



City of Seattle

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Gregory J. Nickels, Mayor  
**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:** 2502792  
**Applicant Name :** Andrew Novion  
**Address of Proposal:** 902 26<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two 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 unit lots. The construction of two single-family residences has been approved under MUP #2501049.

The following approval is required:

**Short Subdivision** - To subdivide one existing parcel into two lots, a unit subdivision.  
(Chapter 23.24.046, Seattle Municipal Code)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND**

Site and Vicinity Description

The approximately 4,300 square foot property is located on the southeast corner of South Charles Street and 26<sup>th</sup> Avenue South. The site has frontage on both streets for pedestrian and vehicular access.

The subject lot is zoned Lowrise 3 as are the lots to the south on this block face. To the west across 26<sup>th</sup> Avenue South the zoning is Single-Family 5000 (SF 5000). To the east the zoning is Lowrise 2 (L2).

### Proposal

The proposal is to subdivide one lot into two unit lots. The parent lot is approximately 4,300 square feet in area. The proposed lot sizes are: Unit Lot A) 2,007 square feet and Unit Lot B) 2,138 square feet. Both proposed unit lots have direct street access; no easements are required for access. The structures have been reviewed and approved for applicable code compliance under MUP No. 2501049.

### Public Comments

The comment period for this proposal ended on June 22, 2005. One comment letter was received asserting certain obligations and limitations on the subject property related to the 1999 rezone of this property from LDT (Lowrise, Duplex, Triplex) to L3 and its accompanying Property Use and Development Agreement (PUDA). According to the author, because the property was not developed according to the requirements of the PUDA, the property should have reverted to a LDT zone designation and consequently the LDT development standards should be applied to this project. Other related development review requirements and standards were also asserted.

### Response to Public Comment

According to Section 6 of Ordinance 119804, the PUDA for this rezone, “the Council may rescind the zoning or otherwise rezone the property” in the event the PUDA requirement for the construction of a nursing home, congregate residence, or assisted living facility does not occur. To date, the Council has not taken this action; hence the L-3 zoning is still applicable. However, the LDT density standards were applied to this project under MUP 2501049. The Unit Lot Subdivision provisions are “zone neutral” and would be applied to a project developed under L3 zoning similar to their application under the herein applied LDT development standards.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following 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 tree;*
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.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section of DPD, the Fire Department, Seattle Public Utilities, City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Multi-Family Lowrise 3 all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, requirements for setback, lot coverage, building height, usable open space, landscaping, and parking. The establishment of use for the townhouses and their construction was reviewed under these provisions, approved and permitted under MUP No. 2501049.

The two single family structures were reviewed under the LDT development standards as outlined in Public Comment above. The density requirement of the LDT zone is one dwelling unit for each 2,000 square feet of lot area. In contrast, L3 zoning allows one dwelling unit for each 800 square feet of lot area. The lot area is approximately 4,300 square feet, hence five units are allowed under L 3 zoning: only two units have been constructed. Lot coverage of the proposed duplex structures was reviewed for conformance with the requirements of SMC 23.45.010 and also approved under MUP No. 2501049. Required parking for all lots is provided on the respective sites. Building set-backs, height limitations, and the provision of open space were reviewed for conformance to the development codes for this zone and were approved under the above-mentioned MUP.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is available directly from City streets.

All utilities are available in this area.

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates this unit lot subdivision adequately provides for these services.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels. (See Water Availability Certificate # 20050880).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures and residential cluster developments amongst other housing types. Residential cluster housing is allowed outright in the L3 zone. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all unit lots would be available on a shared ownership or rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for LDT development regulations and the applicable approval criteria for short platting.

The public use and interests are thereby 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;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240, therefore this criterion does not apply.

6. *Is designed to maximize the retention of existing trees;*

There are no existing trees on the lot. However, as a part of approval for the construction of the townhouses (MUP 2501049) SMC 23.45.015 required the planting of 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.*

The two structures were approved under MUP 2501049. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development may be limited due to nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

**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. Submit the final recording forms for approval and any necessary fees.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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, Chapter 23 of the Seattle Municipal Code." Label parcels as "Unit Lot 1 and Unit Lot 2 on plat map.

Signature: \_\_\_\_\_ (signature on file) Date: August 18, 2005

Art Pederson, Land Use Planner  
Department of Planning and Development

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