



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: 3003742
Applicant Name: Moira Haughian with Howland Homes, LLC
Address of Proposal: 935 North 98th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into eight unit lots (unit lot subdivision). The construction of townhouses has been approved under Project #6099615. 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.*

*Note: The project description has been revised from the original notice of application.

The following approval is required:

Short Subdivision - to create eight 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 3 (L-3)
Uses on Site: Two (2) three-unit townhouse buildings and one (1) two-unit townhouse building.

Substantive Site Characteristics:

This 8,119 square foot (sq. ft.) subject site (the “parent lot”) is a rectangular lot that fronts on the south side of North 98th Street. Vehicular access to proposed parking spaces within six (6) of the townhouse units and two (2) surface parking spaces will occur via one (1) curb cut along North 98th Street. North 98th Street is a non-arterial street, improved with curbs, sidewalks and gutters on both sides of the street. Construction of two (2) three-unit townhouse buildings and one (1) two-unit townhouse building is currently ongoing on the subject property (Permit #6099615).

The site’s topography is relatively flat and is modestly vegetated with mature trees and shrubs throughout the site. An existing 36” Douglas fir (*Pseudotsuga menziesii*) located near the site’s eastern boundary line has been determined by an arborist (Tony Shoffner, ISA Certified Arborist, Arboricultural Consulting) as meeting the criteria to be classified as exceptional tree status (Director’s Rule (DR) 6-2001). The site is not located within any identified or designated Environmentally Critical Areas.

Surrounding properties to the west, north and south of the property are also zoned L-3. Property east of the subject site is zoned Commercial 2 (C2-65). Existing development in vicinity west, north and south of the site mainly consists of single family residences and apartments. A gym facility (Gold’s Gym) is located just east of the subject property.

Proposal Description

The applicant proposes to subdivide one (1) 8,119 square foot parcel (the “parent lot”) into eight (8) unit lots with the following lot areas: Unit Lot A) 914.9 sq. ft., Unit Lot B) 611.2 sq. ft., Unit Lot C) 843.2 sq. ft., Unit Lot D) 1,274.7 sq. ft., Unit Lot E) 891.6 sq. ft., Unit Lot F) 1,032.1 sq. ft., Unit Lot G) 1,415.5 sq. ft.; and Unit Lot H) 1,1351.3 sq. ft. in an L-3 zone. The subject site fronts on North 98th Street. Vehicular access to Unit Lots A, B, C, D, E, F, G and H would be provided via an ingress, egress and utility easement via North 98th Street.

A Permits for the demolition of an existing single family residence (#6099633) and the construction of two (2) three-unit townhouse structures and one (1) two-unit townhouse structure has been reviewed and approved (#6099615). DPD also issued a Master Use Permit (#3005229-Administrative Design Review) which granted four (4) development standard departures associated with front setback, rear setback, open space and structure depth in order to retain the existing exceptional tree (36” Douglas fir) on the subject site. 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 14, 2005. During the public comment period, DPD received one (1) written comment regarding this proposal. The neighbor voiced concerns related to increased on-street parking demand associated with this development.

ANALYSIS – UNIT LOT 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 pedestrians, vehicles, utilities and fire protection, as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
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 (2) or more lots from one (1) 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, 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 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 (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. *Except for any site for which a permit has been issued pursuant to SMC 23.44.041 for a detached accessory dwelling unit, 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 is two (2) three-unit townhouse structures and one (1) two-unit townhouse building. The structures, as reviewed under separate building permit, conforms 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. Also, a covenant governing future maintenance of the existing exceptional tree will be required as a condition 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.

2. Submit the final recording forms for approval and any necessary fees.
3. 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 ___."
4. Add the following note to the face of the plat: "*The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.*"
5. Provide a joint maintenance and responsibility agreement for all pedestrian, ingress, egress and utility easements.
6. Include an easement to provide for water service as required by Seattle Public Utilities for the Water Availability Certificate dated June 6, 2008 (WAC ID No. 2008-0719).
7. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (easement description to be provided by City Light prior to final plat recording) on the final short subdivision.
8. Provide an area to allow for the posting of address signage for Unit Lots D, E, F, G and H at a location visible from North 98th Street and provide a covenant and/or an easement to ensure that address signage can be maintained.
9. Identify all trees (36" Douglas fir) that require tree preservation on the face of the plat.
10. In order to insure that the existing 36" Douglas fir (*Pseudotsuga menziesii*) will be preserved by future residents, a covenant shall be placed on the proposed unit lots that has the exceptional tree within its boundary and/or has identified common ownership. It will be the responsibility of the owner(s) to maintain this tree's health and specified treatment plans prescribed by the proponent's tree professional.

Prior to Issuance of any Building Permit

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

11. 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: July 14, 2008
Tamara Garrett, Land Use Planner
Department of Planning and Development

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