



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Number: 3005441
Applicant Name: Tess Wegier for Howland Homes
Address of Proposal: 424 N 130th St
Clerk File Number 308767

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into 36 unit lots (Full Unit Lot Subdivision). The construction of townhouses was reviewed under Permit #6089822 and the environmental review was conducted under Project #3004550. 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 lots¹.

The following approval is required:

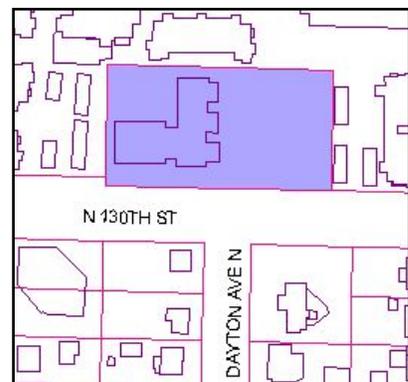
Full Subdivision Recommendation – Chapter 23.22 Seattle Municipal Code.

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

RELATED PROJECTS

Land Use Application #3004550 and Building Permit #6089822 established the use and construction of 36 townhouse units within 13, 3-story structures. Surface parking for 20 vehicles and 31 garage spaces to be provided. The existing 10,400 sq. ft. structure to be demolished².

SMC 23.22.062-A states that the unit lot subdivision of land applies exclusively to townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.



¹ The MUP decision conditionally granted a SEPA Determination of Non-Significance on June 25, 2007.

* DNS issued under MUP #3004550

² The Land Use Application included SEPA Review as well as all other city applicable development standards.

PROJECT DESCRIPTION

The applicant proposes to subdivide one parcel into 36 unit lots (a full unit lot subdivision). The construction of townhouses has been approved under Permit #6089822. 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 approved under Land Use Application #3004550.

Site and Vicinity

The project site is located within the Bitter Lake/Haller Lake Urban Village. Using the street grid as a reference it is just north of the intersection on N 130th St and Dayton Ave N. The site has street frontage on N 130th St, with two vehicle access points.

The 43,330 sq. ft. development site is zoned Multifamily Lowrise 3 (L-3) and is bordered on three sides by a planned unit apartment development, The Club at Bitter Lake. The site is also within the Bitter Lake/Haller Lake Urban Village. Across 130th St to the south, the zoning changes from multi-family to single-family. Multifamily Lowrise zoning continues to the north, east and west from the site.

The topography for the development site is a relatively flat parcel along N 130th St. The site contains a vacant one story commercial building and a surface parking lot, which will be removed for this project. There are several trees on the site; the largest is a 24' deciduous tree situated in the northwest corner of the property, as well as existing street trees.

There is some commercial development further north and south on Greenwood Ave west of the site and on Aurora Ave east of the site. However, the immediate neighborhood is predominately residential. The Bitter Lake lies northeast of the site, but is not visible from the property. The Bitter Lake community center is located to the east on N 130th St. There are some views to the south and east from the southeast corner of the site. Architectural styles in the area cover a wide range from some older modest single-family homes in the neighborhood to the south, to conventional contemporary apartment and townhouse development.

Public Notice and Comment Period

Public notice of the Land Use Application was given on November 1, 2007. The public comment period ended on November 14, 2007. No comments were received. The Land Use Application file can be reviewed at the Public Resource Center, 700 Fifth Ave, Ste 2000. (<http://www.seattle.gov/dpd/prc/location.htm>).

PROCEDURES FOR PRELIMINARY PLAT APPROVAL

Director's Analysis and 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:*

- 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 the approval sought and consistency with the applicable goals and objectives of Seattle's Land Use and other applicable policies;*

4. *An environmental determination/decision; and*
5. *The Director's recommendation.*

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 the Hearing Examiner to conduct a public hearing on the subdivision application (including the proposed unit lot 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 her/his decision which is final on the preliminary subdivision.

Council Action - The Council review process changed in March, 1996 in response to regulatory reform legislation and made the approval of preliminary plats or subdivisions a Hearing Examiner decision. A formal action to approve the final plat is still the responsibility of the City Council as provided by RCW 58.17. However, the Council does not hold a public meeting for the purpose of accepting testimony. After the Hearing Examiner approves the preliminary plat, the Council reviews the plat for final 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.

- **Director Seattle Department of Transportation**

“SDOT do not recommend approval of the preliminary plat until the following items have been addressed.

- The plat needs to show the abutting rights-of-way (N. 130th St & Dayton Ave N) and the proposed vehicle access points. Provide dimensions of the rights-of-way, street paving and area behind the curb on the project side.
- Show existing utilities and proposed utilities that will serve the unit-lots. Identify whether/where the utilities will be public versus private.
- Show any additional street trees to be planted or curb and/or sidewalk to be repaired and/or replaced due to any change to vehicular access or utility work.

- **Director of Public Health**

The Director of Public Health has reviewed the proposal and has no comments.

- **Superintendent of City Light**

City Light has reviewed the plat for the Bitterlake Townhomes Addition at 424 N 130th St and requires an overhead and underground easement over the entire parent parcel less [the] structures as proposed within the plat. The following statement shall be provided on the face of the Plat:

“An easement is granted to Seattle City Light as shown on page _____.”

If this plat is revised in any manner, the revision must be submitted to Seattle City Light for additional review.

- **Director of Housing**

The Director of Housing has reviewed the proposal and has no suggested conditions.

- **Superintendent of Parks and Recreation**

The Superintendent of Parks and Recreation (by Terry Dunning) reviewed the proposal and has no suggested conditions.

- **Director of Seattle Public Utilities**

SPU recommended approval. This area is served with domestic water and sanitary sewer facilities by the City of Seattle. Availability of service was approved subject to standard conditions of utility extension. The full unit lot subdivision application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#20070808) was approved and issued on May 17, 2007.

- **Chief, Fire Department**

Captain C. Greene has preliminarily approved the proposed unit lot subdivision, noting that authorization from the fire official is required to increase the distance allowed to the nearest fire department vehicle access road as per the exception in Section 503.1.1 of the Seattle Fire Code.

- **Seattle Metropolitan Services**

Metro reviewed the proposal and has no comments on the project.

- **Structural / Ordinance Review (DPD)**

The ordinance structural reviewer has given preliminary approval with no proposed conditions.

- **Sewer and Drainage Review (DPD)**

The drainage reviewer has given preliminary conditional approval.

- **Other Governmental Agencies**

No comments were received from other Governmental Agencies.

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

No comment letters were received from the public.

3. **Evaluation of the Proposal Pursuant to Applicable Codes**

Land Use Code: All of the proposed unit lots have been reviewed under Multifamily Lowrise Three (L3) development standards, with a minimum density limit of one unit per 800 square feet of lot area. The proposed lots range in size from 2,478.2 square feet to 819.3 square feet (sq. ft.).

A	2,353.5 sq. ft.	J	825.8 sq. ft.	S	1,116.0 sq. ft.	BB	1,246.9 sq. ft.
B	1,013.7 sq. ft.	K	870.3 sq. ft.	T	862.0 sq. ft.	CC	988.5 sq. ft.
C	1,159.1 sq. ft.	L	1,288.0 sq. ft.	U	1,538.7 sq. ft.	DD	1,156.1 sq. ft.
D	819.3 sq. ft.	M	1,026.8 sq. ft.	V	1,662.3 sq. ft.	EE	1,228.4 sq. ft.
E	1,328.8 sq. ft.	N	1,463.5 sq. ft.	W	1,192.1 sq. ft.	FF	2,478.2 sq. ft.
F	1,003.6 sq. ft.	O	1,059.5 sq. ft.	X	1,067.3 sq. ft.	GG	1,079.2 sq. ft.
G	1,540.7 sq. ft.	P	1,364.4 sq. ft.	Y	1,121.1 sq. ft.	HH	995.2 sq. ft.
H	1,026.8 sq. ft.	Q	847.2 sq. ft.	Z	980.3 sq. ft.	II	995.2 sq. ft.
I	1,330.5 sq. ft.	R	1,118.1 sq. ft.	AA	983.6 sq. ft.	JJ	1,208.3 sq. ft.

Land Use Application #3004550³ and Building Permit #6089822 established the use and construction of 36 townhouse units within 13, 3-story structures. Surface parking for 20 vehicles and 31 garage spaces to be provided. The applications met the underlying density requirements and other Land Use Code development standards applicable to the proposal⁴.

Retention of existing trees and planting of new vegetation was analyzed and approved under the related construction permit with SEPA. The development site meets all applicable open space and landscaping requirements.

SMC 23.22.062 (Unit lot subdivisions) 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 non-conforming 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. The lot configuration depicted on the proposed preliminary plat provides sufficient building area and vehicle access to parking to permit construction of townhouse structures containing (36-units total) on the parent lot. The site plan depicts a development proposal meeting spatial requirements approved under Land Use Application #3004550, consistent with the stated provisions of the Land Use Code.

SMC 23.22.062 B also states that 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 Multifamily Lowrise 3 (L-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.

A	915.0 sq. ft.	J	825.8 sq. ft.	S	252.0 sq. ft.	BB	274.0 sq. ft.
B	234.0 sq. ft.	K	222.0 sq. ft.	T	231.0 sq. ft.	CC	230.0 sq. ft.
C	235.0 sq. ft.	L	386.0 sq. ft.	U	448.0 sq. ft.	DD	205.0 sq. ft.
D	205.0 sq. ft.	M	302.0 sq. ft.	V	437.0 sq. ft.	EE	252.0 sq. ft.
E	355.0 sq. ft.	N	207.0 sq. ft.	W	215.0 sq. ft.	FF	542.0 sq. ft.
F	207.0 sq. ft.	O	207.0 sq. ft.	X	233.0 sq. ft.	GG	458.0 sq. ft.
G	207.0 sq. ft.	P	367.0 sq. ft.	Y	205.0 sq. ft.	HH	374.0 sq. ft.
H	302.0 sq. ft.	Q	217.0 sq. ft.	Z	208.0 sq. ft.	II	290.0 sq. ft.
I	350.0 sq. ft.	R	241.0 sq. ft.	AA	268.0 sq. ft.	JJ	488.0 sq. ft.

³ SEPA review was conducted under this Land Use Application.

⁴ Townhouses are defined in SMC, 23.84.38, which states in part: “Means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) wall of another unit. Each dwelling unit occupies space from the ground to the roof and has direct access to open space.”

SMC 23.22.062 D requires common access easements and joint use and maintenance agreements for the use of common garage or parking areas, common open space and other similar features. Easements for all utilities are required as necessary for utility access. 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. Additionally, easements should be shown by the applicant allowing all lots within the subdivision to have their addresses displayed from the public right-of-way. These easements shall also make provision for US Postal facility mailbox locations.

This Unit Lot Subdivision therefore as conditionally recommended below will meet the requirements of the Seattle Land Use Code.

SMC 23.22.062 F 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.* This notation is not included on the face of the preliminary plat but will be included on the face of the plat for filing. In addition, a note to this effect should be included in any *“Declaration of Protective Covenant, Restriction, Easements and Reservations for the Plat or Any Subsequent Divisions, Article, Subdivision or Combination.”*

Policy Compliance – Seattle Comprehensive Plan:

Zoning and existing development in the surrounding area is predominantly Multifamily and Single family residential uses, therefore evaluation will be based on Multifamily Policies.

The City of Seattle is committed to achieve diverse Multifamily Residential Areas, by balancing the objective to increase opportunities for new housing development to ensure adequate capacity for future housing need with the equally important objective of ensuring that new development is compatible with neighborhood character. However, in order to encourage diverse housing types in multifamily zones three density levels have been established; low, moderate, and high density with a variety of scales and configurations to achieve City goals. The development site is located within the multifamily low density classification. One stated policy, (L94) is to provide opportunities for attached housing at slightly higher density than single family areas in low density multifamily zones. Additionally, L95 seeks to maintain compatibility with single family development through limits on the permitted height and bulk of new developments. The unit lot subdivision provides opportunities for individual ownership of 36 townhouse units within a delineated area of land for each unit; and would be in keeping with the multifamily goals and policies.

This proposal site is located in an area designated by the City Council and Comprehensive Plan as being generally appropriate for multifamily residential development. The proposed unit lot size and design of the subdivision is relatively consistent with the development pattern in the surrounding multifamily neighborhood with similar type of townhouse developments and meets all of the criteria for the underlying multifamily zoning and applicable elements of the Seattle Comprehensive Plan. As noted above, this area has been designated by the Seattle Comprehensive Plan as being generally appropriate for attached housing at slightly higher densities than single family areas in low density multifamily zoning. The Seattle Comprehensive Plan (SCP) is based in part on the provisions of the Growth Management Act,

which mandates that the majority of future growth occur in existing urban areas with adequate capacity for utilities extension, adequate public services, employment opportunities, schools and other urban infrastructure. The proposed subdivision serves to implement the Seattle Comprehensive Plan by providing additional housing within the City of Seattle city limits. All documentation required for preliminary plats specified in SMC Chapter 23.20 has been included with this preliminary plat application. The proposed plat is consistent with the intent of the residential policies by providing new housing in this area of the city.

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, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, and sites for schools.

The proposed subdivision relates to Land Use Application #3004550 to construct 36 townhouse units within 13, 3-story structures. Surface parking for 20 vehicles and 31 within garage spaces to be provided. The only change resulting from the proposed subdivision is that building occupants will now have the opportunity to own their units outright. DPD therefore considers that the proposed subdivision should involve no additional provisions other than conditions identified at the end of this report and by other departmental reviews. While the proposed subdivision creates no new housing units, DPD considers that it does serve the public interest by facilitating home-ownership within a housing type that is relatively unique for the area, promoting a stability of tenancy in the neighborhood.

The proposed subdivision has been reviewed by interested agencies within the City and outside agencies have had an opportunity to review and comment. Based upon their requirements and the recommendations of DPD, the public use would be served by approving the subdivisions, including that of providing more housing within the city.

Unit Lot Subdivision

The proposal is a unit lot subdivision for townhouses meeting the Multifamily Lowrise 3 (L-3) development standards. The proposal satisfies the applicable development standards, contained in SMC 23.45, Subchapter 1, on a parent lot or individual lot basis, as appropriate. Private usable open space meeting the requirements of SMC 23.45.016 is provided on the same lot as the dwelling unit it serves. The project includes attached garages and surface parking for a total of 51 vehicles. Appropriate agreements relating to the use and maintenance of the surface and common open space shall be executed and recorded prior to the issuance of certificates of occupancy.

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

Environmental Review was conducted under Land Use Application #3004550, which established the use and development for 36 townhouse units and subsequent full subdivision platting action. DPD will condition the project based on the impacts disclosed in the environmental documents, and the conditionally issued Determination of Nonsignificance.

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

As presented in plan sheet set dated April 20, 2007, as submitted to DPD, the Director of DPD **recommends approval** of the Preliminary Plat pursuant to SMC 23.22.028, with the following **conditions** referenced below.

RECOMMENDED CONDITIONS - FULL SUBDIVISION

Non-Appealable 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. Note on the face of the plat map the following: *"Each unit lot is not a separate buildable lot, and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot"*.
3. The final plat must include the required City Light easement and be reviewed by City Light; Real Estate Services prior to recording in order to ensure the proper easements are part of the plat.
4. Meet the requirements of SDOT's recommendation as stated above and summarized here:
 - a. The plat needs to show the abutting rights-of-way (N. 130th St & Dayton Ave N) and the proposed vehicle access points. Provide dimensions of the rights-of-way, street paving and area behind the curb on the project side.
 - b. Show existing utilities and proposed utilities that will serve the unit-lots. Identify whether/where the utilities will be public versus private.
 - c. Show any additional street trees to be planted or curb and/or sidewalk to be repaired and/or replaced due to any change to vehicular access or utility work.
5. Note in the "Declaration of Protective Covenants..." for all prospective and actual home owners to read, that per the Seattle Land Use Code "... *subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot*" (SMC 23.24.045C), and *"the unit lot is not a separate buildable lot, and ... additional development of the individual unit may be limited as a result of the application of development standards to the parent lot"* (SMC 23.24.045F).
6. Provide an easement, covenant, or other legal agreement to allow for the proper display of address signage visible from the street.

Signature: _____ (signature on file) Date: May 08, 2008
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CRV:lc