



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: 3009085
Applicant Name: Joanna Spaulding
Address of Proposal: 535 Federal Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two unit lots. The existing 4-unit residential structure is being reviewed under Project #6166032 and the existing 2-unit residential structure has been permitted under #627602. 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 following approval is required:

Short Subdivision - to create two unit lots. (SMC Chapter 23.24).

BACKGROUND DATA

Zoning: Lowrise 3
Date of Site Visit: N/A
Uses on Site: Existing fourplex and duplex

Substantive Site Characteristics:

The L3-zoned site is located at the SW corner of the intersection of Federal Avenue East and East Mercer Street. It is surrounded by L3 zoning and a mix of multifamily and single-family developments. There are two existing multifamily structures on the site, which will be retained.

Public Comment

None

ANALYSIS – SHORT SUBDIVISION - Pursuant to SMC 23.24.040

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection, as provided in Section 23.53.005, Access to Lots, and Section 23.53.006, pedestrian access and circulation;*
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.*

Summary

Based on information provided by the applicant, referral comments as received from DPD, Water (SPU), 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. Conditions ensure compliance with Seattle City Light (SCL) requirements. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as 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 or will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in a mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. The proposed plat, laid over an existing development, maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing ownership 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 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. 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 - SHORT (UNIT LOT) SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Conditions of approval prior to recording are to be met, but they are not to be printed onto the plat to be recorded).

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

1. Add a joint maintenance and responsibility agreement for maintenance and use of shared walls crossing property lines and any other shared improvements or obligations.
2. Provide an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final short subdivision.

3. Revise legal to include a sidesewer easement “along the line as constructed” to benefit 521, 525 and 531 Federal Avenue E. The plat should also be revised to include the following note, “If future construction is contemplated, the sidesewer serving 521, 525 and 531 Federal Avenue E should be relocated, or permissions granted to allow building over the sidesewer from the aforementioned properties.”

Prior to Issuance of any Building Permit

4. 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) Date: September 4, 2008

Paul M. Janos, Land Use Planner
Department of Planning and Development

PMJ:bg

Janos/doc/platting/3005001-3010000 L3 two MF structures unit sub INCLUDES CORRECT PEDESTRIAN ACCESS LANGUAGE Spaulding draft Janos.doc