



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: 3008172
Applicant Name: Mark Putzke, Chandler Homes
Address of Proposal: 1153 N 85th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three unit lots (Unit Lot Subdivision). The construction of a single-family residence with attached common garage and a townhouse has been approved under Project 6126457. 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 two parcels into three unit lots.
(Chapter 23.24, Seattle Municipal Code)

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: Multifamily Residential Lowrise 2 (L-2).

Prior Uses on Site: One single family house

Substantive Site Characteristics:

This 3,797 square foot subject site (the "parent lot") is a rectangular lot that fronts on North 85th Street to the north and a gravel alley to the south. The lot is



located within a Residential, Multifamily, Lowrise 2 (L-2) zone. Across 85<sup>th</sup> to the northwest is Residential, Multifamily, Lowrise 3 (L-3) with L-2 directly across the street. The areas across the alley to the south and across Stone Avenue to the east are zoned Single-Family 5000. The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 3,797 square foot parcel, the “parent lot,” into three unit lots with the following lot areas:

- Unit Lot A – 1,268.9 square feet
- Unit Lot B – 900.7 square feet
- Unit Lot C – 1,628.4 square feet

Vehicular access for required parking for all proposed Unit Lots will be from an Ingress, Egress and Utility Easement which runs north from the gravel alley along the southern portion of Unit Lot C. The required parking for the three unit lots will be accommodated by the attached garage within Unit Lot C. There are pedestrian easements on both the western and eastern boundaries to serve as access for all unit lots to North 85<sup>th</sup> and to the parking area on the alley.

Public Comment:

The comment period for this proposal ended on December 12, 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; and*
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.*

Conformance with the applicable regulations in the Land Use Code was determined at the time the building permit applications were approved. Each lot will be provided with vehicular access (including emergency vehicles), pedestrian access, and public and private utilities either through adjacency to the public right-of-way or through the private ingress/egress easement from the alley. The existing property has water and sewer service and additional connections will be made

for the new units during the building permit process. Storm drainage is also available in 85<sup>th</sup> Street. The adequacy of the provisions for drainage control, water supply, and sanitary sewage disposal for each lot have been reviewed and approved by appropriate City staff.

The public interest is expressed by the zoning designation of the site and the development regulations as an expression of the City's Comprehensive Plan goals and policies. The L-2 zone is intended for multi-family development at a density of one unit per 1,200 square feet of lot area. This project will result in an average lot size of 1,265.6 square feet. Comprehensive Plan goals include accommodation of additional households, preservation of housing affordability, achievement of a mix of housing types and expansion of owner-occupied housing opportunities. This project would expand the number of housing units on the site from one to three, provide a housing type (townhouses) that is generally more affordable than single family dwellings and the unit lot subdivision would allow for individual unit ownership.

The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable; additionally, this regulation does not apply to unit lot subdivisions. Tree and other landscaping requirements were considered under the building permit review.

### **CONCLUSIONS - SHORT SUBDIVISION**

The lots to be created by this short subdivision are consistent with applicable development standards set forth in the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access (including emergency vehicles), public and private utilities and pedestrian access. 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 public use and interest are served by the proposal since the zoning use and density standards will be met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the short subdivision decision criteria have been met subject to the conditions imposed at the end of this decision. Detailed discussion of Criterion #7 follows below.

### **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.

#### *SMC 23.24.045 Unit Lot Subdivisions*

- A. *Provisions of this section 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 Department of Records and Elections.*
- F. The facts 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.*

This application involves the creation of unit lots for a townhouse development. The parent lot for the project was reviewed for compliance with development standards at the time of permit issuance. An access easement as well as a joint use and maintenance agreement has been provided as part of the recording documents. Each unit has a space in the common garage for its required parking space. A note explaining the limitations on unit lots has been included on the recording document.

### **CONCLUSIONS – 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 new structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. Constructive notice that additional development may be limited is provided to future owners through a note on the face of the plat.

### **DECISION – UNIT LOT SUBDIVISION**

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

**CONDITIONS**

*Conditions of Approval Prior to Recording*

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

1. Include any required easement description 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 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. The lot areas of each parcel shall be shown on the recording documents.
3. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
4. Submit the recording fee and final recording forms for approval.

*For the Life of the Project*

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

5. 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 3, 2008  
Nora Gierloff, Land Use Planner  
Department of Planning and Development

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