



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:** 3009001  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 1985 Gilman Drive NW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into four unit lots. The construction of residential units has been approved under Project #6131852. 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 create unit lots. (SMC Chapter 23.24).

**SEPA DETERMINATION:**  EXEMPT  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site & Area Description**

The 5,989 square foot site, triangular shaped lot is zoned multi-family, Lowrise, L-2, and located between 11<sup>th</sup> Ave. W and 12<sup>th</sup> Ave W. The site is currently developed with a single family home. Two parcels are being joined for the purpose of this development. Issued MUP 3007595 for construction imposes conditions upon subsequent development, including platting, which are reflected in the conditions of approval below.

Approximately 1/3<sup>rd</sup> of the site slopes down to the west with approximately 20 feet difference between the highest and lowest elevation. It was determined under review (ECA Exemption 6113393) that the slopes were created by previous legal grading to create the Right-Of-Way (12<sup>th</sup> Av. W). The Department's mapping identifies a Landslide Hazard on the subject site and this was confirmed by a field investigation report prepared by Geo Group Northwest, Inc. No other Environmentally Critical Areas have been identified on the site. The site includes five trees in the northern portion of the lot and also includes a permanent landscaping plan (see below) for the required open space which should enhance the ecological function on the site.

Zoning in the immediate area is L-2 (one unit per 1200 sq. ft. base density) with L-1 zoning surrounding the L-2 on three sides to the east, south and west that is developed with a mix of multifamily and single family residential units. City of Seattle Parks Department land provides a green belt along the slopes one block to the west. The (City owned) Interbay Golf Course is three blocks to the west and there is a Burlington Northern rail yard located four blocks to the west.

The site is bounded on three sides by right-of-way. The west property line is bounded by 12<sup>th</sup> Ave W., on the east property line is bounded by Gilman Drive W and the intersection of the two streets on the north property line. Gilman Drive W. is designated as a minor arterial street and is improved as a "boulevard" with approximately 40 ft. of landscaped median and 15 ft. of roadway to the east and approximately 30 ft. of roadway to the west bordering the subject site. 12<sup>th</sup> Ave W. is not an arterial however it is also a boulevard with approximately 20ft of landscaped boulevard and approximately 18 ft. of roadway along the west property line of the subject site. Both Gilman and 12<sup>th</sup> Ave W offer sidewalks however the roadways are not fully developed and currently there is no curb or gutter along Gilman Drive W and something less than the City standard for curb and gutter along 12<sup>th</sup> Ave W. The future unit lot subdivision was contemplated in the SEPA review pursuant to DPD MUP Project No. 3007595. That decision was conditioned in a fashion carrying through to future applications, including this application. The pertinent conditions have to do with maintaining approved landscaping, and providing a covenant to notify all future occupiers and owners of the land of the landscape risks. These conditions have been required to be added to the face of the plat.

### Proposal

The application is to plat the four new townhouse units into separate unit lots, with accessory, uncovered parking at the SE corner of the lot utilizing a wood framed and concrete surfaced parking pad previously constructed on the site. The project as proposed will meet all of the required development standards for the zone including those for height, structure width and depth, lot coverage, open space and landscaping.

Public Comment

One commenter Expressed concerns that #1. Too many unit lots for the size of the original parcel. #2. Changes original concept from condominiums with a single lot to townhomes (4 individual lots) no prior approval from neighbors was asked for or given. #3. Quality of construction is poor. Retaining wall is too thin with insufficient rebar. Columns contained numerous air holes. Second pour was over the bad columns.

**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, 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. *Is designed to maximize the retention of existing trees;*
7. *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 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 2 or more lots from 1 lot with more than 1 existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Department (SFD), 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. Seattle City Light will require an easement; provision of such easements is a condition of approval. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. 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 proposal comports with the criteria of SMC 25.09.240. The proposed plat maximizes the retention of existing trees, as ruled by the building permits. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

**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.

- 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. *Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, 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. For example, a condition is imposed to provide for common use and maintenance of utilities. Additional development on any individual lot in this unit 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. A joint use and maintenance agreement has been provided on the plat. Provisions for addressing have been provided.

**DECISION - SHORT (UNIT LOT) SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Conditions of approval prior to recording are to be met, but they are not to be printed onto the plat to be recorded).

**CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

1. Provide an easement for electrical facilities and service to the proposed lots as required by Seattle City Light on the final short subdivision.
2. Add a note to the face of the plat, "Landscaping approved pursuant to MUP 3007594 must be in place, protected and maintained per plan." The landscaping plan approved pursuant to 3007595 must be submitted to enable such comparison.
3. Add to the face of the plat and to legal descriptions all documents recorded as a result of the sewer permit(s), including a memorandum of drainage control and a connection agreement.

*Prior to Issuance of any Building Permit*

4. The owner(s) and/or responsible party(s) shall 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: November 27, 2008  
Paul Janos, Land Use Planner  
Department of Planning and Development

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