



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

August 2, 2012

Christopher K. Leman, President
Eastlake Community Council
117 E. Louisa St. #1
Seattle, Washington 98102-3278

Dear Mr. Leman:

Thank you for your letter dated June 28. We are responding to your bolded questions, in the order presented in the letter.

We ask that DPD prepare and share with us a detailed analysis as to whether the project is actually within a quarter mile of a street with frequent transit service. Please note that the Land Use Code is very explicit about the headways and does not provide for any averaging of the headways. Reference: SMC 23.54.015 Table B, Section II, Line M and 23.84A.038 "T".

We have requested that the applicant provide additional information and the worksheet outlined in Director's Rule 10-2011, to verify they meet these criteria. You can follow the permit review on line, as well as see correction requests.

<http://web1.seattle.gov/DPD/permitstatus/Project.aspx?id=6310638>

Scroll down and click on "Reviews" tab. Scroll toward bottom to see corrections – Land Use Review v. 2, N. Henry, item #20

Question of whether the project has 43 bedrooms or 43 units.

The project has 5 units, and a total of 39 bedrooms.

Please explain the basis and conclusions of your analysis in light of the 1983 Director's Rule that provides direction on the features and characteristics that define a space as a unit.

Director's Rule 7-83, Determining the Existence of a Dwelling Unit for the Purpose of Code Enforcement," attempts to clarify what makes a dwelling unit a dwelling unit for purposes of code enforcement. In the Franklin proposal, each "unit" has eight or fewer bedrooms, presumably non-related persons, and one food preparation area.

A dwelling unit, as regulated under the Land Use Code, is living accommodations independent from any other family. By definition in the code, a dwelling unit is a room or rooms "designed, arranged, occupied or intended to be occupied by not more than one household..." A "household" is a "housekeeping unit consisting of any number of related persons; eight or fewer non-related, non-transient persons; eight or fewer related and non-related non-transient persons, unless a grant of special or reasonable accommodation allows an additional number of persons."



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It is not appropriate for us to use the Land Use Code to attempt to regulate the nature of the relationships within a household such as how chores and expenses are shared. A group of people may live together and still be individually responsible for their share of the rent, and make separate payments to the landlord. We do not believe that such an arrangement causes these people not to qualify as a "household" or "housekeeping unit." We do not have the authority, or the resources, to police lease arrangements. Leases are also not a required part of a permit application when we perform our project review.

The presence of a kitchen is a key factor in determining whether a group of rooms qualifies as a dwelling unit. It is specifically called out in the definition of "dwelling unit" under Section 23.84A.008 of the Land Use Code. Director's Rule 7-83 clarifies the differences between kitchens or "food preparation areas," and "wet bars" located in larger rooms with other functions, which may include refrigerators but not ranges. Although there are often separate bathrooms and perhaps even a wet bar associated with each bedroom, the micro-unit project does not include separate full kitchens, and the occupants must cross through a shared common area in order to access the bedrooms.

I understand the concern that these buildings are not being subject to standards or processes that would apply if the individual rooms were regarded as separate dwelling units. However, in our view, the individual rooms in the proposed building do not cross the line, and do not qualify as separate units for purposes of the Land Use Code.

Architectural Integrity: This proposed building grossly violates many of the Eastlake Community Design Guidelines that were laid out in the 1998 Eastlake Neighborhood Plan.

This project is subject to Design Standards required by SMC 23.45.529, which regulates street facing facade elements, such as facade articulation, facade openings, transparency, and trim details. But, since this is not a Master Use Permit, but a building permit application, no additional design standards can be applied.

IF this project were subject to Design Review, the citywide guidelines would apply. Eastlake goals and policies related to design, have been adopted into the Comprehensive Plan, but these would not apply to individual projects. Neighborhood specific design guidelines, to be used as part of the Design Review process, have not been completed and approved by City Council. I understand we recently heard that the ECC has decided to extend the public comment period on the design guidelines being developed. We will then work with the neighborhood to final these Eastlake-specific guidelines.

Building Height and View Preservation: The Eastlake Community Design Guidelines also address building height and view preservation.

This project is being reviewed for compliance with the height standards of SMC 23.45.514, which allow a base height of 40 feet, an additional 4 feet for structures with a story partially below grade. Additional height is also allowed for rooftop features, subject to roof coverage conditions. The correction notice referenced above, also includes some issues related to height calculations

Residential Growth: The Eastlake neighborhood has consistently exceeded its Comprehensive Plan targets for residential growth, and there is no land use justification for development regulations and "loophole" projects, such as the one at 2371 Franklin, that would significantly increase Eastlake's population beyond that anticipated in the Plan.

While it is true that since 2004 Eastlake has added more housing units than its 2024 target, the targets are intended to guide planning, not to establish a cap on the amount of growth that will be permitted.

Comprehensive Plan policy UV 40, states:

"Use 20-year growth targets for urban villages as a tool for planning for the growth that may occur in each village. Use these targets as a guide for City plans for development and infrastructure provision. Recognize that the growth targets do not represent the maximum amount of growth that could occur in a village. Recognize also that the private sector builds most housing units and creates most jobs, and, therefore, the growth targets impose no obligation on the City to ensure that those numbers of households or jobs actually occur."

The Eastlake Community Council requests that this project not be fast tracked.

Again, you may follow the progress of this review on the above referenced site. As you will see, there are still a number of reviews that require corrections.

I have discussed this type of housing with the Mayor and several Councilmembers. At this time, our direction is to monitor them to determine if we are seeing unintended consequences from such development, and determine if code changes are needed.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Diane M. Sugimura". The signature is fluid and cursive, with a long horizontal stroke at the end.

Diane M. Sugimura
Director

