



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Application Number: 2502621
Applicant Name: Brittani Ard
Address of Proposal: 2360 South Forest Street

SUMMARY OF PROPOSED ACTIONS

To subdivide one development site into fourteen (14) unit lots. Unit lots will vary in size from 1,162 square feet to 2,808 square feet. Construction of townhouses and single family residences has been approved under Project #2405378.

The following approvals are required:

Full Subdivision – Chapter 23.22 Seattle Municipal Code.

SEPA – Environmental Determination Chapter 25.05 SMC.

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 2104593 established the use for construction of a total of 14 residential units (two, three-story single-family residences and six, three-story, duplex townhouses) and 19 parking spaces (11 within structures and eight within two carports). MUP 2104593 (Permit No.744736) included Design and SEPA Reviews. The development is currently under construction at the site (2405378 Permit No. 749951).

The MUP was issued November 6, 2003, conditionally granting the Design Review component and with a Determination of Non-Significance for SEPA.

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 one existing development site into fourteen (14) unit lots. The existing development site consists of six existing platted lots.

Site and Vicinity

The project site is located between South McClellan and South Forest Streets on the west side of unimproved 24th Avenue South approximately three blocks uphill from Rainier Avenue South and a future light rail station.

The rectangular 23,988 square foot site, adjacent to the Cheasty Greenbelt, slopes downward to the east towards Rainier Avenue South. The average percentage of slope from east to west is approximately 15% and from the northeast corner to the southwest corner there is a grade change of 35 ft.

The site possesses a multifamily classification of Lowrise One (L1). Zoning in the vicinity is predominately single family and lowrise residential. To the south, the property is zoned L1 and developed with townhouses. Properties to the west are zoned Single Family 5000 and developed with single family homes. To the east and north, land is zoned Lowrise 2 and Single Family respectively, but comprises part of the Cheasty Greenbelt.

S. McClellan Street is a two lane arterial with curb, gutter and sidewalk on the south side of the right-of-way. The north side of the right-of-way is improved with curb and gutter only. There is no street parking or street trees on either side. S. Forest St. terminates in a hammerhead turnaround at the parcel's southwest corner.

Public Comment

The public comment period ended September 7, 2005. No 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 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. The hearing date has been set for **(to be determined)**.

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 (SMC 23.22.024). Information and documentation from each review agency is available in the DPD project file.

- **Seattle Department of Transportation**

RE: Unit Lot Full Subdivision for 2360 S. Forest Ave.

SDOT recommends approval of the preliminary subdivision. Final plat documents must be submitted to SDOT's Tammy Frederick.

- **Director of Public Health**

The Food and Living Environmental Program of Public Health – Seattle & King County has reviewed the preliminary subdivision for the DPD MUP No. 2502621 and has no comments.

- **Superintendent of City Light**

City Light has reviewed the ULS noted above and attaches the required easement that is necessary for the electric service to the proposed lots. The easement document is identified as “Utility Easement Provision” and should be attached to and become part of the ULS. The following statement is provided for use on the face of the plat to reference and document: An easement is granted to Seattle City Light as shown on page _____.

If this ULS is revised in any manner, the attached easement may not be appropriate. Any revisions should be submitted to Seattle City Light, South Electric Service, for additional review.

After the final ULS has been recorded, a copy should be mailed to City Light, Real Estate Services, Room 3012, (MS SMT-07-28-22).

- **Director of Housing**

The Director of Housing has reviewed the preliminary plans and has no comments.

- **Superintendent of Parks and Recreation**

The Superintendent of Parks and Recreation has reviewed the preliminary plans and has no objection to the proposed project.

- **Director of Seattle Public Utilities**

SPU issued a Water Availability Certificate (WAC) ID No. 20051115 approving this project with requirements. The WAC indicated that the project site and structures can be served by the standard sized (8”) DIP water main located in Harris Pl. S/ McClellan St. extending from Harris Pl. S. to S. Forest St. to cross the full frontage of the legal parcel. The following water service requirements apply to the proposal:

- New Meter Location: new 8” D.I. main to be installed in S. McClellan St. and 24th Ave. S.
- **One meter will serve the domestic water needs of a single legal parcel.** If the legal parcel is short platted prior to approval for occupancy after final inspection of the building permit, then separate meters will be required for each legally described parcel. This may necessitate the installation of a water main by the developer.
- The property owner is responsible for the installation, maintenance and liability of the service line from the City union near the meter to the building served. New water service piping from the City union to the building must be inspected by SPU prior to covering. Call (206) 684-5800 for an inspection.
- For new water services, Property owner must sign SPU's Application and Agreement for Water Service, pay all connection service charges, and other charges which may or may not be listed below, and submit the legal description of the property to be served. Apply for service at 700 5th Avenue, 31st floor. The time between the service order and installation varies depending on workload, service size and type. **Wait Times can be 30-90 days;** call (206) 684-5800 for the current projected wait time.

- Backflow Prevention Assemblies on private property may be required. SPU and KCHD (King County Health Department) are the administrative authorities engaged in a joint program identifying actual and potential cross-connections between the public water supply and possible sources of contamination. Please call Water Quality Inspection Services at (206) 684-3575 for more information
- Prior to ordering a new water meter that will serve a back lot, a recorded easement with a suggested minimum width of 5' must be provided. If more than one water service line is needed through an easement, the easement is suggested to be a minimum of 2.5' per service line.
- Underground piping through an easement, from the City union to the property line, must be either type K or L copper, or Ipex Kitec (PE-AL-PE) and fittings.

- **Fire Department**

The Fire Chief has approved the proposed subdivision with no conditions.

- **King County Metropolitan Services**

King County Metropolitan Services has reviewed the preliminary plans and has no comment.

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

The ordinance structural reviewer has approved the preliminary plans.

- **Drainage Review (DPD)**

No corrections or recommended conditions.

2. Responses to written comments submitted by interested citizens.

No comments.

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 L1 zone, in which townhomes are permitted use outright. As stated the applicable zoning and land use codes were reviewed under MUP 2104593 Permit No. 744736, 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 be provided on the same lot as the dwelling unit it serves. The open space requirements for Lowrise 1 zones requires 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. In this case, a departure from open space development standards was approved by the Southeast Design Review Board. Average open space per unit equals 420.3 sq. ft. Common open space per unit averages 301.9 sq. ft. Private open space averages 118.4 sq. ft. per unit.

SMC 23.41.012, Development Standard Departures, permits departures from the Land Use Code, including development standards for open space, for new multi-family developments as part of the design review process if those departures would result in a development which better meets the intent of the adopted design guidelines. Individual open space for proposed Unit Lots A – N is provided for each on the same lot.

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, easements are shown allowing all lots within the subdivision to have their addresses displayed from the improved 24th Avenue South. These easements shall also make provision for US Postal facility mailbox locations.

This Unit Lot Subdivision therefore meets the requirements of the Seattle Land Use Code.

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 L1 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. 2104593 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. The **utility easement on pages 5 and 6 of 20** should also include a provision for “emergency egress” across the same area of the utility easement.
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, 2005. 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. Short term impacts associated with the construction of the units were analyzed and conditions imposed under MUP 2104593 Permit No. 744736 and Building Permit 2405378 Permit No. 749951.

Long-Term Impacts

There are no long term impacts identified with the subdivision of this project. Long term impacts associated with the addition of these units to the existing neighborhood were identified and analyzed under MUP 2104593 Permit No. 744736 and Building Permit 2405378 Permit No. 749951.

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: March 30, 2006
Bruce P. Rips, AICP
Senior Land Use Planner