



## MEMO No. 3

TO: City Council

DATE: March 11, 2019

FROM: Mary McCrea, Development Services

RE: **Hillview Crossing TED Conditional Use – Road A – North & Road B Widths**

The Land Use and Planning (LUP) committee of City Council has discussed the Hillview Crossing TED Conditional Use on January 16 & 23, February 27, and March 6, 2019 following the public hearing for this project on December 17, 2018 and the pre-public hearing discussion at LUP on December 12, 2018. City Council members discussed concerns related to emergency vehicle access on the private cul-de-sac road designs if parking restrictions were not enforced by the Homeowner's Association consistently and if snow removal is not completed properly.

One option for City Council consideration is to revise the design of the private cul-de-sac roads to be 35-foot back-of-curb to back-of-curb, which per Title 12, Section 12.22.140.C.1(a) is a local residential street with parking on both sides. Condition of approval #11 from the staff report addresses the construction of Road A – North and Road B adjacent to where the dwelling units are located. Possible revision to the condition #11 is shown below in underline/strikethrough for City Council's consideration.

Condition of approval #12 addresses the construction of Road A – South which is the 21-foot wide road that intersects with Hillview Way. No revisions are proposed for condition of approval #12 because there are no dwellings fronting Road A - South. Condition of approval #13 addresses the No Parking restrictions and has been revised below to remove the No Parking restrictions from Road A – North and Road B for City Council's consideration.

- A. If City Council would like to eliminate the requirement for the Homeowner's Association to enforce the "No Parking" restriction on Road A – North and Road B the following is a revised condition of approval #11 and #13, with related findings of fact for Council's consideration:

**Revised conditions of approval:**

11. The applicant shall prepare plans and install road improvements for the northern segment of Road "A" (Road A – North) and Road "B" resulting in a ~~28-foot~~ 35-foot wide back-of-curb to back-of-curb road section within a ~~52-foot~~ 59-foot wide public access easement including paving, curb and gutter, drainage facilities, ADA improvements and 5-foot wide curbside sidewalk on each side of the road per the Site Development Plan Exhibit in the Conditional Use application packet. Plans for road improvements shall be approved by the City Engineer prior to zoning compliance approval of the townhome exemption declaration. Improvements shall be installed prior to building permit approval of the first structure or included in an Improvements Agreement guaranteed by a security, subject to review and approval of the City Engineer.
12. The applicant shall prepare plans and install road improvements for the southern segment of Road "A" resulting in a 21-foot wide back-of-curb to back-of-curb road section within a 40-foot wide public access easement including paving, curb and gutter, drainage facilities, ADA improvements and a 5-foot wide curbside sidewalk on one side of the road per the Site Development Plan Exhibit in the Conditional Use application packet. Plans for road improvements shall be approved by the City Engineer prior to zoning compliance approval of the townhome exemption declaration. Improvements shall be installed prior to building permit approval of the first structure or included

in an Improvements Agreement guaranteed by a security, subject to review and approval of the City Engineer.

13. The Development Covenants shall include a statement that parking is prohibited on ~~one side of the northern segment of Road "A" and Road "B" and~~ both sides of the southern segment of Road "A" subject to review and approval of Development Services, prior to zoning compliance approval of the townhome exemption declaration. The road improvement plans ~~for Road "A" and Road "B"~~ shall include provisions for restricting parking ~~on one side of the northern segment of Road "A" and Road "B" and~~ on both sides of the southern segment of Road "A" in the form of painting the curb yellow and installation of No parking signage, subject to review and approval of the City Engineer, prior to zoning compliance approval of the townhome exemption declaration.

**Findings of Fact for revisions to conditions of approval #11 & #13:**

1. Title 20, Review Criteria for conditional uses, Section 20.85.070.H.2b states that uses that require conditional use approval may be approved by the City Council when they determine that the proposed use is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.
2. In determining whether all applicable review criteria have been satisfied, the City Council may specifically consider the factors listed under Title 20, Section 20.85.070.I. Section 20.85.070.I.4 requires that the overall project will be functional, attractive and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing. Section 20.85.070.I.5 lists the factor of agency and public testimony.
3. On December 12, 2018 at the Land Use and Planning committee meeting City Council asked the question of who is responsible to enforce the "No Parking" prohibitions on one or both sides of the private roads and snow removal on the private roads within the Hillview Crossing TED to ensure emergency personnel have access.
4. In the first staff Memo dated December 14, 2018, staff responded that the Homeowner's Association for the TED development would be responsible for snow removal and enforcing the "No Parking" restrictions on the private roads within Hillview Crossing TED.
5. City Engineering does not approve of the roads dedicated as right-of-way because they are dead end cul-de-sacs. Public Works, Street Maintenance staff stated that the roads would be difficult to maintain using standard City equipment such as snow plows because the roads are narrow.
6. The applicant's representative testified that the City Police Department could enforce the "No Parking" restrictions.
7. City Police Department and City Attorney's office responded that City Police officers can not enforce the "No Parking" restrictions and snow removal on private roads.
8. City Fire Marshal, Dax Fraser commented that Road A – South proposed at a 21 foot width needs to be signed prohibiting parking on both sides of the road and Road A – North and Road B proposed at a 28 foot width needs to be signed prohibiting parking on one side of the road.
9. Dax Fraser also stated that concerns about emergency traffic on these streets holds merit. Emergency traffic on narrow roads with slope is slow with optimal conditions, but has the potential to inhibit arrival on the scene in an emergency situation if the restrictions for parking on one or both sides of the road are not followed or enforced or if snow removal does not occur.
10. Public testimony received expressed concern regarding the requirement for a Homeowner's Association to be responsible for enforcing the "No Parking" restrictions and for snow removal, especially if the Homeowner's Association did not remain active over time or if Homeowner's did not pay their dues to cover road maintenance and snow removal.
11. Title 12, Section 12.22.140.C.1(a) requires a 35-foot wide back-of-curb to back-of-curb road for a local residential street with parking on both sides. The need for the Homeowner's Association to enforce the "No Parking" restrictions on Road A – North and Road B is eliminated with the amendment to condition of approval #11 & #13 because a 35-foot (boc to boc) road width provides parking on both sides of these roads.