. Covenants, conditions and restrictions identifying the rights and responsibilities of the property owner(s) and/or the homeowners' association shall be executed for the use and maintenance of vehicle access areas; walkway areas; solid waste storage and/or collection area(s); on-site common outdoor space; landscaping; underground utilities; exterior building facades and roofs of individual units; and other similar features shall be recorded, filed separately or noted on the Final Plat. Regarding landscaping, the maintenance agreement shall specifically address maintenance responsibilities of required landscaping.
15. The exact square footage of each lot shall be clearly shown on the face of Final Plat.
16. All addresses shall be shown on the recorded Final Plat. Each unit shall be addressed as follows:
- a. Lot 1 – 1811A N 185<sup>th</sup> St
  - b. Lot 2 – 1811B N 185<sup>th</sup> St
  - c. Lot 3 – 1811C N 185<sup>th</sup> St
  - d. Lot 4 – 1815A N 185<sup>th</sup> St
  - e. Lot 5 – 1815B N 185<sup>th</sup> St
  - f. Lot 6 – 1815C N 185<sup>th</sup> St
  - g. Lot 7 – 1809A N 185<sup>th</sup> St
  - h. Lot 8 – 1809B N 185<sup>th</sup> St
  - i. Lot 9 – 1809C N 185<sup>th</sup> St
  - j. Lot 10 – 1809D N 185<sup>th</sup> St
  - k. Lot 11 – 1809E N 185<sup>th</sup> St
  - l. Lot 12 – 1809F N 185<sup>th</sup> St
  - m. Lot 13 – 1809G N 185<sup>th</sup> St
17. The subdivision shall comply with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5, specifically by retaining three (3) onsite significant trees. Preliminary subdivision approval does not grant permission for tree removal or other development activity, which is granted under the Site Development Permit (DEV23-1522).
18. A Covenant shall be recorded either by stating it on the face of the Final Plat or by filing a Declaration of Covenant with King County Recorder's Office prior to Final Plat approval. The recording number of this Declaration shall be noted on the plat. The language of the covenant shall be:

“Each unit lot is not a separate buildable lot. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot. These units will be considered individual units and part of one structure that cannot be segregated from one another.”

19. The following note shall be placed on the face of the Final Plat:

“This subdivision is approved based on SMC 20.30.410.D Unit Lot Development standards and Exception (#2) to Table 20.50.020(2) that allows modifications to certain dimensional standards for unit lot developments and zero lot line developments. Any future development of the individual lots created by this subdivision may be limited as a result of the application of development standards.”

20. If the development pursues unit lot development (structurally dependent units), the following note shall be placed on the face of the Final Plat:

“These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code.”