



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: 2503089
Applicant Name : Tyler Goodmanson
Address of Proposal: 3136 Franklin Avenue East

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 townhouses has been approved under MUP 2406025.

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 5,500 square foot property is located on the west side of Franklin Avenue East in the north Capitol Hill neighborhood. Proposed Unit Lot A contains an existing single family structure;

proposed Unit Lot B contains a newly constructed single family structure approved under MUP 2406025. All vehicle access is from Franklin Avenue East.

The subject lot is zoned Lowrise 1 (L1) as are the lots immediately to the north and south on this block face. Across Franklin Avenue East to the west the block face is zoned Lowrise 3 (L3). To the east of the L1 zoning the block face is zoned Single Family 5000 (SF 5000).

Proposal

The proposal is to subdivide one lot into two unit lots. The parent lot is approximately 5,500 square feet in area. The proposed lot sizes are: Unit Lot A) 3,136 square feet and Unit Lot B) 3,138 square feet. Vehicle and pedestrian access for proposed Unit Lot A will continue to be from Franklin Avenue East. Vehicle and pedestrian access for proposed Unit Lot B will through a driveway easement across Unit Lot A and partially on the adjacent property to the north. The structures have been reviewed and approved for applicable code compliance under MUP No. 2406025.

Public Comments

The comment period for this proposal ended on June 1, 2005. Two comment letters was received objecting to increasing density in this neighborhood.

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 1 and 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. 2406025.

The allowable density for the L 1 zone is one dwelling unit per 1,600 square feet of lot area. The lot area is approximately 5,500 square feet, hence three units are allowed. 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. 2406025. Required parking for all unit 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.

Pedestrian access to the units is as described in *Site and Vicinity Description* above.

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

Vehicle access for all units is provided as described in *Criterion 1* above.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service across portions of all unit lots for the benefit of all unit lots. This must be included on the final plat.

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access. To assure adequate identification of the rear unit lot from the street, address signage will be required along Franklin Avenue East and shown on the final plat. Note: If the address signage is located within the sight triangles adjacent to the driveway entry, it may not be higher than 32 inches.

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 # 20050281).

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. Ground related townhouse structures and tri-plexes are allowed outright in the L-1 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 L-1 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 single family structure (MUP 2406025) 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 single family structure was approved under MUP 2406025. 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."
3. Include the required utility easements from Seattle City Light on the face of the plat and in the legal descriptions of affected Unit Lots.
4. Provide an address sign easement on Unit Lot A for the benefit of Unit Lot B. The signage should be located to be clearly visible from Franklin Avenue East. Show on the face of the plat and include in the legal descriptions of all unit lots.
5. On the plat cover sheet change "Department of Construction, and Land Use" to "Department of Planning and Development".

Signature: _____ (signature on file) Date: September 29, 2005
Art Pederson, Land Use Planner
Department of Planning and Development

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