



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2504486
Applicant Name: David Chenoweth
Address of Proposal: 1820 12th Avenue West

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into four unit lots (unit subdivision) in an environmentally critical area (Landslide Hazard Area). 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 construction of one 2-unit townhouse and two single family residences has been approved under Project #2406923.

The following approvals are required:

Short Subdivision: - to divide one existing parcel into three unit lots (unit subdivision).
(Seattle Municipal Code (SMC) Chapter 23.24)

SEPA – Environmental Determination – (SMC Chapter 25.05)

Related Project:

Project #2402446, ECA exemption waived steep slope development standards but ECA review is required due to Known Landslide Hazard area.

BACKGROUND DATA

Zoning: Lowrise 1
Date of Site Visit: July 27, 2005
Uses on Site: Single family residence and a shed.

Substantive Site Characteristics: The 14,176-sq.ft site is located on the east side of 12th Avenue W approximately 119 feet from the intersection of 12th Avenue West and West Howe Street to the north and 161 feet from the intersection of 12th Avenue West and West Blaine Street to the south. The site generally slopes moderately from the southeast towards the northwest. Along 12th Avenue W the site street front is elevated approximately 10 to 11 feet above street level below. A 12-foot wide paved alley abuts the subject site to the east but due to the existing steep slope along the alley, access to the site from the alley is not feasible. However, access to the site is available via an existing driveway from 12th Avenue West. Single family zoning and development abuts the L-1 zone to the south while L-2 zone abuts the L-1 zone to the north with NC2-40 zone to the east. Development in the immediate vicinity is predominantly a mixture of single family and multifamily residences, which vary in size, height, age and architectural style, with commercial uses along 10th Avenue West.

Public Comment:

Notice of the proposed project was published on July 14, 2005. The public comment period ended on July 27, 2005. No comment letter was received.

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.*
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, 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.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), 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 not yet commented, but any comment they should make would be satisfied by compliance with the pertinent condition below.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions 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 an environmentally critical area; therefore SMC 25.09.080 is applicable. There are several Alder, Douglas fir, and Maple trees existing along 12th Avenue W and on the site. Proposed construction of townhouses will necessitate the removal of 4 to 6 of these trees. However, the related construction plans under project #2406923 provided a proposed landscape plan, which includes specific location and description of trees and shrubs. 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 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.*

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 development consists of two single family homes and two townhouse units. The structures, as reviewed under their separate building permits, 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 add a note to the face of the plat that reads as follows: Include the following on the face of the plat: "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. Parking and open space will be provided on each site.

DECISION – UNIT LOT SUBDIVISION

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

ANALYSIS – SEPA

The construction of two townhouse units and two single family homes was reviewed for potential impacts to the environmentally critical area under project 2406923. The division of the property into unit lots for purposes of ownership will not result in additional impacts.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decision pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.303(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.303(2)(C).

CONDITIONS – SEPA

None.

