



City of Seattle
 Gregory J. Nickels, Mayor

Department of Planning & Development
 D. M. Sugimura, Director

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

Application Number: 3008029
Applicant Name: Brittani Ard
Address of Proposal: 909 NW 51st Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two unit lots (Unit Lot Subdivision). The construction of residential units has been approved under Department of Planning and Development (DPD) Project #6135587. 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 two lots as a unit lot subdivision.
 (Chapter 23.24 Short Plats, 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

Substantive Site Description

The subject property is 3,750 square feet in size and is zoned Lowrise 1 (L1). The areas immediately adjacent to the north, east, and west of the property are also zoned L1, while the area immediately to the south is in the Industrial Buffer (IB U/45).



The subject property has approximately 50 feet of street frontage to the north with NW 51st Street, which is developed with curbs, gutters, and sidewalks on both sides of the street pavement at this location. To the south, the property has approximately 50 feet of frontage with an existing gravel alley which provides access to the property from 9th Avenue NW. There is no mapped or observed City of Seattle designated Environmentally Critical Area (ECA) on the property.

Proposal Description

The applicant proposes to short subdivide the subject property into two unit lots. Proposed unit lot sizes are: Unit Lot A) 1,776 square feet and Unit Lot B) 1,777 square feet.

Vehicular access to each proposed unit will be achieved directly from the alley south of the subject property. As noted on the submitted short plat, the southernmost five-foot (5') by fifty-foot (50') portion of the subject property will be dedication to the City of Seattle for alley purposes pursuant to this subdivision.

A blanket Utility Easement has also been granted, over, under, and across the entire subject property, for the benefit of the unit lots within this subdivision. This easement is proposed to include, but is not limited to, underground waterlines, power, gas, telephone, telecable, sanitary sewer, and storm water. Building repair, maintenance, and emergency access will also be provided under this blanket Utility Easement, as noted on the submitted short plat plan set.

Off-street parking for one car per unit within each unit is proposed with this application. A permit for the establishment of land use for residential units and construction of two units has been reviewed and approved under DPD Project #6135587.

Public Comment:

The comment period for this proposal ended on November 14, 2007. During this period, no written comment letters related to this project were received.

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;*
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 (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments or review approvals from Zoning (DPD), Addressing (DPD), Building Plans (DPD), Drainage (DPD), Water (SPU), City Light (SCL), Fire Department (SFD), 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. 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 proposed and/or conditioned, this short subdivision will be provided with pedestrian and vehicular access and public and private utilities with right-of-entry. 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 proposed site is not located within an ECA and is also a unit lot subdivision; therefore, SMC 25.09.240 is not applicable. 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 within the City.

ANALYSIS –UNIT LOT SUBDIVISION

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. A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. 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.*
- G. 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 residential units, as reviewed under a separate building permit, will conform to the development standards in place at the time that the permit application was vested. To ensure that future owners have sufficient notice that additional development may be limited; the applicant has appropriately added a note to the face of the short plat that reads as follows: *“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 is provided on the short plat.

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. Please include any required easement descriptions provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected unit lots.
2. 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 shall be identified on the plat and encroachments such as side yard easements, fences, or structures shall be shown. Please make sure that the lot areas of each parcel are included on the recording documents.
3. Submit the recording fee and final recording forms for approval.

