



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

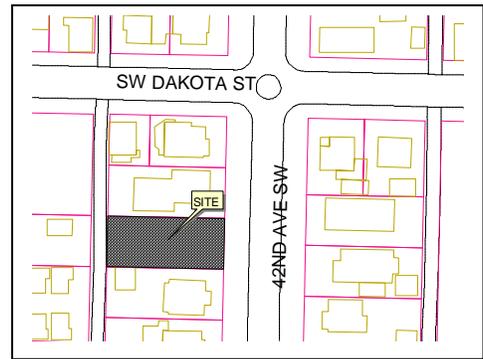
Diane M. Sugimura, Director

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

Application Number: 3004428

Applicant Name: Moira Haughian

Address of Proposal: 4111 42nd Avenue SW



SUMMARY OF PROPOSED ACTION

Land Use Permit to subdivide one parcel into four unit lots. The construction of townhouses has been approved under Project #6076374. 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 four unit lots pursuant to Seattle Municipal Code section 23.24.045.

SEPA DETERMINATION: [X] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Proposal & Site Description

The subject site is a rectangular shaped lot with a lot area of 5,745.6 square feet. The four proposed unit lot areas are: A) 1,436.4 sf. ft., B) 1,436.5 sq. ft., C) 1,436.3 sq. ft. and D) 1,436.4. The site is relatively flat and is located in a Lowrise 1 zone (L-1). 42nd Avenue SW abuts to the east of the site and an alley abuts to the west. 42nd Avenue SW is improved with curb, gutter and sidewalk along the site frontage.

### Surrounding Area Description

The surrounding properties are a variety of multi-family, commercial and single-family uses. The properties to the south of SW Dakota Street and west of the alley abutting the site are zoned Neighborhood Commercial 1 with a 40-foot height limit (NC 1-40) and developed with a mix of residential and commercial uses. The properties to the south of SW Dakota Street and east of the alley abutting the site are zoned L-1 and developed primarily with a variety of multi-family structures. The areas further to the north and northeast across SW Dakota Street are zoned Single-Family 5,000 (SF 5000) and developed with a variety of single-family structures. The areas to the northwest across SW Dakota Street are zoned Lowrise 3 Residential-Commercial (L-3 RC) and developed primarily with residential uses with limited commercial.

### Public Comments

The application was deemed to be complete on March 6, 2006 and notice of application was sent on March 16, 2006. The 14 day public comment period ended on March 29, 2006. No public comments were received through the public notice process.

### **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.*

### Analysis

Based on information provided by the applicant, referral comments as appropriate from DPD, Fire Departments (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. Seattle City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed parcels. 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 (Water Availability Certificate #20060515 issued March 22, 2006), 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 a mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. The development of the subject site (including the removal of trees) is permitted by approval of the associated building permit. No trees are to be removed as a result of this short subdivision. 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. *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 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.*

Analysis

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 townhouses. The structures, as reviewed under their separate building permit, conform to the development standards of 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 maintain 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 on the plat must also be maintained. An easement to allow for proper addressing of rear parcels will be required as a condition of approval.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### *Conditions of Approval Prior to Recording*

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

1. Comply with all applicable standard recording requirements and instructions.
2. Maintain the following note on the face of the plat: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code”*.
3. Maintain the joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.

Revise Short Plat to show the following:

4. An easement providing for address signs on one of the street-facing parcels to benefit the rear parcels.
5. Provide an overhead/underground easement for this unit lot subdivision as required by Seattle City Light on the final short subdivision.
6. On the front sheet where it states, “REFERENCE NUMBERS FOR RELATED PROJECTS”, add the following permit number, “6076374”.
7. On sheets 1 through 5 where it states, “SHORT SUBDIVISION NO.”, add the following permit number, “3004428”.

#### *Prior to Issuance of any Building Permit*

8. 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.

Non-Appealable Zoning Requirement

Prior to recording, the owner(s) and/or responsible party(s) shall meet all zoning requirements as determined by the zoning reviewer, and revise legals as requested by DPD's addressing reviewer.

Signature: (signature on file)  
Mark Taylor, Land Use Planner  
Department of Planning and Development

Date: May 25, 2006