



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: 3008668
Applicant Name: Bart Mitchell, Noland Homes
Address of Proposal: 3633 Greenwood Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into four unit lots (Unit Lot Subdivision). The construction of townhouses has been approved under Project No. 6143378. 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.

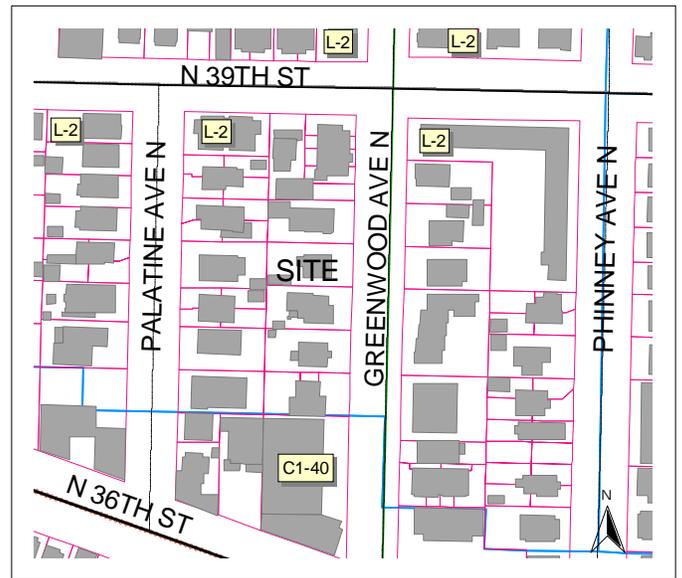
BACKGROUND DATA

Zoning: Multifamily Residential Lowrise 2 (L-2).

Uses on Site: One single family house.

Substantive Site Characteristics:

This 5,004 square foot subject site (the “parent lot”) is a rectangular mid-block lot that fronts on Greenwood Avenue North. The site as well as the surrounding area is zoned Multifamily Residential Lowrise 2 (L-2). The area at the south of the block adjacent to N 36th street is zoned C1-40. The site is not located in any mapped critical areas.



Proposal Description:

The applicant proposes to subdivide one 5,004 square foot parcel (the “parent lot”) into four unit lots with the following lot areas:

- Unit Lot A – 1,236 square feet.
- Unit Lot B – 1,142 square feet.
- Unit Lot C – 1,314 square feet.
- Unit Lot D – 1,312 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 Greenwood 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 Greenwood Avenue North. Pedestrian access from Greenwood Avenue North is provided to Unit Lots C and D by a separate pedestrian easement.

A Master Use Permit for the demolition of an existing house, establishment of a townhouse use, and construction of two townhouse buildings with attached garages has been reviewed and approved under Project No. 6143378. 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 density standard stated in SMC 23.45.008 of one unit per 1,200 sq. ft. of lot area is met since the 5,004 sq. ft. parcel would allow four units and four have been approved. The buildings were evaluated against the applicable development standards at the time of building permit review. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. 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 Greenwood Avenue N, consistent with the requirements of the Land Use Code. Seattle City Light provides electrical service to the subject property and may require an easement for overhead and underground infrastructure. If Seattle City Light requires an easement, it shall 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. 20080200, issued on February 13, 2008. New construction with discharge to the sanitary sewer requires a side sewer permit. Plan review requirements regarding stormwater were made at the time of building permit application.
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 proposed subdivision will meet all the applicable Land Use Code provisions. Therefore, the public use and interests are served by permitting the proposed subdivision of land. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. 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.
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 Project #6143378.
7. SMC 23.24.045 provides that sites developed or proposed to be developed with townhouses, cottage housing developments; residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

“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, Chapter 23 of the Seattle Municipal Code.”

The conformance of the proposed development as a whole with the applicable Land Use Code provisions has been reviewed under a separate project (Project #6143378). Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of SMC 23.24.045 for Unit Lot Subdivisions.

CONCLUSIONS - SHORT SUBDIVISION

The unit 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, 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 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 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. 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. The note must be recorded with the plat, and will thus satisfy this requirement.

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. If Seattle City Light requires an easement to provide for electrical facilities and service to the proposed lots the final plat shall include the following statement, “*An easement is granted to Seattle City Light as shown on page __ of __.*” Include any required easement description provided by Seattle City Light in the legal descriptions of the affected Unit Lots.
2. Include the Joint Use/Maintenance Agreement on the final plans which shall include, if needed, the common sidesewer 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. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
5. Add the conditions of approval after recording (i.e. “For the Life of the Project”) on the face of the plat.
6. 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.
7. 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:

8. 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: March 6, 2008

Nora Gierloff, Land Use Planner
Department of Planning and Development