



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: 2408110
Applicant Name: Andrew Novion, for R&M Design & Development
Address of Proposal: 1616 E. Fir Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three lots (unit subdivision). Proposed lot sizes are: A) 1,045.9 square feet; B) 825.9 square feet; C) 975.9 square feet. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: construct one structure with three townhouse units and occupy per plans, under Project No. 2407139.

Short Subdivision - to subdivide one existing parcel into three 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

The 2,850 square-foot property is located at the southeast corner of E. Fir Street and 17th Avenue. Pedestrian access is direct, by means of a side entrance, to one of the units off E. Fir Street and to two of the units off 17th Avenue. Vehicle access to the site is off E. Fir Street directly to the south of the site. Parking for each of the units is provide within each respective unit and accessed by means of a hexahedron-shaped ingress, egress and utility easement which runs across proposed Unit Lots A, B and C and whose property-line face extends approximately twenty feet along E. Fir Street. The two streets adjacent the property are paved and improved

with curbs and gutters. One structure with three townhouse units has been, or is in the process of being constructed on site. The parcel is not located in any designated or identified Environmentally Critical Area.

The subject property and lots to the east and west along E. Fir Street are zoned lowrise multifamily residential (L-3). Directly to the north and in a band running both east and west, the zoning is lowrise multifamily residential (L-1).

Proposal Description

The proposal is to subdivide one parcel into three-unit lots with vehicle access provided from E. Fir Street to the south. One three-unit residential structure already has been, or is in the process of being constructed on the site. Parking for each of the units will be provided within the structure with an easement for ingress and egress across proposed Units A, B and C running parallel to E. Fir Street. Proposed lot sizes are as indicated in the summary above. Each of the proposed lots has direct pedestrian access to either E. Fir Street or 17th Avenue or by means of a pedestrian easement connecting to 17th Avenue S.

The construction of the three-unit residential townhouse structure has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under separate project (#2407139) and permit (#753300) numbers. The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on April 27, 2005. During the public comment period, DPD received no comments related to this subdivision of land from the public.

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 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 Land Use Plans Examiner, the 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. The subject property is zoned lowrise multifamily (L-3). The residential units comply with the density limits for residential uses in the L-3 zone. The proposed parcels provide for the applicable open space requirements, setback requirements, lot-coverage requirements, and other Land Use Code development standards as approved under issued construction permit #753300.
2. Each of the proposed three lots has vehicular access and parking provided by means of an ingress, egress and utility easement connecting to the public alley. The Seattle Fire Department has no objection to the proposed short plat. All private 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 to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and storm-drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate No. 20051368 was issued on September 6, 2005. Individual water meters are to be installed following approval of this platting action and approval of addresses for each townhouse unit. Each of the structures on the site are connected via a side sewer to a public sanitary sewer (PSS). Plan review requirements for the appropriate point for stormwater discharge from the development were made at the time of building permit application.
4. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Provisions shall be made so that addresses for each of the individual units are clearly visible from either E. Fir Street or 17th Avenue S. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the mixed character of the neighborhood.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. The site will have undergone substantial redevelopment, including replanting under landscape plans approved under construction application #2407139. The subdivision of land was anticipated under that application and the new plantings undertaken in conformance to that landscape plans will not be disturbed by this action. Thus the

provision requiring that the subdivision be designed to maximize the retention of existing trees will be met.

7. The subject site has been, or is in the process of being improved with one three-unit townhouse residential structure. Pursuant to SMC 23.24.045(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. 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, and the dwelling units constructed on this site constitute non-conforming structures pursuant to SMC 23.42.112. 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 Land Use Code Provisions has been reviewed under Construction Permit No. 2407139. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B and C are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and emergency egress easements as necessary. Therefore, the proposed short subdivision conforms with the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the L-3 zone. The development when considered as a whole, however, does meet all standards as 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 lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have 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. Since the entrance to Unit A is not visible from the street, a street address sign, clearly visible from E. Fir Street containing the assigned address for the residential Unit A which is accessed from E. Fir Street, shall be placed on the structure facing E. Fir Street or on a separate structure located near the public sidewalk on E. Fir Street adjacent the pedestrian walkway that leads to the entry.
3. Since the entrance to Unit B is not visible from either E. Fir Street or 17th Avenue, a street address sign, containing the address assigned for the residential Unit B and clearly visible from 17th Avenue shall be affixed to a separate structure near the public sidewalk on 17th Avenue and adjacent the dedicated walkway to Unit B. The maintenance of this sign shall be assured through covenants and/or additional easement(s) which shall be included in the plat.
4. A sign, clearly visible from 17th Avenue and containing the assigned address for the residential Unit C shall be affixed to the structure near the entry to residential Unit C.
5. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
6. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots, and the dwelling units constructed on this site constitute non-conforming structures pursuant to SMC 23.42.112. 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."
7. Submit the final recording forms for approval and pay any necessary fees.

Signature: (signature on file)
Michael Dorcy, Land Use Planner
Department of Planning and Development

Date: February 20, 2006