



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

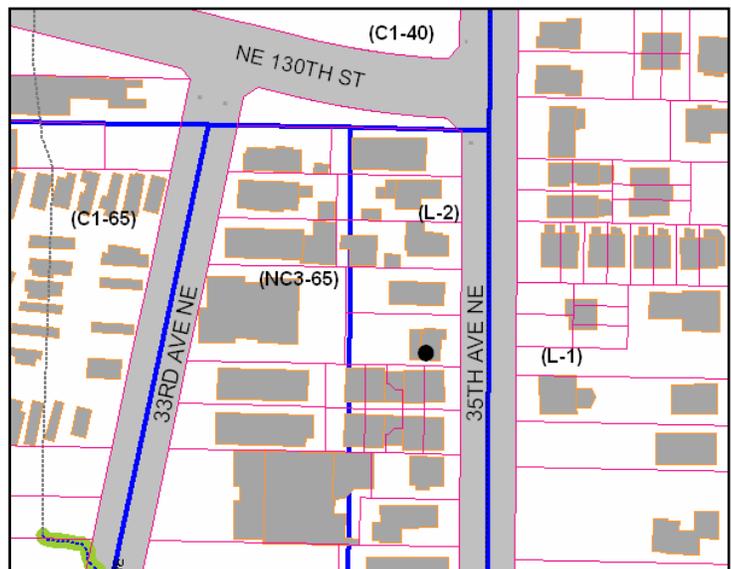
**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3005279
Applicant Name: Anne Van Dyne
Address of Proposal: 12721 35th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into six unit lots. The construction of townhouses has been approved under Project No. 6094317. 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.

Under the issued construction permit, the existing single family home will be demolished and four townhomes will be constructed. Under the subject application for unit lot subdivision, the proposed square footages of the unit lots are as follows: A) 1,492; B) 834 C) 1,139; D) 1,230 E) 930 and F) 1,250.



The following approval is required:

Unit Lot Subdivision - to divide one existing parcel into six unit lots.
(Chapter 23.24 Seattle Municipal Code)

BACKGROUND DATA

Zoning: Lowrise One (L2).

Uses on Site: Existing – Single Family Residence (to be demolished).
To Be Constructed – Two Triplex Townhouse Structures.

Public Comment: The comment period for this proposal ended on January 10, 2007. During the public comment period, DPD received one comment from a neighbor that was concerned parking impacts, and height of structures. As the proposed project meets the zoning regulations for the zone, and the unit lot subdivision process only divides the lots for the purposes of sale, no conditions can be placed on the project relative to the public comments.

Site Description: The site is approximately 6875 square feet and is located in a Multi-Family Lowrise 2 zone (L-2) on 35th Ave NE, south of NE 130th Street. The site contains an older single family residence. There is no Environmentally Critical Areas (ECA) mapped on the site.

Surrounding Area: The properties on this block are zoned for lowrise multifamily residential--L-2 on the west side of street, and L-1 on the east side of street. The properties to the west, fronting on 33rd Ave NE are zoned for commercial uses--Neighborhood Commercial (NC3-65) on the east side, and Commercial (C1-65) on the west side. The residentially zoned area contains a mixture of single family, 60's and 70's era apartments, and newer townhouses. Commercial uses and a larger apartment complex are located on 33rd Ave NE.

Proposal Description: The proposed townhouse development accesses off of 35th Ave NE via an ingress and egress easement to garages off a central drive aisle. Open space is provided at the front of each unit that fronts on 35th Ave NE and at the back of the unit within the rear triplex. An emergency access easement is provided from the ingress and egress easement to the back yard of the middle unit in the rear triplex.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after 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.*
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 (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments or review approvals from Zoning (DPD), Ordinance and Structural (DPD), Drainage (DPD), Water (SWD), City Light (SCL), Fire Department (SFD) 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 of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision will 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 proposal site is not located in an environmentally critical area and also is a unit lot subdivision; therefore SMC 25.09.240 is not applicable. Tree and other landscaping requirements were considered under the building permit review. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

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. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*

- F. *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.*
- G. *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 associated construction development contains two triplex townhouse structures (six units total). The structures, as reviewed under the separate building permits, will conform to the development standards for 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 is provided on the plat.

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. Add the conditions of approval “For the Life of the Permit” 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 For the Life of the Permit see page ___ of ___.”
2. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines, roof repairs, general construction maintenance and all ingress, egress and utility easements.
3. Provide on the plat any required Seattle City Light easement.

