



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: 3009952
Applicant Name: Brittani Ard
Address of Proposal: 215 24th Avenue E.

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into five unit lots (unit lot subdivision). The construction of residential units has been approved under Project #6199647. 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 create five 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-three (L-3).

Uses on Site: Single-Family residence.

Substantive Site Characteristics:

This 5,465 square foot subject site (the “parent lot”) is rectangular in shape and is located on 24th Avenue E. in the Capital Hill neighborhood of Seattle, very close to the Madison Valley neighborhood. The proposal site has approximately 40-feet of street frontage on 24th Avenue E.

The site is located between E. Thomas St. and E. John St. where it intersects with E. Madison St. Vehicle access to the site is from a 16-foot paved alley. The existing residence on site fronts on 24th Avenue E. which is a non-arterial paved street with sidewalks, curbs and gutters on both sides of the street. The construction of one, five-unit townhouse structure, is currently ongoing on the subject property (Permit #6199647).

The site and surrounding property are all zoned Lowrise-Three (L-3). The zoning to the north is single-family (SF5000) and the zoning to the west is Lowrise-One (L-1). To the east and south is Lowrise-Two (L-2) and also to the south is an area off E. Madison St. that is zoned Neighborhood Commercial (NC2-40'). The site is relatively flat and is not located in a designated environmentally critical area. Development in the area consists, mainly, of single-family and multi-family residences. There are a few retail uses located along E. Madison St. in the neighborhood commercial zone.

Proposal Description

The applicant proposes to subdivide one approximately 5,465 square foot parcel (the "parent lot") into five unit lots with the following lot areas: Unit Lot A) 1,206.8 sq. ft., Unit Lot B) 669.2 sq. ft., Unit Lot C) 658.2 sq. ft., Unit Lot D) 657.8 sq. ft. and Unit Lot E) 2,273.3 sq. ft. in an L-3 zone. Five surface parking spaces will be provided for all Units via unit lot E. Vehicular access to parking will be from the 16-foot paved alley via an, ingress, egress, parking easement. A 3-foot Pedestrian easement is provided along the north property line for the benefit of unit lots B, C and D. Also, a 6-foot maintenance and emergency access easement is provided along the south property line for the benefit of unit lots B, C and D.

A Permit for the demolition of an existing single family residence (#6202922) and the construction of one, 5-unit townhouse structure has been reviewed and approved under (#6199647).

Public Comments

No written comment letters were received during the comment period that ended on February 18th, 2009.

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 (SWD), Fire Department (SFD), 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. Detailed discussion of Criterion # 7 follows below.

The lots to be created by this unit lot 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 unit lot 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. 20090053**), 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 unit lot 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, five-unit townhouse structure. The structure, as reviewed under separate building permits, 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 lots created by unit lot subdivision are not separate building lots. Additional development on any individual lot in this unit lot 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 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.

