



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:** 3009061  
**Applicant Name:** Laura Weiss  
**Address of Proposal:** 3446 23<sup>rd</sup> Avenue W.

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into three (3) unit lots. The construction of a 2 unit townhouse structure on the site has been approved under Project 6134861 and the existing single family structure will remain. A prior State Environmental Policy Act (SEPA) review was conducted under project 3006260, for the development of multi-family units on a site that contains an Environmentally Critical Area (ECA). 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:

**Unit Lot 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: Low-Rise (L-1)

Date of Site Visit: N/A

Uses on Site: One single family structure and one multifamily structure in a multi-family zone.

### Substantive Site Characteristics

This property is located at the bottom of the hillside on the east side of the Magnolia neighborhood, near the intersection of 23<sup>rd</sup> Ave. W and W Ruffner Street and the site is zoned Lowrise (L-1). The zoning changes several times in a 3 block radius. Heading west, on the next block and across the alley, the zoning changes to Single Family (SF5000). One block further west across the arterial 24<sup>th</sup> Ave W, the zoning changes back to a multifamily zone (L-3) with several large multifamily buildings, on the hillside. Mid-block across the street to the east, the zoning changes to L-3 and then changes again to Industrial (IG1 U/45) one block further to the east across the arterial Gilman Ave. W, where a railroad yard begins. Similar zoning patterns exist to the north and south of the site except for a small pocket of Commercial zoning (C2-40) zoning to the southeast along W. Bertona Street and 20<sup>th</sup> Ave W. A city park is located a few blocks to the northwest.

The subject property slopes 18ft to the east, contains some landscaping typical to a residential lot and has an existing single family residence that will remain. The alley to the east is unopened and only provides informal access to a half dozen lots at the southern end of the block. Construction of the previously approved townhouses on the back of the lot is underway (reviewed and approved under project 6134861). The street, 23<sup>rd</sup> Ave. W., is improved with curb, gutter, sidewalk, and paving.

### Public Comment

No public comment letters were received during the comment period which ended May 7, 2008.

A correction letter was issued April 18, 2008. The applicant requested and was granted a 6 month extension to respond to corrections. Corrections were submitted October 7, 2008

### 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 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;*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (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 lots

created by this short subdivision will meet all minimum standards or applicable exceptions of the 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 site is located in a mapped environmentally critical area, landslide / potential slide and an environmentally critical areas review under SMC 25.09.240 was approved in 7/11/08 (Project 3006260). Tree and other landscaping requirements were considered under the building permit review (Project 6134861). The public use and interest are served by the proposal since 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, 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. *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. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*

F. *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.*

G. *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 is a two (2) unit multi-family residential structure and the existing single family structure will remain. The structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant is required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: *“The lots created by unit subdivision are not separate building lots. 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 is required.

### **DECISION – UNIT LOT SUBDIVISION**

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

### **CONDITIONS – UNIT LOT SUBDIVISION**

#### Conditions of Approval Prior to Recording

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

1. 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 \_\_\_.”
2. Provide on the plat the required Seattle City Light easement.
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. Include the following on the face of the plat: “The lots created by unit subdivision are not separate buildable lots. 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.”
5. Final plat documents shall reflect pertinent details shown on the approved construction drawings for Permit No. 6134861, including open space and parking.
6. Show the location of the required pedestrian access (separate from the vehicle access) for the multi-family units to the right-of-way, 23<sup>rd</sup> Ave. W. and provide an easement, covenant, or other legal agreement to allow use and maintenance of said pedestrian access.
7. Show the location of address signage and provide an easement, covenant, or other legal agreement to allow proper posting of the address signage.
8. Submit the recording fee and final recording forms for approval.

For the Life of the Project

9. 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: December 14, 2008  
Justina Guyott, Land Use Planner  
Department of Planning and Development

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