



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: 3005922
Applicant Name: Brittani Ard for Umani, LLC
Address of Proposal: 1262 North 143rd Street
Council File No. 308296

SUMMARY OF PROPOSED ACTIONS

Council Action to subdivide three parcels into seventeen (17) unit lots. The construction of sixteen (16) townhouses and a single family residence has been reviewed under Project #6605662. 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.

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

*MUP# 3003992 is a Land Use Application for environmental review to allow construction of one single family dwelling unit, three 2-unit, two 3-unit and one 4-unit townhouse structures (for a total of 17 units in seven separate structures) with parking to be located in attached garages. Three existing residential structures to be removed. Environmental review includes subdividing the lot into 17 unit lots. The MUP was issued October 23, 2007, conditionally granting the Determination of Non-Significance for SEPA and construction permit.

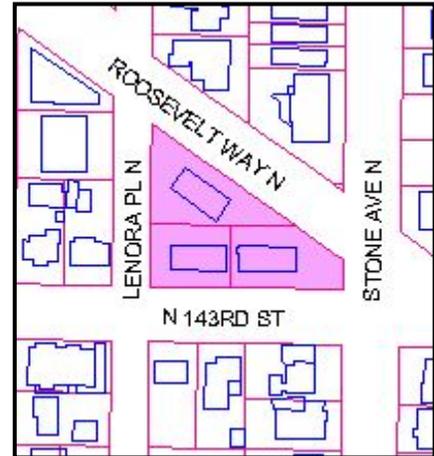
[SMC 23.22.062-A](#) states that the unit lot subdivision of land applies exclusively to townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.

PROJECT DESCRIPTION

The applicant proposes to subdivide three existing parcels into seventeen (17) unit lots. The existing parcel numbers are 6450300535, 6450300555 and 6450300556. The applicant proposes to make each unit lot a fee simple piece of property. All development standards were reviewed under the MUP and building permit (MUP 3003992 and BP 6065662).

Site and Vicinity

The 21,451 sq. ft. project site is a triangular shaped parcel located in the north Seattle area, two blocks east of Aurora Avenue North and is bounded by Roosevelt Way North, Lenora Place North, North 143rd Street and Stone Avenue North.



The site is zoned Multifamily-Lowrise Two (L2). The zoning designation of the parcels north of the site is also L2. The zoning directly to the west of the site is Lowrise Three (L3). To the south, across North 143rd, the zoning changes to Single Family 5000 (SF5000) on the east side of Lenora Place North and on eastward from there. On the west side of Lenora Place North, the zoning is Lowrise One (L1).

Lenora Place North, North 143rd Street and Stone Avenue North are non-arterial streets and have no curb, gutters or sidewalks. Roosevelt Way North is classified as an arterial and has no curb, gutters, or sidewalk. No portion of the site is designated as an Environmentally Critical Area on City maps or otherwise observed at the site.

Public Comment

The public comment period ended January 10, 2007. One comment letter was received expressing concern about traffic safety where Stone Avenue North intersects Roosevelt Way North and requesting that the developer provide sidewalks and trees.

PROCEDURES FOR PRELIMINARY PLAT APPROVAL

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. 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 hearing for the purpose of accepting testimony. After the Hearing Examiner approves the preliminary plat, the Council reviews it for final 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.

ANALYSIS – SUBDIVISION

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**

The Seattle Department of Transportation has given conditional approval.

DPD note

SDOT has reviewed and conditionally approved street improvements plans for Roosevelt Way North, Stone Way North, North 143rd Street, and Lenora Place North. A 3-foot dedication along Lenora Place North was waived contingent upon full street improvements on Roosevelt Way North. The paving and drainage will be subject to SDOT review.

- **Director of Public Health**

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

“I have reviewed Project #3005922 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 no comments.

Sincerely,
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”

- **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. The specific easement language is available in the Land Use file and has been mailed to the applicant. The easement should become part of the Unit Lot Subdivision and easements 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.

- **Director of Housing**

The Director of Housing has given preliminary approval of the subdivision with no suggested conditions.

“Office of Housing is in favor of approval of both of these proposed subdivisions. Please let me know if you have any questions.

Thanks,

Adrienne

Adrienne Quinn
Director
Office of Housing
City of Seattle...”

- **Superintendent of Parks and Recreation**

The Superintendent of Parks and Recreation has reviewed (by Edward Mellinger) the preliminary plans and has determined that the project, as presented in the plans, will not have any impact on Park Property. (referral in the MUP file)

- **Director of Seattle Public Utilities**

SPU (Karen Younge) issued a Water Availability Certificate (WAC) ID No. 20070793 on May 15, 2007 approving this project with requirements. The WAC states:

“This Certificate is:

Approved; Land Use Permit may be approved at this time. Property owner has contracted with Seattle Public Utilities and paid fees in preparation for extending, replacing, or altering the existing water distribution system (see Water Service Requirements).

Fireflow or other Seattle Fire Department requirements may alter water availability at any time. Water availability requirements will change if existing system cannot support desired water service.

The following water service requirements apply to the proposal:

- “New Meter Location: N 143rd St and/or 6” main 10’ W of E margin Lenora Pl N and/or 8” main 42’ E of W margin Stone Ave N.
- The maximum allowable size for the fire services is the same size as the main; the largest available fire service is 8 inches. The maximum allowable size for irrigation, domestic, and combination services is one size smaller than the main; the largest available domestic or irrigation service size is 6 inches; and the largest available combination service is 10 inches.
- **One meter will serve the domestic water needs of a single legal parcel.** If the legal parcel is shortplatted prior to approval for occupancy after final inspection of the building permit, then separate meters will be required for each legally described parcel. This may necessitate the installation of a water main by the developer.
- The property owner is responsible for the installation, maintenance and liability of the service line from the City union near the meter to the building served. New water service piping from the City union to the building must be inspected by SPU prior to covering. Call (206) 684-5800 for an inspection.
- For new water services, Property owner must sign SPU's Application and Agreement for Water Service, pay all connection service charges, and other charges which may or may not be listed below, and submit the legal description of the property to be served. Apply for service at 700 5th Avenue, 31st floor. The time between the service order and installation varies depending on workload, service size and type. **Wait Times can be 30-90 days;** call (206) 684-5800 for the current projected wait time.
- Prior to ordering a new water meter that will serve a back lot, a recorded easement with a suggested minimum width of 5’ must be provided. If more than one water service line is needed through and easement, the easement is suggested to be a minimum of 2.5’ per service line.
- Underground piping through an easement, from the City union to the property line, must be either type K or L copper, or Ipex Kitec (PE-AL-PE) and fittings.

- **Fire Department**

Lieutenant Kenneth Mitchell has given approval of the proposed unit lot subdivision under the 2003 Seattle Fire Code.

- **Seattle Metropolitan Services**

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

Gary Kriedt
Senior Environmental Planner
Metro Transit...”

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

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

Reviewed by Tonya Capps
DPD Permit Process Leader

- **Drainage Review (DPD)**

The drainage reviewer has given preliminary approval with one proposed condition.

Sanitary Sewer: At the time of the building permit application review, the DPD Site Development staff confirmed that a public sanitary sewer is available and is of adequate capacity for sanitary discharge from new construction on this ULS (unit lot subdivision) site. A Side Sewer Permit has been issued, or will be issued, for connection of the project's side sewer to the public sewer. The Side Sewer Permit includes, or will include, the necessary easement and connection agreement documents.

Drainage: At the time of the building permit application review, we determined the discharge point for the project stormwater runoff and designated, or approved, the project stormwater control method. A Side Sewer Permit has been issued, or will be issued, for the connection of the project's service drains to an approved discharge point. The necessary easement and connection documents will be included with the Side Sewer Permit.

No conditions were recommended.

Reviewed By Kevin Donnelly
DPD Drainage Review

2. Responses to written comments submitted by interested citizens.

DPD responded to the citizen comment requesting sidewalk and street improvements by post card indicating that these improvements were under review by Seattle Department of Transportation.

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 a L2 zone, in which townhomes and single family structures are both permitted uses outright. As stated the applicable zoning, construction and land use codes were reviewed under MUP 3003992 and Permit No.753247. SEPA was a component of the MUP and construction permit review with conditions applied accordingly.

SMC [23.22.062](#) provides requirements for unit lot subdivision, applicable to townhouse and single family 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 2 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, 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 North 143rd Street. 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.

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 L2 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 feels that this should be noted as a recommended condition for the project for future notice to affected parties.

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. 3003992 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 Seattle 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. Provide easements for mailboxes and provide easements for addresses visible from North 143rd Street for all unit lots in this subdivision.
5. Amend the Joint Use/Maintenance Agreement to include the common sidesewer & storm drainage system that will serve all proposed unit lots as recommended by the DPD drainage reviewer.
6. Meet the requirements of SDOT's approved Street Improvement Plans and summarized here: full street improvements including curb, gutter, sidewalks, street trees and landscaping on all abutting streets – Roosevelt Way North, Stone Way North, North 143rd Street, and Lenora Place North.

Prior to Transfer of Sale for Each Unit Lot

7. The applicant shall prepare CC&Rs to be signed by each unit lot owner in the same manner as the sample provided to the Department (located in the MUP file and Public Record noted as "sample CC&R").

The following conditions were imposed on the Master Use Permit review of DPD Project #3003992:

CONDITIONS - SEPA (Hearing Examiner Reference Only)

Prior to Issuance of any Demolition Permit (non-appealable)

8. The owner(s) and/or responsible party(s) shall provide documentation to the DPD that Puget Sound Clear Air Agency (PSCAA) has received all information necessary to assess and mitigate likely air impacts at least 10 days in advance of the demolition of any structures on site greater than 120 sq. ft.

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

9. In addition to the Noise Ordinance requirements, to reduce the noise impact of demolition and construction on nearby properties, all work activities shall be limited to non-holiday weekdays (Monday - Friday) between 7:00 A.M and 7:00 P.M. The only work permitted on weekends and holidays is work whose sound does not carry off site, including hand landscaping work, hand painting not involving generators or pressure-equipment, exterior clean up work not involving power tools of any kind, interior work whose sound is entirely contained within the structure, and the like; there shall be no exterior use of generators, power tools, vehicles, heavy equipment, or any other mechanism or technique that causes sound to be audible off site.

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

Date: June 12, 2008