



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: 3008879
Applicant Name: Jennifer McCully for Kohary Construction Inc.
Address of Proposal: 8509 9th Avenue NW

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into five unit lots (Unit Lot Subdivision). The construction of residential units has been approved under Project 6143726. 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 five 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: Multifamily Residential Lowrise 2 (L-2)

Prior Uses on Site: One single family house to be demolished

Substantive Site Characteristics:



The 6,187 sq. ft. parent lot is a rectangular corner lot at NW 85th Street and 9th Avenue NW in the Crown Hill neighborhood. The lot is located within a Lowrise 2 (L-2) zone with the L-2 zoning continuing to the east and west. Directly adjacent to the north is Single-Family 5000 zoning. Across 85th to the south is Lowrise 1 (L-1). The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 6,187 square foot parcel, the “parent lot,” into five unit lots with the following lot areas:

- Unit Lot A – 1,290 square feet
- Unit Lot B – 1,097 square feet
- Unit Lot C – 1,098 square feet
- Unit Lot D – 1,099 square feet
- Unit Lot E – 1,603 square feet

Construction permits for a five unit, three story townhouse building have been issued on this site. Vehicular access for required parking for all proposed Unit Lots will be from 9th Avenue NW as there is no alley. The required parking for the unit lots will be provided by attached garages within each townhouse unit. Private open space will be provided in each rear yard.

Public Comment:

The comment period for this proposal ended on April 23, 2008. During this period, one written comment letter related to this project was received. The author expressed concerns about the number of townhouse projects being built in the area and the resulting loss of trees, parking shortages and affect on property values.

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 application was issued. Each lot will be provided with vehicular access

(including emergency vehicles), pedestrian access, and public and private utilities through adjacency to the public right-of-way. The existing property has water and sewer service and additional connections will be made for the new units during the building permit process. Water availability letter 20080434 has been issued for the site. 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 compliance by the application with applicable development regulations. The L-2 zone is intended for multi-family development at a density of one unit per 1,200 square feet of lot area. At 6,187 sq. ft. the proposal site could accommodate up to 5 residential units. This project would expand the number of housing units on the site from one to five, 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 meets all criteria for a short plat/unit lot subdivision, therefore the public use and interests are served by granting the proposal.

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/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. The approval of the building permits demonstrates that the development as a whole meets all applicable development standards.

For ground related development, L2 zoning requires an average of three hundred 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 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 – 322.25 square feet
- Unit Lot B – 276.23 square feet
- Unit Lot C – 278.44 square feet
- Unit Lot D – 280.66 square feet
- Unit Lot E – 842 square feet

The average size of the above open spaces is 344.6 square feet.

Access easements for the shared driveways, an addressing easement, a utility and emergency access easement as well as common wall and open space agreements been provided as part of the recording documents. 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 structure as reviewed under the building permit conforms 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. In the Approval Section, change the SMC chapter code to read 23.24
3. Include the Joint Use/Maintenance Agreement on the final plans which shall include, if needed, the common side sewer and storm drainage that will serve the proposed unit lots.
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. The lot areas of each parcel shall be shown on the recording documents.
5. Revise Note 4 on page 1 of the plat to read: “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.”
6. Add the conditions of approval after recording (i.e. “For the life of the project”) on the face of the plat.
7. Post an address sign to benefit all units at a location visible from NE 85th Street and provide an easement, covenant, or other legal agreement to ensure that the address signage is maintained.
8. 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:

9. 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: May 08, 2008

Nora Gierloff, Land Use Planner
Department of Planning and Development

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