



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 DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 3006121

Applicant Name: Kelly Byrne

Address of Proposal: 311 14th Avenue East

SUMMARY OF PROPOSED ACTIONS

Council Action to Subdivide three parcels into 12 unit lots (unit lot full subdivision). The construction of townhouses is being reviewed under Project #6112842 (environmental review under 3004731). 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

For each project, the following approvals are required:

Full Subdivision – To subdivide 3 parcels into 12 unit lots.
(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

BACKGROUND DATA

Site and Vicinity

The subject parcels, which are adjacent and under common ownership, are zoned L3 and are located in the interior of the block between East Harrison and Thomas Streets on the west side of 14th Avenue East, which is paved and has sidewalks, planting strips, curbs, and gutters on the project side of the street at least. The development plan for the site was approved under DPD Project No. 3004731. The site is within the Capital Hill Urban Center Village (East Neighborhood District). It is subject to a steep slope ECA area overlay.

Project Description

The proposal is to subdivide two parcels into twelve (12) unit lots with vehicle access provided from the North 113th Street through a single curbcut. The proposed parent lot will comprise both parcels of land together. The proposed unit lot sizes are: Unit Lot A) 1178.0 square feet, Unit Lot B) 1048.8 square feet, Unit Lot C) 1047.5 square feet, Unit Lot D) 1181.1 square feet, Unit Lot E) 1180.0 square feet, Unit Lot F) 1254.1 square feet, Unit Lot G) 1315.7 square feet, Unit Lot H) 988.9 square feet, Unit Lot I) 1262.3 square feet, Unit Lot J) 1260.6 square feet, Unit Lot K) 997.3 square feet; and Unit Lot L) 1307.1 square feet.

Note that the proposed construction has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code and for SEPA (environmental impacts) under a separate project (3004741). The subject of this analysis and decision is only the proposed division of land.

For reference, the scope of the project as described in the construction Master Use Permit application was; to construct two 3-story triplexes buildings and three 2-story duplexes. The duplexes face 14th Avenue East; the triplexes. There is a single access driveway from 14th Avenue East, slightly offset to south of center of the site, serving parking under each structure and a paved auto-maneuvering courtyard between the rows of duplexes. Pedestrian entries will be provided off the auto court, and pedestrians will have direct access to the street through the court/access system and through a pedestrian access easement between the two northerly buildings facing the street.

Public Comment

None.

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 the DPD project file.

A. Director Seattle Department of Transportation (SDOT)

SDOT recommends approval of the preliminary plat for the above subject project. The street improvement plans have been reviewed and approved and the applicant has submitted the application and deposit for the final plat review.

B. Director of Seattle Public Utilities (SPU)

The full unit lot subdivision application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#20071402) was approved and issued on 7 August 2007 indicating that the land use permit may be approved at this time.

C. Superintendent of Seattle City Light

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. The easement as described by Seattle City Light shall be included on the final plat prior to recording.

D. Chief, Fire Department

The Fire Department has approved the proposal.

E. Director of Public Health

The Director of Public Health requests “assurances of replacement vegetation.”

F. Director of Housing

The Director of Housing made no comments.

G. Superintendent of Parks and Recreation.

The Superintendent of Parks and Recreation made no comments.

H. Metropolitan Services Department (King County METRO)

Responded with no comments.

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

n/a

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

Land Use Code:

The preliminary plat process, technical standard and considerations are specified in SMC 23.22. The Director’s comment and/or recommendation follow each applicable criterion:

The proposed subdivision has been reviewed by interested agencies within the City and outside agencies have had an opportunity to review and comment. The following issues warrant further discussion, comment and recommendation.

The proposed subdivision is directly related to projects now under construction to develop twelve townhouse units. The subdivision itself does not result in more housing per se in that the construction of dwelling units is allowed pursuant to the zoning and permitted by approved building permit. However, the subdivision does provide opportunity for persons to own units within the development and unit lot subdivisions are attractive mechanisms for developers that facilitate the construction of housing.

The DPD drainage reviewer recommended a condition in his comments on the unit subdivision, but it has already been fulfilled in the context of review of the building plans.

No dedication is required by code and none is recommended. DPD concludes that the subdivision is within the public interest.

DPD concludes that the subdivision makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and school grounds sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. As listed above, the appropriate departments and agencies responsible for

provisions such as parks, water, fire and transportation networks have commented and conditioned the subdivision to ensure appropriate provisions.

The subdivision as a whole will meet all minimum standards or applicable exceptions prescribed in the Land Use Code, and are consistent with applicable development standards. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards. The construction of the buildings were reviewed pursuant to the Building Code to ensure public health, safety and general welfare.

Adequate infrastructure is provided with this subdivision and no dedication is needed. In light of that, DPD concludes that Land Use Code section SMC 23.22.052 is not applicable.

The size of the development does not warrant provisions or dedication for playgrounds, parks or schools.

Unit Subdivision:

SMC 23.22.062A through F provides rules for Unit lot subdivisions. SMC 23.22.062B 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 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.

SMC 23.22.062C states: *Subsequent platting actions, additions or modifications of the structure(s) may not create or increase any nonconformity of the parent lot.*

SMC 23.22.062D states: *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 open space for cottage housing), and other similar features, as recorded with the Director of King County Department of Records and Elections.*

SMC 23.22.062E states: *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 Department of Records and Elections.*

SMC 23.22.062F 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.*

The unit lot configurations depicted on the proposed plat map provides sufficient building area on each parcel to permit construction of the proposed 12 dwelling units.

DPD recommends that notes, covenants, easements and the like be noted and recorded on the final subdivision plat to be consistent with the above stated code provisions for unit lot subdivisions. Please note that these are typically recorded prior to Master Use Permit issuance since they are commonly associated with short plat subdivisions.

Based upon the recommendations of DPD, the public use would be served by approving the proposed preliminary plat.

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

Environmental Review is conducted with this application. See SEPA review below.

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

The Director of DPD recommends approval of the Preliminary Plat under SMC 23.22.028. In addition, the Director also **recommends the approval** of the following **conditions** referenced below.

RECOMMENDED CONDITIONS - FULL UNIT SUBDIVISION

(following SEPA analysis below)

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist. This information and the experience of the lead agency, DPD, with similar applications form the basis for this analysis and decision. Considering that the proposal would simply establish boundaries for fee-simple ownership, no impacts are anticipated.

Short-Term Impacts

There are no short term impacts identified with this proposal. Short term impacts associated with the construction of the units were analyzed and conditions imposed under MUP project No. 3004731.

Long-Term Impacts

There are no long term impacts identified with the subdivision of this project. Long term impacts associated with the addition of these units to the existing neighborhood were identified and analyzed under MUP project No. 3004731.

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 43.21C), 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 RCW 43.21C.030 (2)(C).

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 (2)(C).

CONDITIONS – SEPA

None.

RECOMMENDED CONDITIONS - FULL UNIT SUBDIVISION

*Conditions of Approval Prior to Recording of the **Final** Unit 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. 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 set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
3. Submit the final recording forms for approval and any necessary fees.
4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final plat.
5. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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, Chapter 23 of the Seattle Municipal Code.”
6. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility, side sewer, storm drainage system and pedestrian easements.
7. Provide an area to allow for the posting of address signage in a location visible from 14th Avenue East, and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: _____ (signature on file) Date: September 10, 2007

Paul Janos, Land Use Planner
Department of Planning and Development

PJ:lc