



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004872 and 3005959
Applicant Name: Andrew Novian for Sound Equities Inc.
Address of Proposal: 2303 Thorndyke Ave. W.

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a 4-story, three unit townhouse structure with parking for three vehicles located within the structure in an environmentally critical area. Existing single family residence to be demolished (3004872).

Land Use Application to subdivide one parcel into three unit lots. The construction of a townhouse is being reviewed under Projects #6095989 and #3004872. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots (3005959).

The following approval is required:

Short Subdivision to divide one parcel of land into three unit lots.
(Chapter 23.24, Seattle Municipal Code)

SEPA - Environmental Determination – SMC Chapter 25.05.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Substantive Site Characteristics

The proposal site, on the northeast corner lot on Thorndyke Ave. W. and W. Lynn St., is zoned L-3 multifamily and is improved with a single family residence. The site is mapped an

Environmentally Critical Potential Slide area. Topography on the site is nearly flat, rising approximately two feet across the site. To the east, on the eastern edge of the adjacent property are steep slopes down to towards the Interbay area of Seattle.

Proposal

The proposal is to subdivide one parcel of land into three unit lot parcels. Proposed unit lot sizes are: A) 1,590 sq. ft., B) 915 sq. ft.; and C) 1,418 sq. ft.

The subject of this analysis and decision is the proposed division of land. Any building permits are subject to separate review, and no development or construction activities are associated with the subject proposal.

Public Comment

Public notice and comment periods for both projects resulted in two comments. One indicated that an existing bus stop along Thorndyke Ave. W. should remain in its current position. Another indicated that the notice lacked information on the height of the proposed development and that height may be a concern to others in the area.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat, no short plat shall be approved unless all of the following conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from DPD, the Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

This proposed unit subdivision of townhouse units would conform to all applicable development standards of section 23.24.045 "Unit Lot Subdivisions".

2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

Vehicular access to the townhouses will be from W. Lynn St., which is paved. Parking is to be within the proposed structures, and all units have access to the street.

Seattle City Light (SCL) typically requires an easement to provide power to the buildings on the new unit lots from the right-of-way. Prior to recording, SCL must review and approve the short subdivision. Any required SCL easement language must be incorporated into the recorded short plat.

The Seattle Fire Department has reviewed this proposed unit subdivision and requires no corrections.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

DPD reviewed the existing, proximate public sanitary sewer system with the building permit application, and determined that there are no issues regarding sanitary sewage discharge from this project.

DPD reviewed the existing drainage infrastructure as part of the building permit application, and approved the proposed project stormwater control. Necessary easements and connection documents are included with a Side Sewer Permit.

The drainage reviewer has no recommended requirements to be required prior to publishing the unit lot subdivision decision.

Seattle Public Utilities has reviewed the proposal and issued Water Availability Certificate 20062065. All SPU conditions of approval must be met.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

This proposal meets this criterion due to the fact that additional fee-simple housing will be available for sale within the City limits as a result of the unit subdivision of the parcel and construction of ground-related housing.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

This site is in an Environmentally Critical Area (ECA) as defined in SMC 25.09.020. The ECA designation of potential land slide zone does not impose additional development standards or additional platting restrictions.

6. *Is designed to maximize the retention of existing trees;*

The proposal site does not contain any trees of notable size other than a single 10' deciduous tree near the west property line which can be preserved in the proposed platting pattern.

7. *Conformance to the provisions of Section 23.24.045, Unit Subdivisions.*

The provisions of SMC Section 23.24.045 are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

The subject proposal would establish separate unit lots for three townhouse units in an L3 zone, thus falling within the purview of SMC Section 23.24.045.

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The approval of the building permit, for the proposed development demonstrates that the development as a whole meets all applicable development standards. For ground related development, L3 zoning requires an average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit. No unit shall have less than two hundred (200) square feet of private, usable open space (SMC 23.45.016 A3a1). The proposed plat delineates the following amounts of qualifying open space: Unit Lot A) 653.8 sq. ft., Unit Lot B) 228.5 sq. ft.; and Unit Lot C) 536 sq. ft.

The average size of the above open spaces is 472.8 square feet.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

Compliance with criterion F below should assure proper control of future platting actions, additions or modifications to the structures.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

A "Joint Use and Maintenance Agreement" for the property must be recorded for final approval of this unit subdivision. DPD conditions the project to provide adequate address signage for unit lots.

- 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 on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Required parking will be provided in private garages located within each unit. Each unit will have one garage parking space.

- F. *The fact that the unit lot is not a separate building lot 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 shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

A note on the face of the plat clarifies that each unit lot is not a separate buildable site. The note must be recorded with the plat, and as such satisfies the provision.

Summary - Short Subdivision

Review of this site plan shows that the proposed short subdivision, as conditioned in this decision, will conform to applicable standards of SMC 23.24.045, Unit Subdivisions. The lots to be created by this short subdivision will meet all minimum standards of the L3 zone set forth in the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

1. Seattle City Light must review and approve the proposed plat. The owner(s) and/or responsible party(ies) shall show on the plat any required utilities easement.

The owner(s) and/or responsible party(ies) shall:

2. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes.
3. Add the following note to the face of the plat: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*
4. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and any ingress, egress, and utility easements.
5. Submit the final recording forms for approval.

SEPA DETERMINATION

Environmental review resulting in a Threshold Determination is required pursuant to WAC 197-11 and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 26, 2006. The information in the checklist, a Geotechnical Report supplied by the applicant and DPD experience with review of similar projects form the basis for this analysis and decision.

Note that pursuant to SMC 25.05.908 B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

DPD has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans and the additional information in the file, and considered received comments regarding this proposed action. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c) .

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(ies) shall:

1. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes.

2. Provide on the plat the required Seattle City Light easement (P.M. #250323-4-002).
3. Submit the final recording forms for approval.
4. Include an adequate “joint use and maintenance agreement” in the recording documents.

Prior to Issuance of any Building Permit

None.

Prior to Final Approval or Certificate of Occupancy

None.

Signature: _____ (signature on file) Date: June 7, 2007

Scott Kemp, Land Use Planner
Department of Planning and Development

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