



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: 3009897

Applicant Name: Andrew Novion for D&S Legacy Investments

Address of Proposal: 2215 NW 61st Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two unit lots. The construction of two (2) single family units has been approved under Project No. 6192478. 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 development site 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

Zoning: Low-Rise Duplex Triplex (LDT)
Uses on Site: Two new Single Family units (Project #6192478)
Site and Vicinity Characteristics

The subject site is located on the block east of the arterial 24th Ave NW in the Ballard neighborhood. The multifamily zoned site Low-rise Duplex Triplex (LDT) was previously developed with a single family structure, which is typical in the immediate vicinity. Permitted development (under construction permit 6192478), includes two new single family structures for a total of two units on the site. Access is from NW 61st Street and the street is improved with curb, gutter, sidewalk, and paving. The zoning transitions to Midrise with a commercial component (MR-RC) two blocks south and Low-rise with a commercial component three blocks north (L-3 RC). Ballard Commons Park is located three blocks south and Ballard Playground is two blocks west.

Public Comment

Four public comment letters were received during the comment period, which was extended by request and ended March 11th 2009.

Comments about elements outside of the scope of review of DPD staff included: the affordability of the new units, the number of empty units (previously constructed townhouses and condominiums in the area), the virtues of existing single family structures, the profit driven system of development and perceived decrease in property values for existing structures on adjoining or nearby lots, and the potential for crime.

Other concerns mentioned in the comment letters that as general topics are addressed in Seattle Municipal code included: crime, noise, parking, architectural design, setbacks, and density.

With regard to the second subset of comments these items (setbacks, views, building code standards, density and parking), these issues were reviewed for compliance with adopted City ordinances under the review and approvals of the construction permit (6192478). The number of units did not trigger the City's Design Review process (for a review of design and architectural elements).

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;*
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, Seattle Public Utilities (SPU), Fire Departments (SFD), and Seattle City Light, 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. The lots created by this short subdivision will meet all minimum standards or applicable exceptions of the 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 and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not mapped as an environmentally critical area and a SEPA review under SMC 25.09.240 is not required. Tree and other landscaping requirements were considered under the building permit review (6192478). A note shall be added to the plat informing parties about the limitations of the Unit Lot Subdivision and the application of development standards to the entire parcel, as discussed below. The purpose of this platting action does not involve the creation of a new lot where two separate principal single family structures have occupied a single lot. 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

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 provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family dwelling units in zones where such uses are permitted.*
- B. *Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, 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 open 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 the 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.*

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 single family residence and a two unit townhouse. The structures, as reviewed under their separate building permits, conform to the development standards at the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant is 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 lots created by unit 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 pursuant to applicable provisions of the Seattle Land Use Code.”* A joint use and maintenance agreement is required.

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. 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 ___.”
2. Provide on the plat the required Seattle City Light easement.
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. Include the following on the face of the plat: “The lots created by unit subdivision are not separate buildable lots. Additional development of the individual unit lots 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.”
5. Provide an easement, covenant, or other legal agreement to establish pedestrian access from the back unit to the right-of-way and to allow proper posting of the address signage on N. W. 61st Street.
6. Submit the recording fee and final recording forms for approval.

For the Life of the Project

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: April 9, 2009
Justina Guyott, Land Use Planner
Department of Planning and Development

JG:bg

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