



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: 3003942
Applicant Name: Brittani Ard for Beau Development
Address of Proposal: 4840 40th Avenue Southwest

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 was reviewed and approved be under Project #6075123.

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

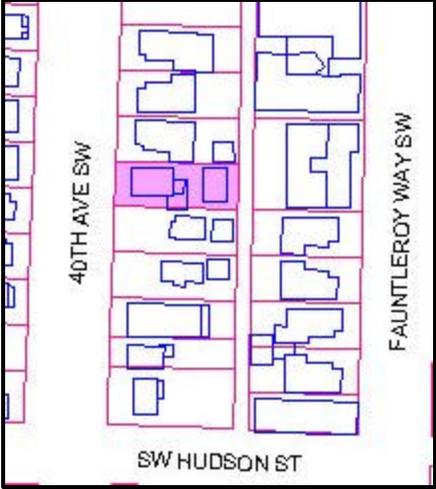
DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

Located on the east side of 40th Avenue Southwest, the subject site is positioned in the middle of the block, between Southwest Edmunds Street to the north and Southwest Hudson Street to the south in the West Seattle Junction neighborhood. An improved 16 foot wide concrete alley abuts the site along its east property boundary line. The existing lot comprises a land area of approximately 6,685 square feet located in a Multifamily Lowrise One (L-1) zone with a minimum density limit of one unit per 1,600 square feet of lot area. The development site is also located within the West Seattle Junction Hub Urban Village overlay district. The site is

rectangular in shape lot that slopes modestly downward from west to east, approximately 12 feet over a distance of 134 feet. One principal structure is currently under construction that will provide a total of three townhouse units. At the time of the site visit the foundation work had been completed, and the existing ground related residential structure was vacant. Currently the site is sparsely landscaped with two trees and ground cover outside the construction area. A building permit application (#6075123) was issued to allow construction of one townhouse structure (3 units) with surface parking for four vehicles accessed off an improved alley adjacent to the east property line.



The development site is located within a small sized L-1 zoning buffered around less dense residential zones to the west (Single Family 5000) and south (Single Family 5000 & Multifamily Lowrise Duplex Triple) featuring a mix of single family and multifamily uses. Abutting the site to the north a Lowrise Two (L-2) zone buffers the site from more intensive commercial uses within a Neighborhood Commercial Tree zone with a height limit of 40 feet (NC3-40). Varied assortments of commercial and residential uses are located in this area. To the east within a half block of Fauntleroy Way Southwest, Multifamily Lowrise Three (L-3) provides a buffer to a moderate sized SF 5000 further east. To the west across centerline of 40th Avenue Southwest and south across the centerline South Hudson Street the residential use is less dense within a Single Family 5000 (SF 5000) zone. Development in this area is dominated by modest-sized older housing stock. The sidewalk on the west side of 40th Avenue Southwest is elevated approximately six feet above the roadway.

Proposal

The subject property is being developed with the construction of one residential structure containing three townhouse units in the rear, with the existing ground related residential unit left intact at the development (under related Project Number 6075123). 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 and one ground related residential unit on one single parent lot (or development site). Vehicular access will be provided through a 16 foot wide concrete alley. Parking for four vehicles will be provided on a surface parking pad adjacent to the alley.

Public Comment:

- Date of Notice of Application: December 15, 2005
- Date End of Comment Period: December 28, 2005
- # Letters: 1
- Issues: This type of development creates additional off-street parking congestion with the design and layout of proposed building. The concerns raised are not within the purview of this unit lot subdivision application, as the construction of the building is related to another project that met development standards.

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 (#6075123) 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. Revise face of plat to incorporate corrections from zoning correction letter dated January 4, 2006.
5. Revise face of plat to incorporate corrections from addressing.
6. Revise face of plat to illustrate eastern portion of upper level deck and stairs have been removed.

7. 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.
8. Provide an easement or covenant to allow for the placement of a visually accessible address sign at the development site abutting 40th Avenue Southwest for the benefit of Unit Lots B, C, and D.
9. 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."
10. 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:

11. 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:

12. Comply with the requirements outlined in the Water Availability Certificate (WAC #2005-2004).
13. Ensure that private use and maintenance agreements for all ingress/egress and utility easements are created.
14. 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: February 2, 2006

Bradley Wilburn, Land Use Planner
Department of Planning and Development

BW:bg