

Memorandum

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| To: | Alena Tuttle, Ramon Rodriguez, Et al., City of SeaTac |
| From: | Kamaljit Singh, Owner Ali Shasti, Engineer Jeremy Rene, Building Architect Neil Buchanan, Landscape Architect |
| Copy: | Bandhanjit Singh, Sidhu Custom Homes Inc. |
| Date: | July 10, 2024 |
| Subject: | Request for Administrative Variance under SMC 15.115.010 in connection with proposed multi-family development at 16016 34 th Ave S SeaTac, WA 98188 parcel number 5379801002 (Tarmac Heights Apartments). |

In connection with the proposed affordable housing or multi-family development located at 16016 34th Ave S SeaTac, WA 98188 parcel number 5379801002 (hereinafter referred to as, “Tarmac Heights Apartments”), below are comments to the request for an administrative variance under SMC 15.115.010 from those certain landscaping constraints under SMC 15.445.210. Reference is made to the building, civil engineering, and landscape plan set for this project.

COMMENTS.

1. 15.115.010(A). The code states, “a variance is a request for an exception to the development standards of the code because of special circumstances (i.e., size, shape, topography of lot) when the strict application of the code deprives such property of privileges enjoyed by other similar properties. A variance may be granted when a hardship is proven. A variance cannot be used for relief from types of uses permitted within zone classifications.”

A. We request this variance (as shown on attached plans) due to the size shape and topography of the lot. The strict application of SMC 15.445.210 deprives the property from an opportunity to create a multi-family housing. The variance we request is less than 20% to the development standard.

2. 15.115.010(B). The code states that, “the variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and (2) that such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and (3) that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the

vicinity and zone in which the subject property is situated; and (4) that the special circumstances necessitating the variance have not resulted from any action of the applicant; and (5) that the requested variance will not create a use not generally permitted within the zone in which the subject property is located.”

A. This administrative variance request does not constitute a special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located. The property is located in the UH-900 zone. The proposed development is consistent with that zoning use.

B. This administrative variance is necessary because of the special circumstances related to the size, shape, and topography of the location. This variance will allow this property similar use by neighboring UH-900 properties. This variance request is for less than 20% of the development standard for certain landscaping requirements related to this new multi-family project. The property is sloped and is on a hill. To create parking and the number of units permitted by the zone, this variance is necessary to accommodate remaining landscape and setback requirements.

C. The granting of this administrative variance will not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity and zone because the variance is limited and confined to the property itself and is requesting a deviation from the landscape standards.

D. The special circumstances necessitating the variance have not resulted from any action of the applicant.

E. This variance does not create a use not generally permitted within the zone in which the subject property is located.

3. 15.115.010(C). The Code states, “the requested variance is decided by the City’s Hearing Examiner through a public hearing process, except in cases where the requested change involves less than twenty percent (20%) variance to a standard. In these cases, the variance may be decided by the Director, provided the following criteria are met in addition to those in subsection (B) of this section: (1) the variance does not reasonably involve a life/safety issue nor does it reasonably involve damage to or loss of property of any person or entity and (2) the person or entity requesting the requirements change shall agree to waive all rights to pursue a variance or other process to seek an alternative to the requirements of the City Code; provided, that if no change in the requirements of the City Code is granted to such person or entity, the person or entity would be entitled to pursue a variance or other available procedure in the normal course.

A. This variance request does not reasonably involve a life/ safety issue nor does it reasonably involve damage to or loss of property of any person or entity.

B. Noted.