City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3017479

Applicant Name: Julie Ledoux

Address of Proposal: 722 3rd Ave N

SUMMARY OF PROPOSED ACTIONS

Council Land Use Action to subdivide one development site into 16 unit lots (Unit Lot Full Subdivision). Land Use Environmental review conducted under Project #3014211. The construction of 16 townhouse units was approved under Project #6338150. 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 approval is required:

Full Unit Lot Subdivision Recommendation – Chapter 23.22 Seattle Municipal Code.

SEPA DETERMINATION:

Determination of Non-Significance

☒ No mitigating conditions of approval are imposed. [1]

☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

RELATED PROJECTS

Project #3014211

Land Use Application to allow three, 3-story residential structures with a total of 16 units. Parking for 16 vehicles to be provided within the structures. Existing structures to be demolished. The review included consideration of a future full unit lot subdivision. A Determination of Nonsignificance (DNS) was issued November 13, 2014.

Project #6338150 (Parent AP)

Building permit to establish use for and construct 3 townhouses containing 16 units. Seven permits were processed and issued under the parent AP #6338150.

PROJECT DESCRIPTION

The applicant proposes to unit subdivide one development site into sixteen (16) unit lots. The applicant proposes to make each unit lot a fee simple piece of property. All development standards, including required street improvements were reviewed under the land use and building permit applications (MUP 3014211 and Permit No. 6338150).

Public Comment

The public comment period ended March 18, 2015. No public 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 lot subdivision application. 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, which 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 in SMC 23.22.024. Information and documentation from each review agency is available in the DPD project file.

- **Seattle Department of Transportation**

The Director of Transportation approved the preliminary plat on October 12, 2015.

- **Director of Public Health**

The Director of Public Health provided approval of the preliminary plat on March 23, 2015.

- **Superintendent of City Light**

City Light has reviewed the ULS noted above and requires an easement that is necessary for the electric service to the proposed lots. Required easement language is shown on Sheet 2 of 7 of the preliminary plat.

- **Director of Housing**

The Director of Housing has given approval of the preliminary plat on May 13, 2015.

- **Superintendent of Parks and Recreation**

The Parks division provided approval of the preliminary plat on March 4, 2015.

- **Director of Seattle Public Utilities**

A Water Availability Certificate (WAC) ID No. 20151592 was issued on October 14, 2015. The WAC is valid for 18 months and will expire on August 22, 2015.

- **Fire Department**

David Powers approved the preliminary plat on March 16, 2015.

- **Seattle Metropolitan Services**

King County Metro has given approval of the preliminary plat on March 23, 2015.

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

The DPD ordinance structural reviewer approved the preliminary plat on October 26, 2015. Emergency Egress Easements are required and shown on Sheet 6 of 7 and described on Sheets 3 of 7 of the preliminary plat.

- **Drainage Review (DPD)**

The DPD drainage reviewer approved the preliminary plat on March 23, 2015 with no conditions. Sewer permit 6466585 was issued.

2. Responses to written comments submitted by interested citizens.

The Department received no written comment on the preliminary plat application.

3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22.

Dedications Required

SMC 23.22.052A Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

Development of three townhouse structures was reviewed and approved under land use application 3014211 and building permit 6338150. The unit lot subdivision is for fee simple ownership purposes only, and does not require any dedications.

SMC 23.22.052B Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

No dedications are required. Required street improvements are located within the existing rights-of-way.

SMC 23.22.052C Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to the existing sidewalks contiguous to the subdivision.

Sidewalks will be installed along Valley St and 3rd Ave N. A pedestrian easement provides access from unit lots to public rights-of-way and the parking and common amenity areas.

SMC23.22.052D Vehicular access to every lot shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by private easement would not compromise the goals of the Land Use Code to provide for adequate pedestrian access and safety, light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking; and
4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
5. There is identifiable access for the public and for emergency vehicles; and
6. There is no potential for extending the street system.

Access to the development is from 3rd Ave N through a permanent ingress and egress easement. The Director has determined that adequate provisions for pedestrian access and safety, light, air and usable open space between structures have been provided. DPD does not recommend any further dedications or easements. Private easements for vehicular ingress and egress, pedestrian access, emergency vehicles, and utilities are adequate and the public interest served.

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.

DPD recommends the Hearing Examiner finds that the proposed unit lot subdivision serves the use and public interest by allowing separate ownership of individual units that otherwise would be owned by one party and might otherwise be available on a rental only basis or as condominium units with adequate provisions for the access and maintenance of joint facilities.

DPD recommends the Hearing Examiner finds that the proposed unit lot subdivision makes appropriate provisions for the public health, safety and general welfare, public ways, and planning features based on comments received from relevant City Departments and outside agencies; review of approved permits 3014211 and 6338150 or development of the townhouse structures, review of the approved Street Improvement Plan, and the submitted preliminary plat with identified easements.

Flood Control Zone

No plat shall be approved by the Hearing Examiner covering and land situated in a flood control zone.

The development site is not mapped as Flood Prone.

Environmentally Critical Areas

No plat shall be approved by the Hearing Examiner covering and land situated in a riparian corridor, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance

with the applicable provisions of Section 25.09.240 Short Subdivisions and subdivisions, in environmentally critical areas.

The development site does not contain any mapped environmentally critical areas and SMC 25.09.240 excludes unit lot subdivisions.

Transportation Concurrency Level-of-Service Standards

Proposed subdivisions shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

Transportation concurrency is not applicable. The proposed unit lot subdivision is for the purpose of allowing sale or lease of the unit lots. Environmental review and Determination of Nonsignificance was issued under land use permit 3014211.

Unit Lot Subdivisions

SMC 23.22.062A The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for townhouse, rowhouse, and cottage housing developments, as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

The proposal is for the unit lot subdivision of land for townhouse structures as permitted in a Lowrise zone.

SMC 23.22.062B Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. 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.

This site may be subdivided into individual unit lots. Development as a whole meets development standards applicable at the time the permit was vested. The proposal was reviewed and approved under land use permit 3014211 and construction permit 6338150. Open space has been provided on the same unit lot as the dwelling unit it serves, as shown on Sheet 7 of 7 of the preliminary plat.

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

This has been noted on Sheet 1 of 7 of the preliminary plat documents.

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

Access easement and joint use and maintenance agreements have been provided on the plat and will be executed with recording of the final plat documents. The Joint Use and Maintenance Agreement is shown on Sheet 2 of 7 of the preliminary plat. Emergency Egress Easements, Address Sign Easements, Parking Easement, Utility Easements and the Ingress, Egress, Utility, Parking and Refuse Easement are shown on page 6 of 7 of the preliminary plat. They are described on Sheets 3 –7 of 7 of the preliminary plat.

SMC 23.22.062E 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 the parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

Ingress and egress easements have been provided on the plat and will be executed with recording of the final plat documents.

SMC 23.22.062F 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 recoded with the King County Department f Records and Elections.

This has been noted on the preliminary plat documents, Sheet 1 of 7.

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

Environmental review was approved under Project #3014211. Environmental documentation will be provided to the Hearing Examiner and is part of the public record.

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

See below.

Recommendation – Subdivision

DPD Recommends <u>approval</u> of the preliminary subdivision application with no conditions.

Magda Hogness, Land Use Planner
Department of Planning and Development

Date: <u>December 17, 2015</u>

MH:drm

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