



City of Seattle

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: 3003059
Applicant Name: Brittani Ard
Address of Proposal: 3819 California Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into eight unit lots (Unit Lot Subdivision). The construction of townhouses is being reviewed under Project No. 2502893. 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 subdivide one parcel into eight 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

Zoning: L-3, R/C

Uses on Site: Two, 4-unit townhouses with attached garages are proposed on the subject property.

Substantive Site Characteristics:

This 10,105 square foot subject site (the “parent lot”) is a rectangular lot that fronts on California Avenue Southwest and backs to an alley. Construction of two, 4-unit townhouses with attached garages on the subject property is being reviewed under Project No. 2502893. The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 10,105 square foot parcel, the “parent lot,” into eight unit lots with the following lot areas: Unit Lot A – 1,437 square feet, Unit Lot B – 1,093 square feet, Unit Lot C – 1,099 square feet, Unit Lot D – 1,486 square feet, Unit Lot E – 1,430 square feet, Unit Lot F – 1,073 square feet, Unit Lot G – 1,066 square feet, and Unit Lot H – 1,421 square feet. Vehicular access for required parking for all proposed Unit Lots will be via an ingress, egress, and utility easement running off of the alley and along the southern portion of the parent lot to the approximate center of the parent lot, where the easement turns north and runs between the proposed townhouse buildings. Parking will be provided within each building and can be accessed via this easement. Pedestrian access off of California Avenue Southwest is available to all proposed Unit Lots via a pedestrian access easement running along the southern portion of the parent lot and connecting with the ingress, egress, and utility easement.

A Master Use Permit to demolish two existing single-family residences, establish a townhouse use, and construct two, 4-unit townhouses with attached garages is currently under review (Project No. 2502893). The subject of this analysis and decision is limited to the subdivision of land.

Public Comment:

The comment period for this proposal ended on September 14, 2005. During this period, one written comment letter related to this project 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; and*
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.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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. Detailed discussion of Criterion #7 follows 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 not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees. 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. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. *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.*
- G. *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 developments are townhouses. The structures, as reviewed under their separate building permits, conform to the development standards for 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: *“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.

DECISION – UNIT LOT SUBDIVISION

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

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Include the Joint Use/Maintenance Agreement on the final plat.
2. Provide on the plat the required Seattle City Light easement for electrical facilities to provide power to the proposed unit lots (as described in Exhibit “A” of P.M. 240314-2-010).
3. Complete the changes as required in the Zoning Correction Notice dated October 19, 2005.
4. Per Fire Department review, 2003 SFC Section 503.1.1 – Buildings and Facilities must be adhered to. This section states in part, “Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility”. Exception: “The fire code official is authorized to increase the dimension of 150 feet where:
 - a. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, or 903.3.1.3.
 - b. ...
 - c. There are not more than two Group R-3 or Group U occupancies.”

