



City of Seattle  
Gregory J. Nickels, Mayor

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**Department of Planning & Development**  
D. M. Sugimura, Director

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

**Application Number:** 3007413  
**Applicant Name:** Evan Chan  
**Address of Proposal:** 429 13<sup>th</sup> Avenue East

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into five unit lots (Unit Lot Subdivision). The construction of townhouses has been approved under Department of Planning and Development (DPD) project number 6098951. 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 existing parcel into five lots as a unit lot subdivision.  
(Chapter 23.24 Short Plats, 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.

\* Environmental review resulting in a Threshold Determination is required pursuant to the Washington State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). A SEPA review and determination was completed March 13, 2006 by appropriate DPD staff and the proposal was determined to not have a significant adverse impact upon the environment. This conditional Determination of Non-Significance (DNS) was provided under DPD Application No. 2409284.

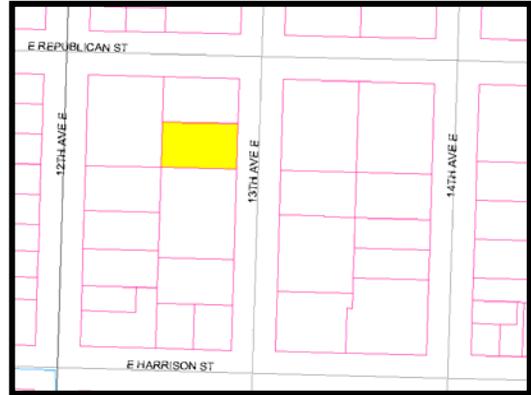
## BACKGROUND DATA

### Substantive Site Description

The subject property is 6,010 square feet in size and is zoned Lowrise 3 (L3). The areas adjacent to the north, south, east, and west of the property are also zoned L3.

The rectangular property has approximately 60 feet of street frontage to the east with 13<sup>th</sup> Avenue East, which is developed with curbs, gutters, and sidewalks on both sides of the street pavement at this location.

There is a 40 percent steep slope mapped by City of Seattle and observed at the rear of the property. DPD completed a SEPA Threshold Determination, dated March 13, 2006, which identified that this proposal was determined to not have a significant impact upon the environment. This conditional DNS was previously issued for this proposal under a separate application.



### Proposal Description

The applicant proposes to short subdivide the subject property into five unit lots. Proposed unit lot sizes are:

- Unit Lot A: 1,489 sq. ft.
- Unit Lot B: 1,504 sq. ft.
- Unit Lot C: 1,107 sq. ft.
- Unit Lot D: 824 sq. ft.
- Unit Lot E: 1,086 sq. ft.

A private access easement shown on Unit Lots A and B is proposed to provide pedestrian access for Unit Lots A through E. In addition, the private access and drainage easement shown on Unit Lots A through E is proposed to also provide pedestrian access for all proposed unit lots.

Covered parking for one car is proposed within each building to be constructed on each unit lot. A permit establishing the land use for residential townhomes and construction of two units with parking for each below has been reviewed and approved under DPD project number 6098951. A permit establishing the land use for residential townhomes and construction of three units with parking for each below has also been reviewed and approved under DPD project number 6098959.

### Public Comment

The comment period for this proposal ended on July 11, 2007. During this period, one written comment letter was received. This comment questioned the scale of the proposed development in relation to the surrounding neighborhood.

### **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;*
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.*
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.*

#### **Summary - Short Subdivision**

Based on information provided by the applicant, referral comments or review approvals from Zoning (DPD), Addressing (DPD), Building Plans (DPD), Drainage (DPD), Water (SPU), City Light (SCL), 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. 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 proposed and/or conditioned, this short subdivision will be provided with vehicular access and public and private utilities with right-of-entry. 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.

The proposed site is located in an Environmentally Critical Area; however, a previously completed SEPA Threshold Determination, dated March 13, 2006 identified that this proposal was determined to not present a significant impact upon the environment. Trees (if any) will be removed and installed per the DPD project number 6098951 building permit landscape plan. Any tree removal or replacement is subject to the requirements of the Seattle Municipal Code. As a noted restriction, the submitted short plat identifies that this site is subject to the terms and conditions of an agreement between the owners and the City of Seattle regarding tree planting and maintenance as disclosed by instrument recorded under recording number 8205260353.

The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

**ANALYSIS –UNIT LOT SUBDIVISION**

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 Development 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 townhouse structures being developed and constructed will collectively contain five dwelling units. The structures, as reviewed under separate building permits, will conform to the development standards in place at the time that the permit application was vested. To ensure that future owners have sufficient notice that additional development may be limited, the applicant has appropriately added a note to the face of the short 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 is provided on the short plat.*

### **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. Add the conditions of approval after recording 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 after recording see page \_\_\_\_ of \_\_\_\_.*”
2. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected unit lots.
3. 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 shall be identified on the plat and encroachments such as side yard easements, fences, or structures shall be shown. Please make sure that the lot areas of each parcel are included on the recording documents.
4. Submit the recording fee and final recording forms for approval.
5. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
6. Provide an emergency egress easement from the rear of Unit Lot D to the proposed Ingress/Egress easement and/or to 13<sup>th</sup> Avenue East. The easement should be a minimum of 44 inches, shown on the plans, and included in the legal description. (per Ordinance Review Correction Notice #1).
7. Please include the access easement language with each unit lot legal description (per Zoning Correction Notice).
8. Please label and provide area of rooftop open space for each proposed unit lot (per Zoning Correction Notice).
9. The existing property was connected by means of a shared sidesewer also serving the apartment building to the north, addressed 433 13<sup>th</sup> Avenue East, to an 8-inch public sanitary sewer (PSS) located in East Republican Street. This mainline was originally

constructed as a combined sewer, and as such, there are likely to be downspouts and area drains still connected to what is now considered to be, for purposes of redevelopment, a sanitary only sewer. There is no public sewer mainline in this block of 13<sup>th</sup> Avenue East. As alluded to, this area has been “separated” with the construction of a 12-inch public storm drain (PSD) in East Republican Street. This mainline discharges to a Designated Receiving Water.

The Joint Use/Maintenance Agreement should be revised to include the common sidesewer and storm drainage system that will serve the proposed unit lots.

10. The proposed unit lots are identified on the submitted short plat plan set as Unit Lots A-E. Please note that DPD Addressing has assigned the following addresses to the corresponding unit lots:
  - a. Unit Lot A – 425 13<sup>th</sup> Avenue East
  - b. Unit Lot B – 429 13<sup>th</sup> Avenue East
  - c. Unit Lot C – 427A 13<sup>th</sup> Avenue East
  - d. Unit Lot D – 427B 13<sup>th</sup> Avenue East
  - e. Unit Lot E – 427C 13<sup>th</sup> Avenue East

*For the Life of the Project*

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

11. 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: August 20, 2007  
Mike Reid, Land Use Planner  
Department of Planning and Development

MR:bg