



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: 3006646
Applicant Name: Jill Burdeen of NK Architects for Delbyrne , LLC
Address of Proposal: 2411 Harbor Avenue SW

SUMMARY OF PROPOSED ACTION

This is a Land Use action to subdivide on parcel into seven (7) unit lots. (Full unit lot subdivision) Unit lots will vary in size from 875 square feet to 249 square feet. The construction of townhouses is being reviewed under project #6113835. 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. There is a related short plat under 3003724.

The following approvals are required:

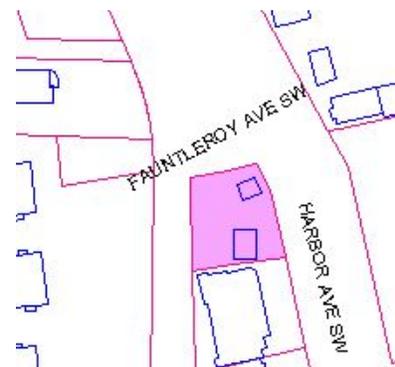
Full Subdivision – Chapter [23.22](#) Seattle Municipal Code.

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.

Related Projects

MUP 3003911 is a related project which is a Land Use Permit to allow a seven-unit, three-story townhouse structure and one three-story structure with six live-work units. Parking for 17 vehicles to be provided within the structures and one surface parking stall. Existing structures to be removed. Project includes 600 cu. yds. of grading. Short Subdivision #3003724 (one parcel into seven) is associated with this application. Once this unit lot subdivision was proposed the project became subject to the full subdivision process as per 23.22. Seattle Municipal Code. The total count of new parcels created within a five year period is 13.



The MUP 3003391 was issued March 14, 2007, conditionally granting the Design Review component and with a Determination of Non-Significance for SEPA.

[SMC 23.22.062A](#) 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 an existing parcel located at the back of the lot into seven (7) unit lots.

SITE AND VICINITY

The site is located at 2411 Harbor Avenue SW and Fauntleroy Avenue SW. It is an irregular shaped corner lot. There is no alley in this block. The site is a somewhat wedged shaped site. Currently there is a single family house and garage on the site. The site drops about 6 feet west to east. The west and north property lines border unopened and partially improved right of way (Fauntleroy Avenue SW). The property is zoned Commercial 1 with a 40 foot height limit (C1-40). Across Harbor Avenue SW is the Alki Trail and beyond is Port of Seattle property. The zoning to the south is Commercial 1-40. Zoning to the north and east is General Industrial (IG2 U/85). To the west and up the hill is single family zoning (SF7200).

AREA DEVELOPMENT

There is a multifamily development and a multi-purpose convenience store directly to the south of this project site. There are houses up the hill, to the west from the site whose residents will see over the site and see the rooftops of this new development. Commercial and Industrial activities dominate the landscape on the east side of Harbor Avenue SW.

PUBLIC COMMENT

The public comment period ended May 9, 2007. No comment letters were received.

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 existing right of way widths and curb locations and corner radius are acceptable.

- **Metro Transit**

King County Metro staff reviewed the subdivision plan and have the following comments. There are two bus stops along the west side of Harbor Avenue SW near the site, and those two stops could be combined into one which would improve efficiency for Metro. If the proposed project includes sidewalk improvements along Harbor Avenue we would like to have the development add a bus 'landing pad' for a combined new bus stop and possible shelter footings. The development will contact Metro.

- **Director of Public Health**

The Environmental Health Division of Public Health – Seattle & King County has reviewed the preliminary subdivision for the DPD MUP No. 3006646 and has the following 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. We recommend that trees be both planted and retained because of their linkages to community and environmental health.

Construction can cause debris and soil to enter the storm drainage system. Additional care should be taken to prevent any discharges to the stormwater. Further, the area of impervious surface is increased and thus the stormwater volumes will peak more rapidly. With the advent of West Nile Virus in Washington, stormwater drainage became a stronger public health issue. For all these reasons, please pay attention to grading and adequately sized stormwater conveyances.

- **Superintendent of City Light**

City Light has reviewed the subdivision noted above and proposed the easement that is necessary for the electric service to the proposed lots. The easement should be attached to and become part of the Unit Lot Subdivision.

If this Subdivision is revised in any manner, the attached easement may not be appropriate. Any revisions should be submitted to Seattle City Light, for additional review.

After the final Unit Lot Subdivision has been recorded, a copy should be mailed to City Light, Real Estate Services, and (MS SMT-28-22).

- **Director of Housing**

The Director of Housing has reviewed the preliminary plans and has no comments.

- **Superintendent of Parks and Recreation**

The Superintendent of Parks and Recreation has reviewed the preliminary plans and has no objection to the proposed project.

- **Director of Seattle Public Utilities**

- SPU issued a Water Availability Certificate (WAC) ID No. 20070611 approving this project with requirements.

- **Fire Department**

The Fire Chief has approved the proposed subdivision with no conditions.

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

-

The ordinance structural reviewer has approved the project.

- **Drainage Review (DPD)**

No Corrections or recommended conditions.

2. Responses to written comments submitted by interested citizens.

No comments have been received.

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 Commercial 1 (C1) zone, and received a conditional use permit to construct residences in the commercial zone. As stated the applicable zoning and land use codes were reviewed under MUP 3003911 and 3003724, which included Design, zoning and SEPA Reviews.

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

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 be provided on the same lot as the dwelling unit it serves. The open space requirements have been met through development standard departures.

[SMC 23.41.012](#), Development Standard Departures, permits departures from the Land Use Code, including development standards for open space, for new multi-family developments as part of the design review process if those departures would result in a development which better meets the intent of the adopted design guidelines. Individual open space for proposed Unit Lots is provided for each on the same lot.

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 are shown allowing all lots within the subdivision to have their addresses displayed from a public right of way. These easements shall also make provision for US Postal facility mailbox locations. This Unit Lot Subdivision therefore meets 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 townhouse structures are allowed outright in the 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 construction of the units was reviewed under the City's Design Review Process and consequently incorporates numerous features desired by neighbors who commented on this project and recommended by the Design Review Board, as well as the prescriptive requirements of the land use and building codes. (See Master Use Permit No. 3003911 for Design Review requirements and SEPA conditions.) The unit lot subdivision does not alter these requirements, recommendations, and 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

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. King County Metro staff reviewed the subdivision and requested that the development contact Lori Kittredge to discuss a landing pad for a new combined bus stop and shelter footings.
4. Provide on the plat a covenant or easement to allow for unit lots without street frontage to allow for proper posting of address signage along the street.

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development’s potential impacts in an environmental checklist signed and dated on April 4, 2007. 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 3003911 and Building Permit 6113835.

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 3003911 and Building Permit 6113835.

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.

Signature: _____ (signature on file) Date: December 13, 2007
Holly J. Godard, Land Use Planner
Department of Planning and Development

HJG:lc

I:\GodardH\projects..godardh\SEPA\3006 files\3006646 harbor full subdivision.doc