

Substantive Site Characteristics:

This 9,593 square foot subject site is a rectangular lot that fronts on 26th Avenue E to the east and an alley to the west. Its general location is just south of E Madison Street. The site is located within an area zoned Residential, Multifamily Lowrise 3 (L-3) which extends to the north and west. The areas one-half block to the east and south are zoned Residential, Multifamily Lowrise 2 (L-2). There had been an existing single-family residence on the site which was legally demolished. The uses in the area include a combination of single-family and multiple-family residences.

The site is located on a steep slope, with an elevation change of approximately 44 feet along the length of the property (approximately 120 feet long), with the lowest point at the eastern boundary and sloping up towards the western boundary. The steepest portion of the slope is located in the eastern portion of the lot. The environmental checklist states that the slope average for the site is 36%. The site is located in a mapped environmentally critical area due to the presence of steep slopes and the potential for landslide. The existing vegetation has been removed, but was primarily shrubs and brush.

Proposal Description:

The applicant previously proposed to demolish an existing single-family residence, and construct four 2-unit structures for a total of 8 housing units. There will be two 2-unit townhouse structures adjacent to 26th Avenue E. Two 2-unit townhouses will be located west of these units and will be adjacent to the alley. The applicant proposes to subdivide one 9,593 square foot parcel, the "parent lot," into eight unit lots with the following lot areas: Unit Lot A – 1,217 square feet, Unit Lot B – 1,161 square feet, Unit Lot C – 1,164 square feet, Unit Lot D – 1,229 square feet, Unit Lot E – 1,231 square feet, Unit Lot F – 1,173 square feet, Unit Lot G - 1,177 square feet, and Unit Lot H – 1,241 square feet. Pedestrian access to all Unit Lots from 26th Avenue E will be provided by three pedestrian easements which run west along the southern and northern boundaries and center of the lot to the alley and vehicular easement.

Vehicular access to Unit Lots A-D, the four unit lots on 26th Avenue E, will be from two shared driveways, with each unit having parking within its structure. Vehicular access to Unit Lots E-H, the four unit lots on the western portion of the lot, will be from a shared ingress and egress easement which runs east off of the alley into an area between the proposed structures, with parking provided within the proposed structures.

Public Comment:

The comment period for this proposal ended on February 28, 2007. During this period, no written comment letters related to this project were received.

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; and*
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.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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. Detailed discussion of Criterion #7 follows below.

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 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 proposal site is located in an environmentally critical area for which SMC 25.09.240 is applicable, however, this regulation does not apply to unit lot subdivisions. 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 (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. *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 proposed developments are townhouses. The structures, as reviewed under their separate building permits, 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: *“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.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 16, 2006. A geotechnical report dated April 26, 2000 was submitted with this application. The information in the checklist, geotechnical report, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

Adverse effects on the environment may have been anticipated as a direct impact of the townhouse construction. However, that construction has previously received approval. This proposal is limited to dividing the ownership of the site onto separate unit lots. This environmental review is strictly limited to identifying and mitigating adverse impacts to the environmentally critical area relative to the division of ownership. Since no unmitigated adverse impacts of subdivision on the critical area have been identified, no mitigation is warranted.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency, of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

None.

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. Include the Joint Use/Maintenance Agreement on the final plans which shall include, if needed, the common side sewer and storm drainage that will serve the proposed unit lots.
2. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected Unit Lots.
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. 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 ___.”
6. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
7. Submit the recording fee and final recording forms for approval.

For the Life of the Project

8. 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)
Janet L. Wright, Land Use Planner
Department of Planning and Development

Date: March 12, 2007