City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3021262

Applicant Name: Brandon Winters

Address of Proposal: 833 NW 97th Street

SUMMARY OF PROPOSED ACTION

Lane Use Application to subdivide one development site into four unit lots. The construction of residential units is under Project #6426910. 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:

Unit Lot Subdivision - to create four unit lots. (Chapter 23.24, Seattle Municipal Code).

BACKGROUND INFORMATION

Zoning: LR1

Public Comment: There were two emails received from concerned neighbors during the normal comment period. The first comment expressed a concern about the lack of parking in the area and requested that the developer provide on-site parking that was usable. The associated construction plans were approved with one parking space inside an attached garage that met the minimum standards of the Land Use Code.

The second comment letter expressed a concern about the removal of trees on the site during or before construction and their confusion with the subdivision proposal. Initially, this property was to go through a two-lot short subdivision which was applied for under #3016947. That permit was eventually canceled by the customer and they re-applied for the four lot unit lot subdivision which is being described under this decision.

ANALYSIS – SUBDIVISION

This unit lot subdivision is a type of short subdivision, and is subject both to the general approval criteria for short subdivisions and also specific requirements for unit lot subdivisions.

General short subdivision standards: 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, as modified by this chapter;*

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 Section 25.09.240, Short subdivisions 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 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; and

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 either have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the proposed new lot or lots to the alley that meets access standards for the zone in which the property is located.

Based on information provided by the applicant, referral comments from SDCI and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The unit lot subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This unit lot subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. Unit lot Subdivisions are not subject to SMC 25.09.240. Tree and other landscaping requirements were considered under the building permit review. 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.

Unit lot subdivision standards: The unit lot subdivision must conform 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 23.24.045 apply exclusively to the unit subdivision of land for single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 or 23.45.545 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection 23.24.045 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 or private amenity area for each dwelling unit shall be provided on the same unit 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 facts 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.

The unit lot subdivision conforms to applicable standards of SMC 23.24.045. Structures reviewed under a separate building permit, conform to the development standards at the time the permit application was vested *to Code.*

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **GRANTED.**

Branin Burdette, Land Use Planner
Seattle Department of Construction and Inspections

Date: April 14, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.