

May 15, 2020

## MEMORANDUM

**To:** Seattle City Council  
**From:** Lish Whitson, Analyst  
**Subject:** Northline Townhomes (Council Bill 119790 and Clerk File 314426)

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On Monday, May 18, the City Council (Council) will consider [Council Bill \(CB\) 119790](#) and [Clerk File \(CF\) 314426](#). Passage of the CB and filing of the CF would grant final approval of the “Northline Townhomes” plat, which is located at 12522 15<sup>th</sup> Ave NE in the Olympic Hills/Pinehurst neighborhood of Council District 5. The plat will facilitate the division of one parcel into 31 unit lots to facilitate the sale of individual townhouse units.

Final approval of a plat is a legislative act, unless the Council has delegated that review to another body. Council’s review of a final plat is limited to certifying that the plat has met conditions that have previously been placed on the plat by the Seattle Hearing Examiner. Under Washington State Law, Council is required to act within 30 days of filing of the final plat. Because Council’s purview is constrained both in time and substance, Council routinely considers final subdivision ordinances, like the Northline Townhomes plat, at a City Council meeting without consideration at committee. The bill is necessary to allow the Northline Townhomes, which have been built, to be sold as individual units.

The Seattle Department of Transportation (SDOT), the Seattle Department of Construction and Inspections (SDCI) and Council Central Staff have confirmed that the plat would meet all applicable conditions and recommends that the Council grant final approval (this requires a “do pass” vote on CB 119790 and also a vote to “place on file” CF 314426).

The following is an overview of the subdivision process and a description of the plat. The Hearing Examiner’s “Findings and Decision” documents for the preliminary plat approval are attached, and a map is provided for informational purposes.

### Overview of Process

The [Revised Code of Washington \(RCW\) § 58.17.140](#) requires that Council grant final plat approval for subdivisions within 30 days of filing of the final plat by the owner. Generally, the Council grants such approval after completion of the following steps:

1. SDCI issuance of a Master Use Permit and other project approvals;
2. Hearing Examiner approval of the preliminary plat approval, usually subject to conditions (the Hearing Examiner holds a public hearing prior to issuing a decision);
3. Developer’s construction of site infrastructure (this includes construction of roadways and installation of utilities);

4. SDOT and SDCI review of the final plat to confirm that all the applicable requirements have been met; and
5. Council determination that applicable requirements have been met or can be met if a bond is posted.

Final plat approval requires votes on both a Council Bill and a Clerk File. Both were referred directly to Council because of the short deadline for approval under the RCW.

When reviewing final plats, [SMC 23.22.074.A](#) requires the Council to determine that:

1. The final plat is in substantial conformance with the approved preliminary plat;
2. The requirements imposed when the preliminary plat was approved have been met;
3. The bond, if required by the City, is sufficient in its terms to assure that the improvements will be completed; and
4. the applicant has satisfied the requirements of Washington State Law and the Seattle Municipal Code that were in effect at the time of preliminary plat approval.

The Directors of SDOT and SDCI have confirmed that the plat meets all the requirements of the preliminary plat approval, as well as the requirements of State platting law and the Seattle Municipal Code. SDOT prepared the Council Bill for Council review and action. Central Staff has reviewed the final plat and legislation and **recommends that the Council grant final plat approval.**

### **Description of the Northline Townhomes Plat**

The Verona-Roy plat is located at 12522 15<sup>th</sup> Avenue NE between Lake City and I-5. The site is a half block north of NE 125<sup>th</sup> Street on the east side of 15<sup>th</sup> Avenue NE. It is separated from 15<sup>th</sup> Ave NE by an intervening parcel, across which access and utility easements have been granted.

The approximately 29,400 square foot site is currently composed of a single parcel. At the time of application, the site was zoned Neighborhood Commercial 3-40 with a Pedestrian Designation (NC3P-40), a mixed-use/commercial zone with a 40-foot height limit. It has subsequently been rezoned to Neighborhood Commercial 3-55 with a Pedestrian designation and a Mandatory Housing Affordability Suffix (NC3P-55 (M)), which is a mixed-use/commercial zone with a 55-foot height limit.

Abutting properties facing 15<sup>th</sup> Ave NE and properties across 15<sup>th</sup> Ave NE are also zoned NC3P-55. The NC3P-55 (M) commercial district extends south along 15<sup>th</sup> Ave NE for one block. At the edges of the commercial district are pockets of Lowrise 1 (LR1 (M)) and Lowrise 3 (LR3 (M)), multifamily districts. Surrounding these NC3P-55 and LR zones are Single-Family 7200 (SF7200) zones, which allow single-family homes on 7,200 square foot lots. The SF7200 zone abuts the subject property on the east.

The subdivision would divide one lot into 31 unit lots. Unit lots would range in size from 731 square feet to 1,635 square feet. Development of the 31 three-story townhouse units was permitted under permit 301914. This subdivision is only for the purpose of allowing sale or lease of the unit lots.

Pedestrian and vehicular access to the townhomes will be from 15<sup>th</sup> Ave NE, via easements across the intervening property. The intervening property has also been redeveloped under separate, but coordinated, permits.

The SDCI Director recommended approval of the preliminary subdivision on June 17, 2019. On August 12, 2019, the Seattle Hearing Examiner recommended approval of the plat without conditions.

SDCI, SDOT and Council Central Staff have reviewed the final plat and have found that the requirements are substantively met.

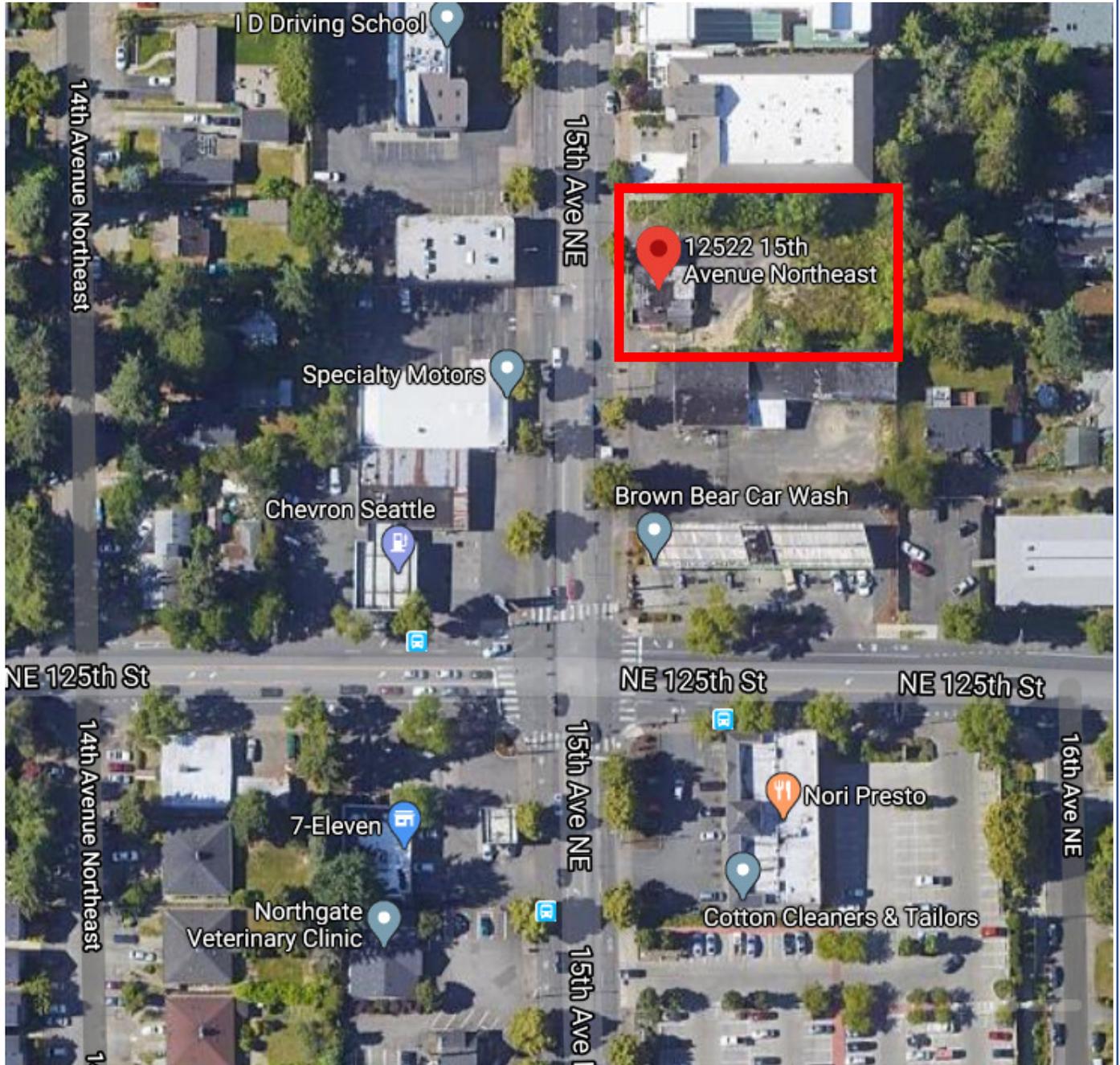
**Attachments:**

- A. Vicinity Map - Northline Townhomes Plat
- B. Findings and Decision of the Hearing Examiner

cc: Kirstan Arestad, Exec Director  
Aly Pennucci, Supervising Analyst

# Attachment A – Vicinity Map

12522 15<sup>th</sup> Ave. NE



**FINDINGS AND DECISION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

**PATRICK COBB**

for approval of a preliminary unit  
lot subdivision

Hearing Examiner File:

**MUP-19-025 (SD)**

Department Reference:

3026239-LU

**Introduction**

The Applicant seeks preliminary approval of a 31-unit lot subdivision of property. The Director of the Department of Construction and Land Use (“Director”) recommended approval of the subdivision without conditions. There were no requests for further consideration of the Director’s recommendation pursuant to SMC 23.76.024.D.

A public hearing on the subdivision application was held before the Hearing Examiner on July 17, 2019. The applicant, Patrick Cobb (“Applicant”) represented himself, and the Director was represented by Carly Guillory, Senior Land Use Planner. The record closed following the Hearing Examiner’s site visit on July 30, 2019.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated. After considering the evidence in the record and reviewing the site, the Hearing Examiner enters the following findings of fact, conclusions and decision on the application.

**Findings of Fact**

**Site and Vicinity**

1. The proposal site is addressed as 12522 15<sup>th</sup> Avenue NE. The site is approximately 29,338 square feet in size.
2. The site is zoned Neighborhood Commercial with a pedestrian overlay and a 40 foot height limit (“NC2P-40”), as are the properties to the north, south and west. Property to the east is zoned Single Family (“SF 5000”).
3. Vehicular access to the site is proposed via one curb cut on 15<sup>th</sup> Ave NE. The subject site does not abut public right-of-way. Sidewalks currently exist along 15<sup>th</sup> Ave NE.

## Proposal

4. The proposal includes a subdivision to create 31 unit lots. Vehicular access to the site is proposed via one curb cut on 15<sup>th</sup> Ave. NE. Surface parking is proposed for eight vehicles, and individual garage parking is proposed for 23 vehicles.
5. The construction of eight three-story townhouse structures (31 units total) was reviewed, and approved, via Master Use Permit (MUP) number 3019514-LU. It was reviewed concurrently with MUP number 3029400-LU for shared access to 15<sup>th</sup> Ave. NE. All existing structures were approved for demolition, and the project included on-site parking for 31 vehicles. The projects included Design Review, and SEPA review. The associated MUP number 3029400-LU included a three-story structure containing one townhouse, and one live-work unit, and one three-story structure containing five-residential units, and ground level retail. Both buildings front 15<sup>th</sup> Ave. NE. The related construction permit for the eight townhouse structures is 6442702-CN, and was issued on November 1, 2018.
6. On June 17, 2019, the Director issued a SEPA Determination of Non-significance (“DNS”).
7. No right-of-way dedications are required. A vehicular and pedestrian easement provides access from the unit lots to the public right-of-way.
8. The Director has determined that private easements for vehicular ingress and egress, pedestrian access, emergency vehicles, and utilities are adequate.
9. Building permits have been issued for construction of the approved structures, and the Applicant now seeks to subdivide the property into the anticipated 31 unit lots.
10. Private usable open space will be provided for each unit on the same lot that it serves, and will be directly accessible to the unit. Exhibit 4.

## Director’s Review of Unit Lot Subdivision

11. The Director received several public comment letters. Public comment related to overhead weather protection along 15<sup>th</sup> Ave. NE, and existing trees on site. Overhead weather protection was reviewed, and approved, via Master Use Permit number 3023990-LU. The existing trees on site were reviewed, and approved for removal, via Master Use Permit number 3019514-LU.
12. The Director circulated a request for comment to agencies and City departments, and received the following responses (Exhibit 4):
  - a. The Director of Public Health noted that the site is not served by King County Public Health.

- b. The General Manager and Chief Executive Officer of City Light conditionally approved the preliminary plat on April 26, 2019, with a requirement for a blanket easement on the subject site.
  - c. The Fire Department Chief approved the preliminary plat.
  - d. The Director of Housing, Superintendent of Parks and Recreation, King County Metro, and King County Wastewater Treatment Division provided no comment.
  - e. Sound Transit noted that the site does not appear in direct vicinity of any current, or future, Sound Transit projects in the area.
13. The Director has determined that the subdivision as a whole will meet all minimum development standards for the zone, and recommends approval of the subdivision without conditions.
14. SMC 23.22.054.A, entitled "Public use and interest," lists some of the factors the Hearing Examiner must consider in determining whether to approve a subdivision:

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

...

15. SMC 23.22.052 provides that:

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

D. Vehicular access to every lot shall be from a dedicated street, unless the Director ... permits access by a permanent private easement [that meets the requirements of SMC 23.22.052.D].

16. SMC 23.22.062 provides for unit lot subdivision of townhouse development as follows:

....  
B. [L]ots developed or proposed to be developed ... 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.

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

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.

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.

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.

### Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to Chapters 23.76 and 23.22 SMC.
2. The subdivision meets the requirements of SMC 23.22.052, in that it will provide sidewalks along the adjacent street, requires no dedications, and will provide vehicular access that the Director has determined is consistent with SMC 23.33.052.D.
3. The proposal also meets the requirements of SMC 23.22.062 for unit lot subdivisions. The development as a whole will meet the development standards applicable to the parent lot; the required parking, easements and private, usable open space are provided; and, the required disclosures and joint use and maintenance agreement are provided on the face of the plat.

4. The record shows that the subdivision makes appropriate provision for open spaces, drainage ways, streets, transit stops, potable water, sanitary wastes, fire protection facilities, parks and playgrounds, and sidewalks that assure safe walking conditions for students who walk to and from school. The subdivision makes appropriate provision for the public health, safety, and general welfare.
5. The proposal will promote individual ownership of the 31 residential units, which will be constructed in a configuration that is compatible with the surrounding neighborhood. As conditioned, the subdivision will serve the public use and interest.

### Decision

The application of Patrick Cobb for the unit lot subdivision is **APPROVED**.

Entered this 12<sup>th</sup> day of August, 2019.

  
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Ryan Vancil  
Hearing Examiner

### Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner in this case is the final decision for the City of Seattle. In accordance with RCW 36.70C.040, a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the decision is issued unless a motion for reconsideration is filed, in which case a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the order on the motion for reconsideration is issued.

The person seeking review must arrange for and initially bear the cost of preparing a verbatim transcript of the hearing. Instructions for preparation of the transcript are available from the Office of Hearing Examiner. Please direct all mail to: PO Box 94729, Seattle, Washington 98124-4729. Office address: 700 Fifth Avenue, Suite 4000. Telephone: (206) 684-0521.