



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

SHORT SUBDIVISION – UNIT LOT SUBDIVISION REVIEW CHECK LIST AND DECISION

Application Number: 3011099
Applicant Name: Jean Morgan for Franklin Avenue East LLC
Address of Proposal: 2040 Franklin Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one development site into four unit lots. The construction of residential units has been reviewed under Project #6237399. 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 subdivide one existing parcel into four unit lots.
(Chapter 23.24, Seattle Municipal Code).

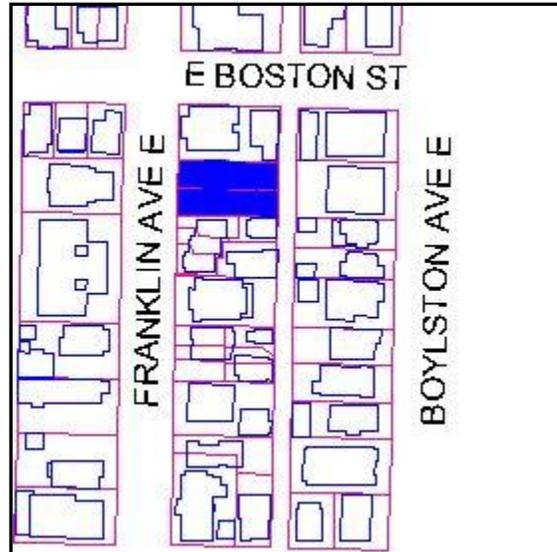
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

Located on the east side of Franklin Avenue East, the subject site is positioned near the north end of the block, between East Boston Street to the north and East Newton Street to the south, in the Eastlake neighborhood. A partially improved 20 foot wide alley abuts the site along its east property boundary line. The existing lot comprises a land area of approximately 6,591 square feet located in a Multifamily Lowrise Two (L-2) zone with a minimum density limit of one unit per 1,200 square feet of lot area. The development site is also located within the Eastlake Residential Urban Village Overlay District. The site is rectangular in shape that slopes abruptly

upwards from west to east within the first 10 feet then moderately over the remaining distance of 100 feet. One existing two-story duplex structure is located on the north half of the subject lot. A two-car accessory garage structure is located in the rear adjacent to the alley. Lawn and minor landscaping comprise the rest of the developed area. At the time of the site visit work had been started on the new structures. A building permit application (#6237399) was issued to allow construction of two residential structures (containing three total units), with accessory surface parking for five vehicles accessed off an improved alley adjacent to the east property line. Franklin Avenue East is a fully improved right-of-way with sidewalk, curbs and gutters.



The general area sits on the west facing slope of Capitol Hill. I-5 corridor lies one block east of the development site and visually creates a physical separation to other uses and zones further to the east. The development site is located within a moderate sized L-2 zone, buffered around a denser Multifamily Lowrise Three (L-3) to the east and northeast and L-2 R/C (residential/commercial) zone to the northwest. The area features a mix of single family and multifamily uses. Development in this area is dominated by modest-sized older housing stock, apartments, and newly constructed townhouses.

Proposal

The subject property is being developed (under related Project #6237399) with the construction of two residential structures, one containing a two unit townhouse and the other a one unit structure. The proposed structures will be oriented lengthwise from east to west perpendicular to Franklin Avenue East. The short subdivision, unit lot subdivision, which is the subject of this decision, will create four separate unit lots for each of the new (three) ground related units and one for the existing duplex structure on one single parent lot (or development site). Vehicular access will be provided through the partially improved alley. Parking will be provided adjacent to the alley on a surface parking pad.

Public Comment:

Date of Notice of Application: April 1, 2010
Date End of Comment Period: April 14, 2010
Letters 1

Issues: One letter was received during the public comment period. Concerns expressed included subdivision of land, height impacts of proposed structures on adjacent properties, parking access and amount in an overcrowded neighborhood. These concerns are unaffected by this action to subdivide one parcel into four unit lots.

PLAN REVIEW – SHORT SUBDIVISION

SMC 23.24.020 Content of application.

Applications for approval of a short subdivision shall include the following:

- A. Plat of the proposed short subdivision containing standard survey data;
- B. Vicinity map on which shall be indicated the property to be subdivided;
- C. Plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D. Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E. Name and address of owner(s) of the tract;
- F. Location of existing roadways, sanitary sewer, storm drain and water main, if any, together with proposed street improvements; and
- G. Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 ½) feet above the ground, with species indicated.

SMC 23.24.030 Content of short subdivision.

- A. Every short plat of a short subdivision filed for record must contain:
 - 1. A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
 - 2. If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.
 - 3. Roads not dedicated to the public must be clearly marked on the face of the short plat.

4. All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
- B. The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

SMC [23.24.035](#) Access.

- A. Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.
- C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D. Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and
 2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
 3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
 4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

- 5. There is identifiable access for the public and for emergency vehicles; and
- 6. There is no potential for extending the street system.
- E. Dedicated streets and alleys shall meet the requirements of Chapter [23.53](#) and the Street Improvement Manual. Easements shall meet the requirements of Section [23.53.025](#).

CRITERIA REVIEW – SHORT SUBDIVISION

- A. 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 (including street improvement requirements);
 - Zoning review approved.
 - Development standards of underlying zone (including Overlays).
 - Chapter [23.53](#) Streets and Alleys
 - Chapter [23.54](#) Parking and Access
 - Zoning review approved with conditions or corrections.
 - 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;
 - Fire Marshal’s Office approved.
 - Fire Marshal’s Office approved with conditions.
 - Fire Marshal’s Office approval not required.
 - Seattle City Light review approved.
 - Seattle City Light requires easement.
 - 3. Adequacy of drainage, water supply, and sanitary sewage disposal;
 - Drainage review approved.
 - Drainage review approved with conditions.

- Seattle Public Utilities Water Availability Certificate (WAC) approved.
- Seattle Public Utilities requirements for WAC approval.
- 4. Whether the public use and interests are served by permitting the proposed division of land;
 - Department of Parks and Recreation approved.
 - Department of Parks and Recreation approved with conditions.
 - Department of Neighborhoods (landmark sites or Districts) approved.
 - Department of Neighborhoods (landmark sites or Districts) approved with conditions.
 - Building Plans Examiner review and approval.
 - Building Plans Examiner approval with conditions.
 - The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
- 5. Conformance to the applicable provisions of SMC Section [25.09.240](#) , short subdivision and subdivisions in environmentally critical areas;
 - Site not located in a riparian corridor buffer, wetland, wetland buffer or steep slope.
 - Site exempt from ECA Ordinance (SMC [25.09.040](#))
- 6. Whether the proposed division of land is designed to maximize the retention of existing trees;
 - Site does not contain trees at least 6-inches in diameter measured 4-½ feet above the ground.
 - Site does not contain Exceptional Trees as defined in Director’s Rule [6-2001](#).
 - The short subdivision meets the applicable provisions of SMC [25.11](#).
 - A tree preservation plan is required.

7. Conformance to provisions of SMC Section [23.24.045](#), Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing; and
- The short subdivision meets the applicable provisions of SMC [23.24.045](#).
 - Site does not meet all the applicable provisions of SMC [23.24.045](#).
8. Conformance to provisions of SMC Section [23.24.046](#), Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing;
- The short subdivision meets the applicable provisions of SMC [23.24.046](#).
 - Site does not meet all the applicable provisions of SMC [23.24.046](#).
 - Provisions do not apply to development site.

SMC [23.24.045](#) Unit lot subdivision.

- A. Applies exclusively to 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 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.

SMC 23.24.060 Redivision procedure.

- Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter [23.22](#), property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter [23.28](#).

DECISION – SHORT PLAT: CONDITIONALLY APPROVED

CONDITIONS – SHORT PLAT:

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 unit lot, parcel or tract created by the short subdivision (unit 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 setback easements, fences or structures shall be shown. All structures related to building permit (#6237399) shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.

2. Add the conditions of approval prior to recording to the face of the plat, or on an additional page if needed. If the conditions are on a separate page, insert on the plat:

“For conditions of approval after recording, see Page ___ of ___.” (If necessary, renumber the pages).

3. Revise face of plat to incorporate the following language, “Attach a copy of the recorded short plat to all future building permit plan sets.”

4. Provide an easement or covenant to allow for the placement of a visually accessible address sign at the development site abutting 15th Avenue South for the benefit of Unit Lots C and D.
5. Include any required easement description in its entirety (typically referred to as "Easement A") provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected Unit Lots.
6. Provide a notation on the face of the short plat to read as follows:

"The unit lots created by this unit lot subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

Signature: (signature on file)
Bradley Wilburn, Land Use Planner
Department of Planning and Development

Date: June 28, 2010