



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3004363
Applicant Name: Andrew Novion
Address of Proposal: 802 NW 50th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into four unit lots (unit subdivision). The construction of townhouses has been reviewed under Project No.6067248. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

The following approval is required:

Short Subdivision - to create four unit lots.
(Seattle Municipal Code (SMC) Chapter 23.24).

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

Zoning: Lowrise 1 (L-1)

Uses on Site: Duplex

Substantive Site Characteristics: The approximately 6,012 square foot proposal site is located on the north side of NW 50th Street on the corner of NW 50th Street and 8th Avenue NW. Northwest 50th Street and 8th Avenue NW at the project location are developed with concrete sidewalks, curbs and gutters. The site is relatively flat but slopes one to two feet along the NW 50th Street and along 8th Avenue NW. There is no alley. Vehicular access to the site would be available from a 10-foot wide shared driveway located along NW 50th Street. Single Family 5000 (SF-5000) zone and development abuts L-1 zone to the east and IB U/45 zone and developments abuts the L-1 zone to the south. Development in the immediate zone and vicinity is predominantly a mixture of single family and multifamily residences uses.

Proposal Description

There were some changes made to the proposed plat per SPU review of the original unit lot subdivision survey plans. The revised survey plans showed that proposed Parcel D has been modified to have frontage on NW 50th Street to meet SPU condition for the approval of the Water Availability Certificate. Thus, the sizes of the unit lots have been modified as follows: Unit Lot A) 1,336 sq. ft., Unit Lot B) 1,481 sq. ft., Unit Lot C) 1,516 sq. ft.; and Unit Lot D) 1,664 sq. ft. The subject site fronts on NW 50th Street. Vehicular access would be available via a ten foot driveway easement to parking located within each unit.

Public Comments

Notice of the proposed project was published on March 9, 2006. The public comment period ended on March 22, 2006. No comment letter was received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing, and*

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The two trees located on the existing site are within the proposed building area. The proposed construction activities will necessitate the removal of these trees. The related construction plans under Project No.6067248 provided a proposed landscape plan, which includes specific location and description of trees and shrubs.

The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, 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 for each dwelling unit shall be provided on the same 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 space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- 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 Director of King County Development of Records and Elections.*
- F. The facts 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 Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed developments are four townhouse units. The structures as reviewed under separate building permit conform to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: “The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.” A joint use and maintenance agreement will be required as conditioned at the end of this decision. Parking would be provided for each unit in the related townhouses. Private usable open space will be provided on each lot.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

- 1. Provide on the plat a joint use and maintenance agreement.

2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."
3. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
4. Include the following on the face of the plat: "The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code."
5. Submit the recording fee and final recording forms for approval.
6. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

The owner(s) and/or responsible party(s) shall:

7. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: October 9, 2006
Christopher A. Ndifon, Land Use Planner

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