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:** 3009218

**Applicant Name:** Thomas Woldendorp

**Address of Proposal:** 163 N 145th Street

## SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three unit lots (Unit Lot Subdivision). The construction of residential units has been approved under Project 8706126. 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 three unit lots.
(Chapter 23.24, Seattle Municipal Code)

**SEPA DETERMINATION:** [X] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction

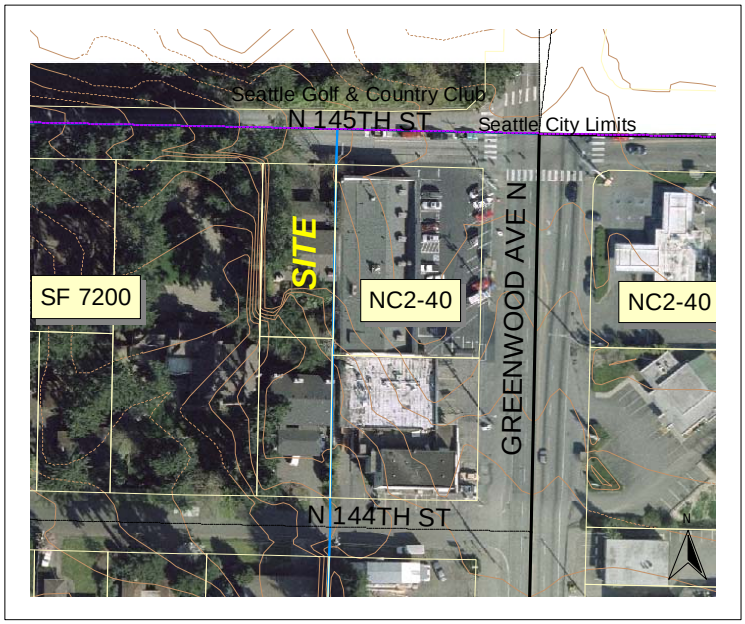
## BACKGROUND DATA

Zoning: Single-family Residential with a minimum lot size of 7,200 sf (SF 7200).

Uses on Site: One triplex to be retained

Substantive Site Characteristics:

This 8,820 square foot subject site (the "parent lot") is a rectangular lot that fronts on North 145th Street to the north. The Seattle city limits run through the center of the street and across to the north is the Seattle Golf and Country Club located in the City of Shoreline. The subject lot is zoned single-family (SF 7200) and that zoning continues to the west and south. The adjacent lot to the east is zoned NC2-40, part of a strip of commercial zoning along both sides of Greenwood Avenue North. The site is not located in any mapped critical areas.




Proposal Description:

The applicant proposes to subdivide one 8,820 square foot parcel, the "parent lot," containing an existing triplex into three unit lots with the following lot areas:

Unit Lot A – 3,376 square feet
Unit Lot B – 2,365 square feet
Unit Lot C – 3,080 square feet

The non-conforming structure was legally established in 1977 and is not proposed to change as a result of this proposal. Required parking for all proposed Unit Lots will remain to the north of the structure, within an existing carport. Open space, though not required in single family zones, will be located to the south of the structure in the rear yard. A general ingress, egress, pedestrian, utility and emergency egress easement will cover the northern portion of the lot and the side yards along the structure.

Public Comment:

The comment period for this proposal ended on July 16, 2008, 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 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; 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 approved (1977). While the building is non-conforming with respect to current Zoning Code requirements, no physical changes to the site are proposed. 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 and/or through the private ingress/egress easement. The existing property has water and sewer service and no changes are proposed. No modification to the existing storm drainage is required by the unit lot subdivision.

The public interest is expressed by the zoning designation of the site and compliance by the application with applicable development regulations. While the SF 7200 zone is intended for single-family development, rather than the multi-family triplex, the structure was legally established and can remain indefinitely. This unit lot subdivision would not expand the number of housing units on the site but simply 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. No trees or other vegetation are proposed to be removed as part of this unit lot subdivision.

## 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, the lots created by 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 are in place. The public use and interest are served by the proposal because the nonconforming use and structure were legally established and so can continue per SMC 23.42.104. 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 facts 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 to divide an existing triplex. The parent lot for the project was reviewed for compliance with development standards at the time of permit issuance and may remain legally nonconforming to current regulations. The SF 7200 zone has no open space requirements.

An access easement as well as a joint use and maintenance agreement has been provided as part of the recording documents. Each unit has a space in the common carport for its required parking. 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 existing structure, as reviewed under its original building permit, conformed 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. 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.

3. Add the conditions of approval after recording (i.e. " For the life of the project") on the face of the plat.

4. Post an address sign to benefit all units at a location visible from N 145$^{th}$ Street and provide an easement, covenant, or other legal agreement to ensure that the address signage is maintained.

5. 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:

6. 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: August 7, 2008
Nora Gierloff, Land Use Planner
Department of Planning and Development

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