



## **BACKGROUND DATA**

### Site and Vicinity Description

This 6593 square foot site is located in a residential Lowrise Duplex Triplex zone (LDT) in the Ballard neighborhood, on the northwest corner of 30<sup>th</sup> Ave NW & NW 56<sup>th</sup> St. The 30<sup>th</sup> Ave NW right of way has an existing sidewalk, but no curb. The NW 56<sup>th</sup> St. right-of-way has an existing curb and sidewalk. The site slopes gradually to the south, and it is not in a mapped Environmentally Critical Area.

Neighboring properties to the west are also zoned LDT. Adjacent land to the northwest, north, and across 30<sup>th</sup> Ave NW to the northeast are zoned Single Family with a minimum lot size of 5000 sq.ft. (SF5000). Land across NW 56<sup>th</sup> St. to the south, across the intersection to the southeast, and across 30<sup>th</sup> Ave NW to the east is zoned residential Lowrise 3 (L3). The vicinity is developed mostly with a mix of apartment buildings and single family homes.

### Proposal Description

The applicant proposes to subdivide the subject parcel of land into three unit lots (unit subdivision). Proposed unit lot sizes are:

- A) 2198 sq. ft.
- B) 1782 sq. ft.
- C) 2612 sq. ft.

### Public Comments

The two-week comment period ended January 11, 2006. The project planner received two comment letters from the public, signed by 11 neighbors. Comments related to neighborhood impacts of demolishing existing single family homes and replacing them with speculative development. Comments also addressed a common frustration – that unit lot subdivisions and their associated public notice necessarily happen after approval of the building permit. Demolition and construction involved a nondiscretionary review not subject to conditioning or appeal. This review is to facilitate fee-simple ownership of the individual townhouse units only.

## **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 grand, condition or deny a short plat. The findings which follow are based on information provided by the applicant, referral comments from DPD, the Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

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 Subdivisions.*

#### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), 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 of the set forth in the Land Use Code, and are consistent with applicable development standards.

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 (WAC [20051967](#)) 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 an Environmentally Critical Area; therefore SMC [25.09.240](#) is not applicable. Tree retention was addressed during the review of the construction permit. 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**

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.

The provisions of SMC Section [23.24.045](#) are as follows:

- A. *The provisions of this section 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 private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The approval of the building permit demonstrates that the development as a whole meets all applicable development standards. For structures with three dwelling Units in an LDT zone, at least two (2) units shall have direct access to a minimum of four hundred (400) square feet of private, usable open space per unit. The third unit shall have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

(SMC [23.45.016 A1d](#)). The proposed plat delineates the following amounts of qualifying open space:

- A) 401 sq. ft.
- B) 416 sq. ft.
- C) 838 sq. ft.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

Compliance with criterion F below should assure proper control of future platting actions, additions or modifications to the structure.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (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.*

The applicant has described the necessary easements for vehicular access to garages. A “joint use and maintenance agreement” for the property has been provided on plans and must be recorded for final approval of this unit subdivision.

- 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.*

Required parking will be provided in private garages located beneath each unit. Each unit will have one garage parking space.

- F. *The fact that the unit lot is not a separate building 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.*

A note on the face of the plat clarifies that each unit lot is not a separate buildable site. The note must be recorded with the plat, and as such satisfies the provision.

#### 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 development is a single triplex townhouse structure. The structure, as reviewed under separate building permit, conforms to the development standards for the time the permit application was vested.

#### **DECISION - SHORT SUBDIVISION**

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

#### **CONDITIONS - SHORT SUBDIVISION**

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

##### Conditions of Approval Prior to Recording

1. Provide on the plat any required Seattle City Light easement.
2. Include the following on the face of the plat” “The lots created by the unit subdivision are not separate building lots. Additional development of 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.”
3. Submit the final recording forms for approval.

##### Conditions of Approval Prior to Final Certificate of Occupancy

None.

Signature: (signature on file) Date: June 15, 2006

Scott A. Ringgold, Land Use Planner  
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Land Use Division

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