



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: 3010341

Applicant Name: Greg Brandt for Dan Duffus, Soleil, LLC

Address of Proposal: 1132 NW 56th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three unit lots. The construction of a new multifamily residential townhouse structure has been approved under Project No. 6212395. The existing single family residential unit will remain. 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 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

Zoning: Lowrise-One (L-1).

Uses on Site: One new two unit townhouse (Project #6212395) and an existing single family unit.

Site and Vicinity Characteristics

The subject site is located in the Ballard neighborhood, one block north of NW Market Street between 14th Av NW and 11th Av NW. Access to the lot is from the right-of way NW 56th Street which is improved with curb, gutter, and sidewalk. The multifamily zoned (L-1) site was

previously developed with a single family structure which is typical in the immediate area. The site is two blocks north of the Safeway at 14th Av NW and Market Street and Gilman Park is located two blocks south of the site at the corner of NW 54TH Street and 11th Av NW.

Construction of a new multifamily townhouse structure was permitted under Project # 6212395, for a total of three units on the site. All other lots on the southern portion of this block (on the north side of NW 56th Street) have been redeveloped with multifamily structures and subdivided. The multifamily zoning transitions to Single Family (SF 5000) on the north face of the same block and to Neighborhood Commercial (NC2) on the west end of the block, along 14th Av NW.

Public Comment

One public comment letter was received during the comment period, which ended July 22nd 2009. The letter included general concerns about redevelopment in the area including “overdevelopment” “destruction of old homes with yards” and “lowering of life quality”.

The underlying multi-family zoning (applicable since the 1980’s) allows for the additional units on the site. Market conditions dictate when land owners and private developers choose to utilize the zoning capacity and redevelop. Per code, every unit is required to have a minimum of 200 square feet of open space.

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 Department (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 unit lots created by this short 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 short subdivision can be provided with vehicular and pedestrian 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 does not apply. Tree and other landscaping requirements were considered under the building permit review. 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 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 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 of two new residential units in a townhouse structure approved under Project No. 6212395, 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. Add language to the face of the plat and legal descriptions for each lot regarding the Memorandum of Drainage Control and connection agreement.
4. Make the corrections to the legal descriptions as required by the zoning review.
5. Add language to the legal descriptions and show the location on the survey for the required 3 ft wide pedestrian access easement and for the required address monument.
6. 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.
7. 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.”

