



**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009914
Applicant Name: Eric Frank
Address of Proposal: 148 21st Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three unit lots. The construction of residential units is being reviewed under Project #6159129. 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:

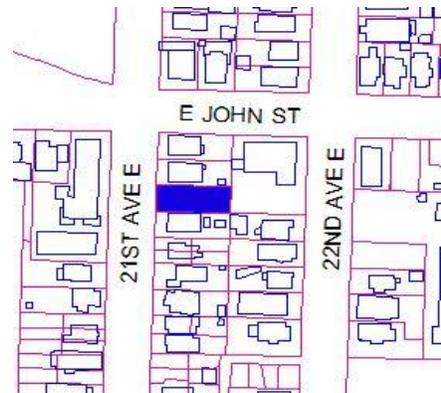
Unit Lot Subdivision - to create three unit lots. (SMC Chapter 23.24).

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 4,200 square foot parent parcel is located on the east side of 21st Avenue East three parcels south of East John Street. The site and surrounding zoning is Lowrise 3 (L3) and part of a band of L3 zoning that extends to the east and west of the site. The surrounding development is primarily residential with a mix of ages and sizes of single and multi-family dwellings. East Yesler Way, an arterial, is one block to the south.



Proposal

The proposal is to subdivide one duplex townhouse and one single-family residence into three unit lots. The duplex structure fronts the street, while the single-family structure is at the rear of the parent lot. The approximate proposed lot sizes are: Unit Lot A) 1,114 square feet, Unit Lot B) 1,287 square feet, and Unit Lot C) 1,800 square feet. Three parking spaces will be provided; one in each unit directly accessible from an easement extending east from 21st Avenue East. The townhouses were permitted under DPD #6159129.

Public Comments

The comment period for this proposal ended on May 31, 2009. One comment was received from an adjacent property owner about the removal of a fence between these properties. The applicant was notified of this and the contact information for the commenter.

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 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 is based on the permitted construction of new townhouses in accordance with applicable development standards of the L3 zone.

2. Although the proposed Units A and B front on a street right of way, vehicular and pedestrian access from 21st Avenue East for proposed Unit C will be from an access easement across proposed Unit Lot B. However, parcels not fronting on a street (proposed Parcel C) 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 proposed easement and the ROW shall be on the face of the plat and the easement language for all parcels 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 emergency access to all units under DPD #6159129.

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. A Water Availability Certificate #20090206 from SPU has been approved.

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 and Code required replacement 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 three 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 three dwelling units were reviewed and approved under Building Permit #6159129. 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 each unit lot will be provided on that unit lot.

- 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 will 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.

