



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: 3008127
Applicant Name: Brittani Ard
Address of Proposal: 3500 Troll Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into five unit lots (Unit Lot Subdivision). The construction of residential units has been approved under Department of Planning and Development (DPD) project number 6064163. 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:

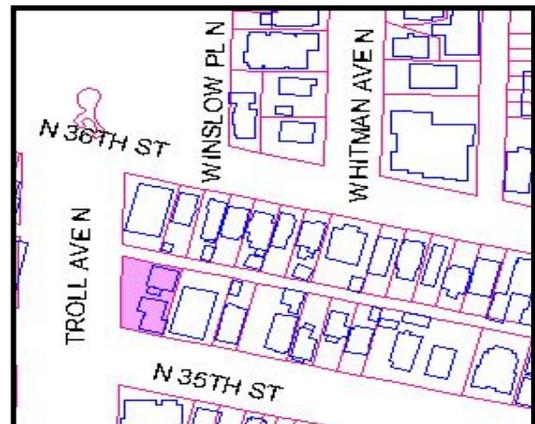
Short Subdivision - to subdivide one existing parcel into five lots as a unit lot subdivision. (Chapter 23.24 Short Plats, Seattle Municipal Code)

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 6,070 square feet in size and is zoned Lowrise 2 (L2). The subject property is located immediately east of the State Route (SR) 99 (Aurora Avenue) right-of-way (ROW) and Troll Avenue North, which runs north-south underneath SR 99 at this location. Areas east and west of the subject property are similarly zoned L2. The areas to the north of the subject property are zoned Lowrise



Duplex/Triplex (LDT), while the areas to the south are zoned Lowrise 3 (L3). The subject property has approximately 102 feet of street frontage to the west with State Route 99 and Troll Avenue North and approximately 49 feet of street frontage to the south with North 35th Street. North 35th Street is improved with curbs, gutters, and sidewalks on both sides of the street pavement at this location. The subject property is also bound on the north by approximately 71 feet of frontage with a concrete alley. 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 five unit lots. Proposed unit lot sizes are: Unit Lot A) 955 square feet, Unit Lot B) 782 square feet, Unit Lot C) 906 square feet, Unit Lot D) 1,853 square feet; and Unit Lot E) 1,562 square feet.

Vehicular access to each proposed unit will be achieved directly from the concrete alley to the north of the subject property. An Ingress, Egress, and Parking Easement has been provided on the submitted plan set, and provides suitable vehicle access from the concrete alley to the six off-street parking spaces proposed for this development.

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.

Public Comment:

The comment period for this proposal ended on November 21, 2007. During this period, one written comment letter (e-mail) related to this project was 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 Departments (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. 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 ___.”*
2. Seattle Public Utilities (SPU) previously issued Water Availability Certificate 20071330 requested for building permit application 6064163. SPU did not approved the review requested under this application (3008127), stating that a new water meter must be located on North 35th Street and a new DI main shall be installed in Troll Avenue North. This work was completed in order to receive Water Availability Certificate 20071330 and documentation of this completed work shall be provided by the applicant to DPD and SPU in order to receive a Water Availability Certificate under the review of this

application (3008127). A Water Availability Certificate must be granted by SPU under the review of this application (3008127) and provided to DPD prior to recording.

3. 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.
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 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.
5. Submit the recording fee and final recording forms for approval.
6. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.

For the Life of the Project

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

7. 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: February 21, 2008

Mike Reid, Land Use Planner
Department of Planning and Development

MR:bg