



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number:	3006149 Council File Number 308376
Applicant Name:	Matt Howland for Howland Homes
Address of Proposal:	2130 North 113th Street (2205526)

SUMMARY OF PROPOSED ACTIONS

Council Action to subdivide one parcel into twelve unit lots. The construction of townhouses is being reviewed under DPD Project Nos. 6111696, 6116050, 6116051, 6116052, 6116053, and 6116053. 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. Environmental review for the construction conducted under DPD Project No. 2500126.

For each project, the following approvals are required:

Full Subdivision – To subdivide two parcels into 12 unit lots.
(23.22, Seattle Municipal Code)

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity

The subject parcels, which are adjacent and under common ownership, are zoned L1 and are located in the interior of the block between Meridian and Corliss Avenues North on the north side of North 113th Street, which is paved but lacks sidewalks, planting strips, curbs, and gutters on both sides in the project area. The parcels total almost 23,000 square feet in area. The development plan for the two sites was approved under a rezone to L1 from SF5000, which was finalized in August of 2006. The site is within the Northgate Plan area, but is not within the Northgate Urban Center or any other urban center or village.

Evergreen-Washelli cemetery is located less than a block to the west. A substantial chunk of property to the west and north is zoned for single family development and is actually mostly developed with such structures. To the east, in adjacent property also zoned L1, are a couple of duplexes and a triplex. To the south across North 113th Street, in an L3 zone, are located a preponderance of apartment buildings, with several single family residences remaining. The Northgate Ramada Inn is a little more than a block to the south, though not accessible by heading due south. Vehicular circulation to the west and south is largely cut off by I-5 and its associated ramps. Consequently, access to the immediate neighborhood is from the west and north (Meridian and North 115th Street).

Project Description

The proposal is to subdivide two parcels into twelve (12) unit lots with vehicle access provided from the North 113th Street through a single curbcut. The proposed parent lot will comprise both parcels of land together. The proposed unit lot sizes are:

Unit Lot A	1863.4 SF
Unit Lot B	1567.7 SF
Unit Lot C	1581.2 SF
Unit Lot D	1819.1 SF
Unit Lot E	1836.6 SF
Unit Lot F	1793.4
Unit Lot G	2082.1
Unit Lot H	1777.3 SF
Unit Lot I	1790.6 SF
Unit Lot J	2021.4 SF
Unit Lot K	1965.1 SF
Unit Lot L	2201.7 SF

The proposed construction has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate project (listed above). SEPA for construction was conducted pursuant to the rezone project. The subject of this analysis and decision is only the proposed division of land.

For reference, the scope of the project as described in the Master Use Permit application was to construct six 3-story buildings with 2 townhouse units in each building. Four of the buildings face North 113th Street; the other two are located behind them. There is a single access driveway from North 113th Street, slightly offset to east of center of the site, serving parking under each structure and a paved auto-maneuvering courtyard between the rows of duplexes. Pedestrian entries will be provided off the auto court, and pedestrians will have direct access to the street through the court/access system and through a pedestrian access easement between the two westerly buildings facing the street.

Public Comment:

Two comment letters were received, one strongly supporting project approval. The other strongly opposed the proposal. The second letter expressed concerns about traffic; street improvements; air quality (fireplaces); re-vegetation; adequacy of water supply infrastructure; safety with respect to impacts on gas lines; and air emissions (dirt, dust).

Process – Director’s recommendation - The Land Use Code (Section 23.76.023) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director’s report to include the following:

The written recommendations/comments of City departments and other governmental agencies having an interest in the application;
Responses to written comments submitted by interested citizens;
An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC 23.22;

4. *All environmental documentation, including any checklist, EIS or DNS; and The Director's recommendations to approve, approve with conditions, or deny the application.*

The Director's report is submitted to the Hearing Examiner and made available for public inspection for at least thirty (30) days prior to the Hearing Examiner's public hearing.

Hearing Examiner Findings and Conclusions - The Land Use Code Section 23.76.024 requires that the Hearing Examiner conduct a public hearing on the subdivision application (including the proposed Unit subdivision). The Hearing Examiner can approve the proposal if it is determined that the proposed plat makes appropriate provision for the public health; safety and general welfare; open spaces; drainage ways; streets, alleys, other public ways; water supplies; sanitary waste disposal; fire protection; parks; playgrounds; sites for schools and school grounds; and that the public use and interest will be served by the platting of the subdivision. If the Hearing Examiner determines that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, the proposed plat may be denied. After the hearing, the Hearing Examiner will make his/her decision which is final city decision on a preliminary subdivision.

Council Action - After the Hearing Examiner approves the preliminary plat, the Council reviews the final plat for consistency to the preliminary plat.

DIRECTOR’S ANALYSIS – SUBDIVISION

1. Recommendations and Comments by City Departments and Other Government Agencies Having an Interest in the Application

The following represents a summary of the comments received from the agencies indicated. Information and documentation from each review agency is available in the DPD project file. This review is required per SMC 23.22.024, with plans and supporting information distributed to each department.

- A. Director Seattle Department of Transportation (SDOT)
SDOT comments indicate that it will approve the project and that no exercise of SEPA authority is required.
- B. Director of Seattle Public Utilities (SPU)

The full unit lot subdivision application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#20062375) was approved and issued on 12 December 2006 indicating that the land use permit may be approved at this time.

- C. Superintendent of Seattle City Light
Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. The easement as described by Seattle City Light shall be included on the final plat prior to recording.
- D. Chief, Fire Department
The Fire Department approved the project.
- E. Director of Public Health
The Director of Public Health requests “assurances of replacement vegetation.” These are provided by the approved landscape plan.
- F. Director of Housing
No comments.
- G. Superintendent of Parks and Recreation.
No comments.
- H. Metropolitan Services Department (King County METRO)
No comment.

2. Responses to Written Comments of Interested Citizens

One letter received, strongly supporting the proposal.

The second letter expressed concerns about project impacts including street traffic, necessity for sidewalks and curbs, air quality (temporary [construction related] and permanent [fireplaces]), loss of vegetation, adequacy of sewer lines and water supply, and protection of gas lines. All of these comments are targeted at the related construction project, and are inapplicable to the proposal to unit subdivided. The plat simply allows for separation of ownership of parcels, which is unlikely to have any meaningful impact on the variables of concern. Any theories that owners have different traffic or fireplace patterns of use than tenants would be too speculative for DPD to consider.

3. Evaluation of the Proposal Pursuant to Applicable Codes

Land Use Code:

The Hearing Examiner shall conduct a public hearing and is the decision maker for subdivisions as specified in the Procedures Chapter of the Land Use Code (SMC 23.76.023 and SMC 23.76.024).

The preliminary plat process, technical standard and considerations are specified in SMC 23.22. The Hearing Examiner must evaluate the proposal based on the following, as specified in SMC 23.22.054. The Director’s comment and/or recommendation follow each applicable criterion:

The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and school grounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

The proposed subdivision has been reviewed by interested agencies within the City and outside agencies have had an opportunity to review and comment. The following issues warrant further discussion, comment and recommendation.

The proposed subdivision is directly related to projects now under construction to develop twelve townhouse units. The subdivision itself does not change anything but the ownership structure of the site.

The DPD drainage reviewer recommended a condition in his comments on the unit subdivision, but it has already been fulfilled in the context of review of the building plans.

No dedication is required by code and none is recommended. DPD concludes that the subdivision is within the public interest.

DPD concludes that the subdivision makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and school grounds sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. As listed above, the appropriate departments and agencies responsible for provisions such as parks, water, fire and transportation networks have commented and conditioned the subdivision to ensure appropriate provisions.

The subdivision as a whole will meet all minimum standards or applicable exceptions prescribed in the Land Use Code, and are consistent with applicable development standards. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards. The construction of the buildings was reviewed pursuant to the Building Code to ensure public health, safety and general welfare.

Adequate infrastructure is provided with this subdivision and no dedication is needed. In light of that, DPD concludes that Land Use Code section SMC 23.22.052 is not applicable.

The size of the development does not warrant provisions or dedication for playgrounds, parks or schools.

Unit Subdivision:

SMC 23.22.062A through F provides rules for Unit lot subdivisions. SMC 23.22.062B requires that the development as a whole shall meet development standards of the underlying zone, which this proposal does, but further provides that 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 any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

SMC 23.22.062C states: *Subsequent platting actions, additions or modifications of the structure(s) may not create or increase any nonconformity of the parent lot.*

SMC 23.22.062D states: *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of King County Department of Records and Elections.*

SMC 23.22.062E states: *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 King County Department of Records and Elections.*

SMC 23.22.062F states: *the fact that the unit lot is not a separate buildable 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 King County Department of Records and Elections.*

The unit lot configurations depicted on the proposed plat map provides sufficient building area on each parcel to permit construction of the proposed 12 dwelling units.

DPD recommends that notes, covenants, easements and the like be noted and recorded on the final subdivision plat to be consistent with the above stated code provisions for unit lot subdivisions. Please note that these are typically recorded prior to master use permit issuance since they are commonly associated with short plat subdivisions.

Based upon the recommendations of DPD, the public use would be served by approving the proposed preliminary plat.

4. All environmental documentation, including any checklist, EIS or DNS

Environmental Review for the unit lot subdivision is conducted with this application. (See below.) Environmental review for construction was conducted in the context of the foregoing rezone project.

5. The Director's recommendation to approve, approve with conditions, or denies the application

The Director of DPD recommends approval of the Preliminary Plat under SMC 23.22.028. In addition, the Director also **recommends the approval** of the following **conditions** referenced below.

RECOMMENDED CONDITIONS - FULL SUBDIVISION

*Conditions of Approval Prior to Recording of the **Final** Subdivision Plat:*

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

1. Note on the plat all the conditions listed in this recommendation, as may be modified by the Hearing Examiner.
2. Have 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. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
3. Submit the final recording forms for approval and any necessary fees.
4. Maintain the easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final plat.
5. Replace the “Unit Subdivision Note” on the preliminary plat with the following: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”
6. Maintain the joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility, side sewer, storm drainage system and pedestrian easements.
7. Satisfy all conditions of approval by Seattle Department of Transportation.
8. Provide an area to allow for the posting of address signage in a location visible from North 113th Street, and modify legal descriptions to that address signage serves purposes intended and can be maintained.

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development’s potential impacts in an environmental checklist. This information and the experience of the lead agency, DPD, with similar applications form the basis for this analysis and decision. Considering that the proposal would simply establish boundaries for fee-simple ownership, no impacts are anticipated.

