



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:** 3005625  
**Applicant Name:** Brittani Ard for Granger Construction  
**Address of Proposal:** 3905 Whitman Ave N.

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to subdivide one parcel of land into eight unit lots (unit subdivision). Townhouses constructed under Project #[6092069](#). Proposed unit lot sizes are: A) 1,160 sq. ft., B) 1,371 sq. ft., C) 950 sq. ft., D) 1,160 sq. ft., E) 1,200 sq. ft., F) 1,201 sq. ft., G) 1,225 sq. ft.; and H) 1,176 sq. ft.

The following approval is required:

**Short Subdivision** - to divide one parcel of land into eight unit lots (unit subdivision). (Chapter [23.24.045](#) , 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.

**RELATED PROJECTS:** Construction: #[6092069](#).

## **BACKGROUND DATA**

### **Site and Vicinity Description**

This 9,603 square foot site is located in a residential Lowrise 3 zone (L3) in the Fremont neighborhood, on the northwest corner of Whitman Ave N and N 39<sup>th</sup> St. Both rights of way have existing curbs, sidewalks, and street trees. The adjacent alley is improved, but it is currently narrower than the standard – a 2' dedication and improvements are therefore required. The site slopes down to the southeast, and it is not in a mapped Environmentally Critical Area.

Neighboring properties immediately to the north and to the south and southeast across N 39<sup>th</sup> St are also zoned L3. To the east and southeast across Whitman Ave N is zoned Lowrise 2 (L2). To the northwest, west, and southwest across the alley is zoned Commercial 1 with a base height limit of 40 feet (C1-40), which fronts on Aurora Avenue N. The area is developed mostly with a mix of single family homes and low apartments, with a few new townhouse developments.

### **Proposal Description**

The applicant proposes to subdivide the subject parcel of land into eight unit lots (unit subdivision). Proposed unit lot sizes are:

- |                   |                       |
|-------------------|-----------------------|
| A) 1,160 sq. ft., | E) 1,200 sq. ft.,     |
| B) 1,371 sq. ft., | F) 1,201 sq. ft.,     |
| C) 950 sq. ft.,   | G) 1,225 sq. ft.; and |
| D) 1,160 sq. ft.  | H) 1,176 sq. ft.      |

### **Public Comments**

The two-week comment period ended September 27, 2006. The project planner received one comment from the public. The letter raises concerns about the height of the permitted townhomes and the loss of private views. Demolition and construction involved a nondiscretionary review, not subject to appeal. This review is to facilitate fee-simple ownership of the individual townhouse units only.

## **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, no short plat shall be approved unless all of the following conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from DPD, the 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;*

This proposed unit subdivision of townhouse units would conform to all applicable development standards of section [23.24.045](#) “Unit Lot Subdivisions”.

2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);*

Vehicular access to the townhouses will be from the adjacent alley, which is paved. Parking is to be beneath the proposed structures.

Seattle City Light (SCL) typically requires an easement to provide power to the buildings on the new unit lots from the right-of-way. SCL has not yet reviewed and approved this unit lot subdivision. Any required easement language must be incorporated into the recorded short plat.

The Seattle Fire Department has reviewed this proposed unit subdivision and requires no corrections.

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

DPD reviewed the existing, proximate public sanitary sewer system with the building permit application, and determined that there are no issues regarding sanitary sewage discharge from this project.

DPD reviewed the existing drainage infrastructure as part of the building permit application, and approved the proposed project stormwater control. Necessary easements and connection documents are included with a Side Sewer Permit.

The drainage reviewer has no recommended requirements to be required prior to publishing the unit lot subdivision decision.

A Seattle Public Utilities official has reviewed the proposal and issued Water Availability Certificate [20061735](#). All SPU conditions of approval must be met.

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

This proposal meets this criterion due to the fact that additional fee-simple housing will be available for sale within the City limits as a result of the unit subdivision of the parcel and construction of ground-related housing.

5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions in environmentally critical areas;*

This site is not an Environmentally Critical Area (ECA) as defined in SMC [25.09.020](#); therefore this criterion is not applicable to this application.

6. *Is designed to maximize the retention of existing trees;*

Trees that existed prior to issuance of the building permit are no longer present on the site. This criterion therefore does not apply to this application.

7. *Conformance to the provisions of Section [23.24.045](#), Unit Subdivisions.*

The provisions of SMC Section [23.24.045](#) are as follows:

- A. *The provisions of this section 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.*

The subject proposal would establish separate unit lots for eight townhouse units in an L3 zone, thus falling within the purview of SMC Section [23.24.045](#).

- 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 private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The approval of the building permit, #[6092069](#), demonstrates that the development as a whole meets all applicable development standards. For ground related development, L3 zoning requires an average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit. No unit shall have less than two hundred (200) square feet of private, usable open space (SMC [23.45.016 A3a1](#)). The proposed plat delineates the following amounts of qualifying open space:

- |                |                |
|----------------|----------------|
| A) 280 sq. ft. | E) 241 sq. ft. |
| B) 591 sq. ft. | F) 201 sq. ft. |
| C) 280 sq. ft. | G) 225 sq. ft. |
| D) 280 sq. ft. | H) 360 sq. ft. |

The average size of the above open spaces is 307 square feet.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

Compliance with criterion F below should assure proper control of future platting actions, additions or modifications to the structures.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

The applicant has described the necessary easements for vehicular access to garages. A “joint use and maintenance agreement” for the property has been provided on plans and must be recorded for final approval of this unit subdivision. DPD conditions the project to provide adequate address signage for unit lots with no street frontage.

- 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 the King County Department of Records and Elections.*

Required parking will be provided in private garages located beneath each unit. Each unit will have one garage parking space.

- F. *The fact that the unit lot is not a separate building 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.*

A note on the face of the plat clarifies that each unit lot is not a separate buildable site. The note must be recorded with the plat, and as such satisfies the provision.

### Summary - Short Subdivision

Review of this site plan shows that the proposed short subdivision, as conditioned in this decision, will conform to applicable standards of SMC [23.24.045](#), Unit Subdivisions. The lots to be created by this short subdivision will meet all minimum standards of the L1 zone set forth in the Land Use Code. 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.

**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(ies) shall:

1. Obtain confirmation from Seattle City Light regarding completion of their review, and show any required utilities easement on the plat.
2. Have the 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.
3. Add the following note to 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.”*
4. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.
5. Provide an area to allow for the posting of address signage for Unit Lots F, G, and H at a location visible from Whitman Ave N or N 39<sup>th</sup> St and provide a covenant and/or an easement to ensure that address signage can be maintained.
6. Submit the final recording forms for approval.

Signature: (signature on file)  
Scott A. Ringgold, Land Use Planner  
Department of Planning and Development  
Land Use Services

Date: October 9, 2006