



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: 3005055

Applicant Name: Seattle Housing Authority (agent: Ed Tanaka)

Address of Proposal: 14396 30th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two unit lots (Unit Lot Subdivision). This subdivision of property is only for the purpose of allowing ownership of the existing apartment building and the townhouse group. Development standards will be applied to the original subject property and not to each of the new unit lots.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into six lots as a unit lot subdivision.
(Chapter 23.24 Short Plats, Seattle Municipal Code)

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC)
Chapter 25.05.

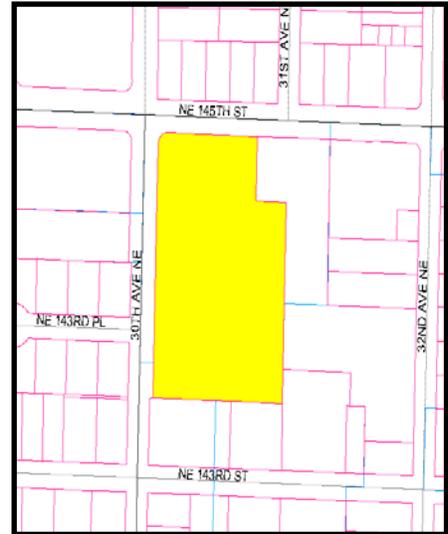
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Substantive Site Description

The subject property (property) is approximately 3.17 acres in size and is zoned primarily Lowrise 3 (L3), with approximately 9,490 square feet of the southwest portion of the property existing within the Single Family 7,200 (SF 7200) zone.

The area adjacent to the west of the property comprises zoning of Lowrise 1 (L1), L3, and SF 7200. Areas adjacent to the east of the property are primarily zoned L3, while areas to the south are zoned SF 7200. NE 145th Street exists immediately to the north of the property and delineates the northern city limit for the City of Seattle. The property has approximately 230 feet of street frontage to the north along NE 145th Street and approximately 480 feet of street frontage to the west along 30th Avenue NE. Both streets at this location are developed with curbs, gutters, and sidewalks on both sides of the street pavement.



Proposal Description

The applicant proposes to short subdivide the subject property into two unit lots. Proposed unit lot sizes are: Unit Lot A) 29,907 sq. ft.; and Unit Lot B) 108,429 sq. ft.

Pedestrian and vehicular access to the unit lots can be achieved in two locations. An Ingress, Egress, and Utility Easement extending south from NE 145th Street along the east lot line of proposed Unit Lot A has been identified on the short plat and will provide pedestrian access the both unit lots and vehicular access to on-site parking. Pedestrian access to the unit lots and vehicular access to on-site parking can also be achieved directly from an existing driveway and 20-foot curbcut along 30th Avenue NE, just north of the south lot line of Unit Lot B. Pedestrian walkways exist throughout proposed Unit Lot B and allow pedestrian circulation between the existing townhomes and the community building.

A permit for the demolition of an existing four-unit apartment building, establishment of a townhouse use, and construction of one two-unit and one four-unit townhouse buildings with attached garages has been reviewed and approved under Department of Planning and Development (DPD) project number 6019547.

Public Comment:

The comment period for this proposal ended on July 11, 2007. During this period, one written comment was received asking if and if and when construction would occur on the subject property.

ANALYSIS – SEPA

The City of Seattle DPD has identified that the Environmental Critical Area (ECA) requirements apply for this application since the subject property is within a DPD-identified riparian corridor. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Area (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review included identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 30, 2007. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The proposal requests the subdivision of one parent lot into two unit lots, whereby the existing on-site structures will remain. The subdivision of the property is only for the purpose of allowing ownership of these structures. No changes to the existing structures, grading, landscaping, common areas, or pedestrian walkways (constructed in 1970) will occur as a result of this application since demolition or construction activities are not being proposed.

Long-term Impacts

Long-term impacts are not anticipated since the subdivision of the property is only for the purpose of allowing ownership of these structures. No changes to the existing structures, grading, landscaping, common areas, or pedestrian walkways will occur as a result of this application since demolition or construction activities are not being proposed. It should be noted that all future redevelopment of the property will be required to comply with the provisions identified in SMC 25.09 – Regulations for Environmentally Critical Areas.

DECISION - SEPA

Under a separate application, the applicant requested an exemption from the requirement to provide a topographic survey site plan (SMC 25.09.330) as associated with the proposed unit lot subdivision, since no existing conditions will change with this application. DPD granted this exemption with the following conditions: 1) There is a stream that daylights just south of the property that must be shown on the site plans along with the 100-foot Riparian Management Buffer. 2) All future redevelopment of the property will need to comply with SMC 25.09 Environmental Critical Areas. Commensurate with the aforementioned review by appropriate DPD staff, this proposal presents no significant impacts deemed detrimental to the environmental conditions of the property and surrounding areas.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 2c.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

As detailed above, the topographic survey site plan exemption was previously granted by DPD staff with several applicable conditions.

None

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:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments or review approvals from Zoning (DPD), Addressing (DPD), Building Plans (DPD), Drainage (DPD), Water (SPU), City Light (SCL), Fire Departments (SFD) and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The unit lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As proposed and/or conditioned, this short subdivision will be provided with vehicular access and public and private utilities and right-of-entry. 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. The subdivision of the property is not proposing any disturbance to the existing conditions of the site and no trees will be removed and installed as part of this application. Any tree removal or replacement would be subject to the requirements of the Seattle Municipal Code.

The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential to maintain diverse housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing. The unit lot subdivision process allows certain properties, developed with multiple residential units, to be divided to permit separate ownership in fee of individual unit lots while the development continues to be treated as a single site for purposes of applying the Land Use Code development standards.

- A. *The unit subdivision provisions of SMC Section 23.24.045 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.*
- 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 any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *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 space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. *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 Development of Records and Elections.*
- G. *The facts 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 Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Unit lot subdivision is available for residential cluster developments, which, by definition, would include sites with multiple residential structures. This property, developed with a 71-unit apartment building, nine townhouse structures with a total of 41 units, and a community building, could be divided into nine or fewer lots with more than one building on some of the unit lots, as a unit lot short subdivision.

The unit lot subdivision process is available for the specified residential uses; therefore, it would not be possible to divide the unit lots in a manner such that the community building is contained on a separate unit lot. Since this community building is limited to use by those within the housing development, it is permissible to classify this building as an accessory structure and allow unit lot subdivision on this basis, so long as it remains a part of a unit lot that includes a residential building or dwelling unit.

To ensure that future owners have sufficient notice that additional development may be limited, the applicant has appropriately added a note to the face of the plat that reads as follows: *“The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit 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.”* A joint use and maintenance agreement is provided on the plat.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected unit lots.
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 shall be identified on the plat and encroachments such as side yard easements, fences, or structures shall be shown. The lot area of each parcel shall be shown on the recording documents.
3. Submit the recording fee and final recording forms for approval.
4. The “Reservation of Rights Creating Easement for Utilities, Ingress/Egress, Maintenance of Roads and Common Areas” document submitted to DPD with this application shall be recorded prior to, or concurrently with, the recording of the approved plat.
5. All future redevelopment of the property will need to comply with SMC 25.09 Environmental Critical Areas.

For the Life of the Project

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

6. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: October 8, 2007

Mike Reid, Land Use Planner
Department of Planning and Development

MR:lc