



City of Seattle

Gregory J. Nickels, 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: 2408798
Applicant Name: Steve Rauf
Address of Proposal: 4000 South Bozeman Street*
Clerk File Number: 307324

SUMMARY OF PROPOSED ACTION

Council Land Use Action to divide one parcel of land into 24 unit lots (Unit Lot Full Subdivision). Unit lots will vary in size from 1,080 sq. ft. to 1,725 sq. ft. Environmental (SEPA) review for the unit lot full subdivision and construction of 24 townhouse units were reviewed under Project No. 2406571.

The following approvals are required:

Full Subdivision – To subdivide one parcel into 24 unit lots.
(23.22, 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

* Previously addressed 3948 South Bozeman Street

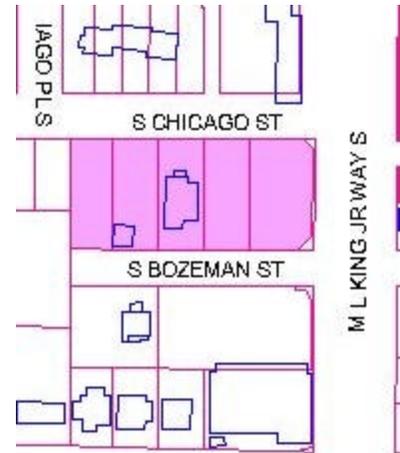
**Environmental Review conducted under MUP #2406571, which established the use for this development proposal.

BACKGROUND DATA

Site & Area Description

The subject site is located at the east half a block that is bounded by South Bozeman Street to the south, Martin Luther King Junior Way South to the east, and South Chicago Street to the north,

in the Rainier Valley neighborhood of South Seattle. The development site encompasses a land area of approximately 31,560 square feet, located in a Multifamily Lowrise Two zone (L-2) with a minimum density limit of one unit per 1,200 square feet of lot area. The site is nearly rectangular in shape, running lengthwise perpendicular to the Martin Luther King Junior Way South right-of-way. The subject site is essentially flat with construction related activity occurring at the development site. The construction related activity includes preparation of the site to build eight residential structures, containing three townhouse units each for a total of twenty-four units approved under permit #752272. Three existing trees will be retained near the southeast corner. The approved three-story townhouse structures will gain vehicle access to the development site



through a shared driveway easement from Martin Luther King Junior Way South to the east, with limited access through South Chicago Street to the north, and South Bozeman Street. The construction permit requires right-of-way improvements to South Bozeman Street project. A public transit bus stop (Metro Bus Route #48) servicing this south end community is located just south of South Bozeman Street. Martin Luther King Junior Way South is currently undergoing construction to accommodate Sound Transit's alignment of the light rail transit line.

The surrounding properties along the South Bozeman Street block front are for the most part vacant land with one modest structure owned by Seattle Housing Authority. Along Martin Luther King Junior Way South, residential and commercial structures are located along this active primary arterial street. Nonwithstanding the Sound Transit realignment project, the streetscape features mature street trees in the planting strip that creates a sense of calm within the right-of-way that is otherwise dominated by high vehicle activity. Currently under development across South Chicago Street to the north and the abutting property to the west is the massive Holly Park Phase III Development project, owned by Seattle Housing Authority (SHA). Zoning in the vicinity is a mix of Neighborhood Commercial, Multifamily Lowrise and Single family zoning. Immediately to the north of the subject site, across the centerline of South Chicago Street, a narrow swath of Residential Commercial (RC) overlays the edge of a moderately sized L-4 zone to the north and west. To the north across the centerline of South Holden Street is the Neighborhood Commercial Two with a forty foot height limit (NC2-40) zone. Outside the Multifamily Lowrise Two (L2) to the east and south is a large tract Single family 5000 (SF 5000) zone. Modest residential structures dominate the area within this dense residential zone. Once completed the Holly Park Phase III Development is anticipated to have a positive social and economic impact upon the surrounding area.

Proposal

The applicant proposes to create 24 unit lots from an existing rectangular shape development site which is currently under construction. Eight residential structures, containing a total of 24 townhouse units will be built. Each townhouse structure would be developed with three (3) units within each structure on 24 individual unit lots that range in size from 1,080 sq. ft. to 1,725 sq. ft. (please refer to sheet 4 of plat map for detailed parcel square footage). As referenced, the South Bozeman Street ROW would be developed to full right-of-way improvements.

Under associated project #2406571 the development site combined five parcels of land and demolition of the existing residential structures. Eight, three (3)-unit townhouse structures were proposed and approved around a central parking courtyard, for a total of 24 units. Accessory parking is provided within most of the units with an additional seven (7) parking spaces provided at grade, adjacent the proposed structures. The proposed townhouse structures are designed to be 3-story structures with a north/south orientation fronting South Bozeman Street and South Chicago Street. Primary vehicle access to the development site will be off Martin Luther King Junior Way South to the east, with limited vehicle access from South Chicago Street to the north, and South Bozeman Street. This full unit lot subdivision would create twenty-four (24) separate unit lots for each of the dwelling units on the one parent lot (or development site).

Public Comment:

Date of Notice of Application: December 30, 2004
Date End of Comment Period: January 12, 2005
Letters 0

Issues: No comments letters were received by DPD.

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)

1. SDOT recommended approval. Under related permit (#752272) the applicant submitted plans for review and approval for ROW improvements. SDOT has confirmed that the street improvements have been completed and accepted under permit number Y8446 or vault plan #889-17.

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 under project #2406571 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 (#2004-1895) was approved and issued on December 17, 2004.

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 easement document is identified as "Plat of Rauf's 1st Addition to the City of Seattle." (Full legal description attached below as Attachment A). 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 condition:

1. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within

the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

E. Director of Public Health

The Director of Public Health approves the plans as submitted with no further comments.

F. Director of Housing

The Director of Housing recommended approval, stating that the proposal would benefit the welfare of our citizens by increasing the housing supply and types of housing available.

G. Superintendent of Parks and Recreation

The Superintendent of Parks and Recreation has concluded this project will have no impact on Parks and Recreation.

H. Metropolitan Services Department

The Metropolitan Services Department has recommended approval.

I. Other Governmental Agencies

No comments were made on the proposal by other governmental agencies.

2. Responses to Written Comments of Interested Citizens

No comment letters were submitted to DPD.

3. Evaluation of the Proposal Pursuant to Applicable Codes

Land Use Code:

All of the proposed unit lots are within the Multifamily Lowrise Two (L-2), with a minimum density limit of one unit per 1,200 square feet of lot area. The proposed lots range in size from 1,080 sq. ft. to 1,725 sq. ft. DPD found that the proposed 24-unit townhouse development (MUP #2406571) 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." All twenty-four units share at least one common wall.

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, vehicle access to accessory parking to permit construction of eight three-unit townhouse structures containing a total of twenty-four units on the parent lot. The site plan depicts a development proposal meeting spatial requirements approved under MUP #2406571, 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 "Rauf's 1st" and Any Subsequent Divisions, Article 15.2, Subdivision or Combination.’*

Policy Compliance – Seattle Comprehensive Plan:

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 twenty-four townhouses on a circumscribed area of land for each unit. The construction of the twenty-four townhouse units is currently underway 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 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 applicant intends to name the plat, **Rauf's 1st**, as per the title blocks on the drawings. 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 an approved permit (#752272) to construct twenty-four townhouse units. The townhouse development is presently under construction. 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, improvements required by the Building Code (see project #2406572) 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 in a L-2 zone. 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 #2406571, which established the use and development for twenty-four townhouse units and subsequent full subdivision platting action. In this report, DPD conditioned the project based on the impacts disclosed in the environmental documents and issued a Determination of Non-Significance with conditions.

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

As presented in plan sheet set dated September 12, 2005, 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. Note fire approval for apparatus access roads meeting conditions from Captain Brian K. Shearer, FMO/Engineering, dated 12/14/04. “Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.”
4. 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 dated March 1, 2005.
5. Note in the Home Owners Association (HOA) agreement, in this case, a “*Declaration of Protective Covenants, Restrictions, Easements and Reservations for Rauf’s 1st 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.
6. Note in the “*Declaration of Protective Covenants...*,” for all prospective and actual home owners 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).

Signature: _____ (signature on file) Date: September 22, 2005

Bradley Wilburn, Land Use Planner
Department of Planning and Development