



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**

<b>Application Number:</b>	3009761
<b>Applicant Name:</b>	Brittani Ard
<b>Address of Proposal:</b>	120 22 <sup>nd</sup> Ave

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into four unit lots. The construction of residential units is being reviewed under Project #6197756. 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 four 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.

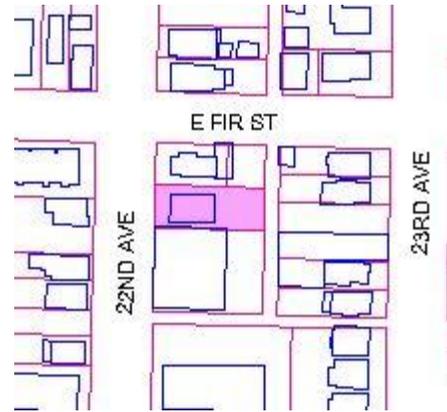
**BACKGROUND DATA**

Site and Vicinity

The 5,400 square foot parent parcel is located on the east side of 22<sup>nd</sup> Avenue, south of East Fir Street. The site and surrounding zoning is Lowrise 3 (L3). North of East Fir Street the zoning changes to L1. The surrounding development is primarily residential with a mix of ages and sizes of single and multi-family dwellings. The 23<sup>rd</sup> Avenue commercial corridor is one block to the east.

Proposal

The proposal is to subdivide two duplex townhouses into four unit lots. The proposed lot sizes are: Unit Lot A) 1,078.1 square feet, Unit Lot B) 1,077.5 square feet, Unit Lot C) 1,619.1 square feet and Unit Lot D) 1,618.4 square feet. Four parking spaces will be located at the rear of the site and directly accessible from the alley. A pedestrian access easement will connect this to all units and 22<sup>nd</sup> Avenue.



Public Comments

The comment period for this proposal ended on January 7, 2009. No comments were received.

**ANALYSIS - SHORT SUBDIVISION**

SMC Section 23.24.040 provides that the director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

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;*
7. *Conformance to the provisions of Section 23.24.045, Unit 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.*

Based upon information provided by the applicant; review and approval of access, drainage and zoning within the Department of Planning and Development (DPD), the review and approval from the Seattle Water Department (SPU), Seattle Fire Department (SFD), and Seattle City Light (SCL); and review by the Land Use Planner, the following findings are made with respect to the criteria cited above:

1. The intent of the Lowrise 3 zone is to provide additional housing opportunities in multi-family neighborhoods where it is desirable to limit development to infill projects and conversion compatible with the existing mix of houses and small-to-moderate scale apartment buildings. The proposed short plat conforms to the applicable zoning and land use code. The parent lot will conform to all development standards of the L3 zoning district. The configuration of the unit lots will permit construction of new townhouses in accordance with applicable development standards of the L3 zone.
2. Although the parent parcel fronts on a street right of way, vehicular access to the building site will be from the alley. However, parcels not fronting on a street (proposed Parcels C and D) must have an address identification sign along and visible from the street frontage for identification of these parcels to the general public and for emergency personal. As a *Condition of Approval* a note identifying a location of the necessary address signage at the intersection of the pedestrian easement and the ROW shall be on the face of the plat and the easement language for Parcels A, C and D shall include this requirement.  
  
A Seattle City Light and other utility easement granting utility access to all lots have been included. The Seattle Fire Department has approved this proposed short plat for emergency purposes.
3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle and availability of service is assured subject to standard conditions of utility extension. The project has received a Water Availability Certificate #20081264. The storm water drainage system to be incorporated into the new building sites has been reviewed for compliance with the applicable provision of the Storm water, Grading and Drainage control code by the DPD Drainage Review Section during building permit review. Drainage comments regarding this development direct the applicant to contact the DPD Side sewer and Drainage counter for side sewer permit requirements. A standard drainage control plan was required at time of building permit application using standard plans and methods.
4. The public use and interests are served by permitting the proposed division of land. The proposal meets all applicable criteria for approval of a short plat as discussed under Criteria 1, 2, and 3 of this analysis.
5. This site is not an environmentally critical area as defined in SMC 25.09.100.
6. This unit lot subdivision is designed to maximize the retention of existing trees. Tree removal was done under the building permit and no tree removal was required for this proposal.
7. The provisions of SMC Section 23.24.045, Unit Subdivisions, are as follows:

- A. *The 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.*

The subject proposal would establish separate unit lots for four residential structures in an L3 zone.

- 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 lots may be non-conforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The two structures and four dwelling units were reviewed and approved under Building Permit #6107756. The open space as approved is 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 non-conformity of the parent lot.*

The language in Criterion F below has been added to the plat documents and will assure proper notice and control of future platting actions, additions or modifications to the structure(s).

- D. *Access easements and joint use and maintenance shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

Joint use and maintenance agreements for pedestrian and vehicular easements have been provided on the plat documents.

- 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 the King County Department of Records and Elections.*

Required parking for Unit Lots A and B will be provided by easement on Unit Lots C and D. Parking for Unit Lots C and D are on their respective lots.

- F. *The fact that the unit lot is not a separate building 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.*

Review of this site plan shows that the proposed short subdivision conforms to applicable standards of SMC 23.24.045 for unit lot subdivisions. As conditioned below, the future owners shall have constructive notice that additional development may be limited.

8. The lot is not a single-family zoned lot hence this criterion is not applicable.

### Summary

The lots to be created by this short subdivision will meet all minimum standards of the L3 zone set forth in the Land Use Code, and are consistent with applicable L3 policy guidelines. 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.

### **DECISION - SHORT SUBDIVISION / UNIT LOT SUBDIVISION**

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

### **CONDITIONS - SHORT SUBDIVISION / UNIT LOT SUBDIVISION**

#### Conditions of Approval Prior to Recording

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

1. Have the 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 / unit lot 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.

2. Submit the recording fee and final recording forms for approval.
3. Note of the face of the plat at the intersection of the pedestrian easement and the west property / ROW boundary the location of address signage for the benefit of Unit Lots C and D. Include language specifying this in the easements for Unit Lots A, C and D.

*Prior to Issuance of any Building Permit*

4. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to any future building plans.

Signature: \_\_\_\_\_ (signature on file)

Art Pederson, Land Use Planner

Department of Planning and Development

Date: October 1, 2009

AP:ga

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