



City of Seattle

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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:** 2500736  
**Applicant Name :** Brittani Ard for Corbaley Properties  
**Address of Proposal:** 4537 40<sup>th</sup> Ave SW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into three 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 lot and not to each of the new unit lots. The construction of townhouses and a single family residence is being reviewed under Project # 2409621.

The following approval is required:

**Short Subdivision** - To create three unit lots. (SMC Chapter 23.24)

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

**BACKGROUND DATA**

**Location:** The subject site is located on the west side of 40th Avenue SW, between SW Alaska Street and SW Oregon Street.

**Zoning:** Residential, Multi-family, Lowrise 2 (L2).

**Uses on site:** Residential.

Substantive site characteristics: The approximately 5,750-square foot parent site is relatively flat and does not contain any mapped Environmentally Critical Areas. The site contains a single family structure and detached garage. The single family structure is to remain along with a proposed two-unit townhouse structure. At the site location, 40<sup>th</sup> Avenue has been improved with curb, gutter, and sidewalks.

Area characteristics: Properties surrounding the parent lot to the north, south, east, and west are also zoned Lowrise 2 and are primarily developed with single-family residences. The zone changes to Neighborhood Commercial 3 (NC3-65) two lots south of the subject site where the uses change from residential to commercial.

Proposal: The applicant proposes to subdivide one parcel into three unit lots with the following areas: Unit Lot A) 1,254 square feet, Unit Lot B) 1,254 square feet; and Unit Lot C) 3,245 square feet.

Public Comment: No public comment letters were received during the comment period which ended on March 16, 2005.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable 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, Access to lots;*
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 Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

### **Summary - Short Subdivision**

Based on information provided by the applicant; referral comments from DPD, Water (SPU), the Fire Department (SFD), and Seattle City Light; 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.

The unit lots to be created by this short subdivision would meet all minimum standards or applicable exceptions set forth in the Land Use Code, and would be consistent with applicable development standards. As conditioned, this unit lot short subdivision could be provided with vehicular access and both 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 unit lot short plat would not affect tree retention. The public use and interest would be served by the proposal because all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

### **ANALYSIS –UNIT LOT SUBDIVISION**

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, is required 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 developments, residential cluster developments, or single-family residences. Section 23.24.045 requires the following:

- 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. *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.*

*F. 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 development would consist of two townhouse units within one structure, as well as one detached residential unit. The structures, as reviewed and approved under a separate building permit must conform to the development standards at the time the permit application is approved for issuance.

To assure that future owners have constructive notice that additional development may be limited; the applicant has included the following note on Sheet 1 of 7 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.”* In addition, a joint use/maintenance agreement has been added to the face of the plat, and a City Light easement would be provided for electric service. Furthermore, open space would be provided on each unit lot. Parking for each unit will be provided proposed parcels A and B and accessed through parking and access easements. Finally, the unit lot subdivision, as conditioned, would provide an easement or covenant for address signage for the proposed unit lots without street frontage (Unit Lots A and B).

**DECISION – UNIT LOT SUBDIVISION**

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

**CONDITIONS – UNIT LOT SUBDIVISION**

Conditions of Approval Prior to Recording

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

1. The street address sign, containing the assigned addresses for Unit Lots A and B located behind the residential unit on Unit Lot C, clearly visible from 40<sup>th</sup> Avenue SW, shall be placed near 40<sup>th</sup> Avenue SW within the utility easement.

