



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:** 3009361  
**Applicant Name:** Julian Prosser  
**Address of Proposal:** 4820 Puget Boulevard SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into eight unit lots. The construction of single-family structures was previously approved under Project # 6100640. 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 existing parcel into eight lots, a unit subdivision.  
(Chapter 23.24.046, Seattle Municipal Code)

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

The approximately 42,472 square foot property is located along Puget Boulevard SW to the southeast of that street's intersection with 23<sup>rd</sup> Avenue SW. The parent lot contains eight single-family structures in a "cluster" development allowed under Master Use Permit #3003359 and constructed under Permit #6100640. Vehicle access for each unit is across the driveway extending south from Puget Boulevard SW.

The subject lot is zoned Single-Family 5000 (SF 5000) as are the adjacent lots in all directions.

### Proposal

The proposal is to subdivide one lot into eight unit lots and a common area tract. Each proposed unit lot will contain one single-family structure. The proposed lot sizes are: Unit Lot A) 2,376 square feet, Unit Lot B) 2,948 square feet, Unit Lot C) 3,113 square feet, Unit Lot D) 3,640 square feet, Unit Lot E) 3,131 square feet, Unit Lot F) 2,886 square feet, Unit Lot G) 2,205 square feet, and Unit Lot H) 2,630 square feet. The Common Area Tract, to be equally owned by each unit lot, consists of an undeveloped area along the Puget Boulevard frontage of the site, which also contains a small Environmental Critical Area (ECA) non-disturbance area; along remainder of the Common Area Tract along the site's eastern side, contains the vehicle and pedestrian driveway access available to all unit lots by easement.

### Public Comments

The comment period for this proposal ended on August 6, 2008. No comments were received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

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 tree;*
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.*

Based on information provided by the applicant, referral comments from DPD's building plans examiner and drainage reviewer, the Fire Department, Seattle Public Utilities, City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The eight single-family structures (approved under Master Use Permit #3003359) conform to the development regulations for the SF 5000 zone (SMC 23.44) and development in Environmentally Critical Areas (SMC 25.09.260).

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided as described in *Proposal* description above.

Easements for all utilities are provided in the proposed plat. Seattle City Light requires an easement “over the entire area” of this proposed plat “except any portion of the proposed buildings within said subdivision”. **Approval** of this Unit Lot Subdivision is **Conditioned** on the inclusion of this language in the legal descriptions of each proposed unit lot and the proposed tract of the final plat documents.

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates this unit lot subdivision adequately provides for these services.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels. (Water Availability Certificate #20080931)

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The subdivision of a residential clustered development, such as these eight single-family structures on one lot and approved under MUP #3003359, can be unit lot subdivided per SMC 23.24.045. The unit lot subdivision process makes possible separate ownership of the individual structures that otherwise could only be held by single or joint ownership or available on a rental basis only.

The public use and interests are thereby 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;*

SMC 25.09.240 does not apply to *Unit Lot Subdivision*.

6. *Is designed to maximize the retention of existing trees;*

The proposed unit lot subdivision does not propose or require the removal of any trees on the site. The retention of numerous trees was required under MUP #3003359. Those trees, however, are shown on the face of the proposed unit lot subdivision plat.

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.*

The eight single family structures / cluster housing development are eligible for unit lot subdivision. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with clustered housing and single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. The development as a whole was approved under SMC 25.09.260, ECA Administrative Conditional Use.

To assure that future owners have constructive notice that additional development may be limited due to approved nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots and tract shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

#### Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Criteria for Approval and Unit Lot Subdivisions. Pursuant to the above discussion and the following *Conditions*, it is thereby *Approved*.

#### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

#### **CONDITIONS - SHORT SUBDIVISION**

##### Conditions of Approval Prior to Recording

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

1. Submit the final recording forms for approval and any necessary fees.
2. Update the paragraph on the submitted preliminary plant concerning the status of each unit lot not being a separate buildable lot to also include “tract” as follows: “The unit lots and tract shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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, Chapter 23 of the Seattle Municipal Code.”

