



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number: 3006926
Applicant Name: Stacy Smedley for Pryde Johnson Ashworth
Address of Proposal: 8016 Ashworth Avenue North
Clerk File Number: 308765

SUMMARY OF PROPOSED ACTION

Land Use Action to subdivide one parent lot into 12 unit lots and 3 common tracts (full unit lot subdivision). The construction of 20 residential units (single family residences and townhouses) has been approved under Project #6080286. 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 remaining nine unit lots are being reviewed under Project #3007988.

The following approvals are required:

Full Subdivision – To subdivide one parcel into 12 unit lots.
(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

BACKGROUND DATA

Site & Area Description

The subject site is located one block north of Green Lake in a Lowrise 1 zone. The 34,596 square foot site is relatively flat and is developed with 20 cottage dwelling units with a basement parking court beneath the cottages. The maximum density limit is one unit per 1,600 square feet of lot area in Lowrise 1. The proposal is designed to retain the maximum number of existing

trees to accommodate the site development. The site is rectangular in shape and bounded by Ashworth Avenue North on the west and Densmore Avenue North on the east. The abutting right-of-ways are fully improved with sidewalk, curb, planting strip, gutters, etc., and are the primary access to the development site. The site is bordered by the Parks Department Maintenance Facility to the north, single family and multi-family residences to the south, Ashworth Avenue North to the west, and Densmore Avenue North to the east. Street frontage measures 129 feet 4 inches along both Ashworth and Densmore Avenues North for a total of 258 feet 8 inches of street frontage. The topography of the site is relatively flat, with a five foot drop in elevation from the NW corner to the SE corner of the site.

Neighboring development and uses on the adjacent sites are: the Parks Department Maintenance Facility to the north which occupies the remainder of the block to North 82nd Street, single family residences and one multi-family townhouse development to the east, and single family residences slightly elevated above the street to the west. Generally the development in the neighborhood consists of single family structures and 1960's to 1980's style apartment buildings and townhouses, and some new development of two to three-story townhomes with street level garages. The site is in close proximity to Greenlake Park and surrounding amenities. A public transit stop for Metro Transit 358 is .3 miles west at the intersection of North 80th Street and Aurora Avenue. A public transit stop for Metro Transit 48 is one block (.1 miles) east at the intersection of North 80th Street and Wallingford Avenue North.

The proposal site borders on Lowrise 2 multifamily zoning to the south and Lowrise 1 zoning to the southwest. The Seattle Parks Department service yard to the north is zoned SF 5000. The portions of the blocks to the east and west, north of the multi-family zoning at their southern extent, are zoned SF 5000.

Proposal

The applicant proposes to create 20 unit lots from an existing rectangular shaped development site which was recently constructed (Project #2307253). Six residential structures, containing a total of 20 townhouse units have been built at the development site. Each townhouse structure is developed with two to three units within each structure on 20 individual unit lots that range in size from 761 sq. ft. to 1,767 sq. ft. (please refer to sheet 3 of 4 of the plans for detailed parcel square footage). Each unit lot will contain private usable open spaces that will be landscaped. The units are arranged around two connected interior landscaped common spaces with pedestrian access to both Ashworth and Densmore Avenues. Fourteen of the units face onto the common space, with large front porches and small private yards. The other six units face onto the street, three on Ashworth Avenue North and three on Densmore Avenue North, and have large front porches and larger front yards to set the units farther back from the streets. Landscaping within the parent lot includes existing and new trees and shrubbery meeting Code requirements. As referenced, the Ashworth and Densmore right-of-ways are developed to full right-of-way improvements.

Under project #2307253 the development site was cleared to make way for construction of townhouse structures, for a total of 20 units. Parking is provided within garages below the units with access from the street and two easements. The proposed townhouse structures are designed to be two-story structures with ten units on the south portion of the site and 10 units on the north portion. Three units will face Ashworth Avenue North and three units will face Densmore

Avenue North. Primary vehicle access to the development site will be off of both Ashworth and Densmore Avenues North. This full unit lot subdivision would create twenty (20) separate unit lots only for the purpose of allowing sale or lease of the individual unit lots for each of the dwelling units on the one parent lot (or development site).

The project is LEED Certified with a Platinum rating. Measures such as energy efficiency, permeable landscape, recycled materials, and reduced use of Volatile Organic Compounds in materials used or applied were adopted to earn this certification. In addition, materials from the existing building on the site were reused on the new site as garden and mailbox structures.

Public Comment:

Date of Notice of Application: September 13, 2007
Date End of Comment Period: September 26, 2007
Number Letters: 0

Issues: Substantial comment was received on the project during the Design Review process and incorporated into the design of the project. However, no comments were received regarding the unit lot full subdivision.

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/comments of City departments and other governmental agencies;*
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 that the Hearing Examiner conduct a public hearing on the subdivision application (including the proposed Unit 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 his/her 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 for its approval of the final plat.

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. This review is required per SMC 23.22.024, with plans and supporting information distributed to each department.

A. Director Seattle Department of Transportation (SDOT)

The Director of SDOT has no comments on this project.

B. Director of Seattle Public Utilities (SPU)

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 (#20070818) was approved and issued on May 11, 2007.

C. Superintendent of Seattle City Light

Seattle City Light recommended approval of the proposal subject to an easement for electrical facilities to provide power to the proposed unit lots. The required easements are included as Condition #4 at the end of this document. Subject to the required easements, SCL approves this unit lot subdivision.

D. Chief, Fire Department

The Fire Department recommended approval with the following conditions:

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet. An exception is for access roads serving not more than two Group R-3 or U occupancies shall have an unobstructed width of not less than 12 feet.

2. Public Streets shall be in accordance with Seattle Department of transportation requirements.

E. Director of Public Health

The Director of Public Health has no comments on this project.

F. Director of Housing

The Director of Housing approved the project.

G. Superintendent of Parks and Recreation

The Superintendent of Parks and Recreation has no comments associated with this project.

H. Metropolitan Services Department

The Metropolitan Services Department has no comments on this project.

I. Other Governmental Agencies

The Puget Sound Clean Air Agency requires the applicants to fill out and submit the agency's forms for notification of asbestos work or demolition.

2. Responses to Written Comments of Interested Citizens

No comment letters were received for this project.

3. Evaluation of the Proposal Pursuant to Applicable Codes

Land Use Code:

All of the proposed unit lots have been reviewed under Multifamily Lowrise One (L1) development standards, with a minimum density limit of one unit per 1,600 square feet of lot area. The proposed lots range in size from 761 sq. ft. to 1,767 sq. ft. DPD found that the proposed 20-unit townhouse development (MUP #2307253) met the underlying density requirements and other Land Use Code development standards applicable to the proposal. Townhouses are defined in SMC, 23.84.38 and 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." Eight units share at least one common wall and twelve units are free-standing in the total 20 unit lot development. 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 a total of twenty units on the parent lot. The site plan depicts a development proposal meeting spatial requirements approved under MUP #2307253, consistent with the stated provisions of the 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 will be included in the *“Declaration of Protective Covenant, Restriction, Easements and Reservations for "Plat of Valtera Townhouses" and Any Subsequent Divisions, Article 15.2, 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 twelve townhouses on a circumscribed area of land for each unit. The construction of the twelve townhouse units is mostly completed and the unit lot subdivision would be in keeping with 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 project #2307253 to construct twenty townhouse units. 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 Multifamily L-1 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 does not include common garage or parking spaces. Appropriate agreements relating to the use and maintenance of common open space shall be executed and recorded prior to the issuance of certificates of occupancy. Parking for each dwelling unit is provided on the parent lot with a majority of the dwelling units containing covered garages.

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

Environmental Review was conducted under MUP #2307253, which established the use and development for twenty townhouse units and subsequent full subdivision platting action. DPD will condition the project based on the impacts disclosed in the environmental documents, and issue a Determination of Nonsignificance with conditions.

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

As presented in plan sheet set dated May 2, 2007, as submitted to DPD, 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 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. On the final plat map, note the location of any and all easements for infrastructure improvement and private and public utilities, including the additional Seattle City Light, utility easement language specified in the memo to DPD.
4. Note in the Home Owners Association (HOA) agreement, in this case, a *"Declaration of Protective Covenants, Restrictions, Easements and Reservations for Plat of Valtera Townhouses and any Subsequent Division,"* for all prospective and actual homeowners to read, the language of the Water Meter Covenant required by Seattle Public Utilities as a condition of approval for the unit lot subdivision.
5. Note in the *"Declaration of Protective Covenants..."* for all prospective and actual homeowners 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. Fill out and submit the notification forms for asbestos work and demolition required by the Puget Sound Clean Air Agency.
7. Provide an easement, covenant, or other legal agreement to allow for the proper display of addresses visible from the street.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 4, 2007. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to the proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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 of inform the public of agency decisions pursuant to SEPA.

- [X] 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)©.
- [] 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)©.

CONDITIONS – SEPA

None.

Signature: _____ (signature on file) Date: September 27, 2007
Malli Anderson, Land Use Planner
Department of Planning and Development

MJA:

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