



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**

Application Number: 3005829
Applicant Name: Brittani Ard for Goodwin Development
Address of Proposal: 5409 Phinney Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into four unit lots. The construction of townhouses is being reviewed under Project # 6101813. 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 lot and not to each of the new unit lots.

The following approval is required:

Short Subdivision - To subdivide one parcel into four unit lots. (SMC Chapter 23.24)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

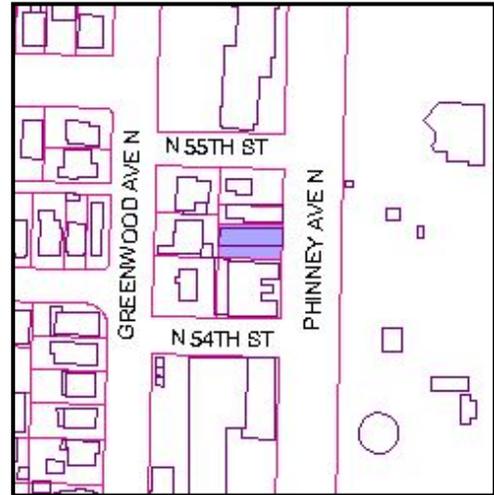
Location: The subject site is located on the west side of Phinney Avenue North, between North 54th Street and North 55th Street.

Zoning: Residential, Multi-family, Lowrise Three, (L3).

Uses on site: Residential.

Substantive site characteristics: The approximately 4,150 square foot parent site slopes slightly from the street to the west. There are no mapped Environmentally Critical Areas. The site contains a three-unit multifamily structure which will be removed. At the site location, Phinney Avenue North has been improved with curb, gutter, and sidewalks.

Area characteristics: The site is located on Phinney Avenue North, a Minor Arterial, and is zoned Lowrise Three (L3). Zoning is L3 for properties along Phinney Avenue North for several blocks north and south. Immediately to the west zoning is Single Family 5000. Across Phinney Avenue North to the east is Woodland Park Zoo.



Proposal: The applicant proposes to subdivide one parcel into three unit lots with the following areas: Unit Lot A) 918.9 square feet, Unit Lot B) 916.7 square feet; Unit Lot C) 1,173.5 square feet; and Unit Lot D) 1,140.8 square feet. Parking is to be provided within the proposed structures. The existing structures will be removed.

Public Comment: Two comment letters were received during the comment period which ended on March 28, 2007. Comment period was extended to April 11, 2007 at the request of a neighbor. Comments were limited to clarifying questions and request for extension.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

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, Access to lots;*
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 Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Summary - Short Subdivision

Based on information provided by the applicant; referral comments from DPD, Water (SPU), the Fire Department (SFD), and 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 unit lots to be created by this short subdivision would meet all minimum standards or applicable exceptions set forth in the Land Use Code, and would be consistent with applicable development standards. As conditioned, this unit lot short subdivision will be provided with vehicular access (including emergency vehicles) and both public and private utilities access. Adequate provisions for drainage control, water supply (Water Availability Certificate ID No. 20070423), and sanitary sewage disposal have been provided for each lot, and service is assured, subject to standard conditions governing utility extensions. Seattle City Light provides electrical service to the proposed short plat and may require an easement for overhead and underground infrastructure. If Seattle City Light requires an easement, it shall be included on the final plat prior to recording. The unit lot short plat would not affect tree retention. The public use and interest would be served by the proposal because all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, is required 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 developments, residential cluster developments, or single-family residences. Section 23.24.045 requires the following:

- 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 development would consist of two townhouse units and one single family unit. The structures, as reviewed and approved under a separate building permit must conform to the development standards at the time the permit application is approved for issuance.

To assure that future owners have constructive notice that additional development may be limited; the applicant has included the following note on Sheet 1 of 4 of the plat: *“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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.”* In addition, a joint use/maintenance agreement has been added to the face of the plat, and a City Light easement would be provided for electric service. Furthermore, open space would be provided on each unit lot. Parking for each unit will be provided within the structure on each unit lot and accessed through access easements. Finally, the unit lot subdivision, as conditioned, would provide an easement or covenant for address signage for the proposed unit lots without street frontage (Unit Lots C and D).

DECISION – UNIT LOT SUBDIVISION

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

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. The street address sign, containing the assigned addresses for Unit Lots C and D located behind the residential units on Unit Lots A and B, clearly visible from Phinney Avenue, shall be placed near Phinney Avenue North within the utility easement.

2. As applicable, 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. If Seattle City Light requires an easement to provide for electrical facilities and service to the proposed unit lots, the final plat shall include the following statement, "*An easement is granted to Seattle City Light as shown on page ___ of ___*".
4. Include an easement to provide for water service as required by Seattle Public Utilities for the Water Availability Certificate dated March 13, 2007, (WAC ID No. 20070423).
5. 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. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
6. Submit the final recording forms and any final fees 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: June 7, 2007
Marti Stave, Land Use Planner

MS:bg

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