



City of Seattle

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:** 3011180  
**Applicant Name:** Moira Haughian  
**Address of Proposal:** 4422 Meridian Ave N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one development site into five parcels of land. Proposed parcel sizes are: A) 1,183 sq. ft., B) 1,098 sq. ft., C) 1,099.5 sq. ft., D) 1,788 sq. ft. and E) 3,946 sq. ft. Review also includes the unit lot subdivision of proposed Parcel E into four unit lots. The construction of live-work and residential units has been approved under Project Nos. 6135564 and 6149432. The subdivision of Parcel E is only for the purpose of allowing sale or lease of the unit lots. Development standards for the residential units will be applied to the parent lot (Parcel E) and not to each of the new unit lots.

The following approval is required:

**Short Subdivision** – to subdivide one existing parcel of land into five parcels and 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.

**BACKGROUND DATA**

Zoning: Neighborhood Commercial (NC2-40).

Site Description: The 9,120 square foot project site is located in the Wallingford Neighborhood, just south of N. 45<sup>th</sup> street on Meridian Ave N. The zoning is Neighborhood Commercial 2 zone with a 40 foot height limits. (NC2-40). The parcel has 80' of frontage on Meridian Ave N., and is 114' deep. The parcel is currently under construction with the live-work and townhouse development approved under the related design review and building permits. There is an 8' high retaining wall at the easterly property line.

Surrounding Area:

Adjacent properties to the north along N. 45<sup>th</sup> Street are zoned NC2-40 like the subject property and include larger commercial sites like the Wallingford QFC and Wallingford Center a block to the west, and smaller commercial uses in the subject block; to the south, the zoning is Lowrise-2 (L-2) multi-family and consists of older single family structures and some newer townhouses. Moving away from N. 45<sup>th</sup> Street, the zoning changes to Single Family (SF-5000) and is characterized by older single family structures.

Proposal Description:

The proposal is to subdivide one parcel of land into five parcels and to further divide one of the parcels into 4 unit lots to allow the sale of the live-work and townhouse units that have been approved for the site. The proposed development consists of two buildings, the westerly building, which fronts on Meridian Ave N, will be 4 live work units (Parcels A – D), with commercial on the ground floor and residential above. The easterly building (Parcel E) will consist of 4 townhouse units (Unit Lots W-Z). The site is accessed via a shared driveway leading from Meridian Ave N. to an auto/pedestrian court between the two buildings. Parking is provided within each of the structures. The plat details easements and mutual maintenance agreements for common use areas; a covenant has also been provided that allows the site to be reviewed as one site by the building code and includes details regarding common elements, easements, and maintenance. Note that the Master Use and initial building permit originally planned for 8 live-work units, but the uses were revised in a post-permit submittal to allow for 4 townhouse units instead of live-work in the easterly building that does not front on the street.

Public Comment:

The comment period for this proposal ended on 5/9/2010. One comment was received from a neighbor who is concerned about parking impacts of the project.

**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. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development, review from Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

***1. Conformance to the applicable Land Use Code provisions;***

The proposal for short subdivision conforms to the applicable standards of the Land Use Code.

***2. Adequacy of access for pedestrians, vehicles, utilities, and fire protection as provided in Sections 23.53.005 and 23.53.006;***

Vehicular and emergency access is provided from Meridian Ave N. The configuration of lots has been approved by the fire department.

***3. Adequacy of drainage, water supply, and sanitary sewage disposal.***

**Drainage and Sanitary Sewer.** Review of drainage and sewer service for the proposed project has been conducted and approved under the related building permit.

**Water.** A 8" main is located in Meridian Ave N. and is available to serve the site. The water availability certificate has been approved for the project (Certificate # 20100203); one water meter will be required for each parcel.

**4. *Whether public use and interest are served by permitting the proposed division of land;***

The division allows for ownership of each of the live-work and residential spaces. The opportunity for ownership of these new urban lots that are served by City services (water, sewer, garbage, fire and emergency services) is in the public interest.

**5. *Conformance to the applicable provision of SMC Section 25.09.240, short subdivision and subdivision in environmentally critical areas;***

The proposal site is not located in an environmentally critical area.

**6. *Whether the proposed division of land is designed to maximize the retention of existing trees;***

Tree requirements were reviewed under the related master use/design review and building permits.

**7. *Conformance to the provision 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.***

See further analysis below.

**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.***

**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 dwelling units in zones where such uses are permitted.*
- B. *Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, 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 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.*

#### Summary - Unit Lot Subdivision

Review of this application shows that the proposed unit lot 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 two residential dwellings. 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 required to be provided on the plat.

#### **DECISION – SHORT SUBDIVISION (INCLUDING UNIT LOT SUBDIVISION)**

The proposed Short Subdivision with Unit Lot Subdivision is **CONDITIONALLY GRANTED** subject to the conditions stated at the end of this decision.

#### **CONDITIONS**

##### Conditions of Approval Prior to Recording

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

1. Provide on the plat a joint use and maintenance agreement for all easements on the site.
2. Provide on the plat the required Seattle City Light easement.

3. Provide an easement, covenant, or other legal agreement to allow posting of address signage for the unit lots that do not front on the street.
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. 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."
6. Submit the recording fee and final recording documents for approval.
7. 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 \_\_\_."

*For the Life of the Permit*

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)  
Holly E. Anderson, Land Use Planner  
Department of Planning & Development

Date: July 22, 2010