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**ATTACHMENT C  
FINDINGS FOR APPROVAL**

2147 Yale Street  
22PLN-00374

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**Preliminary Parcel Map Findings**

A legislative body of a city shall deny approval of a Preliminary Parcel Map with Exceptions, if it makes any of the following findings (CGC Section 66474):

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:*

The site does not lie within a specific plan area and is consistent with the provisions of the Comprehensive Plan as noted below.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:*

Staff is not able to identify any Comprehensive Plan policies or Programs directly relevant to the subject application. The existing structures and uses are consistent with the Comprehensive Plan and are not proposed to change. Therefore, staff recommends finding that on balance, the project is consistent with the policies in the Comprehensive Plan.

3. *That the site is not physically suitable for the type of development:*

No change to the existing development is proposed, however by re-orienting the property lines, the existing building setbacks become non-conforming. The rear setback for the proposed 2147 Yale property would be 3.2 ft where 20 ft is usually required. For the proposed 2149 Yale property, the front setback would be 16 ft where 20 ft is usually required, the side setback would be 3.6 ft where 6 is required, and the rear would be 6ft where 20 ft is required. The existing lightwells would become non-conforming as well. Additionally both proposed lots would exceed allowable FAR by approximately 3%. The two created lots would not meet the minimum lot size requirement of 5,000 sf and would be considered substandard. As a result of these non-conformities, the proposed lots are not physically suitable for the houses in comparison to the existing lot.

4. *That the site is not physically suitable for the proposed density of development:*

The subdivision application for the site will not change the existing residential density of two units.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

The minor subdivision will not cause environmental damage or injure fish, wildlife, or their habitat. The project site has been fully urbanized and developed and is centrally located within the College Terrace neighborhood. There is no recognized sensitive wildlife or habitat in the project vicinity.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems:*

The creation of two individual parcels will not cause serious public health problems, as it does not substantially affect the existing conditions and overall function of the property as a site for single-family residences.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

It may be possible to retain the existing uncovered parking space by requiring an access easement between the two properties, however this is not currently part of the proposal.

#### SECTION 5. Exception Findings.

A legislative body of a city shall deny approval of a Preliminary Parcel Map with Exceptions, if it fails to make any of the following findings (PAMC 21.32.020):

1. *There are special circumstances or conditions affecting the property.*

The existing property is a typical size for the RMD (NP) zoning district, and contains the allowed use of two-family use under one ownership. While the tenancy-in-common is not the most typical ownership arrangement, it is a private matter outside of the scope of the Zoning Code and does not constitute a special circumstance.

The special circumstance in this case is that the houses already exist, so the setbacks are

unable to be changed compared to a subdivision application for new construction.

2. *The exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*

No property rights are affected by the current arrangement, as either or both sellers may sell their share of the property. Therefore, no property rights are preserved or recovered by subdividing.

3. *The granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

The use of the property would not be changing, and therefore will not be detrimental to the public welfare or injurious to other properties in the area.

4. *The granting of the exception will not violate the requirements, goals, policies, or spirit of the law.*

Granting this exception would create violations of the Zoning Code for required setbacks and FAR, and render the existing units non-conforming. Furthermore, the permitted use of two-family use under one ownership was developed to allow and encourage this type of development. Allowing the requested exception would violate the spirit of the law by setting a precedent for other RMD-zoned properties with this land use and/or tenancy-in-common arrangement, as well as potentially discouraging similar projects from being built in the future.