City of Seattle
Gregory J. Nickels, Mayor

Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 3008074

Applicant Name: Joanna Spaulding

Address of Proposal: 4519 4th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into five unit lots. The construction of townhouses has been approved under Project #6090494. 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.

Under the issued construction permit, an existing parking lot will be demolished and five townhouses will be constructed. Under the subject application for unit lot subdivision, the proposed square footages of the lots are as follows: A) 1,453.8 sq. ft.; B) 1,044.7 sq. ft.; C) 1,454.1 sq. ft.; D) 1,844.9 sq. ft. and E) 1,919.9 sq. ft.

The following approval is required:

Unit Lot Subdivision - to divide one existing parcel into five unit lots.
(Chapter 23.24 Seattle Municipal Code)

BACKGROUND DATA

Zoning: Lowrise One Residential-Commercial (L-1 RC).

Uses on Site: Existing parking lot (to be demolished).

To Be Constructed – Five Townhouses (One triplex and one duplex).

Public Comment: The comment period for this proposal ended on November 7, 2007. One public comment was received, expressing concern about impacts associated with the construction that is already under way on the site.

Site Description: The site is approximately 7,718 square feet and is located in a Multi-Family Lowrise 1 Residential-Commercial zone (L-1 RC) on 4th Avenue NE, two properties north of NE 45th Street in the Wallingford neighborhood. The site has been recently developed with townhouse structures. There are no Environmentally Critical Areas (ECA) mapped on the site.

Surrounding Area: Properties along 4th Avenue NE are zoned SF5000 to the north and west of the site. To the south is a property zoned L-1 RC and being developed with a similar townhouse project. Along NE 45th Street, properties are zoned Neighborhood Commercial 3, and are in a Pedestrian zone (NC3P-40). The area contains a mixture of multi-family and single-family residential structures, as well as commercial development along NE 45th street.

Proposal Description: The townhomes will have vehicular access via an access easement running from the alley, across the adjacent townhouse development to the south and accessing garages within each of the townhouse structures. The access easement serves in total ten townhouses units, including five on the property to the south (Unit Lot Subdivision project number 3008073). On each property, the triplex sits at the front of the property, facing NE 4th Avenue, with open space along the street, while the duplex sits at the back of the property with open space to the west, bordering the single family zone. A four foot pedestrian easement runs at the south of this property and north of the adjacent development to allow access from the rear units to 4th Avenue.

A SEPA analysis was done on the construction project since the number of units in the L-1 zone exceeds the SEPA threshold. The SEPA analysis (Project #3004451), included the proposed unit lot subdivision of the properties, and was granted with one condition, limiting construction hours, due to the proximity to existing residential uses.

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.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments or review approvals from Zoning (DPD), Ordinance and Structural (DPD), Drainage (DPD), Water (SWD), City Light (SCL), Fire Department (SFD) 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 lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision will 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 and also is a unit lot subdivision; therefore SMC 25.09.240 is not applicable. Tree and other landscaping requirements were considered under the building permit review. 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

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. A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.

F. 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.

G. 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.

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 associated construction development contains five residential units. The structures, as reviewed under the separate building permits, will conform to the development standards in place at the time the permit application was submitted. 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: Include the following on the face of the plat: *"The unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit 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."* A joint use and maintenance agreement is provided on the plat.

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. Add the conditions of approval, "For the Life of the Permit" 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 for the life of the permit see page ___ of ___."

2. Provide a joint maintenance and responsibility agreement for maintenance and use of all easements on the site.

3. Provide on the plat any required Seattle City Light easement.

4. 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. The lot areas of each parcel shall be shown on the recording documents.

5. Post an address sign, visible from the street, for the unit lots that do not front on the street, and provide an easement, covenant, or other legal agreement to ensure that the address signage is maintained for the life of the project.

6. Include the following on the face of the final plat: "The unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit 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."

7. Submit the recording fee and final recording documents for approval.

For the Life of the Project

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

Signature: (signature on file) Date: February 11, 2008
Holly E. Anderson, Land Use Planner
Department of Planning and Development

HA:ga
I:\AndersHo\PROJECT REVEW\3008074 unit lot decision - 4519 4th Ave NE