



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: 3008800
Applicant Name: Debora Goodman
Address of Proposal: 2449 55th Avenue S.W.

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three unit lots. The construction of residential units has been approved under Project #6166168. 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 lot and not to each of the new unit lots. The existing two unit residential structure (duplex) will be legally removed per demolition Permit #6168527.

The following approval is required:

Short Subdivision - to create three unit lots. (SMC Chapter 23.24)

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: Residential, Multi-family, Lowrise Duplex/Triplex (LDT).

Uses on site: Two unit residential structure (Duplex).

Substantive Site Characteristics

The approximately 5,136 square foot subject site ("Parent Lot") is between S.W. Lander Street and Alki Avenue S.W. in the West Seattle Neighborhood of the City of Seattle. The property is approximately a block from Alki Beach. The site and surrounding area is zoned Lowrise-duplex-Triplex (LDT). The area to the north is zoned L-2 with an AL Overlay (Alki Parking Overlay District). Single-family zoning is to the south (SF7200), west (SF5000) and east (SF7200). All are in the AL Overlay District. There is an area to the northwest along Alki Avenue S.W. that is zoned Neighborhood Commercial (NC1-30'). The site is relatively flat and is not located in a designated environmentally critical area. The site contains a residential structure (duplex) which will be legally removed per demolition Permit #6168527. There is a 16-foot wide concrete alley adjacent to the west property line and adjacent to the east property line is 55th Avenue S.W. which is a two lane paved street with sidewalks, curbs and gutters on both sides. The site has approximately 39.99-feet of street frontage on 55th Avenue S.W. and is approximately 128.42-feet deep. The immediate and surrounding areas are predominately single-family and multi-family use. Vehicular access for the site is from an existing 16-ft wide concrete alley. Site vegetation includes grass and shrubs.

Proposal

The applicant proposes to subdivide one parcel into three unit lots with the following areas: Unit Lot A) 1,434 square feet, Unit Lot B) 1,404 square feet; and Unit Lot C) 2,298 square feet. The existing two unit residential structure (duplex) is to be legally removed per demolition permit #6168527. Open space would be provided on each unit lot. Parking will be provided within each structure at ground level and accessed via an ingress, egress and pedestrian access easement from a 16-ft. wide concrete alley. Finally, the unit lot subdivision, as conditioned, would provide an easement or covenant for address signage for the proposed unit lots without street frontage (Unit Lot C).

Public Comment

One public comment letter was received during the comment period which ended on May 13th, 2009. The comment letter expressed concern with the architectural style and lack of visual interest of the recently constructed townhouses located on the site.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) criteria to determine whether to grant condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection, as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
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. *Whether the proposed division of land 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, and*
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 from DPD, Water (SPU), the Fire Department (SFD), and Seattle City Light; 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 unit lots to be created by this short subdivision would meet all minimum standards or applicable exceptions set forth in the Land Use Code, and would be consistent with applicable development standards. As conditioned, this unit lot short subdivision could be provided with vehicular access and both public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply (Water Availability Certificate ID No. 20090219), and sanitary sewage disposal have been provided for each lot, and service is assured, subject to standard conditions governing utility extensions. The unit lot short plat would not affect tree retention. The public use and interest would be served by the proposal because all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, unit lot subdivisions, is required 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 developments, residential cluster developments, or single-family residences. Section 23.24.045 requires the following:

- 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. *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.*
- 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.*

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 proposed development would consist of two townhouse units and one single family unit. The structures, as reviewed and approved under a separate building permit must conform to the development standards at the time the permit application is approved for issuance.

To assure that future owners have constructive notice that additional development may be limited; the applicant has included the following note on the plat: *“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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.”* In addition, a joint use/maintenance agreement has been added to the face of the plat, and a City Light easement would be provided for electric service. Furthermore, open space would be provided on each unit lot. Parking will be provided within each structure at ground level and accessed through an ingress, egress and pedestrian access easement from a 16-ft wide concrete alley. Finally, the unit lot subdivision, as conditioned, would provide an easement or covenant for address signage for the proposed unit lot without street frontage (Unit Lot C).

DECISION – UNIT LOT SUBDIVISION

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

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. On the face of the plat, provide for an address sign, for the benefit of Unit Lot C, at a location visible from 55th Avenue S.W. and provide an easement, covenant, or other legal agreement to allow for proper address signage.
2. As applicable, 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 ___.”
3. On the face of the plat, provide easement language for electric service as specified by Seattle City Light Easement (Exhibit P.M. #240310-4-016).
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 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. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
5. Submit the final recording forms and any final fees for approval.
6. Insert the following on the face of the plat: “the unit lots are not separate building sites” 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.” “Pursuant to applicable provisions of the Seattle land Use Code, Chapter 23 of the Seattle Municipal Code.”

Prior to Issuance of any Building Permit

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)
Joan Carson, Land Use Planner
Department of Planning and Development

Date: August 24, 2009