

#1
CF 308766



**Legislative Department
Seattle City Council
Memorandum**

Date: June 7, 2012
To: Councilmembers
From: Ketil Freeman, Central Staff
Subject: Approval of the "Goodhue" Full Subdivision – C.B. 117486 and C.F. 308766

The Council has been asked to grant final approval of the plat of "Goodhue." This subdivision would divide a site located at 13727 Meridian Avenue North into 26 lots. The applicant has received an administrative conditional use permit to develop the site with 26 single family homes in a clustered housing development.

The Seattle Department of Transportation (SDOT), the Department of Planning and Development (DPD), and Council Central Staff have confirmed that the plat meets all applicable requirements and recommend that the Council grant final plat approval (this requires a "do pass" vote on Council Bill 117486 and also a vote to "place on file" Clerk File 308766).

The following is an overview of the subdivision process and a description of the subdivision. The Hearing Examiner's *Findings and Decision* on the preliminary plat approval are attached and a vicinity map is provided for informational purposes.

Overview of Process

The Land Use Code requires that Council grant final plat approval for subdivisions within thirty days of filing of the final plat by the owner. See Seattle Municipal Code (S.M.C.) § 23.22.064(A)(2). Generally, such approval is granted after the following steps:

1. Issuance of a Master Use Permit and other project approvals;
2. Preliminary plat approval, which is granted by the Hearing Examiner, usually subject to conditions (the Hearing Examiner holds a public hearing prior to issuing a decision);
3. Development of site infrastructure by the property owner (this includes construction of roadways and installation of utilities);
4. Review of the final plat by the Seattle Department of Transportation (SDOT) and the Department of Planning and Development (DPD) to confirm that all of the applicable requirements have been met; and
5. Council determination that applicable requirements have been met.

Final plat approval requires votes on both a council bill and a clerk file. These were both referred directly to full Council because of the Land Use Code's short deadline for approval.

When reviewing final plats, S.M.C. § 23.22.074(A) requires the Council to determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;
2. Whether the requirements imposed when the preliminary plat was approved have been met;
3. Whether a bond, if required by the City, is sufficient to assure completion of improvements; and
4. Whether the requirements of State law and the Seattle Municipal Code that were in effect at the time of preliminary plat approval have been satisfied by the applicant.

The Directors of SDOT and DPD have confirmed that the plat meets all of the requirements of 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. The proposed bill would modify a condition recommended by the Hearing Examiner to clarify that an internal access easement would provide private, not public, vehicular and pedestrian access. Additionally, the proposed bill accepts an irrevocable standby letter of credit issued by Wells Fargo Bank in the amount of \$1,862,300 in lieu of a bond. The letter of credit provides equivalent protections to assure completion of necessary right-of-way improvements. Central Staff has reviewed the final plat and legislation and **recommends that the Council grant final plat approval.**

Description of Final Plat

The plat of "Goodhue" subdivision is located on an approximately 3.05 acre site at the northwest corner of the intersection of Meridian Avenue North and Roosevelt Way North. The site is approximately five blocks east of the Bitter Lake Hub Urban Village.

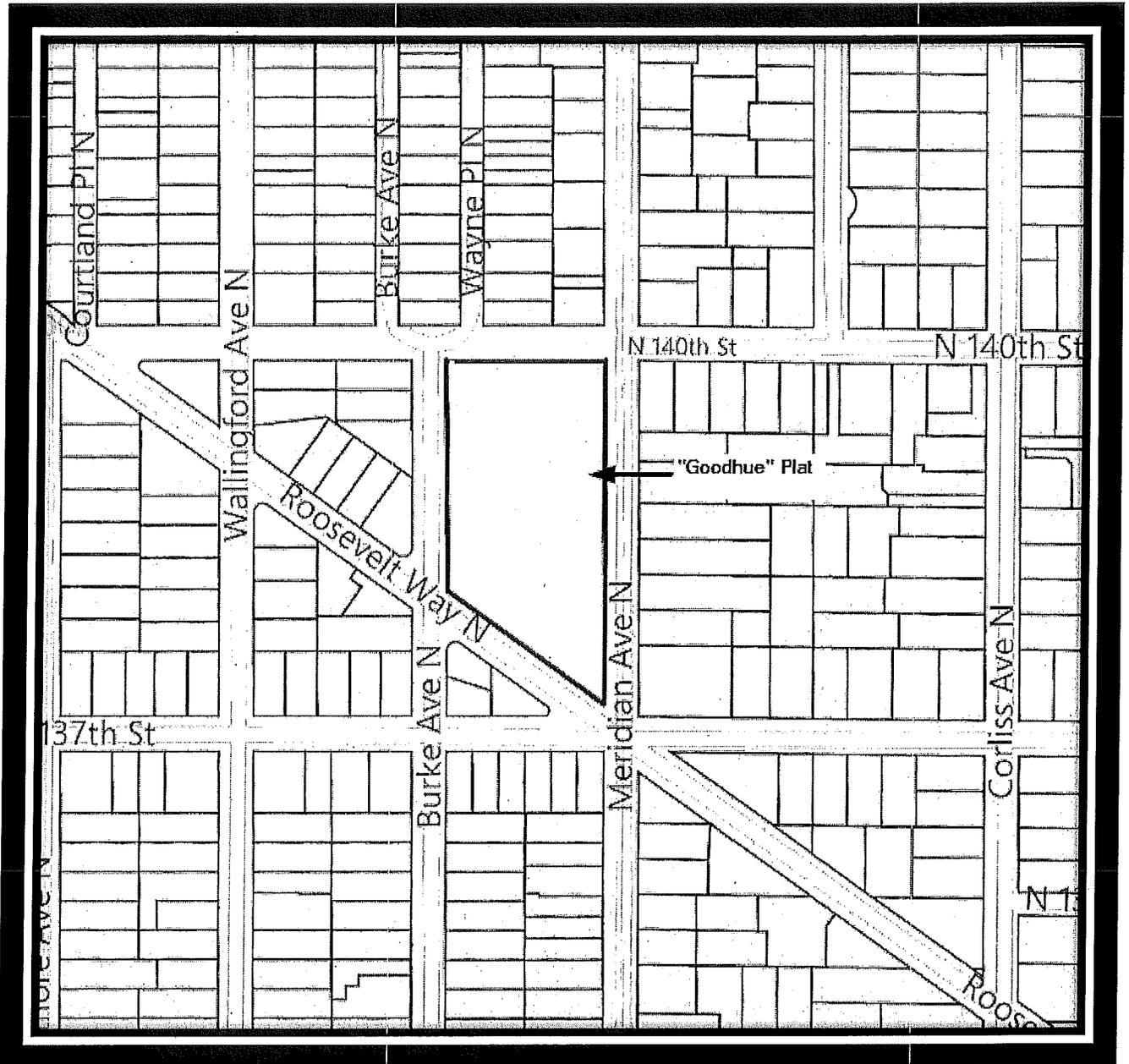
The site is zoned Single Family with a 5,000 square foot minimum lot size (SF 5000). SF 5000 zoning continues to the north, south, and west of the site. Zoning to the east of the site on the other side Meridian Avenue North is Single Family with a 7,200 square foot minimum lot size. Development in the vicinity consists primarily of single family structures. The site was formerly developed with the Nellie Goodhue School. The applicant proposes to subdivide the site into 26 lots that will be developed with single family homes in a clustered housing development.

On March 5, 2009, DPD recommended approval of the proposed subdivision and approved an administrative conditional use permit for the clustered housing development. The Hearing Examiner held a public hearing on April 23, 2009 and granted preliminary plat approval, subject to conditions (see attached Hearing Examiner *Findings and Decision*). The Hearing Examiner's conditions as modified have been met.

Attachment

- Findings and Decision of the Hearing Examiner on Preliminary Plat Approval, May 4, 2009 (Blue Paper)

Vicinity Map



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

In the Matter of the Application of

VICTOR WU

For preliminary plat approval

And

In the Matter of the Appeal of

RANDALL ASMUSSEN

From a decision by the Director, Department of
Planning and Development

Hearing Examiner file:
MUP-09-007

Department Reference:
3004747 and 3005091

Hearing Examiner file:
MUP-09-010(W,CU)

Department Reference:
3004747 and 3005091

Introduction

The applicant proposes to subdivide one parcel into 26 lots. The Director, Department of Planning and Development, recommended approval of the subdivision. The Director also granted administrative conditional use approval of a clustered housing planned development at the site and issued a SEPA Determination of Nonsignificance. The Director's decisions were appealed by Randall Asmussen. A public hearing on the subdivision application was held on April 23, 2009, together with an appeal hearing, before the undersigned Deputy Hearing Examiner (Examiner). Represented at the hearing were the Director, Department of Planning and Development (DPD), by Colin Vasquez, Senior Land Use Planner, the Appellant, Randall Asmussen, and the Applicant, Victor Wu, pro se.

After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this application.

Findings of Fact

Site and vicinity

1. The subject site is addressed as 13727 Meridian Avenue North. The site is approximately 3.05 acres, and is located in the Haller Lake Neighborhood at the former site of the Nellie Goodhue School. The property is bounded by Burke Avenue North to

the west; Meridian Avenue North to the east; North 140th Street to the north; and Roosevelt Way North to the south.

2. The site is zoned Single 5000 (SF 5000). The property in the vicinity of the site is also zoned SF 5000 and is developed with single family residences.

3. The site is level, and contains no areas designated as environmentally critical areas.

Proposal

4. The proposal is for a 26-unit lot subdivision and Clustered Housing Planned Development (CHPD). Vehicle access would be provided from North 140th Street, Meridian Avenue North and a 25-foot wide private vehicle access easement. The proposed lots, access, street improvements, and landscaping are shown in Exhibits 7 and 11.

5. The applicant considered site access alternatives that were analyzed by a traffic consulting firm. In a memo dated August 4, 2007, the consultant referenced two alternatives, "B-1" and "B-2". The "B-1" alternative had an internal access road intersecting Meridian Avenue North approximately 210 feet north of Roosevelt Way North and with North 140th Street approximately 190 feet west of Meridian Avenue North, with three site driveways located along Meridian Avenue North. The "B-2" alternative had the internal public access street running north and south between Roosevelt Way North and North 140th Street, intersecting with Roosevelt Way North approximately 250 feet west of Meridian Avenue North. There would be four driveways with direct access to Meridian Avenue North.

6. The consultant recommended that the internal access roadway in alternative B-1 be selected, because it provided a safer and more efficient access to the adjacent transportation network when compared with the Roosevelt Way North access in alternative B-2. The consultant noted that the Roosevelt Way North access had a potential sight distance deficiency and increased traffic volumes on the minor leg of the Meridian Avenue North/Roosevelt Way North intersection. The consultant also noted the lack of bus service along the property's Roosevelt Avenue North frontage, and that the future realignment of Roosevelt Way North would be affected by access roadways located along the frontage.

7. DPD issued a Correction Notice for the project in October, 2008, asking for additional information, including a response to Mr. Asmussen's comments that other alternative access points be selected, including direct access to Roosevelt Way or Burke Avenue NE. The consultant responded with a memorandum dated November 7, 2008, Ex. 4.

8. The consultant's response noted that he had reviewed the sight distance issue for Roosevelt and concluded that, contrary to his earlier analysis, the sight distance would be adequate. But the consultant noted that there were still issues related to site access to Roosevelt Way N. The impact of adding traffic to a minor movement at a six-legged intersection and the potential of reconstructing Roosevelt in the future were considerations. Adding access to Roosevelt would also have the potential to increase northbound left turns at the Meridian/Roosevelt Way intersection, increasing the delays. Alternatives to eliminating the sixth leg of the intersection would also affect proposed site access to Roosevelt. The access to Burke Avenue North was a concern for residents along Burke.
 9. Trip generation figures for the proposed 26 single family units were calculated using the ITE Trip Generation Report (7th Ed.). It is estimated that the proposal will generate 249 daily trips, including 20 AM peak hour trips and 26 PM peak hour trips. The 20 AM peak hour trips consist of 15 outbound and five inbound trips, and the 26 PM peak hour trips consist of 17 inbound and 9 outbound trips.
 10. A transportation concurrency analysis shows that the proposal would not have a significant impact on the level of service of the surrounding transportation network; Ex. 4.
- Agency/City Department review of subdivision
11. The Director routed a request for comments to other City departments and agencies in accordance with SMC 23.22.024.
 12. The Seattle Department of Transportation (SDOT) reviewed the application and requested additional information from the applicant, and as a result, minor revisions were made to the plan.
 13. Seattle Public Utilities (SPU) has reviewed the application. SPU issued Water Availability Certificate ID No. 20072206 approving the project with requirements with the conditions stated on the certificate.
 14. The Superintendent of City Light has reviewed the application and recommended approval with conditions to require overhead and/or underground easements along any ingress, egress and private roads.
 15. The Fire Department recommends approval under the 2003 Seattle Fire Code.
 16. DPD's structural/ordinance reviewer has approved the subdivision, noting that emergency egress easements are needed for unit lots O,P and Q (minimum 44 inches in width), as these lots do not have frontage on public right of way or any access easement.
 17. The Director of Housing recommends approval.

18. The Superintendent of Parks and Recreation notes that no parks facilities will be affected by the project.

19. The Seattle-King County Public Health Department has reviewed the proposal and provided comments noted on pages 11-12 of the Director's Report.

20. Metro Transit reviewed the proposal and noted the location of bus stops on Meridian Avenue N. that were to be preserved, and that concrete pads were to be installed at both locations.

DPD recommendation

21. The Director reviewed the subdivision in light of the Code's standards and criteria for subdivisions, and recommends approval with conditions.

22. DPD issued conditional use approval for the CHPD and issued a DNS for the proposal.

23. Except as otherwise noted, the Director's Analysis and Recommendation, Ex. 2, is adopted by reference herein.

Appeal

24. The Appellant, Randall Asmussen lives across Meridian Avenue North from the site. The Appellant's house faces the intersection between Meridian Avenue and the access to the subdivision, and his house is several feet below the grade of the street.

25. The Appellant is concerned that lights from vehicles exiting the subdivision will shine directly into his windows. He is also concerned about drivers mistaking his driveway for a street and crashing into his house. The Appellant also raised concerns about the volumes of traffic that will be generated by the new housing, and believes there is a possibility that each of the new homes could have as many as 7 or 8 vehicles. The Appellant asks for relief in the form of relocating the access to Tract C so that it accessed Roosevelt instead of Meridian Avenue N.

26. The applicant indicated that he was willing to provide some screening in the form of landscaping to alleviate glare from headlights.

Codes

27. The considerations for subdivision approval are set forth in Chapter 23.22 SMC. Under SMC 23.22.054, the Hearing Examiner is to determine whether the public use and interest will be served by the proposed subdivision and dedication, and if the proposed plat make appropriate provisions 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.

Conclusions

1. The Hearing Examiner has jurisdiction over this application pursuant to Chapters 23.76.024. SMC 23.76.024.H directs that the Director's decisions are to be substantial weigh; a party appealing the Director's decision bears the burden of proving that the decision is "clearly erroneous." *Brown v. Tacoma*, 30 Wn.App 762, 637 P.2d 1005 (1981).
2. The proposed subdivision will serve the public use and interest, and the proposal makes appropriate provisions set forth in Chapter 23.22 and SMC 23.76.023. The development as a whole would meet the applicable development standards of the underlying zone, private usable open space for each dwelling unit is provided on the same lot as the dwelling unit it would serve, and easements are provided as required.
3. The evidence in this record does not show that the Director committed any errors in the SEPA decision or the conditional use approval of the CHPD. The traffic studies and the testimony of the Department's transportation planner, Mr. Shaw, are persuasive as to the volumes and flow of traffic that will be generated, and show the problems that would be created if access were to be moved to Roosevelt. Moving the access off of Meridian, as requested by the Appellant, would not be consistent with the public use and interest. The potential health hazards, i.e., vehicles colliding with houses across Meridian from the proposal, are too speculative to provide a basis for modifying the decision.
4. Because of the location of the Appellant's house across from the access to Tract C, the Appellant will experience light and glare from cars exiting or entering the subdivision. The applicant at hearing offered to provide landscaping on the Appellant's property to provide screening. The conditions will be modified to allow for this, but in all other respects, the Director's decisions should be affirmed.
5. As conditioned, the subdivision proposal meets the applicable criteria and should be approved.

Decision

The Director's SEPA decision and administrative conditional use decisions are hereby **AFFIRMED** as **MODIFIED** with the addition of the following condition: *The applicant*

shall offer landscaping, of a type, depth and height approved by the DPD planner, to be installed in Appellant's front yard for screening purposes.

The application for the subdivision is hereby **APPROVED**, subject to the following conditions:

Conditions of approval prior to recording of the final plat:

1. The curb, gutter, planting strips, and sidewalk should be installed according to the concept plans reviewed by SDOT.
2. Provide public easements over the vehicle/pedestrian access easements (Tract C) on the face of the plat or concurrent with recording of the final plat. Provide appropriate easements for City Departments to access and work on the necessary utilities. For Tract C, provide documentation on the plat showing that the easement utilities will be maintained by the City, while the roadway will be maintained by the homeowners association.
3. Vehicle/pedestrian access easement and access drives shall be clearly noted on the final plat. Additionally, in order to provide clarity for the public and emergency vehicles, the signage and casement named Tract C should be altered to read as Wayne Place North.
4. Articles of incorporation and bylaws for the Homeowners Association, and evidence of conveyance or binding agreement shall be submitted for review by the City Attorney.
5. ~~The trees shown (see sheet L-1 of the MUP plan set)~~ must be planted and a covenant or requirement of the Homeowners Association shall be maintained for the life of the project. Actual tree location may vary depending on individual lot design. If the trees are not proposed to be provided as shown in the plat, the application shall provide reasons why it is not feasible or desirable. The reviewer of each permit application shall have discretion over this matter.
6. The fact that these lots were created by the Clustered Housing Planned Development (CHPD) provisions of SMC 23.44.024 shall be noted on the final plat.
7. Meet SPU requirements.
8. The private road (Tract C) being proposed as a vehicle/pedestrian access easement meeting Fire Department requirements shall be constructed per SDOT specifications.

Landscaping
is shown on
sheets L-2 +
L-3 also

9. The final plat should note that Tracts A and B are not building sites for dwelling units or accessory structures incidental to dwelling units.

Prior to issuance of grading permits:

10. The applicant must submit an erosion control plan.

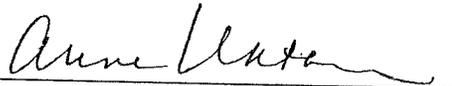
As part of the application for building permits:

11. Submit a copy of the relevant final subdivision plat with all building permit applications. This plan must include the final approved design for all lots, rights-of-way, easements, sidewalks, yards, CHPD approved yards, building footprints, street trees, on-site required trees and roadway paving.

Prior to issuance of any building permits:

12. Pedestrian/vehicle improvements shall be completed for the existing streets and the private easement.
13. Street/easement improvements shall be completed leading to any lot.
14. Agreements for the use and maintenance of Tracts A and B shall be executed and recorded and be contained within a Homeowners Association Agreement.
15. A stop sign shall be installed for the eastbound vehicle traffic and the intersection of Wayne Place N. (also known as Tract C) and Meridian Avenue N.

Entered this 4th day of May, 2009.



Anne Watanabe
Deputy 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. Any request for judicial review of the decision must be commenced within twenty-one (21) days of issuance of this decision in accordance with RCW 36.70C.040.

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.

APPLICANT/OWNER

Victor Wu
13333 Lake City Way NE
Seattle, WA 98125

DEPARTMENT DIRECTOR

Diane Sugimura
Suite 2000
700 Fifth Avenue
Seattle, WA 98104

APPELLANT

Randall Asmussen
13722 Meridian Avenue North
Seattle, WA 98133-7728