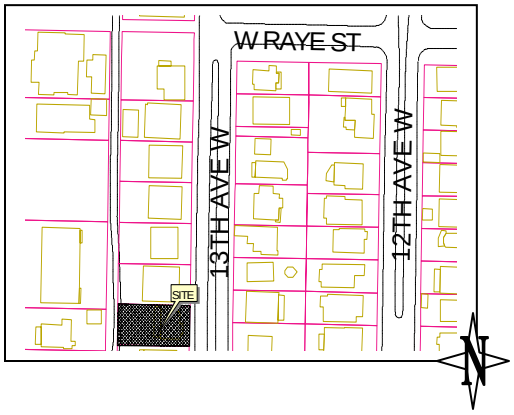
City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
Diane M. Sugimura, Director

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



Application Number: 3003377

Applicant Name: Thomas Woldendorp

Address of Proposal: 2541 13th Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Permit to subdivide one parcel into three unit lots. The construction of townhouses is being reviewed under Project #2407342. 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 create three unit lots pursuant to Seattle Municipal Code 23.24.045.

SEPA DETERMINATION: [X] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Proposal & Site Description

The subject site is a rectangular shaped lot with a lot area of 5,009 square feet. The three proposed unit lot areas are: A) 2,048 sf. ft., B) 1,479 sq. ft. and C) 1,482 sq. ft. The site slopes down from east to west and is located in a Lowrise 1 zone (L-1). The subject site has street frontage off of 13th Avenue West abutting to the east and an alley abutting to the west. 13th Avenue West is improved with curb, gutter and sidewalk along the site frontage.

Surrounding Area Description

The surrounding areas to the east across 13th Avenue West are zoned Single-Family 5000 (SF 5000) and developed with a variety of single-family structures. The areas to the west across the alley are zoned Lowrise 3 (L-3) and developed primarily with a variety of multi-family structures.

Public Comments

The application was deemed to be complete on February 6, 2006 and notice of application was sent on February 16, 2006. The 14 day public comment period ended on March 1, 2006. Three public comments were received through the public notice process. The public comments indicated opposition to the construction of the townhouses. Copies of the public comments can be found in the MUP file.

As indicated in the public notice, the townhouses were reviewed and approved under a separate building permit number 2407342. Part of the building permit review is to ensure the development conforms to Land Use Code regulations for that particular zone (L-1) including lot area, lot coverage, building height, setbacks and off-street parking. If the development proposal meets all applicable City regulations, there is no discretion to deny a development proposal.

The Unit Lot Subdivision process does not permit a more intensive development to occur than what is allowed in the zone. The Unit Lot Subdivision process allows a fee simple ownership, which provides the townhouse owner the rights to the underlying land (known as "unit lots"), instead of requiring condominium-type ownership or no individual ownership.

City Departments and Government Agencies Comments

Information and documentation from each review agency is available in the DPD project file.

A. Fire Department

The Fire Department has approved the proposed subdivision with no conditions.

B. Seattle City Light (SCL)

SCL requires an overhead/underground easement for this unit lot subdivision.

C. Seattle Public Utilities Department (SPU)

SPU issued Water Availability Certificate (WAC) #20060316 on February 23, 2006 approving this project with requirements.

D. Structural / Ordinance Review

The Structural/Ordinance Reviewer has approved the proposed subdivision with no conditions.

E. Drainage / Sewer Review

The Drainage/Sewer Reviewer has approved the proposed subdivision with no conditions.

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 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.*

Analysis

Based on information provided by the applicant, referral comments as appropriate from DPD, Fire Departments (SFD), 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. Seattle City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed parcels. 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 not located in a mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. The development of the subject site (including the removal of trees) is permitted by approval of the associated building permit. No trees are to be removed as a result of this 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 housing opportunities in the City.

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 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 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.

Analysis

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. 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; the applicant will be required to maintain a note to the face of the plat that reads as follows: "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 on the plat must also be maintained. An easement to allow for proper addressing of rear parcels will be required as a condition of approval.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Comply with all applicable standard recording requirements and instructions.

2. Maintain the following note on the face of the plat: "*The lots created by this unit 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 joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.

Revise Short Plat to show the following:

4. Location of the easement providing for address signs on one of the street-facing parcels to benefit the rear parcels.

5. Provide an overhead/underground easement for this unit lot subdivision as required by Seattle City Light on the final short subdivision.

6. On the front sheet, update all the dates from "2005" to "2006".

7. On the front sheet, add the following, "REFERENCE NUMBER FOR RELATED PROJECT 2407342".

Prior to Issuance of any Building Permit

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

Non-Appealable Zoning Requirement

Prior to recording, the owner(s) and/or responsible party(s) shall meet all zoning requirements as determined by the zoning reviewer, and revise legals as requested by DPD's addressing reviewer.

Signature: (signature on file) Date: April 27, 2006
Mark Taylor, Land Use Planner
Department of Planning and Development

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