



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number: 3005343
Applicant Name: Matt Howland, Howland Homes
Address of Proposal: 4741 35th Ave S

SUMMARY OF PROPOSED ACTIONS

To subdivide seven (7) parcels into forty-two (42) unit lots (six unit lots per each parcel). Review of townhouse construction is under Project #'s 6085388, 6196652, 6196653, 6196654, 6196655, 6098016, and 6096804. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to each original parent lot and not to each of the new unit lots.

The following approvals are required:

Full Subdivision – Chapter 23.22 Seattle Municipal Code.

SEPA – Environmental Determination Chapter 25.05 SMC.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions.

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

PROJECT DESCRIPTION

The applicant proposes to unit subdivide seven existing lots into 42 unit lots. The unit lots coincide with the 42 townhouse structures proposed or being constructed under the building permit application numbers listed above. The seven existing lots (Parcels C through I) were created by the short subdivision of Parcel "A" under Short Subdivision 3003045. Six townhouse units will be built on each underlying lot with vehicle access from each parent lot to 35th Avenue South.

Site and Vicinity

The project site is located one block west of the Columbia City Historic District in the Columbia City neighborhood between South Alaska and South Edmunds Streets.

The site is zoned Lowrise Three (L3) as are all parcels on its block formed by the above three streets and 32nd Avenue South to the west. To the west of the proposal site and fronting 32nd Avenue South and South Alaska Street is the Zion Preparatory Academy. A variety of ages of residential dwellings line South Edmunds Street. To the east of the project site and across 35th Avenue South the zoning is Lowrise 2 (L-2) and contains a variety of residential dwellings. Beyond this is Columbia Park.



All surrounding streets are fully improved with curb, gutter and sidewalk.

Public Comment

The public comment period ended January 17, 2007. One comment letter was received.

PROCEDURES FOR PRELIMINARY PLAT APPROVAL

Analysis and Recommendation of the Director. 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:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;
2. Responses to written comments submitted by interested citizens;
3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22;
4. All environmental documentation, including any checklist, EIS or DNS; and
5. The Director's recommendation to approve, approve with conditions, or deny the application.

The Director's report is submitted to the Hearing Examiner and made available for public review 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 unit subdivision application. At the same hearing, the Hearing Examiner would hear any appeals of the Director's environmental decision (SMC 23.76.052 A). 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 a decision that is final on the preliminary subdivision.

Council Action. A formal action to approve the final plat is the responsibility of the City Council as provided by RCW 58.17. However, the Council does not hold a public hearing for the purpose of accepting testimony. After the Hearing Examiner approves the preliminary plat, the Council reviews it for final plat approval.

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 DPD's Land Use Application file. This review is required per SMC 23.22.024, with plans and supporting information distributed to each department.

Seattle Department of Transportation

The SDOT reviewer, Project Analyst Tammy Frederick, recommends preliminary approval of the proposed plat based on the submitted street improvement plans and bonding.

Other Departments

A. Director of Public Health:

Public Health – Seattle and King County has offered the comment that the addition of trees to this project is important for lessening storm water flows, reducing urban heating (heat islands), and for enhancing the pedestrian environment. Also, it advises that an area for adequate stormwater conveyances be included to avoid stormwater overflow and resultant standing water to prevent the formation of mosquito breeding areas that can spread West Nile Virus, a public health issue in the state.

Director's Response: Trees: The addition of on-site trees is a zoning requirement and is included in the associated building permit plans (DPD #'s listed above). Street trees are required for new construction and will be included. Stormwater: As a unit lot subdivision, this project has been reviewed for these impacts under the associated building permits and can be presumed to comply with City regulations. Impervious surfaces area will increase from the previous surface (lawn) area. However, because increases in impervious surface were expected under Lowrise development standards, the City Stormwater and Drainage Ordinance has been written to adequately address possible negative development impacts.

B. Superintendent of City Light:

City Light approved this proposal subject to an easement over the “entire area of the plat, except any portion lying within the proposed buildings to be constructed on the plat”.

Director’s Response: This has been provided in the preliminary plat.

C. Director (Office) of Housing:

The Office of Housing approved this proposal with a comment about a higher density than townhouses being preferable in an L-3 zone.

D. Superintendent of Parks and Recreation:

The Parks Department responded and has no comments.

E. Director of Seattle Public Utilities Department (SPU):

Water Availability Certificate Number 20070218, dated February 8, 2007, gave approval of this proposal provided any and all public utility easements are shown on the plat.

Director’s Response: This has been provided in the preliminary plat.

F. Chief of the Fire Department:

The Fire Department approved the subdivision plans on December 13, 2006.

G. Metropolitan Services Department (King County Metro):

Metro approved without comments.

2. **Responses to Comments of Interested Citizens**

One comment letter was received by a resident in the vicinity of 32nd Avenue South and South Edmonds Street. The comment read: “a Making 42 unit out of 7 lots is excessive. Will add to parking problems we are already facing. People tend to use garages for storage rather than parking. 42 units are far too many for this space. Please reconsider.”

Director’s Response: This proposal is not for the construction of the associated 42 units, but only for their subdivision. The structures were reviewed and permitted under the construction application numbers listed at the beginning of this document. Consequently, only anticipated impacts from the subdivision of the already permitted dwelling units can be considered.

As background to the previously permitting of the townhouse units, the City Comprehensive Plan calls for both increased density within multi-family zones adjacent to commercial cores, such as Columbia City, and reducing single occupancy vehicle use and affordability of housing

by reducing the number of parking spaces required for housing in proximity to public transit, such as the Columbia City light rail station and multiple bus routes. These goals are reflected in the Seattle Land Use Code Lowrise Multi-family development regulations that allow the density proposed by the construction of these structures and require no more than one parking space per dwelling unit.

3. ***Evaluation of the Proposal Pursuant to the Standards and Criteria for Subdivisions Contained in SMC Chapter 23.22.***

SMC 23.22.062, Unit Lot Subdivision.

SMC 23.22.062.A lists townhouses as eligible for unit lot subdivision in zones where this housing form is permitted. Townhouses are allowed in the L-3 zone.

SMC 23.22.062.B states: “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 at the dwelling unit it serves.”

As stated above the applicable zoning and land use codes were reviewed under Construction Applications 6085388, 6196652, 6196653, 6196654, 6196655, 6098016, and 6096804. All townhouse units have been or will be conforming to the applicable Codes prior to construction permit issuance and final certificate of occupancy.

The required private usable open space for each dwelling unit is provided on the same lot as the dwelling unit it serves. The open space requirements for Lowrise 3 zones requires an average of 300 square feet of private usable open space at ground level and directly accessible to each unit, with no unit having less than 200 square feet of such open space. This Code requirement has been met.

SMC 23.22.062.D requires easements for access and joint use and maintenance agreements for access to and the use of common garage or parking areas, common open space and other similar features. This proposal provides such easements and joint use and maintenance agreements for vehicular and pedestrian access, and utilities across all individual unit lots that will be recorded with the King County Department of Records and Elections with the final plat.

Additionally, to ensure locations for address signage visible from the right of way for each group of townhouses (the townhouses on each of parent lots C through I), DPD recommends this proposal be **Conditioned** to include joint use, access, and maintenance easements for the location and posting of address signage on each proposed street fronting and vehicle access easement abutting unit lot (proposed Unit Lots A, G, M, S, Z, EE, and LL) for the benefit of all proposed unit lots with vehicle access from the respective vehicle access easement.

SMC 23.22.062.E allows required parking for a dwelling unit to be provided on a different unit lot as long as the right to use that parking is formalized by an easement on the plat. Only proposed Unit Lots A, B, C, E, and F will have their required parking on another lot. The right

to access and use this parking is assured by the easement on Sheet 3 of the plat. All other proposed unit lots will contain the required parking for their related structure with access assured by easement on their respective plat sheet.

SMC 23.22.062.F. 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 face of the plat contains the following: *“the unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.”*

In the interest of ensuring that the structures constructed according to the associated building permits conform to this unit lot subdivision the Director recommends the **Condition** that unit lot subdivisions include the following language: *“This subdivision has unit lot boundaries that are based on the location of the residential development as proposed on the permit application numbers referenced on this sheet, filed at the City of Seattle Department of Planning and Development. This development may include structures that cross unit lot lines and may have other development aspects of common interest to unit lot owners.”*

SMC 23.22.054, Public Use and Interest

Pursuant to SMC 23.22.054, the decision maker must consider all relevant facts to determine whether the public use and interest will be served by the proposed full unit lot subdivision. Additionally, the proposed plat must make appropriate provision for the public health, safety and general welfare by providing for open spaces, drainage ways, streets, alleys, sidewalks, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, and safe access to and sites for schools.

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures. This process therefore makes possible separate ownership of individual units in one structure that otherwise would be owned by one party and might otherwise be available on a rental only basis or as condominium units. The public interest is served by this increase in the supply and availability of owner occupied housing.

Open space, drainage, water supply, sanitary waste disposal and access to fire protection are provided as outlined above in this document. No street or sidewalk improvements are required by this subdivision since they are being provided through the associated construction permitting process. No parks, playgrounds, or school sites are required by the proposed subdivision; the site is within one block of Columbia Park and Columbia Elementary School.

The public use and interests are thereby served by permitting the proposed division of land.

Based on the response to the relevant criteria in SMC 23.22 this Unit Lot Subdivision meets the requirements of the Seattle Land Use Code.

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

See SEPA Analysis section below.

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

DPD Recommends *Conditional Approval* of the preliminary subdivision.

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on November 27, 2006. This information and the experience of the lead agency, DPD, with similar applications form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) 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 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 or circumstances mitigation can be considered (SMC 25.05.665 D 1-7).

Short-Term Impacts

Because the proposal only establishes boundaries for fee-simple ownership, no short term impacts are anticipated from this proposed subdivision.

Long-Term Impacts

The townhouse units to be unit lot subdivided comply with the Land Use Code and other relevant City Codes as outlined in the Subdivision Analysis above. No long term impacts are anticipated from the establishment of boundaries for fee-simple ownership.

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 42.21.C) including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. DPD has determined that this proposal does not have a significant adverse impact upon the environment. An EIS is not required under the RCW.
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under the RCW.

CONDITIONS – SEPA

None.

RECOMMENDED CONDITIONS – SUBDIVISION

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

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

1. Include on the sheet of each parent lot the easement language and location for a joint benefit address signage for all Unit Lots on each parent parcel.
2. Update the “Unit Subdivision Note” on Sheet 1 of the plat to include the following: *“This subdivision has unit lot boundaries that are based on the location of the residential development as proposed on the permit application numbers referenced on this sheet, filed at the City of Seattle Department of Planning and Development. This development may include structures that cross unit lot lines and may have other development aspects of common interest to unit lot owners.”*

Signature: (signature on file)
Art Pederson, Land Use Planner
Department of Planning and Development

Date: December 11, 2008