



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003870
Applicant Name: Richard Van Mourik
Address of Proposal: 4308 Greenwood Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Permit to subdivide one parcel into four unit lots. The construction of townhouses has been approved under Project 2101229, Permit 744110. 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:

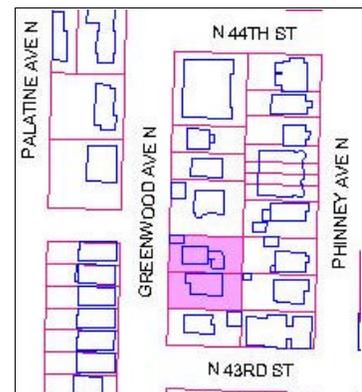
Short Subdivision – to create four unit lots pursuant to Seattle Municipal Code (SMC) 23.24.045.

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

BACKGROUND DATA

Site and Vicinity Description

The proposal combines two parcels of land to form a total development site of approximately 6,957 square feet and is located between North 43rd Street and North 44th Street on the eastern block front of Greenwood Ave N in the Fremont neighborhood. The site



will have approximately 70 feet of street frontage along Greenwood Ave N and a lot depth of 100 feet, with a right-of-way that is developed with curbs, gutters, and sidewalks on both sides of the street pavement. The eastern portion of the site is mapped as a steep slope area (over forty percent) subject to the regulations for Environmentally Critical Areas.

Unit Lot Subdivision Proposal

The applicant proposes to short subdivide one parcel into four unit lots. Proposed unit lot parcel sizes are: A) 1,741 square feet, B) 1,738 square feet, C) 1,737 square feet; and D) 1,741 square feet. Pedestrian and vehicle access for unit lots A, B, C, and D is from Greenwood Ave N.

Note that the proposed structure was reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate project (Project 2101229). The subject of this analysis and decision is only the proposed division of land.

Public Notice and Comment Period

The extended comment period for #3003870 began on December 3, 2005 and ended on December 28, 2005. DPD received one written comment from the public related to parking, driveway design, and parking restrictions on Greenwood Ave N. The comment letter is available in the Master Use Permit file available from DPD's Public Resource Center.

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;*
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 Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the

Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L1 zone. The density standard stated in SMC Section 23.45.008, which permits 1 unit for each 1,600 square feet, is met for the development as a whole. The proposal conforms to applicable development standards. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. The lots are provided vehicular access from Greenwood Ave N, consistent with the requirements of the Code.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. The easement as required by Seattle City Light shall be included on the final plat prior to recording.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities and Water Availability Certificate No. 20051968, issued on December 16, 2005.

New construction with discharge to the sanitary sewer will require a side sewer permit. Plan review requirements regarding stormwater were made under building Permit 744110.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. The site is mapped as an environmentally critical area (Potential landslide Area with a steep slope of forty percent average or greater), thus future construction is subject to the provisions of the Critical Areas Ordinance 25.09. The proposed short subdivision has been granted a Limited Exemption pursuant to SMC 25.09.180D.4, thus it is not subject to the specific provisions of SMC 25.09.240¹.

¹ Refer to MUP 2103394, by DGB/RMM on 5/30/01.

6. The Screening and Landscaping Requirements of SMC 23.45.015 require trees for new development in Lowrise zones and was reviewed for consistency under Project 2101229, Permit 744110.
7. Section 23.24.045 of the Seattle Municipal Code provides that sites developed or proposed to be developed with townhouses, cottage housing developments; residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. 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 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.”

The conformance of the proposed development as a whole with the applicable Code Provisions has been approved under a separate project (Project 2101229, Permit 744110). Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 1 zoning development standards such as setbacks, density, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions. An adequate provision for drainage control has also been provided.

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. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short 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 yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final Short Subdivision. Added to the plat shall be the following statement. *“An easement is granted to Seattle City Light as shown on page ___ of ___.”*
4. 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.”*
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility and pedestrian easements.
6. Provide a covenant or easement on proposed Parcel A for the benefit of proposed Parcels C and D for the posting of the address of these lots in a manner such that the address will be visible from the Greenwood Ave N right-of way. Provide a joint maintenance and responsibility agreement for maintenance and use of this area. Update the proposed legal descriptions accordingly.

Signature: _____ (signature on file) _____ Date: March 16, 2006

Colin R. Vasquez, Senior Land Use Planner

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