



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: 3006802
Applicant Name: Vadim Tsemekhman
Address of Proposal: 5511 43rd Avenue Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application 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 parcel and not to each of the new unit lots. The construction of one single family residence and one two-unit townhouse are being reviewed under Project No. 6127429. The subject of this analysis and decision is limited to the subdivision of land.

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

Zoning: Single Family (SF 5000), and Lowrise 2 (L-2).

Uses on Site: Single family residence.

Substantive Site Characteristics:

The subject site, the “parent lot”, is a 7,920 square foot rectangular site, zoned Single Family (SF 5000) and Lowrise 2 (L-2). Approximately 40 percent of the site is zoned L-2 (the western portion), the remaining 60 percent is SF 5000. The site is situated midblock along 43rd Avenue Northeast, between Northeast 55th Street and Northeast 56th Street, in Seattle’s Hawthorne Hills neighborhood. The Burke Gilman Trail is approximately 300 feet south of the site.

Development in the immediate vicinity is consistent with established zoning designations; the site is surrounded by single and multi-family residential development, as well as commercial development. Demolition of the existing single family residential structure was reviewed under Building Permit No. 6130086.

The property fronts on 43rd Avenue Northeast, a 60 foot right-of-way with sidewalk and 6 inch concrete curbs. The site is not located in any mapped or observed environmentally critical areas.

Proposal Description

The applicant proposes to subdivide one 7,920 square foot parcel (the “parent lot”) into three unit lots with the following lot areas:

- Unit Lot A: 4,798 square feet
- Unit Lot B: 1,564 square feet
- Unit Lot C: 1,564 square feet

Vehicular access to all units will be provided via ingress, egress easement from 43rd Avenue Northeast. Parking will be provided within each unit, for a total of three parking spaces on-site.

Public Comments

The public comment period for this proposal ended on May 16, 2007. Written comments may be found in the permanent file folder. Visit DPD’s Public Resource Center (PRC), Seattle Municipal Tower, 700 Fifth Avenue, Suite 2000; <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) 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 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; and*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light (SCL), 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. A more detailed discussion of Criterion No. 7 follows below.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, 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 proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The retention of trees and landscaping requirements were reviewed with the building permit application. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #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.

- 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 is for one single family residence, and one two-unit townhouse structure. The structures, as reviewed under their separate building permits, conform to the development standards at the time the permit applications were vested.

To assure that future owners have constructive notice that additional development may be limited the applicant will be required to add a note to the face of the plat that reads as follows: *“The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit 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.”*

DECISION – UNIT LOT SUBDIVISION

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

CONDITIONS – UNIT LOT 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. After recording, add the conditions of approval on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page ___ of ___.”
4. Include an easement to provide for (any) electrical facilities and service to the proposed lots if required by Seattle City Light.
5. Provide an area to allow for the posting of address signage for lots B and C at a location visible from 43rd Avenue Northeast, and provide a covenant and/or an easement to ensure that address signage can be maintained. The address sign must be located outside of the required site triangle area, or must comply with SMC 23.54.030 G.

For the Life of the Project

6. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file)
Catherine McCoy, Land Use Planner
Department of Planning and Development

Date: July 26, 2007