



**City of Seattle**  
Edward B. Murray, Mayor

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**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:** 3009960  
**Applicant Name:** Harland Mcelheny  
**Address of Proposal:** 9401 Lake City Way NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one development site into six unit lots and one non-disturbance tract in an environmentally critical area. 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. Environmental review for this subdivision and the construction of six residential units was approved under Project #3010955.

The following approval is required:

**Unit Lot Subdivision** - to create six unit lots and one non-disturbance tract.  
(Chapter 23.24, Seattle Municipal Code).

**BACKGROUND INFORMATION**

Zoning: SF 5000

Public Comment: The public comment period ended on July 14, 2010. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to public notice, lot size, traffic volume and safety, parking, access to bus stop, street improvements, Fire Dept. access, loss of trees, potential landslide, drainage and storm water detention.

**ANALYSIS – SUBDIVISION**

This unit lot subdivision is a type of short subdivision, and is subject both to the general approval criteria for short subdivisions and also specific requirements for unit lot subdivisions.

General short subdivision standards: 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, 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 Section 25.09.240, Short subdivisions 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 townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; 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 or more lots from one lot with more than one existing single-family dwelling unit.*
9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
  - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
  - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
  - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
  - d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The unit lot subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This unit lot subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. For all unit lots proposed without street frontage, this plat will be required to provide an easement or covenant to allow for the proper posting of address signage. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each unit lot and service is assured, subject to standard conditions governing utility extensions and the conditioning of this plat. Unit lot Subdivisions are not subject to SMC 25.09.240. Tree and other landscaping requirements were considered under the review of Master Use Permit 3019055. The public use and interest are served by the proposal since all applicable criteria **as conditioned** are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Unit lot subdivision standards: The unit lot subdivision must conform 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, rowhouse and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.*
- B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 or 23.45.545 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection 23.24.045 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 or private amenity area for each dwelling unit shall be provided on the same unit 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.*

The unit lot subdivision conforms to applicable standards of SMC 23.24.045. Structures reviewed under a separate permit, conform to the development standards at the time the permit application was vested to Code.

## **DECISION – UNIT LOT SUBDIVISION**

The proposed Unit Lot Subdivision is **GRANTED WITH CONDITIONS**.

## **CONDITIONS OF APPROVAL PRIOR TO RECORDING**

1. Add an easement or covenant to allow for the proper posting of address signage on site near the entrance to the site for all unit lots that do not have street frontage.
2. Provide the legal description for the tract that is labelled as a non-disturbance area. Label the tract on the face of the plat as a non-disturbance area and that it is not a buildable tract. Incorporate by reference into one, many or all unit lots the ownership rights and responsibilities of the non-disturbance tract. Include the label “Parent Lot” with the Original Property Description and ensure that after platting, the parent lot clearly includes the totality of all 6 unit lots and the tract.
3. Include a reference that proposed unit lots are based on approved plans from Master Use Permit 3019055.
4. Add the following conditions of approval to the face of the plat:  
Prior to final inspection of any building permit for new construction of any dwelling unit:
  - Extend the public storm drain in Lake City Way NE unless otherwise approved by Seattle Public Utilities.
  - Extend public water main in NE 95<sup>th</sup> St unless otherwise approved by Seattle Public Utilities.
  - Install approved fire sprinkler system in each unit, unless otherwise approved by the Seattle Fire Marshal.

## **CONDITIONS OF APPROVAL FOR THE LIFE OF THE PROJECT**

5. Prior to final inspection of any building permit for new construction of any dwelling unit:
  - Extend the public storm drain in Lake City Way unless otherwise approved by Seattle Public Utilities.
  - Extend public water main in NE 95<sup>th</sup> St unless otherwise approved by Seattle Public Utilities.

- Install approved fire sprinkler system in each unit, unless otherwise approved by the Seattle Fire Marshal.

Signature: Denise R. Minnerly for Date: May 7, 2015  
Jerry Suder, Land Use Planning Supervisor  
Department of Planning and Development

JS:drm

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### **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

#### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.