



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: 3008546
Applicant Name: Brittani Ard
Address of Proposal: 1737 NW 58th Street

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. 6155314. 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.

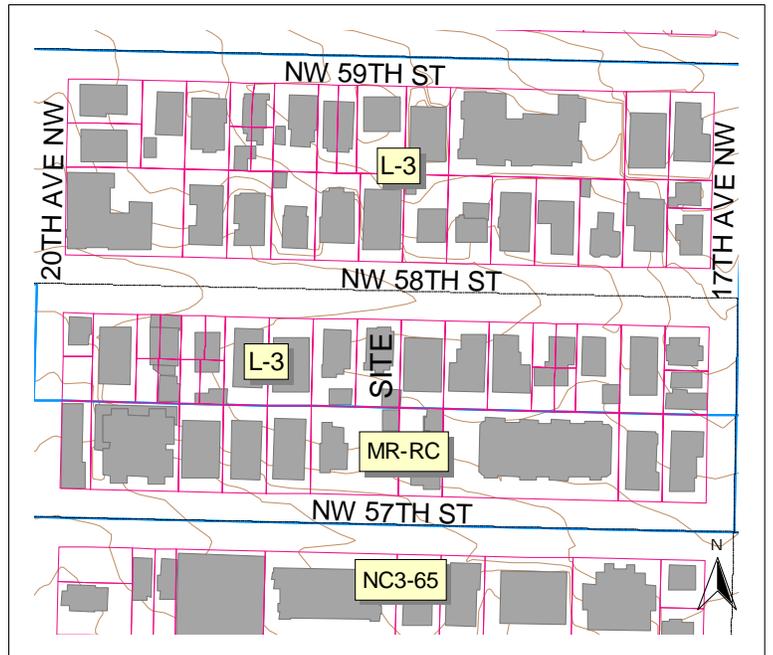
BACKGROUND DATA

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

Uses on Site: One single family house.

Substantive Site Characteristics:

This 4,997.5 square foot subject site (the “parent lot”) is a rectangular mid-block lot that fronts on NW 58th Street. The lot has 49.97 feet of street frontage and a lot depth of 100.01 feet. NW 58th St at this location is developed with street pavement, curbs, gutters and separated sidewalks. The site as well as the area to the north is zoned Multifamily Residential Lowrise 3 (L-3). The lots to the rear of the site adjacent to NW 57th Street are zoned MR-RC. The site is not located in any mapped critical areas.



Proposal Description:

The applicant proposes to subdivide one 4,997.5 square foot parcel (the “parent lot”) into four unit lots with the following lot areas:

- Unit Lot A – 1,211.3 square feet.
- Unit Lot B – 1,313.1 square feet.
- Unit Lot C – 1,236.9 square feet.
- Unit Lot D – 1,236.2 square feet.

Vehicular access for required parking for all proposed unit lots will be via an ingress, egress, and utility easement that runs south from NW 58th Street along the eastern 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 NW 58th Street. Pedestrian access is provided to Unit Lots C and D by the vehicular easement.

A permit for the demolition of the existing house, establishment of a townhouse use, and construction of two buildings with attached garages has been reviewed and approved under Project No. 6155314. 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 27, 2008. 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.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the Lowrise Zones. The L-3 zone is intended for multi-family development at a density of one unit per 800 square feet of lot area. At 4,997.5 sq. ft., the proposal site could accommodate up to 6 residential units. The density standard stated in SMC 23.45.008 is met for the development as a whole. The proposal conforms to applicable development standards. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. The lots are provided vehicular access from NW 58th Street, consistent with the requirements of the Land Use Code. Seattle City Light provides electrical service to the subject property and will require an easement for overhead and underground infrastructure be included on the final plat prior to recording. The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.
3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities and Water Availability Certificate No. 20080156, issued on February 5, 2008. The existing property is connected with a side sewer to a 10 inch public sanitary sewer main located in NW 58th Street. New construction with discharge to the sanitary sewer requires a side sewer permit. The existing property is served by the public storm drainage system in NW 58th Street. Plan review requirements regarding stormwater were made at the time of building permit application. The proposal contains a joint use and maintenance agreement for storm drainage and sewer facilities.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. 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 meets all criteria for a short plat/unit lot subdivision, therefore the public use and interests are served by granting the proposal.
5. There are no environmentally critical areas mapped or otherwise observed on the site, therefore SMC 25.09.240 is not applicable. Additionally this regulation does not apply to unit lot subdivisions.
6. The Screening and Landscaping Requirements of SMC 23.45.015 require trees for new development in Lowrise zones and have been reviewed for consistency under building permit Project #6155314.
7. The project is evaluated against the provisions of SMC 23.24.045 below.

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/unit lot 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 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.*

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.

For ground related development, L3 zoning requires an average of three hundred (300) square feet per unit of private, usable open space at ground level and directly accessible to each unit. No unit shall have less than two hundred (200) square feet of private, usable open space (SMC 23.45.016 A3a1). The proposed plat delineates the following amounts of qualifying open space:

- Unit Lot A – 344 square feet.
- Unit Lot B – 228 square feet.
- Unit Lot C – 355 square feet.
- Unit Lot D – 355 square feet.

The average size of the above open spaces is 320.5 square feet.

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 – 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 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 AND SHORT 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. Seattle City Light requires an easement to provide for electrical facilities and service to the proposed lots so the final plat shall include the following statement, “*An easement is granted to Seattle City Light as shown on page __ of __.*” Include the required easement description provided by Seattle City Light in the legal descriptions of the affected Unit Lots.
2. Provide a storm drainage easement to NW 58th Street. Additionally if joint use is proposed please include joint use and maintenance language. Please revise the plans accordingly.
3. 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.
4. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
5. 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:

6. 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)
Nora Gierloff, Land Use Planner
Department of Planning and Development

Date: July 3, 2008