



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: 3006086
Applicant Name: Brittani Ard for Real Property Development Co., LLC
Address of Proposal: 12314 33rd Avenue Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into six unit lots (unit lot subdivision). The construction of townhouses has been approved under Project #6083028. 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 subdivide one existing parcel into six unit lots.
(Chapter 23.24, Seattle Municipal Code)

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

BACKGROUND DATA

Zoning: Lowrise 3 (L-3).

Uses on Site: Multi-family triplex.

Substantive Site Characteristics:

This 6,599 square foot subject site (the “parent lot”) is a rectangular lot that fronts on 33rd Avenue Northeast, between Northeast 125th Street and Northeast 123rd Street. It abuts an asphalt alley in the rear. The street adjacent to the property, 33rd Avenue Northeast is considered a non-arterial street and currently has no sidewalks, curbs, or gutters on either side. The property slopes from west to east and ranges in elevation from 180 feet in the northeast portion of the lot to 168 feet at the eastern-most point adjacent to the alley. The site is currently developed with a multi-family triplex structure with stone rockeries in both front and rear setbacks. The site is

located in a salmon watershed area; however the site is not in an environmentally critical area. The site is zoned Lowrise 3 (L-3), as are all surrounding properties. Properties surrounding the site are primarily developed with multi-family and commercial uses, in addition to a minimal amount of single family uses.

The site is situated in Seattle's Lake City neighborhood and within the North Neighborhoods Hub Urban Village. The Littlebrook tributary of Thornton Creek lies less than two blocks east of the property. Summit K-12 public school is located approximately one-half mile due south of the site.

Proposal Description

The applicant proposes to subdivide one 6,599 square foot parcel (the "parent lot") into six unit lots with the following lot areas:

Unit Lot A:	1,210.2 square feet
Unit Lot B:	880.1 square feet
Unit Lot C:	1,210.0 square feet
Unit Lot D:	1,357.1 square feet
Unit Lot E:	833.5 square feet
Unit Lot F:	1,108.4 square feet

Vehicular access to all unit lots would occur via ingress and egress easement initiated off the asphalt alley to the rear of the lot. Parking for each unit lot will be provided within the proposed structures. A Master Use Permit for the demolition of an existing multi-family triplex has been issued, A/P 6096577; a Master Use Permit for construction of two, three-unit townhouse structures has been issued, A/P 6083028. The subject of this analysis and decision is limited to the subdivision of land.

Public Comments

The comment period for this proposal ended on December 20, 2006. DPD received no written comments related to this project.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) 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 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 (SCL), 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 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, and 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; therefore SMC 25.09.240 is not applicable. The retention of existing trees was reviewed under the associated building permits. 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. *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 establish separate unit lots for six townhouse units in an L-3 zone. The structures, as reviewed under their separate building permits, 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.

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. 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;

