



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: 3009366
Applicant Name: Terry Wilson
Address of Proposal: 7716 Martin Luther King Jr Way S.

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one unit lot into three additional unit lots (unit lot subdivision). The construction of residential units has been approved under Project #6100111. 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 parent lot as described in short plat 2305376 and not to each of the new unit lots. The existing Single Family residence is to be removed under separate permit.

The following approval is required:

Short Subdivision - to create three additional unit lots.
(Chapter 23.24, 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.

BACKGROUND DATA

Site & Area Description

Zoning: Lowrise Two (L-2)
Uses on Site: One single family residence.

Substantive Site Characteristics:

This 3,828.11 square foot lot is rectangular in shape and fronts on Martin Luther King Jr Way S. to the west between South Holden Street and South Chicago Street. The lot and surrounding area is zoned Residential, Multifamily, Lowrise 2 (L-2). The lot is located in the Rainier Beach Neighborhood of the City of Seattle and has 57-feet of street frontage on M L King Jr Way S. and is approximately 67-feet deep. Vehicle access to the lot is via a driveway from M L King Jr Way S. Martin Luther King Jr Way S is an arterial street with sidewalks, curbs and gutters on both sides of the street. Construction of a three-unit townhouse building with attached garages is currently ongoing on the subject property (Permit #6100111). This subject unit lot subdivision was unit lot "A" of a previous five unit lot subdivision which is the original "parent lot" for this subject three unit lot subdivision. The analysis of the development standards for this unit lot subdivision will be applied to the original five (5) unit lot subdivision "parent lot" under Permit Number 2305376. The subject property is relatively flat and is not located in a designated environmentally critical area.

The subject property and surrounding property to the north, south and east are zoned Lowrise 2 (L-2). The zoning to the south is Single-family (SF5000). Zoning in the broader vicinity is mostly Single-family and Lowrise 4 (L-4) with some Neighborhood Commercial to the north. Development primarily consists of single-family and multi-family residences.

Proposal Description

The applicant proposes to subdivide one approximately 3,828.11 square foot lot into three additional unit lots with the following lot areas: Unit Lot A1) 1,422.93 sq. ft., Unit Lot A2) 1,104.08 sq. ft. and Unit Lot A3) 1,301.10 sq. ft. in an L-2 zone. The parking is provided within each structure. Vehicular access to parking will be provided via a Driveway from Martin Luther King Jr Way S.

A building Permit to construct, one, 3-unit townhouse, has been reviewed and approved under Project No. 6100111. Development standards will be applied to the original "parent lot" as described in unit lot subdivision 2305376 and not to each of the new unit lots. The subject of this analysis and decision is limited to the subdivision of land.

Public Comments

No written comment letters were received during the comment period that ended on August 6th, 2008.

ANALYSIS – UNIT LOT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) 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. *Whether the proposed division of land is designed to maximize the retention of existing trees.*
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, 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 two (2) or more lots from one(1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light (SCL), 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. Detailed discussion of Criterion # 7 follows below.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions 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 (Water Availability Certificate ID No. 20080882), and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposed plat maximizes the retention of existing trees. 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 (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. *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. The proposed development is one, three-unit townhouse structure. The structure, as reviewed under a separate building permit, conforms to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be 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 additional lots created by this unit lot 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 as described in unit lot subdivision 2305376 and not to each of the new unit lots, pursuant to applicable provisions of the Seattle Land Use Code.” A joint use and maintenance agreement will be required as conditioned at the end of this decision.

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. 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. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. 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 ___."
4. Add the following note to the face of the plat: "*The unit lots created by this unit lot subdivision are not separate buildable lots. Additional development on these unit lots in this unit lot subdivision may be limited as a result of the application of development standards to their parent lot as described in unit lot subdivision 2305376 and not to each of the new unit lots, pursuant to applicable provisions of the Seattle Land Use Code.*"
5. Provide a joint maintenance and responsibility agreement for all pedestrian and utility easements.
6. 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. (Exhibit "A" P.M. #240427-4-029)

Prior to Issuance of any Building Permit

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

7. 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: August 13, 2009
Joan S. Carson, Land Use Planner II
Department of Planning and Development

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