



City of Seattle

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**SHORT SUBDIVISION – REVIEW CHECK LIST AND DECISION**

**Application Number:** 2505656  
**Applicant Name:** Greg Kappers for Prescott Homes LLC  
**Address of Proposal:** 2337 Yale Avenue East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of into four unit 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 townhouses is being reviewed under Project #2401531.

The following approval is required:

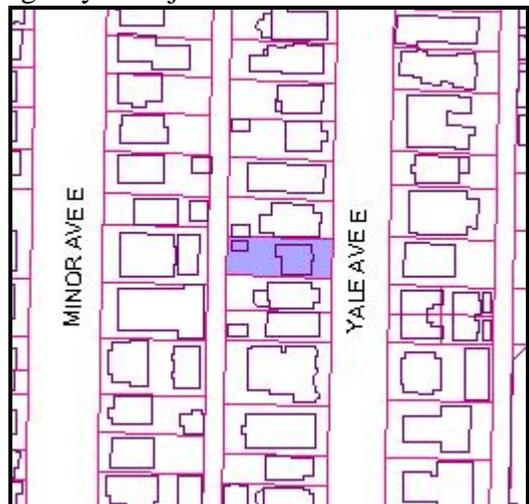
**Short Subdivision** - to subdivide one existing parcel into four unit lots.  
(Chapter 23.24, Seattle Municipal Code).

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

**BACKGROUND DATA**

Site & Area Description

Located on the eastside of South Lake Union, the subject site is positioned in the middle of the block, adjacent to an alley between East Louisa Street to the north and East Lynn Street to the south on the west side of Yale Avenue East in the South Lake Union neighborhood. The existing lot comprises a land area of approximately 4,374.4 square feet located in a Multifamily Lowrise Two (L-2) zone with a minimum



density limit of one unit per 1,200 square feet of lot area. The development site is also located within the Eastlake Residential Urban Village overlay district. The site is a rectangular in shape lot that slopes moderately downward from east to west, approximately 18 feet over a distance of 110 feet. Two principal structures are currently under construction, and will provide a total of four townhouse units. At the time of the site visit no vegetation was present at the subject lot. A building permit application (#747287) was issued to allow construction of two townhouse structures with surface parking for four vehicles accessed off an improved alley adjacent to the east property line.

The development site is located within a narrow L-2 zoning band which includes a mix of single family and multifamily uses. To the east across Yale Avenue East a variety of more intensive residential uses are found in Multifamily Lowrise Three (L-3) which buffers a more intensive Neighborhood Commercial Two zone (NC2-40) with a forty foot height limit further east within the Eastlake Avenue East corridor. A short distance away to the west, a block wide L-1 zoning band with Residential-Commercial designation (L1-R/C) runs north and south between Fairview Avenue East and Minor Avenue East. The designation allows commercial uses within buildings that contain residential uses. Several small neighborhood stores are located in this area. The area is densely populated with a mix of modest and affluent residential uses that include single family townhouses, and apartment uses. The area slopes significant upward from Fairview Avenue East to Eastlake Avenue East, which is a primary arterial connecting the University District to South Lake Union.

### Proposal

The subject property is being developed with the construction of two residential structures containing two townhouse units each (under related Project Number 2401531). The short subdivision, unit lot subdivision, is the subject of this decision, will create four (4) separate unit lots for each of the townhouse units on one single parent lot (or development site). Vehicular access will be provided through a twenty foot wide alley running parallel to Yale Avenue East. Parking for four vehicles will be provided upon a shared surface parking pad.

### Public Comment:

Date of Notice of Application:	September 8, 2005
Date End of Comment Period:	September 21, 2005
# Letters	4
Issues:	Public comment letters received by DPD, during the comment period expressed consternation of the impact of the height, bulk and scale of the two buildings under construction. The respondents expressed their concern that the new buildings were out of scale with the surrounding properties. The height of the new buildings was a lighting rod that fueled the tenor and tone of the letters received. The construction of the townhouse units was reviewed and approved under permit number 747287, meeting all relevant code development standards including height, structure depth, and parking.

**PLAN REVIEW – SHORT SUBDIVISION**

**SMC 23.24.020 Content of application.**

Applications for approval of a short subdivision shall include the following:

- A.  Plat of the proposed short subdivision containing standard survey data;
- B.  Vicinity map on which shall be indicated the property to be subdivided;
- C.  Plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D.  Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E.  Name and address of owner(s) of the tract;
- F.  Location of existing roadways, sanitary sewer, storm drain and water main, if any, together with proposed street improvements; and
- G.  Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 ½) feet above the ground, with species indicated.

**SMC 23.24.030 Content of short subdivision.**

- A. Every short plat of a short subdivision filed for record must contain:
  - 1.  A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
  - 2.  If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.
  - 3.  Roads not dedicated to the public must be clearly marked on the face of the short plat.

4.  All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
- B.  The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

**SMC [23.24.035](#) Access.**

- A.  Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B.  Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.
- C.  Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D.  Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
1.  Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and
  2.  The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
  3.  The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
  4.  No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

- 5.  There is identifiable access for the public and for emergency vehicles; and
- 6.  There is no potential for extending the street system.
- E.  Dedicated streets and alleys shall meet the requirements of Chapter [23.53](#) and the Street Improvement Manual. Easements shall meet the requirements of Section [23.53.025](#).

**CRITERIA REVIEW – SHORT SUBDIVISION**

- A. 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 (including street improvement requirements);
    - Zoning review approved.
      - Development standards of underlying zone (including Overlays).
      - Chapter [23.53](#) Streets and Alleys
      - Chapter [23.54](#) Parking and Access
    - Zoning review approved with conditions or corrections.
  - 2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);
    - Fire Marshal’s Office approved.
    - Fire Marshal’s Office approved with conditions.
    - Seattle City Light review approved.
    - Seattle City Light requires easement.
  - 3. Adequacy of drainage, water supply, and sanitary sewage disposal;
    - Drainage review approved.
    - Drainage review approved with conditions.
    - Seattle Public Utilities Water Availability Certificate (WAC) approved.
    - Seattle Public Utilities requirements for WAC approval.
  - 4. Whether the public use and interests are served by permitting the proposed division of land;
    - Department of Parks and Recreation approved.
    - Department of Parks and Recreation approved with conditions.
    - Department of Neighborhoods (landmark sites or Districts) approved.

- Department of Neighborhoods (landmark sites or Districts) approved with conditions.
  - Building Plans Examiner review and approval.
  - Building Plans Examiner approval with conditions.
  - The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
5. Conformance to the applicable provisions of SMC Section [25.09.240](#) , short subdivision and subdivisions in environmentally critical areas;
- Site not located in a riparian corridor buffer, wetland, wetland buffer or steep slope.
  - Site exempt from ECA Ordinance (SMC [25.09.040](#))
6. Is designed to maximize the retention of existing trees;
- Site does not contain trees at least 6-inches in diameter measured 4-½ feet above the ground.
  - Site does not contain Exceptional Trees as defined in Director’s Rule [6-2001](#).
  - The short subdivision meets the applicable provisions of SMC [25.11](#).
  - A tree preservation plan is required.

**SMC [23.24.045](#) Unit lot subdivision.**

- A.  Applies exclusively to 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 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 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 fact 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.

**SMC 23.24.060 Redivision procedure.**

Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter [23.22](#), property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter [23.28](#).

**DECISION – SHORT PLAT:      CONDITIONALLY APPROVED**

**CONDITIONS – SHORT PLAT:**

Conditions of Approval Prior to Recording

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

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each unit lot, parcel or tract created by the short subdivision (unit subdivision) shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side setback easements, fences or structures shall be shown. All structures related to building permit (#747287) shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.
2. Add the conditions of approval to the face of the plat, or on an additional page if needed. If the conditions are on a separate page, insert on the plat:  
*“For conditions of approval after recording, see Page \_\_\_ of \_\_\_.”* (If necessary, renumber the pages).
3. Revise Joint Use/Maintenance Agreement to include the common sidesewer & storm drainage system that will serve the proposed Unit Lots

4. Comply with outstanding zoning corrections related to Correction Notice from Craig Flamme.
5. Outline on the face of the short plat: the legal descriptions for the existing and proposed lots; the location of the existing utility lines on the face of the plat; all ingress and egress and utilities easements. If a utility easement is required by Seattle City Light, then the easement in its entirety (typically referred to as "Easement A") shall be shown on the face of the plat.
6. Provide an easement or covenant to allow for the placement of a visually accessible address sign at the development site abutting Yale Avenue East for the benefit of Unit Lots A, and B.
7. Provide a notation on the face of the short plat to read as follows:  

"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, Chapter 23 of the Seattle Municipal Code."
8. Submit the final recording forms and fee.

After Recording and Prior to Issuance of future Building Permit

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

9. Attach a copy of the recorded short plat to all building permit plan sets.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots

Prior to the individual transfer or sale of any one of the lots, the owner(s) and/or responsible party(s) shall:

10. Comply with the requirements outlined in the Water Availability Certificate (WAC #2005-1355).
11. Ensure that private use and maintenance agreements for all ingress/egress and utility easements are created.
12. Ensure that any owner(s) and/or responsible party(s) is/are made aware of the joint use and maintenance responsibilities associated with "common" or shared property/structural features, including common walls.

Signature: (signature on file) Date: November 14, 2005  
Bradley Wilburn, Land Use Planner