



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: 3008456  
 Applicant Name: Marc Wilson, White Lightning Development  
 Address of Proposal: 5609 Phinney Av N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into four unit lots (Unit Lot Subdivision). The construction of residential units has been approved under Project No. 6143519. 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 parcel into four unit lots.  
 (Chapter 23.24, 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**

Zoning: Multifamily Residential Lowrise 3 (L-3).

Use on Site: One single family house

Substantive Site Characteristics:

This 4,500 square foot subject site (the “parent lot”) is a rectangular lot that fronts on Phinney Avenue North and is directly across from the grounds of the Woodland Park Zoo. The adjacent lot to the north contains a 20 unit apartment building. The adjacent lot to the sound has a single family home. The lot adjacent to the west has a triplex.



The subject site is located within an area zoned Residential, Multifamily Lowrise 3 (L-3) which extends to the north and south. The areas adjacent to the east and west are zoned Single-Family Residential 5000 (SF5000). The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 4,500 square foot parcel (the “parent lot”) into four unit lots with the following lot areas:

- Unit Lot A – 1,291.6 square feet
- Unit Lot B – 976.4 square feet
- Unit Lot C – 1,117.0 square feet
- Unit Lot D – 1,115.0 square feet

Vehicular access for required parking for all proposed unit lots will be via an ingress, egress, and utility easement that runs west from Phinney Avenue North along the northern portion of the parent lot to an area between the proposed buildings. Parking is within each building and can be accessed via this easement. Pedestrian access to Unit Lots A and B is from street frontage on Phinney Avenue North. Pedestrian access is provided to Unit Lots C and D by the vehicle easement.

A Building Permit for the demolition of an existing house, establishment of a multifamily use, and construction of two buildings with attached garages has been reviewed and approved under Project No. 6143519. The subject of this analysis and decision is limited to the subdivision of land.

Public Comment:

The comment period for this proposal ended on February 2, 2008. During this period, one written comment letter related to this project was received asking about the intent and timing of the unit lot subdivision process.

**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. In the L3 zone one housing unit is allowed per 800 square feet of lot area. The 4,500 sq. ft. “parent lot” would allow development of six units.

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 and utility easement. The existing property has water, sewer and storm drainage available and additional connections we're reviewed during the building permit process. 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 served by expanding the number of housing units on the site from one to four, providing 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. 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 have been provided as part of the recording documents. Each unit has an attached garage on its own lot for its required parking space. A note explaining the limitations on unit lots has been included on the recording document.

#### **CONCLUSIONS - SHORT 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 townhouses, 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 – UNIT LOT SUBDIVISION**

##### *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. 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:

4. 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 18, 2008  
Nora Gierloff, Land Use Planner  
Department of Planning and Development

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