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: 3008065

Applicant Name: Brittani Ard for Columbia Rim Corporation

Address of Proposal: 7538 24th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into four (4) 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 four (4) townhouse structures include Project Nos. 6132677 and 6121923. The subject of this analysis and decision is limited to the subdivision of land.

The following approval is required:

Short Subdivision - to create four (4) unit lots (SMC Chapter 23.24).

SEPA DETERMINATION: [X] 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 approved under Project No. 6121923

Substantive Site Characteristics:

The subject site, the "parent lot", is a 4,090 square foot lot zoned Lowrise 3 (L3). The development site is located on the east side of 24th Avenue Northwest, between Northwest 75th Street and Northwest 77th Street in Seattle's Loyal Heights neighborhood. Twenty-fourth Avenue Northwest is a 66 foot wide minor arterial. A 14 foot wide concrete alley abuts the property to the east.

The L3 zone extends for one block along this stretch of 24th Avenue Northwest. Further north along 24th Avenue Northwest, north of Northwest 77th Street, the zone changes to Neighborhood Commercial

(NC2 40); there is a change in zone to Lowrise 1 (L1) south of Northwest 75th Street. East and west of the 24th Avenue Northwest corridor the zone is predominantly Single Family (SF 5000).

Development in the immediate vicinity corresponds with established zoning designations; the site is surrounded by single and multi-family residential development. Loyal Heights Playfield is east of the site, and Loyal Heights Elementary is northwest of the subject site. The site is not located in any mapped or observed environmentally critical areas.

Proposal Description

The applicant proposes to subdivide one 4,090 square foot parcel (the "parent lot") into four unit lots with the following lot areas:

- Unit Lot A: 1,023.4 square feet
- Unit Lot B: 1,024.6 square feet
- Unit Lot C: 1,001.7 square feet
- Unit Lot D: 1,004.9 square feet

Parking for each unit lot will be provided within the proposed buildings, for a total of four parking spaces on-site. Vehicular access to all units will be from the alley via shared 10 foot wide ingress, egress easement. As the alley does not meet the required minimum right-of-way width for an existing alley (16 feet), a dedication of one (1) foot shall be provided to the City of Seattle (SMC 23.53.030).

Public Comments

The public comment period for this proposal ended on November 7, 2007. The Department received two 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 (http://www.seattle.gov/dpd/PRC/LocationHours/default.asp).

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 were any environmentally critical areas 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 proposed development is for two, two-unit townhouse structures. The structures, as reviewed under their separate building permits, conform 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

1. Provide to the undersigned Land Use Planner a copy of the recorded document reflecting the one (1) foot alley dedication to the City of Seattle (SMC 23.53.030).

Conditions of Approval Prior to Recording

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

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. 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."

4. 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.

5. Provide an area to allow for the posting of address signage for lots C and D at a location visible from 24th Avenue Northwest, and provide a covenant and/or an easement to ensure that the

address signage will be maintained. The address sign must be located outside of the required site triangle area, or must comply with SMC 23.54.030 G.

6. After recording, add the conditions of approval 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 ___."

7. Include an easement to provide for (any) electrical facilities and service to the proposed lots if required by Seattle City Light.

8. Submit the final recording forms for approval, and any necessary fees.

For the Life of the Project

9. The owner(s) and/or responsible party(s) shall 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: January 31, 2008
Catherine McCoy, Land Use Planner
Department of Planning and Development

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