



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: 3002684
Applicant Name: Brittani Ard, Ard Consulting
Address of Proposal: 808 N 38th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into four unit lots (Unit Lot Subdivision). The construction of residential units is being reviewed under project #6067113. 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 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

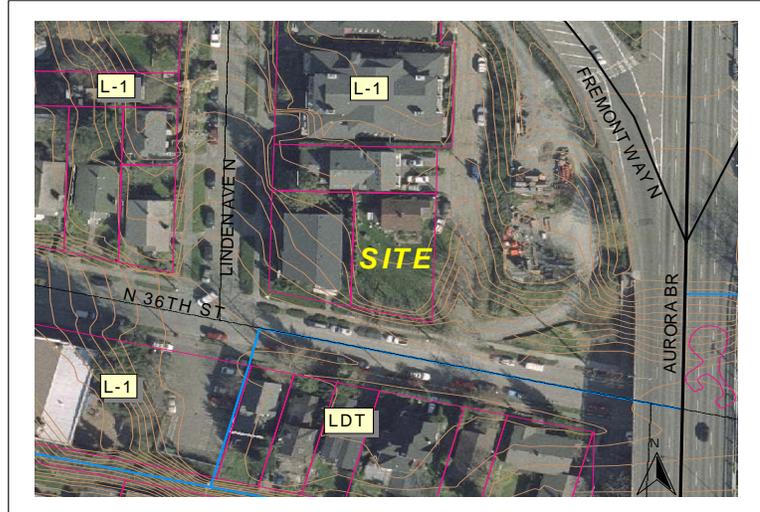
BACKGROUND DATA

Zoning: Multifamily Residential Lowrise 1 (L-1).

Prior Use on Site: One single family house to be removed

Substantive Site Characteristics:

This 5,889.2 square foot subject site (the “parent lot”) is a rectangular lot that fronts on North 36th Street to the south and a gravel access that is part of the Fremont Way N/Aurora Avenue N R-O-W to the east. The lot is located within a Residential, Multifamily, Lowrise 1 (L-1) zone. Across 36th to the south is Lowrise Duplex Triplex (LDT) zoning. The site is not located in any mapped critical areas.



Proposal Description:

The applicant proposes to subdivide one 5,889.2 square foot parcel, the “parent lot,” into four unit lots with the following lot areas:

- Unit Lot A – 1,394.5 square feet
- Unit Lot B – 1, 565.0 square feet
- Unit Lot C – 1,753.7 square feet
- Unit Lot C – 1,176.0 square feet

The four required parking spaces for the proposed unit lots will be accessed directly from the off-street gravel portion of the R-O-W on the east side of the lot. The spaces will be provided as uncovered surface parking pads on unit lot C. A pedestrian easement will run north-south through the site between the buildings.

Public Comment:

The comment period for this proposal ended on April 9, 2008. During this period, one written comment letter related to this project was received expressing general disapproval of the project.

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.*

Conformance with the applicable regulations in the Land Use Code was determined at the time the building permit applications were approved. Each lot will be provided with vehicular access (including emergency vehicles), pedestrian access, and public and private utilities either through adjacency to the public right-of-way or through the private easement from 36th Street. The existing property has water and sewer service and additional connections will be made for the new units during the building permit process. The adequacy of the provisions for drainage control, water supply, and sanitary sewage disposal for each lot have been reviewed and approved by appropriate City staff.

The public interest is expressed by the zoning designation of the site and the development regulations as an expression of the City's Comprehensive Plan goals and policies. The L-1 zone is intended for multi-family development at a density of one unit per 1,600 square feet of lot area. The 5,889.2 lot size would accommodate 3.68 units, which rounds up to the four proposed. Comprehensive Plan goals include accommodation of additional households, preservation of housing affordability, achievement of a mix of housing types and expansion of owner-occupied housing opportunities. This project would expand the number of housing units on the site from one to four, provide a housing type (townhouses) that is generally more affordable than single family dwellings and the unit lot subdivision would allow for individual unit ownership.

The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable; additionally, this regulation does not apply to unit lot subdivisions. Tree and other landscaping requirements were considered under the building permit review.

CONCLUSIONS - SHORT SUBDIVISION

The lots to be created by this short subdivision are consistent with applicable development standards set forth in the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access (including emergency vehicles), public and private utilities and pedestrian access. 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 public use and interest are served by the proposal since the zoning use and density standards will be met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

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 short subdivision decision criteria have been met subject to the conditions imposed at the end of this decision. Detailed discussion of Criterion #7 follows below.

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.

SMC 23.24.045 Unit Lot Subdivisions

- A. Provisions of this section 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 Department 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.*

This application involves the creation of unit lots for a townhouse development. The parent lot for the project was reviewed for compliance with development standards at the time of permit issuance. The approval of the building permits demonstrates that the development as a whole meets all applicable development standards.

For ground related development, L1 zoning requires an average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit. No unit shall have less than two hundred (200) square feet of private, usable open space (SMC 23.45.016 A2a1). The proposed plat delineates the following amounts of qualifying open space:

- Unit Lot A – 200.0 square feet
- Unit Lot B – 516.7 square feet
- Unit Lot C – 438.7 square feet
- Unit Lot D – 273.8 square feet

The average size of the above open spaces is 357.3 square feet.

An access easement as well as a joint use and maintenance agreement has been provided as part of the recording documents. Each unit has an outside parking pad on unit lot C for its required parking space. A note explaining the limitations on unit lots has been included on the recording document.

CONCLUSIONS – 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 new structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. Constructive notice that additional development may be limited is provided to future owners through a note on the face of the plat.

DECISION – UNIT LOT SUBDIVISION

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

CONDITIONS

Conditions of Approval Prior to Recording

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

1. 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.
2. 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.
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. Add the conditions of approval after recording (i.e. “For the life of the project”) on the face of the plat.
5. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
6. Submit the recording fee and final recording forms for approval.

For the Life of the Project

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: September 18, 2008
Nora Gierloff, Land Use Planner
Department of Planning and Development

NG:bg

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