



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
REPORT AND RECOMMENDATION TO THE HEARING EXAMINER
FROM THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3009441 (Full Unit Lot Subdivision)

Applicant Name: Brittani Ard

Address of Proposal: 1841 16th Ave

SUMMARY OF PROPOSED ACTIONS

Council Land Use Action to subdivide one parcel into 12 unit lots (Full Unit Lot Subdivision). The construction of residential units is being reviewed under Project #6078931. 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 Unit Lot Subdivision – Subdivide one parcel into 12 parcels of land (SMC 23.22).

SEPA - Environmental Determination pursuant to SMC 25.05.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

PROJECT AND SITE DESCRIPTION

The applicant proposes to subdivide one parcel into twelve unit lots, Full Unit Lot Subdivision. The existing residential building on the site is a former religious facility which is proposed to be divided into 12 townhouse developments to allow fee simple sale for individual ownership. The site consists of one parcel that has a total area of approximately 14,400 square feet. The construction of residential units is being reviewed under Project #6078931.

The subject site is zoned Lowrise-three (L3). The surrounding zones are also Low-rise-three (L3) to the south, west, and east. The zone to the northwest of the subject site is designated as Neighborhood Commercial Pedestrian zone with a height limit of 40 feet (NCP-40’).

Public Comments

No written comments were received during the comment period which ended on October 15, 2008.

DIRECTOR'S ANALYSIS - SUBDIVISION

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 recommendations to approve, approve with conditions, or deny the application.

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 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. A formal action to approve the final plat is 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.

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 the City Agencies indicated. Information and documentation from each review agency is available in the DPD project file. Review by the Seattle Department of Transportation and seven other departments are required per SMC 23.22.024, following the distribution of plans and supporting information to each department.

Seattle Department of Transportation

The SDOT reviewer, Project Analyst Ken Bardsley, indicated that since the frontage of this site is already improved, the only concern is regarding new service connections and possible changes to the right of way such as addition of street trees. All new features need to be reviewed for 'clearances'. For final plat submittal we will require the subdivision application, a deposit of six thousand dollars and two paper copies of the proposed final plat. No other comments were given.

Other Departments

A. Director of Public Health:

Seattle and King County has offered the comment that the addition of trees to this project is important for lessening storm water flows, reducing urban heating (heat islands), and for enhancing the pedestrian environment. Also, it advises that the area of impervious surfaces not be increased due to possible negative storm-water impacts to Lake Union (this site is within the Lake Union drainage basin) and connecting waters.

Director's Response:

Trees: The addition of on-site trees is a zoning requirement and is included in the associated building permit plans (DPD # 6078931). Street trees are typically required for new construction. However, because the location of the existing building, full landscaping is not possible. Nevertheless, the existing landscaping complies with a 50% reduction exception in SMC 23.45.015 A.5.a.

Storm-water (Drainage) and Sanitary Sewer:

Storm-water approved this proposal without comments.
Plan review requirements will be made at time of building permit application in accordance with any applicable storm-water ordinances in effect at that time.

B. Superintendent of City Light:

City Light approved this proposal without comments.

C. **Director (Office) of Housing:**

The Office of Housing approved this proposal without comments.

D. **Superintendent of Parks and Recreation:**

The Parks Department responded and has no comments.

E. **Director of Seattle Public Utilities Department (SPU):**

Water Availability Certificate Number 200810495, dated September 2, 2008 gave approval of this proposal subject to order water service after meeting all service requirements.

F. **Chief of the Fire Department:**

The Fire Department approved the subdivision plans on August 26, 2008.

G. **Metropolitan Services Department (King County Metro):**

Metro approved without comments.

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

No comments were received.

3. **Evaluation of the Proposal Pursuant to the Standards and Criteria for Subdivisions Contained in SMC Chapter 23.22.**

SMC 23.22.062, Unit Lot Subdivision.

SMC 23.22.062.A lists townhouses as eligible for unit lot subdivision in zones where this housing form is permitted. Townhouses are allowed in the L-3 zone.

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...except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves."

As stated above, the applicable zoning and land use codes were reviewed under Construction Application 6078931. All townhouse units have been or will be conforming to the applicable Codes prior to construction permit issuance and final certificate of occupancy.

The open space requirements for Low-rise-three (L3) zones require 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. The existing building footprint makes compliance of open space not possible. The project proposes to preserve the existing landmark structure. The existing building is considered to be a pre-existing non-conforming condition.

SMC 23.22.062.D requires easements for access and joint use and maintenance agreements for access, common open space, and other similar features. This proposal provides such easements and joint use and maintenance agreements for vehicular and pedestrian access to the, pedestrian access ways, and utilities (as **Conditioned**) across all individual unit lots that will be recorded with the King County Department of Records and Elections with the final plat.

SMC 23.22.062.F. The fact that the unit lot is not a separate build-able 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 face of the plat contains the following: *“the unit lots are not separate build-able 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.”*

In the interest of ensuring that the structures constructed according to the associated building permits conform to this unit lot subdivision the Director also recommends the **Condition** that unit lot subdivisions include the following language: *“This subdivision has unit lot boundaries that are based on the location of the residential development as proposed on the permit application numbers referenced on this sheet, filed at the City of Seattle Department of Planning and Development. This development may include structures that cross unit lot lines and may have other development aspects of common interest to unit lot owners.”*

SMC 23.22.054, Public Use and Interest

The proposed plat must make appropriate provision for the public health, safety and general welfare by providing for open spaces, drainage ways, streets, alleys, sidewalks, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, safe access to and sites for schools, and is designed to maximize the retention of existing trees.

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures. 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 public interest is served by this increase in the supply and availability of owner occupied housing.

Open space, drainage, water supply, sanitary waste disposal and access to fire protection are provided. Ordinance review (building code) reviewed this proposal and noted:

“Where a unit lot property line is created at or near the face of a building, an access and maintenance easement of three feet minimum (five feet preferable) is required. This easement is to allow for emergency egress from rooms adjacent to the unit lot property line across the adjoining unit lot/s and for maintenance of the exterior of the building, so it is not required where there are common walls between structures. Also, if a yard is created (with unit lot lines) that has no access to a public right-of-way or access easement; an easement must be defined to allow the inhabitant of the unit which abuts this “landlocked” yard access to the public right-of-way. This easement will be either a pedestrian access easement or an emergency egress easement, depending upon the nature of the access to the yard from within the unit. If the yard is greater than 50’ deep, no easement will be required.”

No street or sidewalk improvements are required by this subdivision since they are being provided through the associated construction permitting process. No parks, playgrounds, or school sites are required.

This unit lot subdivision does not propose the removal of any trees.

The public use and interests are thereby served by permitting the proposed division of land.

SMC 23.22.052 Dedications Required

Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

Drainage review by DPD indicates that dedication of drainage ways is not required; both sanitary sewer and storm sewer lines exist beneath 16th Avenue and are available to the project.

No dedication is required for street or alley right of way. The subject site fronts on an existing fully developed street (it has curb, gutter, and sidewalk).

Easements for all utilities will be provided as outlined in *Recommendations and Comments by City Departments and Other Government Agencies Having an Interest in the Application* above.

No parks or public open spaces are proposed or required or are impacts anticipated to existing parks facilities by this proposal. On-site open space for occupants of each dwelling unit will be provided as outlined above and allowed by Code for Low-rise zoned areas.

23.22.060 Transportation Concurrency Level of Service Standards

Proposed subdivisions must meet the transportation concurrency level-of-service (LOS) standards of SMC 23.52. This section states that a proposed use or development must demonstrate that the forecasted traffic to be generated by the use or development will not cause the LOS at an applicable screen-line, and measured as the volume-to-capacity ratio (v/c), to exceed the LOS standard for that screen-line.

The amount of traffic anticipated from a 12 unit development would have no LOS affect on any related screen lines. Traffic impacts were analyzed in the SEPA review for this project.

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

A SEPA checklist, dated August 8, 2008 was submitted with this application and reviewed by DPD staff. This document disclosed the environmental impacts associated with the project. Please see the SEPA section below for an analysis of these impacts.

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

DPD Recommends *Conditional Approval* of the preliminary subdivision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this Unit Lot Subdivision proposal was made in the environmental checklist submitted by the applicant dated August 8, 2008 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

Short-Term Impacts

Because the proposal only establishes boundaries for fee-simple ownership, no short term impacts are anticipated from this action. Short-term impacts from increased carbon dioxide and other greenhouse gas (GHG) emissions, primarily from increased emissions from construction vehicles, equipment, and the manufacture of the construction materials, were not analyzed during the previous SEPA review. However, no GHG impacts can be anticipated from the subdivision of these townhouses.

Long-Term Impacts

The townhouse units to be subdivided into unit lots comply with the Land Use Code and other relevant City Codes as outlined in the Subdivision Analysis above. No long term impacts are anticipated from the establishment of boundaries for fee-simple ownership. Long-term or use-related impacts from increased carbon dioxide and other greenhouse gas (GHG) emissions, primarily from increased project related vehicle trips and energy consumption, were not analyzed during the previous SEPA review. However, no GHG impacts can be anticipated from the subdivision of these townhouses and not mitigation is warranted.

