



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: 3009267
Applicant Name: Bob Winters
Address of Proposal: 3615 Phinney Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into five unit lots. The construction of residential units has been approved under Project 6124363. 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

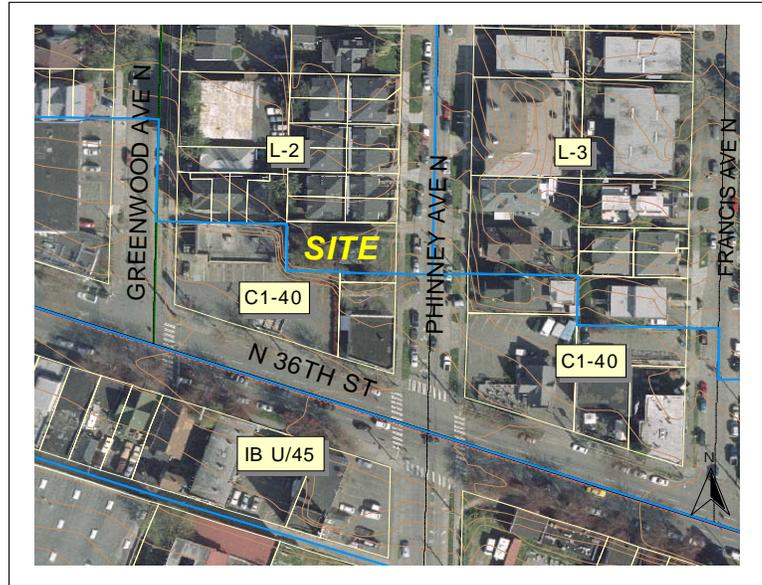
BACKGROUND DATA

Zoning: Multifamily Residential Lowrise 2 (L-2) and Commercial 1, with a height limit of 40 feet (C1-40).

Prior Uses on Site: One duplex that has been demolished.

Substantive Site Characteristics:

This 5,505 sf subject site (the “parent lot”) is a rectangular lot that fronts on Phinney Avenue North to the east and is located between North 39th Street and North 36th Street. The subject site is located mainly within an area zoned L2, which extends to the north. A 10 foot by 50 foot area at the southeast corner of the property is zoned C1-40, and that zoning continues to the south and west of the site. Across Phinney to the east is zoned Residential, Multifamily, Lowrise 3 (L3) and C1-40. The site is not located in any mapped critical areas.



Proposal Description:

The applicant proposes to subdivide one 5,505 square foot parcel, the “parent lot,” into five unit lots with the following lot areas:

- Unit Lot A – 1,311 square feet
- Unit Lot B – 1,196 square feet
- Unit Lot C – 1,430 square feet
- Unit Lot D – 1,068 square feet
- Unit Lot E – 500 square feet

Vehicular access to required parking for all proposed unit lots will be via an ingress, egress, utilities, and emergency easement which runs west off Phinney Avenue North through the center portion of the parent lot, then turns to the south to an area between the proposed buildings. Parking will be accessed via this easement and all lots have an attached garage except for E which has a surface parking space on an easement on unit lot C. Pedestrian access to unit lots B and C will be provided by the ingress, egress, utility, and emergency easement while the other lots will have direct street access.

Solar panels will be located on the roofs of the buildings on unit lots A and D. Each unit will have a dedicated solar panel.

Public Comment:

The comment period for this proposal ended on July 16, 2008. During this period, two written comment letters related to this project were received. One expressed concerns about the timeliness of the notification, loss of affordable housing and fire danger due to the density of construction. The other expressed a general concern that Seattle had been overbuilt with multi-family housing.

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 applications were approved. Each lot will be provided with vehicular access (including emergency vehicles), pedestrian access, and public and private utilities either through adjacency to the public right-of-way or through the private ingress/egress easement. The existing property has water and sewer service and additional connections will be made for the new units during the building permit process. 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 5,000 sf the L2 portion of the site could accommodate up to four residential units. The fifth unit is located on the C1-40 zoned portion of the site. This project would expand the number of housing units on the site from two to five 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 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 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 (300) 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 (200) 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 – 274 square feet
- Unit Lot B – 435 square feet
- Unit Lot C – 568.75 square feet
- Unit Lot D – 201 square feet
- Unit Lot E – 94.75 square feet (C1-40 zoning)

The average size of the above L2 zoned open spaces is 369.7 square feet.

An access easement as well as a joint use and maintenance agreement has been provided as part of the recording documents. Each unit has either an attached garage or in the case of unit lot E an off-street surface parking space. 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 structures, as reviewed under their separate building permits, conform 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 the 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. 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.
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. Add the conditions of approval after recording (i.e. "For the life of the project") on the face of the plat.
5. Post an address sign to benefit all units at a location visible from Phinney Avenue North and provide an easement, covenant, or other legal agreement to ensure that the address signage is maintained.
6. 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:

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) Date: August 7, 2008
Nora Gierloff, Land Use Planner
Department of Planning and Development

NG:bg

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