



**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011260
Applicant Name: Brittani Ard
Address of Proposal: 8729 12th Ave NW

SUMMARY OF PROPOSED ACTION

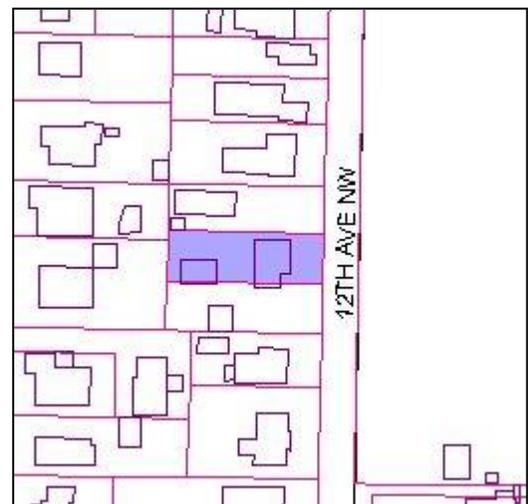
Land Use Application to subdivide one parcel into two unit lots. Two existing houses are located on the property. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The proposed square footages of the lots are as follows: A) 3518 sq. ft. and B) 3043.5 sq. ft.

The following approval is required:

Short Subdivision - to divide one existing parcel into two unit lots.
(Chapter 23.24 Seattle Municipal Code)

BACKGROUND DATA

Zoning: Single Family (SF 5000).
Uses on Site: The site contains two existing dwellings.
Site Description: The site is 6561.5 sq. ft. and relatively flat topographically. The existing structures on the lot were built in 1945 (front house) and 1950 (rear house). DPD has historical documentation that establishes the two houses, including a building permit from 1960 that recognized the 2nd dwelling at 8729 ½ 12th Avenue NW as legally nonconforming since it existed prior to annexation to the City, and allowed an addition to the dwelling.



Surrounding Area: The adjacent lots contain single family houses. A cemetery is located across the street. The street is a substandard, 30 feet width and there are no formal curbs or sidewalks, although a sloped roadway edge facilitates drainage.

Proposal Description: The proposal is to divide the parcel so that each of the two existing houses is on its own unit lot. The subject of this analysis and decision is limited to the subdivision of land.

Public Comment: The comment period for this proposal ended on 5/30/10. One comment was received expressing concerns about the size of the lots and legality of the 2nd existing dwelling.

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. *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.*
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 or review approvals from Zoning (DPD), Ordinance and Structural (DPD), Drainage (DPD), Water (SWD), City Light (SCL), 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 lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision will be provided with vehicular 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 division maximizes the retention of existing trees on the property. Section 23.24.046 regarding multiple single-family dwellings on one lot does not apply since the applicant is pursuing a unit lot short subdivision rather than a short subdivision. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for

additional owner-occupied housing opportunities in the City. Detailed discussion of Criterion #7 follows below.

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 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 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. 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 unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit 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 to be provided on the plat.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED** subject to the conditions stated at the end of this decision.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide on the plat a joint use and maintenance agreement for all easements on the site.
2. Provide on the plat the required Seattle City Light easement.
3. Provide an easement, covenant, or other legal agreement to allow posting of address signage for the unit lots that do not front on the street.
4. 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.
5. Include the following on the face of the final plat: *“The unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit 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.”*
6. Submit the recording fee and final recording documents for approval.

7. Add the conditions of approval, "For the Life of the Permit" 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 for the life of the permit see page ___ of ___."

For the Life of the Permit

8. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: July 29, 2010

Holly E. Anderson, Land Use Planner
Department of Planning and Development

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