



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

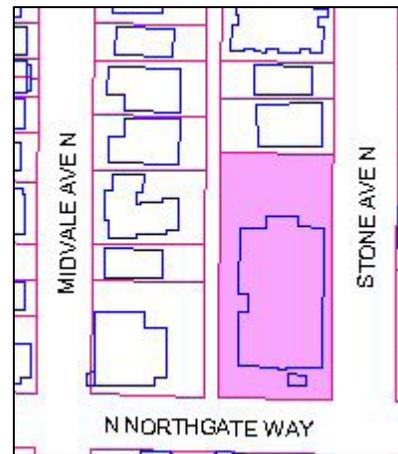
Application Number: 3005736
Applicant Name: Seth Hale
Address of Proposal: 10501 Stone Ave N

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into twenty-nine (29) unit lots. The construction of townhouses has been approved under Project #6122589. The 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. Design review and SEPA have been completed under Project #3004946.

The following approvals are required:

Full Subdivision Recommendation – Chapter [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.

RELATED PROJECTS

Master Use Permit (MUP) No. 3004946 and construction permit No. 6122589 permitted the construction of a total of 29 townhouses. MUP 3004946 included SEPA and Design Review, as well as the review of the project for compliance with the City’s zoning standards. The Ordinance/Structural review and review of other applicable City regulations (grading, drainage, sewer, water, etc) was done under the construction permit. The SEPA analysis anticipated the future division of the project into the proposed 29 unit lots, along with any associated impacts.

* DNS issued under MUP # 3004946

The MUP decision was issued 8/21/07, granting a Determination of Non-Significance for SEPA, subject to certain conditions.

[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.

PROJECT DESCRIPTION

The applicant proposes to unit subdivide one existing parcel into twenty-nine (29) unit lots. The existing parcel # is 630000-0485. The applicant proposes to make each unit lot a fee simple piece of property, dividing the lots along the townhouses common wall lines. Per the approved building permits, parking will be provided within each townhouse.

Site and Vicinity

The site is located on the west side of Stone Avenue N at the northwest corner of North Northgate Way and Stone Avenue N. The subject site is located in Multifamily Lowrise 3 (L-3) zone. At the time of the initial Design Review and SEPA application, the site was developed with a vacant 3-story building which was previously the site of a nursing home, the Northgate Rehabilitation Center.

The rectangular-shaped site is approximately 32,783 square feet with approximately 267-foot frontage on Stone Avenue N and approximately 122 feet lot depth. The site slopes down gradually from the south downwards to a flat surface towards the northern portion of the lot. Vehicular access is available from Stone Avenue N to the east and from the existing 16' gravel alley to the west. Stone Avenue N at the project location is paved but not developed with sidewalks, curbs and gutter. North Northgate Way to the south is an arterial and is developed with sidewalk, but with no concrete curbs along the street.

The site is bordered on the north by an existing apartment building. Development to the north and across the alley to the west is primarily multifamily residential uses. The southwest corner of the block at Midvale Avenue N and N Northgate Way is zoned Commercial 1 with a 40-foot height limit (C1-40'). The L-3 zone abuts the Commercial 2 with a 40-foot height (C2-40') to the north of N. 107th Street and Lowrise 2 (L-2) zoning and development to the east and south. Other development in the vicinity includes two medical offices and general retail uses in the abutting commercial zone. Aurora Avenue N is located two blocks to the west of the site.

Proposal:

The Design Review and SEPA considered the demolition of the existing 13,240 square foot 3-story building and construction of five townhouse structures containing a total of 29 dwelling units. The townhouse structures will be situated in two rows, one facing Stone Avenue N to the east and the other located behind, facing the alley to the west. Vehicular access will be from Stone Avenue N into an interior driveway that provides vehicular access to individual garages located within each unit on both sides of the driveway. Six of the townhouses will have vehicular access directly from the alley. The proposal also includes street and alley improvements. The initial SEPA considered the environmental impacts of the future unit lot subdivision application, thus it does not require another SEPA review.

Public Comment

The public comment period ended August 8, 2007. No comment letters were 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 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 review at least thirty (30) days prior to the Hearing Examiner's public hearing.

Hearing Examiner Findings and Conclusions. This document constitutes the Department's recommendation to the Hearing Examiner regarding the proposed preliminary unit lot subdivision. Per Land Use Code Section [23.76.024](#), the Hearing Examiner will conduct a public hearing on the unit lot subdivision application. At the same hearing, the Hearing Examiner would hear any appeals of the Director's environmental decision (SMC [23.76.052 A](#)). However, in this instance, the SEPA Determination was completed as part of Project #3004946, and the SEPA appeal opportunity has passed. 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. While the approval of the preliminary plats or subdivision is a Hearing Examiner decision, a formal action to approve the final plat is the responsibility of the City Council as provided by RCW [58.17](#). The Council does not hold a public hearing for the purpose of accepting testimony since this has already been done at the preliminary plat stage through the Hearing Examiner process.

ANALYSIS – SUBDIVISION

Follows is the analysis and recommendation of the Department regarding the proposed unit lot subdivision, per the criteria cited above.

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

The following represent a summary of the comments received from each City Agency indicated (SMC 23.22.024). Information and documentation from each review agency is available in the DPD project file.

- **Seattle Department of Transportation**

1. The on- site drainage detention system is being required to be discharged to the south of the site via a private service drain to be constructed by the developer connecting with the public storm main a half block west of the site at Northgate and Midvale N. Ensure that the responsibility for maintenance of this private line is reflected in the unit lot plans;
2. Ensure that easements are provided for all utility lines that cross other unit lots within the subdivision.
3. Ensure that the sidewalk adjacent to alley and the easement for such is shown.
4. Ensure that the dedication of the sidewalk easement is complete prior to final plat approval and recording of the subdivision. (Note, this process has been started with an “Intent to Dedicate” which is on file with Paul Hawkinson; development of the actual dedication document is in process.
5. As previously noted, SDOT is tasked with processing of the final plat per SMC23.22.064. An SDOT application and a six-thousand dollar deposit will be required under SDOT Project #56235. This is a separate application and process from review of the street improvements.

The SDOT application for street improvements has been submitted under Project #41097 and plans are currently under review.

Reviewed by Joel Prather
SDOT, Street Use Activities and R.O.W. Management

- **Director of Public Health**

“I have reviewed Project #3005736 - 10501 Stone Ave N against the National Association of County and City Health Officials' "Public Health in Land Use Planning & Community Design" and Washington State Department of Ecology's "Environmental Justice: Checklist". Based on that review, the Environmental Health Division of Public Health - Seattle & King County has the following specific comments.

Trees are an important part of the built environment and green infrastructure that positively affect population health in a number of ways. With the growing recognition that global warming leads to "urban heat islands", trees can help ameliorate high ambient temperatures through the shade they provide. Trees are also a critical element of the pedestrian environment because they make a streetscape interesting and comfortable for pedestrians, which are two factors that make walking a desirable form of transportation and recreation. If in the course of project implementation it becomes necessary to reduce costs, we recommend that trees be retained because of their linkages to community and environmental health.

The area of impervious surface is increased and thus the stormwater volumes will peak rapidly. With the advent of West Nile Virus in Washington, stormwater drainage became a stronger public health issue. Please assure some attenuation or containment of stormwater peaks and assure that careful grading leads to adequately sized stormwater conveyances.

Lee Dorigan, MES, RS
Supervisor, Special Projects
Environmental Health Division
Public Health - Seattle & King County
999 Third Ave, #700
Seattle, WA 98104
206 296 4795"

DPD Response

The project provides for containment of storm water on site within detention structures underneath the private easement area. Further, a water quality drainage swale is located in the right-of-way to process storm water. To ensure that all plat purchasers are aware of the location of these common facility and their responsibility in its maintenance, the structures have been shown on the plans and maintenance responsibilities reflected in the joint maintenance agreement. Additionally, a "Memorandum of Drainage Control" affidavit has been recorded by the applicant as part of the building permit outlining the facilities that are part of the approved storm water system which will need to be kept in good repair; however the Memorandum of Drainage Control does not mention the water quality swale nor the off-site service drain. These items shall be added to the Memorandum, and the Memorandum re-recorded.

- **Superintendent of City Light**

City Light has reviewed the ULS noted above and requires an easement that is necessary for the electric service to the proposed lots. Specific easement language will be available in the near future. The easement should become part of the Final Unit Lot Subdivision and be added to the appropriate legal description(s).

If this ULS is revised in any manner, the current easement may not be appropriate. Any revisions should be submitted to Seattle City Light, North Electric Service, for additional review.

Prior to recording, a copy of the final plat should be reviewed by City Light, Real Estate Services for compliance.

Reviewed by Lucien Opperman
North Distribution Engineering
Seattle City Light

- **Director of Seattle Public Utilities**

Water - SPU (Joe Phan) issued a Water Availability Certificate (WAC) ID No. 20071270 on 7/18/07 approving this project with requirements. The WAC indicated that the project site and structures can be served by the standard sized (8") water main located in Stone Avenue N. Water Availability Certificates were previously issued for the related townhouse building permits. The WAC for the Unit Lot Subdivision states:

“This Certificate is:

Approved; Land Use Permit may be approved at this time. Property owner may order water service after meeting all service requirements. No change to the water distribution system is required. (see Water Service Requirements).

The project has been set up with one main meter, and a private submetering system internal to the project. While the submetering is contracted out to a private company, the project's home owner's association will ultimately be responsible. The responsibilities of the home owner's association will need to be clarified as part of the Covenants, Conditions, & Restrictions (CC&Rs).

SPU Real Property – SPU real property division reviews the plat to ensure that any utility facilities in the right-of-way have the necessary legal easements. The plans were reviewed by S.-Dewayne Ticeson in Real Property Services and found to be adequate with respect to the City's requirements.

- **Drainage Review (DPD)**

The drainage review was approved on 8/1/07 with one comment:

“There is an eight inch diameter sanitary sewer main in the alley on the west side of the site. There is a 36-inch diameter public storm drain in Midvale Ave N. to the west of the site.

The area of new impervious surface associated with the development allowed by this subdivision substantially exceeds five thousand square feet. I recommend that the applicant be required to submit and obtain approval of a drainage control for the site prior to approval of the subdivision. The drainage control plan must be stamped by a licensed civil engineer. The drainage control plan must include storm water detention and a new connection to the public storm drain in Midvale Ave. N. “

Reviewed By Joe Berentsen
DPD Drainage Review

It was subsequently confirmed with Kevin Donnelly, the DPD drainage reviewer for the construction of the townhouses, that the storm water requirements were all met as part of the issued building permits for 6122589.

- **Addressing Review (DPD)**

The addressing review was conditionally approved. Assigned addresses have been added to the proposed plat. The final plat with revised legal descriptions for easements will need to be reviewed by addressing.

Reviewed By Myra Stallworth
DPD Addressing

- **Zoning Review (DPD)**

An initial zoning correction was issued that the open space on the plans needed to match the issued construction plans. When corrected Unit Lot plans were submitted, the zoning review was conditionally approved, pending completion of the hearing examiner process.

Reviewed by Larry Falk
Land Use Planner
DPD Applicant Services Center

- **Building Plans Examiner (Ordinance/Structural Review – DPD)**

The ordinance structural reviewer has approved the project with no conditions.

Reviewed by Tonya Capps
DPD Site Review and Inspection

- **Fire Department**

Captain C. Greene approved the project on 7/26/07 without comments.

- **Superintendent of Parks and Recreation**

The Superintendent of Parks and Recreation has reviewed the preliminary plans and has no comment on the proposed project. (referral in the MUP file)

Reviewed by MaryLou Whiteford, Senior Real Property Agent
Seattle Parks & Recreation Department

- **King County Metro Transit**

King County Metro Transit does not have any comments on the 10501 Stone Ave. N. project (reference #3005736, Land Use Referral).

Gary Kriedt, Senior Environmental Planner
Metro Transit

- **Director of Housing**

The Director of Housing approved the subdivision on 7/30/07 with no suggested conditions.

Rick Hooper
Office of Housing
City of Seattle

- 2. **Responses to written comments submitted by interested citizens.**

No comments were submitted.

- 3. **An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter [23.22](#).**

Land Use Code

The site is located in an L-3 zone, in which townhomes are permitted uses. As stated the applicable zoning, construction and land use codes were reviewed under MUP Permit No. 3004946 and Building Permit No. 5122589. SEPA was a component of the MUP with conditions applied accordingly.

SMC [23.22.062](#) provides requirements for unit lot subdivision, applicable to townhouse development.

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...” Consequently additional development of individual units may be limited, due to this final nonconformity. To notify future unit lot owners of this potential limitation SMC [23.22.062 F](#) therefore requires the following be noted on the recorded plat, “*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.*”

[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 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.

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; pedestrian access along the alley, a pedestrian walkway along the driveway

from Stone Avenue, and utilities crossing individual unit lots will need to be referenced in the plat via separate easements. Additionally, easements should be shown by the applicant allowing all lots within the subdivision to have their addresses displayed from a street. For those units fronting on the alley, provision should be made for posting of addresses on North Northgate Way. The easement 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.

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 safe access to and sites for schools.

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures. Ground related multi-family townhouse use is allowed outright in the L3 zone. 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 applicant will provide CC&Rs (Covenants, Conditions, & Restrictions) for the future owners of each unit lot upon transfer of sale. The CC&Rs will include specific provisions for maintenance and repair of the site including but not limited to structures and utilities. The Department recommends that future notice of the CC & R's to affected parties be a condition for the project.

The construction of the units was reviewed under the City's applicable codes (SEPA, zoning, ordinance and structural, drainage, fire code, geotechnical, water availability, street improvements) (See Master Use Permit No. 3004946 for SEPA conditions). The unit lot subdivision does not alter these requirements or conditions.

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

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

All documents will be furnished to the Hearing Examiner, prior to the Public Hearing for the subdivision.

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

RECOMMENDATION – SUBDIVISION

DPD Recommends approval of the preliminary subdivision application.

RECOMMENDED CONDITIONS – 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. Pursuant to SMC [23.22.062 F](#) the following must be noted on the recorded plat: *“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.”*
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. For units within the subdivision that front on the alley, provide easements for mailboxes and addresses visible from N. Northgate Way. Note that an address sign maintenance agreement is included on Sheet 4 of 7 that references an address sign, but its location and an easement for such are not yet provided; these will need to be detailed, along with similar provisions for placement of mailboxes.
5. Update the plat to reflect the following SDOT requirements:
 - Ensure that easements are provided for all utility lines that cross other unit lots within the subdivision.
 - Ensure that the sidewalk adjacent to alley and the easement for such is shown.
 - Ensure that the easement for public sidewalk adjacent to N. Northgate Way is complete prior to final plat approval and recording of the subdivision.
 - An on- site drainage detention system is being required to be discharged to the south of the site via a private service drain connection to a public storm main a half block west of the site at Northgate and Midvale N. Ensure that the responsibility for maintenance of this private line is reflected in the unit lot plans. This can be done by showing the location of the service drain on the Unit Lot Plans and by referencing it in the Memorandum of Drainage Control.

6. Re-record the Memorandum of Drainage Control to include the water quality swale and the off-site service drain.
7. The final plat shall be adjusted to show the location of the easement for the pedestrian walkway along the driveway from Stone Avenue, and the easement shall be added to the legal descriptions.

Prior to Transfer of Sale for Each Unit Lot

8. Provide a maintenance plan for the drainage swale to the DPD planner for review and inclusion in the CC&R's in support of the Public Health comments.
9. The applicant shall prepare CC&Rs to be signed by each unit lot owner. The CC&Rs shall address administration of the following:
 - Water Submetering;
 - Maintenance of shared drainage facilities, including the detention system, catch basins, drainage swale, and off-site service drain;
 - Provisions for managing other items of common concern to the property, such as joint maintenance of pedestrian and vehicular easements, reserve accounts for repairs, etc.

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

Date: June 26, 2008