



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: 3003178  
Applicant Name: Jennifer McCully  
Address of Proposal: 5420 Northeast 58<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into six unit lots (Unit Lot Subdivision). The construction of townhouses has been approved under Project No. 2501726 / Permit No. 752223. 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 subdivide one parcel into six unit lots.  
(Chapter 23.24, Seattle Municipal Code).

**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:                      Lowrise Duplex/Triplex  
Uses on Site:              Three, 2-unit townhouses with attached garages.

**Substantive Site Characteristics:**

This 11,126 square foot subject site (the “parent lot”) is an irregularly shaped lot located on the northwest corner of the intersection between Northeast 58<sup>th</sup> Street and 55<sup>th</sup> Avenue Northeast. Construction of three, 2-unit townhouses with attached garages has been approved on the subject property under Project No. 2501726 / Permit No. 752223. The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 11,126 square foot parcel, the “parent lot,” into six unit lots with the following lot areas: unit lot A – 1,703.5 square feet, unit lot B – 1,855.5 square feet, Unit Lot C – 1,792.2 square feet, unit lot D – 1,582.1 square feet, unit lot E – 1,957.1 square feet, and unit lot F – 2,236.2 square feet. Vehicular access for required parking for all proposed unit lots will be via an ingress, egress, and utility easement that runs off of 55<sup>th</sup> Avenue Northeast through the approximate center of the parent lot. Pedestrian access off of 55<sup>th</sup> Avenue Northeast is also available to all of the proposed unit lots via this easement. In addition, pedestrian access to Unit Lots A, B, C, and D is available directly off of Northeast 58<sup>th</sup> Street.

A Master Use Permit to construct three 2-unit townhouses with attached garages has been reviewed and approved (Project No. 2501726 / Permit No. 752223). The subject of this analysis and decision is limited to the subdivision of land.

Public Comment:

The comment period for this proposal ended on September 28, 2005. During this period, no written comment letters related to this project were received.

**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; and*
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.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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. Detailed discussion of Criterion #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. A new 8" water main will be installed in 55<sup>th</sup> Avenue NE by the project developer. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat 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 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. *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 Department of Records and Elections.*

*G. 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 developments are townhouses. The structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was 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.”* A joint use and maintenance agreement will be required as conditioned at the end of this decision.

#### **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. Include the Joint Use/Maintenance Agreement on the final plat.
2. Include the required easements from Seattle City Light on the face of the plat and in the legal descriptions of the affected unit lots.
3. Per Fire Department review, an approved water supply capable of supplying the required fire flow for fire protection of facilities, buildings or portions of buildings shall be provided as required by 2003 SFC Section 508 Fire Protection Water Supplies. Changes may be required to bring the proposed structures into compliance with 2003 SFC Section 508.
4. Complete the required zoning corrections as stated in the Correction Notice dated September 20, 2005.

