



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3018840
Council File #: 314274
Applicant Name: Andy McAndrews, GeoDimensions, Inc.
Address of Proposal: 2768 SW Holden Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide 3 development sites into 18 unit lots (Full Unit Lot Subdivision). The environmental review of 18 residential units has been approved under project #3013915. 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.

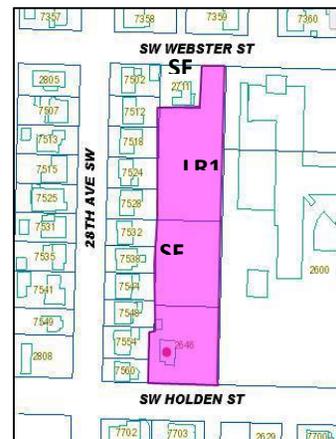
The following approval is required:

Unit Lot Subdivision Recommendation – To create 18 unit lots. (Chapter 23.22, Seattle Municipal Code).

SEPA DETERMINATION: [X] DNS¹

BACKGROUND INFORMATION

The subject site is a through lot, combining three parcels of land, with street frontage along Southwest Holden Street to the south and Southwest Webster Street to the north, on the west third of a block in the West Hill neighborhood of West Seattle. The combined site encompasses a land area of approximately 73,583 square feet, in a Single Family 5,000 (SF 5000), and *Multifamily Lowrise One (LR 1) zone*. Because more than one zoning category overlays the site, the Land Use Code defines the site as a split zoned lot.



¹A Determination of Non-Significance for development of 18 single family dwelling units and unit lot subdivision was issued under land use application #3013915 on September 18, 2014. The DNS was not appealed.

The site is nearly rectangular in shape, with a 110 foot panhandle extension to the north, terminating at SW Webster Street. The site's topography slopes moderately downward from west to east.

The development site is predominately located in an expansive single family residential area, except for the abutting Highline West Seattle Mental Health Center (formally West Seattle Community Hospital site). Zoning and existing development in the surrounding area is predominately Multifamily and Single family residential uses. To the north across SW Webster Street, to the west across 28th Avenue SW, and south across SW Holden Street, Single Family 5000 zoning stretches for a great distance. The housing stock in the immediate area is a combination of older and contemporary styled architecture, one- to three-stories in height. Adjacent to the site to the west are ten single family development sites featuring modest housing stock ranging one-story in height with daylight basements. Abutting the site to the east is the health center campus located within a swatch of Commercial One zone with zoned height limits of 30, 40, and 65 feet. Further to the east the zone changes to Multifamily Lowrise Two (LR2) stretching eastward to Delridge Way SW. Apartments and townhomes are clustered around the SW Holden Street east of the Mental Health Center and as far as Delridge Way SW to the east. The development site is located near the top of and on the east side of a hill overlooking Delridge Way SW.

ECAs:

A mapped area of 40% Steep Slope is located on the north third of the development site. During initial review of Environmentally Critical Areas (ECA) standards under MUP 2013915, staff granted a limited ECA exemption granting relief from the 40% steep slope standards. The applicant has chosen not to apply the exemption to the project and thus will adhere to Steep Slope development standards found in SMC 25.09.180.

PROJECT DESCRIPTION

The applicant proposes to unit subdivide three development sites into eighteen (18) 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 3013915 and Permit No. 6471316).

RELATED PROJECTS

Project #3013915

Land Use Application to allow 18 single family dwelling units and the removal of 10 exceptional trees in an environmentally critical area. Parking located within attached two-car garages (36 parking spaces total). Existing structure to be demolished. Environmental review includes future full unit lot subdivision. Seattle DCI determined that the project qualified for a limited exemption granting relief from the 40% steep slope standards .A Determination of Non-Significance (DNS) was issued September 18, 2014.

The applicant has elected to minimize site disturbance by largely avoiding development of the identified 40% steep slope and other dramatically sloped areas. The heavily vegetated subject site would be developed with eighteen (18) single family dwelling units. Ten single family structures will be constructed in the single family zone and eight single family structures in the LR1 zone. These 18 structures would be oriented generally along a north/south axis, largely to the west-center of the property just outside and west of the 40% steep slope area. The steep slope area is located in the north easterly portion of the property and is proposed to remain undisturbed except for a hand trenched pedestrian pathway, minor re-vegetation and re-grading in portions as a result of the project. Parking for two vehicles would be located within each proposed structure. One two-way access driveway to the individual houses will feature a twenty foot wide paved driveway surface with pedestrian access lane to Southwest Holden Street.

Project #6471316

Construct single family residence (unit #1), per plans. Reviews and processing for 10 single family residences under 6471316.

Public Comment

The public comment period was extended to March 1, 2015. Public comment letters were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment, including those beyond the scope of this review and analysis are summarized below:

- Pedestrian access between SW Webster St and SW Holden St.
- Retention of large trees, and planting of new ones.
- Concern regarding construction impacts.
- Concern regarding slope stability.
- Concern over property values and private views.
- Concern regarding increased traffic and parking,
- Concern over safety at nearby intersections, including the proposed driveway.
- Concern regarding stormwater runoff and environmental health.
- Concern regarding loss of animal habitat.
- Concern regarding fire safety.
- Concern regarding capacity of existing infrastructure, including sewer lines.
- Concern regarding impacts of and to existing neighborhood context.
- Concern regarding security and crime.

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 Seattle DCI 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 agency indicated in SMC 23.22.024. Information and documentation from each review agency is available in the Seattle DCI project file.

A. Director of Public Health;

The Director of Public Health had no comments on the preliminary plat, per the email sent by Doug Jones dated March 22, 2015.

B. General Manager and Chief Executive Officer 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, and has provided the required easement language to include on the final plat.

C. Director of Housing;

The Director of Housing has given approval of the preliminary plat on May 11, 2016.

D. Superintendent of Parks and Recreation;

The Parks department provided approval of the preliminary plat on January 26, 2015.

E. Director of Seattle Public Utilities;

A Water Availability Certificate (WAC) ID No. 20160192 was issued on February 19, 2016. The WAC is valid for 18 months.

F. Chief, Fire Department;

David Powers approved the preliminary plat on February 23, 2015.

G. Metropolitan Services Department;

King County Metro has given approval of the preliminary plat on May 11, 2016.

Comments received from City of Seattle reviewers:

Seattle Department of Transportation (SDOT)

The Director of Transportation approved the preliminary plat on June 18, 2015.

Structural/Ordinance Review (Seattle DCI)

The Seattle DCI ordinance structural reviewer approved the preliminary plat on February 8, 2015.

Drainage Review (Seattle DCI)

The Seattle DCI drainage reviewer approved the preliminary plat on June 1, 2015. Sewer permit 6475662 was issued.

2. Responses to written comments submitted by interested citizens.

The Department received several public comment letters. These letters were received and carefully considered, to the extent that they raised issues within the scope of this review.

3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter [23.22](#).

23.22.052 - Dedications Required

- A. *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 eighteen single family structures was reviewed and approved under land use application 3013915 and 10 of the 18 structures under building permit 6471316. The unit lot subdivision is for fee simple ownership purposes only, and does not require any dedications.

- B. *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.

- C. *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 existing sidewalks contiguous to the subdivision.*

Street dedication is not required. Existing curb cuts will be removed within portions of SW Holden Street and new sidewalks will be installed. A pedestrian easement provides access from unit lots to public rights-of-way.

- D. *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 SW Holden Street through a permanent ingress, egress, pedestrian access, and utilities easement. The Director has determined that adequate provisions for pedestrian access and safety, light, air and usable open space between structures have been provided. Seattle DCI 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.

23.22.054 - Public use and interest

A. *The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.*

Seattle DCI recommends the Hearing Examiner find 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.

Seattle DCI recommends the Hearing Examiner find 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 permit 3013915 and permit 6471316 under review for development of the single-family structures; and the submitted preliminary plat with identified easements.

23.22.056 - Flood control zone.

No plat shall be approved by the Hearing Examiner covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.

The development site is not located in a flood-prone area; therefore, this criterion is not applicable.

23.22.058 - Environmentally critical areas.

No plat shall be approved by the Hearing Examiner covering any 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.

Unit lot subdivisions are excluded from the requirements of this section of the ECA ordinance.

23.22.060 - 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 Non-Significance was issued under Master Use Permit #3013915.

23.22.062 - Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, 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 single family structures as permitted in a Single-Family zone and for single family structures as permitted in a Lowrise zone.

B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.22.062.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 or private amenity area for each dwelling unit shall be provided on the same unit 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 3013915 and construction permit 6471316 is currently under review. Open space has been provided on the same unit lot as the dwelling unit it serves, as shown on Sheet 13 of 13 of the preliminary plat for those unit lots zoned LR1, and as required by maximum lot coverage and yards for those unit lots zoned SF5000.

C. 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 the preliminary plat.

D. 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 King County Recorder.

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 6 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 12 of the preliminary plat. They are described on Sheets 5-6 of the preliminary plat.

E. 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 that parking is formalized by an easement on the plat, as recorded with the King County Recorder.

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

F. 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 Recorder.

This has been noted on the preliminary plat document, Sheet 1.

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

Environmental review was approved under Project 3013915. 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

Seattle DCI recommends approval of the preliminary subdivision application. The following requirements must be completed prior to final plat approval and need not be notated as conditions of approval on the final plat documents.

REQUIREMENTS PRIOR TO FINAL PLAT APPROVAL FOR SEATTLE DCI REVIEW

1. The Seattle City Light Easement as shown on Sheet 6 of 13 on plans dated 2/29/2015 be revised to the language provided by City Light provided 2/20/2015.
2. The final plat submittal must include for Seattle DCI review and approval, Covenants which allocate responsibility for maintenance and repair of the portions of the utility systems serving more than one unit lot; the ingress and egress easement, parking easement, pedestrian easement, and mailbox/address sign easement shown on the plat.

3. Prior to final plat approval the approved CCRs shall be recorded at King County and the recording number provided on the final plat documents.

Katy Haima, Land Use Planner
Seattle Department of Construction and Inspections

Date: May 23, 2016

KH:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.