



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

**Application Number:** 3008312  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 4210 8<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into eight unit lots (Unit Lot Subdivision). The construction of two townhouse buildings has been approved under Project 6130210. 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 eight 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: Multifamily Residential Lowrise 3 (L-3).

Prior Uses on Site: One fourplex apartment

Substantive Site Characteristics:

The site is in the University District of Seattle in an area of multi-family use and zoning just east of the I-5 freeway and a short distance south of N.E. 45<sup>th</sup> St., an arterial with many commercial uses. This 7,115.6 square foot subject site (the “parent lot”) is a rectangular lot that fronts on 8<sup>th</sup> Avenue NE to the west. There is no alley on this block.



The lot is located within an L-3 zone that continues north to 43<sup>rd</sup> Avenue NE and south to 40<sup>th</sup> Avenue NE. Across 9<sup>th</sup> Avenue NE to the west the zoning changes to C1-40. The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 7,115.6 square foot parcel, the “parent lot,” into eight unit lots with the following lot areas:

- Unit Lot A – 1,198.9 square feet
- Unit Lot B – 693.9 square feet
- Unit Lot C – 728.1 square feet
- Unit Lot D – 890.0 square feet
- Unit Lot E – 1,183.3 square feet
- Unit Lot F – 710.3 square feet
- Unit Lot G – 710.4 square feet
- Unit Lot H – 1,000.1 square feet

Vehicular access for required parking for all proposed Unit Lots will be from an Ingress, Egress and Utility Easement which runs east from 8<sup>th</sup> Avenue across the north portion of Unit Lot A and then south between the two rows of townhouses. The required parking for each unit lot will be accommodated by an attached garage within each townhouse unit.

Demolition of the existing apartment building and construction of two townhouse buildings with attached garages has been reviewed and approved under Project number 6130210. The subject of this analysis and decision is limited to the subdivision of land.

Public Comment:

The comment period for this proposal ended on December 26, 2007. 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, 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;*

Conformance with the applicable regulations in the Land Use Code was determined at the time the townhouse building permit applications were approved.

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

Each lot will be provided with vehicular access (including emergency vehicles) and public and private utilities either through adjacency to the 8<sup>th</sup> Avenue public right-of-way or through the private ingress/egress easement. An additional emergency access easement has been provided along the northeast corner of the site across unit lots H and G. Parking is to be within 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. Prior to recording, SCL must review and approve the short subdivision. Any required SCL 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;*

The existing property has water and sewer service and additional connections will be made for the new units during the building permit process. Storm drainage is also available in 8<sup>th</sup> Avenue. The adequacy of the provisions for drainage control, water supply, and sanitary sewage disposal for each lot have been reviewed and approved by appropriate City staff.

Seattle Public Utilities has reviewed the proposal and issued Water Availability Certificate 20072176. All SPU conditions of approval must be met.

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

The public interest is expressed by the zoning designation of the site and development regulations as an expression of the City's Comprehensive Plan goals and policies. The L-3 zone is intended for multi-family development at a density of one unit per 800 square feet of lot area. This project will result in an average lot size of 889.4 square feet. Comprehensive Plan goals include accommodation of additional households, preservation of housing affordability, achievement of a mix of housing types and expansion of owner-occupied housing opportunities. This project would expand the number of housing units on the site from four to eight, provide an ownership housing type (townhouses) and the unit lot subdivision would allow for individual unit ownership.

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

The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable; additionally, this regulation does not apply to unit lot subdivisions.

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

The one tree that existed prior to issuance of the building permit is 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 permits 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:

- Unit Lot A – 212.0 square feet
- Unit Lot B – 200.2 square feet
- Unit Lot C – 200.6 square feet
- Unit Lot D – 201.3 square feet
- Unit Lot E – 721.9 square feet
- Unit Lot F – 243.6 square feet
- Unit Lot G – 243.7 square feet
- Unit Lot H – 379.2 square feet

The average size of the above open spaces is 300.3 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 lot 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 within 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.

## **CONCLUSIONS**

The lots to be created by this short subdivision are consistent with applicable development standards set forth in the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access (including emergency vehicles), public and private utilities and pedestrian access. 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 public use and interest are served by the proposal since the zoning use and density standards will be met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the short subdivision decision criteria have been met subject to the conditions imposed at the end of this decision.

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 new structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. Constructive notice that additional development may be limited is provided to future owners through a note on the face of the plat.

## **DECISION – UNIT LOT SUBDIVISION**

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

**CONDITIONS**

*Conditions of Approval Prior to Recording*

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

1. 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.
2. 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.
3. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
4. Submit the recording fee and final recording forms for approval.

*For the Life of the Project*

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

5. 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: January 3, 2008  
Nora Gierloff, Land Use Planner  
Department of Planning and Development

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