



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: 3010661
Applicant Name: Anne VanDyne
Address of Proposal: 2012 W. Barrett Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide a parcel into two unit lots. The existing single family structure will remain and construction of one new single family residential unit has been approved under Project No. 6217502. 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 two 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: Two single family units (one existing structure and one new structure reviewed and approved under Project #6217502).

Site and Vicinity Characteristics

The subject site is zoned multifamily, Lowrise-One (L-1) and there is an existing single family structure built in 1926 on the southern portion of the lot. The site is bounded by W Barrett Street to the south, a 16 foot concrete alley to the east and two separate lots (3002 and 3006 21ST Ave

W) are located to the west of the site. Approximately seven feet of the existing single family structure crosses the western property line. There was a perpetual easement established in 1989 which allows the structure to be located partially on the abutting lot to the west.

Vehicle access to the site is proposed off of the concrete alley abutting the property. The zoning to the east of the alley changes to Lowrise-Three (L-3). Zoning along W Dravus Street to the north is Neighborhood-Commercial (NC2-40). Streets in the area are improved with curb gutter sidewalks and planting strips. There is a mix of single family and small to moderate sized multifamily buildings in the immediate area.

The subject site is located a block west of the Burlington Northern Santa Fe (BNSF) railroad yard (zoned Industrial, IG1-U45), which in turn sits west of the public Interbay Golf course (zoned Commercial, C2-40).

Public Comment

One public comment letter was received during the comment period, which ended November 11, 2009. Concern were raised about the loss of privacy and daylight on a deck, a lack of “fit” in the neighborhood for this type of housing unit and the fact that other new units have not sold and are sitting vacant. Concern about construction noise was raised because neighbors work the night shift.

Development standards that address these concerns such as height of buildings in a particular zone, setbacks required, or the type of structures that are built are all addressed under the review of the plans when the construction is proposed. The construction permit (associated with DPD Project #6217502) was issued in September of 2009.

Under the current application for the proposed short plat the review will look at such things as infrastructure and access as is noted in the following analysis.

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 two 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 the applicable development standards as reviewed and applied during the zoning review of the building permit. 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 mapped as an environmentally critical area (abandoned landfill 25.09.220) however, 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 is required 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 will conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this Decision. 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 any required Seattle City Light easement.

