



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:** 3003618 (Short Plat) & 3003619 (Unit Lot Short Plat)

**Applicant Name:** Marcus Smith

**Address of Proposal:** 3948 S Brandon St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two lots (short subdivision) for future development and further subdivide one parent lot into four unit lots (unit lot short subdivision). This unit lot 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 created under Project #3003618 and not to each of the new unit lots. The construction of a three-unit townhouse and a single-family dwelling has been reviewed under Projects #6076264 & #6076263, respectively.

The following approvals are required:

**Short Subdivision** - To subdivide one existing parcel into two developable lots.  
(Chapter 23.24, Seattle Municipal Code)

**Unit Lot Short Subdivision** - To subdivide one existing parcel into four 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**

Site & Area Description

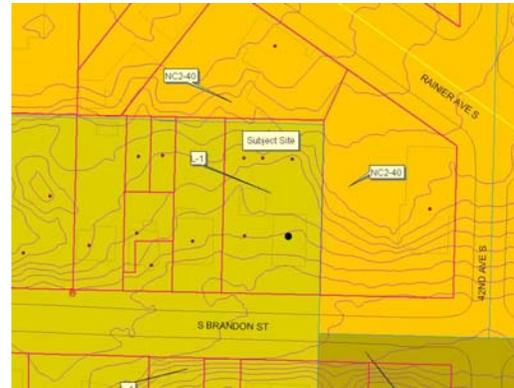
Zoning: Lowrise 1 (L-1).

Uses on Site: Existing Duplex residence (to remain) and a detached accessory garage (to be demolished). Proposed construction of a three-unit townhouse and a single family residence on Parcel A.

Substantive Site Characteristics:

This 11,314 square foot (sq. ft.) subject site (the “original lot”) is a rectangular lot that fronts on the north side of South Brandon Street. South Brandon Street is a dead end, improved with a 23’ wide paved roadway. Sidewalks are located on both sides of the street. There are no curbs or gutters. The existing duplex residence is located on the eastern portion of the subject parcel. Construction of one, three-unit townhome and a single-family structure building is contemplated on the proposed Parcel A of the subject property (Permits #6076264 & #6076263). The site is not located in any mapped or observed environmentally critical areas.

The subject property is designated L-1, the surrounding properties to the north and east are designated NC2-40, west L-1 and south L-1 and L-2. The zoning boundaries run north and south along the northern and eastern property line and South Brandon Street’s centerline, respectively. The subject block in between is designated L-1. Development in the immediate area primarily consists of commercial, institutional, single-family residences and multi-family structures.



Proposal Description

The applicant proposes to subdivide one 11,314 square foot parcel into two developable lots with the following lot areas: Parcel A) 7,686 square feet and Parcel B) 3,629 square feet. The subject site fronts on South Brandon Street. Vehicular access to Parcel A would be provided by one 10’ wide proposed shared driveway easement accessing off of South Brandon Street through Parcel B. Access to the unit lots would also be from this driveway. Parking for the existing duplex will be provided on Parcel A as two open parking spaces. Parking for the proposed structures will be within garages within each dwelling unit.

A Permit for the demolition of the existing garage accessory to the existing duplex and construction of one, three-unit townhome and a single-family structure has been reviewed and conditionally approved (Master Use Permit #6076264 & #6076263). The building permits will be approved after recording of the proposed short subdivision. The subject of this analysis and decision is limited to the proposed subdivision of land.

Public Comments

The comment period for both proposals ended on December 12, 2007. During the public comment period, DPD received no written comments related to this project.

**ANALYSIS – SHORT SUBDIVISION #3003618**

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, and*
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 Department (SFD), 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. 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, 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 proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

#### **ANALYSIS – UNIT LOT SUBDIVISION #3003619 (CRITERION #7 ABOVE)**

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 fact 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 contains one 3-unit townhome and a single-family residence. The structures, as reviewed under their separate building permits, conform to the development standards at 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 this unit lot subdivision are not separate building 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." A joint use and maintenance agreement will be required as conditioned at the end of this decision.

#### **DECISION – SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

#### **DECISION – UNIT LOT SUBDIVISION**

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

#### **CONDITIONS – SHORT SUBDIVISION & 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 plats and encroachments such as side yard easements, fences or structures shall be shown. Lot/parcel 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.

2. Submit the final recording forms for approval and any necessary fees.
3. Add all of the listed “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 \_\_\_.”
4. Add the following note to the face of the ULS short plat: *“The lots created by this unit lot subdivision are not separate building 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.”*
5. Please change Lot A and B to Parcel A and B on the short plat map (including legal descriptions). The Unit Lot Subdivision Map should refer to the proposed Unit Lots as A through D (including legal descriptions).
6. Provide a joint maintenance and responsibility agreement for all ingress, egress, and utility easements.
7. Include an ingress and egress easement to mutually benefit the proposed Unit Lots to provide for future vehicular backing and maneuvering to/from their respective parking garages.
8. Please also add an emergency egress easement from the rear of Unit Lot 3 to the access and utility easement. The easement will need to be a minimum of 44 inches in width, shown on the maps and included in the Unit Lot legal descriptions.
9. Include an easement to provide for overhead/underground electrical facilities and service to the proposed lots as required by Seattle City Light as shown on Sheets 3 and 4 on the final short subdivisions.

Conditions of Approval After Recording

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

10. Attach a copy of the recorded short subdivision and unit lot subdivision to all applications for a permit to construct, demolish, or change use.

Signature: \_\_\_\_\_ (signature on file) Date: March 20, 2008  
Craig Flamme, Land Use Planner  
Department of Planning and Development

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