City of Seattle

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: 3014545

Applicant Name: Julie Ledoux for Noren Development

Address of Proposal: 210 26th Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into four unit lots. 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 lots. The construction of row houses has been approved under Project No. 6316896.

The following approval is required:

Short Subdivision - to create four unit lots. (SMC Chapter 23.24)

BACKGROUND DATA

Zoning: Lowrise Two Residential Commercial (LR2).

Uses on Site: Single Family residence.

Substantive Site Characteristics:

The site lies mid-block on 26th Avenue East between East John Street on the south and East Thomas St. on the north. An alley to the east of the property connects the two nearby streets. The multifamily zone Lowrise Two extends diagonally along the south of East Madison St. The block face comprising the development site lies between Lowrise Three (LR3) and Lowrise One (LR1) zones on either side of 26th Ave. E. and alley respectively. The subject parcel descends roughly 22 feet from 26th Ave E to the alley. A mapped environmentally critical area (ECA), slide prone, covers the site. The issued Building Permit 6316896 addressed the ECA.

Public Comment:

DPD did not receive comment letters but fielded one phone call inquiring about the project and its construction.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
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 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; an*
    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.*

Summary

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (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 lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can 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 proposal site is located in a mapped environmentally critical area for potential slide. Based on the review for building permit #6316896, review of the ECA for the unit lot has been waived. The proposed plat appears to maximize the retention of existing trees. 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. The parcel lines meet dimensional criterion.

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, rowhouses, cottage housing developments, and single-family residences in zones where such uses are permitted.*

B. *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 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 developments are townhouses (two units) and two stand alone structures. The structures, as reviewed under their separate building permit, conform to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited, it required that the face of the plat states, as it presently does: "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 will be required as conditioned at the end of this decision; the proposed plat shows that it is already in place.

DECISION - SHORT (UNIT LOT) SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Please do not show conditions of approval prior to recording on the plat to be recorded.)

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. The owner(s) and/or responsible party(s) shall comply with all applicable standard recording requirements and instructions.

2. Maintain the following note to the face of the plat: "*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.*"

3. Maintain the shown joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.

4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final short subdivision.

5. At the time of plat recording, if all units do not have separate water meters in place and accepted by Seattle Public Utilities, add the following notation to the plat, "Prior to individual sale of any unit lot, a separate water meter must be installed and accepted by Seattle Public Utilities".

Signature: (signature on file) Date: March 25, 2013
Bruce P. Rips, Senior Land Use Planner
Department of Planning and Development
Land Use Services

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