



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3005943

**Applicant Name:** Brittani Ard for Trinity Development Group

**Address of Proposal:** 568 Galer Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into five unit lots. 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. Associated applications for construction of the five townhouse structures include Project Nos. 3004595, 6096446, 6092791, and 6096463. The subject of this analysis and decision is limited to the subdivision of land.

The following approval is required:

**Short Subdivision** - to create five 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: Lowrise 3 (L3).

Uses on Site: Construction of townhouse development under Project Nos. 6092791, 6096463.

**Substantive Site Characteristics:**

The subject site, the “parent lot”, is a 5,146 square foot lot zoned Lowrise 3 (L3), located on the east slope of Queen Anne Hill. The development site fronts on the north side of Galer Street between Taylor Avenue North and Aurora Avenue North. Galer Street is a 60 foot wide residential access street, with a roadway width of approximately 20 feet.

The L-3 zone extends in every direction of the subject site for several blocks south of the development site, then lessens in intensity further west and north of the subject site (L-1 to L-2). Development in the immediate vicinity corresponds with established zoning designations; the site is surrounded by single and multi-family residential development. Pockets of the Northeast Queen Anne Greenbelt exist north and south of the site, and Lake Union is east and down-slope of the development site. The site is not located in any mapped or observed environmentally critical areas.

### Proposal Description

The applicant proposes to subdivide one 5,131 square foot parcel (the “parent lot”) into five unit lots with the following lot areas:

- Unit Lot A: 1,283.59 square feet.
- Unit Lot B: 862.71 square feet.
- Unit Lot C: 883.69 square feet.
- Unit Lot D: 728.30 square feet.
- Unit Lot E: 1,387.67 square feet.

Parking for each unit lot will be provided within the proposed buildings for a total of five parking spaces on-site. Vehicular access to all units will be from Galer Street via a shared 10 foot wide ingress/egress easement. The existing structure was demolished per permit (Project No. 6096446).

### Public Comments

The extended public comment period for this proposal ended on December 7, 2006. The Department received three comment letters. Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD’s Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 ([PRC](#)).

### **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 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.*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Department (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. A more detailed discussion of Criterion No. 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 development site is not located in an environmentally critical area, nor was any environmentally critical area observed on-site; therefore SMC 25.09.240 is not applicable. Additionally, this provision is not applicable to unit lot short plats. Trees and other landscaping requirements were reviewed with the building permit application. The public use and interests 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 lot 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 unit lot subdivision proposal is for two townhouse structures: one two-unit townhouse and one three-unit townhouse. The structures, as reviewed under their separate building permits, conformed to the development standards at the time the permit applications were vested. Access and utility easements and joint use and maintenance easements have been executed for use of common areas and open space, and shall be recorded with the final plat documents.

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 unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit lot in this unit lot 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 is required.

**DECISION – UNIT LOT SUBDIVISION**

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

**CONDITIONS – UNIT LOT SUBDIVISION**

Non-Appealable Zoning Requirement

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

1. The applicant shall satisfy all outstanding Zoning and Addressing correction items;

Conditions of Approval Prior to Recording

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

2. The applicant shall satisfy all outstanding Zoning and Addressing correction items;
3. The final plat must reflect survey data, dated 11/27/06, specifically reflecting open space dimensions and unit lot line boundaries therein, as well as the 3.5 foot wide access easement between lots B and C;
4. The final plat shall include, on the face of the plat, the following Project Nos.: 6092791, 6096463, 6096446, 3004595;
5. 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;
6. Include the following on the face of the plat: *“The unit lots created by unit lot subdivision are not separate buildable lots. Additional development on any individual unit lot in this unit lot 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.”*;

