



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: 3007366
Applicant Name: Kelly Byrne
Address of Proposal: 3606 Woodland Park Ave N

SUMMARY OF PROPOSED ACTIONS

Land Use Action to subdivide one recently platted parcel into 8 unit lots (Full Subdivision). Previous application (#3005320) subdivided one parcel into five parcels of land. This application proposes to divide one of the established lots (Parcel E) into eight unit lots for the previously approved townhouse units. Proposed development of four live-work units and two four-unit townhouse structures was approved under Project # 3004031. Development standards will be applied to the original Parcel E and not to each of the new eight unit lots.

The following approvals are required:

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

SEPA - Environmental Determination - Chapter 25.05, 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 3004031 established the use for construction of a total of 8 residential units and 4 live-work units (two 4-unit structures and two 2-unit structures). Parking for 24 vehicles will be provided in a parking garage below all of the units. MUP 3004031 included Design and SEPA Reviews for the structures. The building permit application has been approved under 6082438.

The MUP was issued June 27, 2007, conditionally granting the Design Review component and with a Determination of Non-Significance for SEPA. The applicant's intent to apply for a future unit lot subdivision was disclosed in the Environmental Checklist signed and dated by the applicant on July 11, 2007.

The site was also the subject of a five-lot short plat application (MUP number 3005320), which was completed and recorded with King County on June 25, 2007 (recording number 20070626900012).

[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

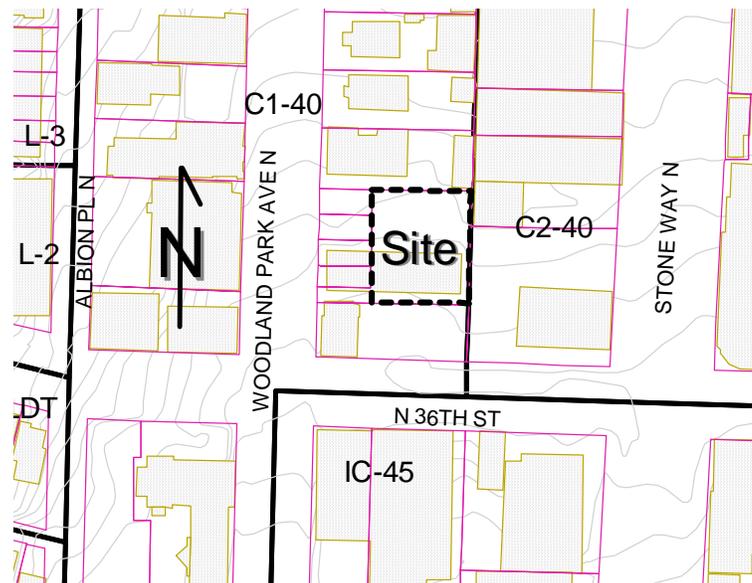
The applicant proposes to unit subdivide five existing parcels into twelve (12) lots. Specifically, Parcel E of short subdivision 3005320 (recorded with King County on 6/12/2007) is proposed for subdivision into 8 unit lots for the 8 townhouses. The other four existing lots for the live-work units would be unaffected by this application.

The structures proposed for the site were reviewed for Design Review and SEPA under 3004031. The MUP application 3004031 used the entire area of the parcel to construct the project, effectively creating one "parent" lot.

Site and Vicinity

The project site is located in the southwest area of the Wallingford neighborhood between Stone Way North and Aurora Avenue North.

The site is zoned Commercial with a 40-foot height limit (C1-40). This zoning continues to the north and southwest of the site. Lowrise Multifamily zoning is located to the west (LDT, L-2 and L-3), commercial zoning is located to the east (C2-40), and Industrial Commercial zoning is located to the south (IC-45). Surrounding uses include a mix of mixed-use residential commercial structures, office structures, retail, and residential structures.



The site (Parcel E of subdivision 3005320) does not include street frontage, but is provided with vehicular access via a 13' wide access easement from Woodland Park Ave N, entering the

southwest corner of the site. Woodland Park Ave N is not an arterial street, and there is no alley adjacent to the site. All surrounding streets are fully improved with curb, gutter and sidewalk.

The site itself measures approximately 89 feet by 98'. No portion of the site is designated as an Environmentally Critical Area on City maps.

Public Comment

Notice of the application was issued on August 2, 2007. Two public comment letters were received. One of the comments expressed concern about a lack of existing parking near the site. The other comment expressed concern about the height of the proposed structures and the effect on views in the area.

Both public comments pertained to the previous reviews (Design Review and SEPA) that were completed under master use permit number 3004031. The proposed action with this application is for unit lot subdivision only and does not include review of structures or proposed parking.

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.

DIRECTOR'S ANALYSIS – SUBDIVISION

1. Recommendations and comments by City departments and other government agencies having an interest in the application.

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

▪ King County Public Health

Lee Dorigan, Special Projects Supervisor for the Environmental Health Division, noted that trees are an important contributor to public health, by reducing urban heat islands and improving pedestrian environments. Stormwater drainage was also a concern because of the risk of West Nile Virus opportunities in standing water. Storm water drainage was also a concern because of potential pollution to Salmon Bay and the Ship Canal.

DPD response: Trees and vegetation proposed for this site and the adjacent right of way at Woodland Park Ave N were reviewed with construction permit 6082438. SPU has reviewed the proposal for storm water retention and collection and determined that no additional conditions are required at this time.

▪ Seattle City Light (SCL)

SCL requires an easement for this subdivision. SCL will need an easement to provide power to the buildings on the new lots from the right-of-way. David Flores, Project Reviewer for SCL, determined that a blanket overhead and underground easement is required for all lots, and issued easement language with a legal description for the easement on February 12, 2008. The easement will need to be shown on the final plat drawings. Subject to this arrangement, SCL approves this subdivision.

▪ Seattle Public Utilities Department (SPU)

SPU issued Water Availability Certificate (WAC) #20071148 approving this project with requirements. The WAC indicated that the project site and structures can be served by the 8" diameter cast iron water main on Woodland Park Avenue N. Utility access easements will be required for underground water service access from Woodland Park Avenue N to any lots that do not front on this public right of way (all lots in this unit lot subdivision). Payments for needed service changes and connections will be due per the typical requirements of Seattle City Light for new water service.

SPU noted that the existing drainage is collected in an 18" diameter public storm drain in N. 36th St, to the south of the property. Sanitary sewer is collected in a 15" diameter sewer main in Woodland Park Ave N. A drainage control plan will be required for the future sewer and drainage permit. Storm water will be discharged to the gutter line in Woodland Park Ave N., where it will flow to the public storm drain in N. 36th St. Storm water detention will not be required.

SPU recommended no additional conditions for water, storm water, or sanitary sewer at this time.

- **Fire Department**

The Fire Chief has reviewed the subdivision and approved the proposal using the Building Permit review sheet, which is subject to ordinance and field inspections of Fire. The Fire reviewer approved associated building permit 6082438 on March 15, 2007. No additional Fire conditions are required for this subdivision.

- **Seattle Department of Transportation (SDOT)**

Repeated requests for comment on this application garnered no response from Seattle Department of Transportation. It is therefore assumed that SDOT has no comments or conditions for this proposal.

- **Seattle Department of Planning and Development Structural / Ordinance Review**

Structural and Ordinance Review noted that there is a Utility Easement under all the parcels. Structural and Ordinance Review approves this subdivision.

- **Seattle Parks and Recreation Department, Seattle Office of Housing, and King County Metro**

Each entity reviewed the proposed subdivision and did not have any comments or conditions.

2. Comments of interested citizens.

Two comment letters were received. One comment received raised a concern about the lack of parking on the block where the subject property is located. The other comment raised concerns about the proposed building height, potentially blocking private views of downtown Seattle, and aesthetic impacts to a potentially historic building next door.

The proposed unit lot subdivision does not create any new dwelling units or structures, and does not result in a change in parking demand. Unit lot subdivision allows only for the division of the land underlying the previously approved eight (8) townhouses.

The review and approval of the eight townhouses and four live-work units was conducted under MUP 3004031 and construction permit 6082438 outlined in "Related Projects" above. The MUP

review included design review and SEPA review of the structures and site development. The design review would have included an analysis of height/bulk/scale impacts and transitioning the development to adjacent residences.

The parking was also reviewed with the MUP and construction permit. The Land Use Code requires one parking space per townhouse is required to be provided on the subject property. According to the MUP decision for 3004031, the applicant has provided 12 parking spaces in a common garage below the townhouses and live-work units.

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 zone (C1-40), in which townhouse type structures are permitted residential uses. The applicable zoning and land use codes were reviewed under MUP 3004031, which included Design 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 is provided on the same lot as the dwelling unit it serves. The MUP decision for 3004031 noted that more than the required amount of open space was provided for each unit. This open space is shown on the proposed unit lot subdivision. Each lot includes private usable open space for each unit on the same lot as the unit it serves. The open space ranges from 231 square feet to 322 square feet per unit, which met Land Use Code requirements at the time of MUP review. A departure for the minimum dimension of required open space (from 10’ reduced to 8’) was granted with MUP 3004031. This departure only applies to Unit Lot H of this proposal.

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, an easement shall be shown allowing all lots within the subdivision to have their addresses displayed from Woodland Park Ave N. This easement shall also make provision for US Postal facility mailbox locations.

This Unit Lot Subdivision therefore meets the requirements of the Seattle Land Use Code, subject to the conditions listed at the end of this document.

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 C1-40 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. 3004031 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. Provide an easement, covenant, or other legal agreement to allow proper posting of the address signage and US Postal facility mailbox locations at Woodland Park Avenue North.
4. The finalized plat should be mailed to City Light, Real Estate Services in order to obtain the proper easements.

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development’s potential impacts in an environmental checklist signed and dated on July 11, 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. The proposal is for the division of land for the purpose of sale; no construction is proposed with this application. Short term impacts associated with the construction of the units were analyzed and conditions imposed under MUP 3004031 and Building Permit 6082438.

Long-Term Impacts

There are no long term impacts identified with the unit lot subdivision of this project. The proposal is for the division of land for the purpose of sale; no construction is proposed with this application. Long term impacts associated with the addition of these units to the existing neighborhood were identified and analyzed under MUP 3004031 and Building Permit 6082438.

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: May 08, 2008
Shelley Bolser AICP, Land Use Planner
Department of Planning and Development

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