



**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:** 3010454

**Applicant Name:** Wayne Main for Sheree Noyes and Northwest Pacific Development

**Address of Proposal:** 8414 Linden Ave N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide a parcel into eight unit lots. The construction of two new multi-family residential units has been approved under Project No. 6095886\*. 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 development site and not to each of the new unit lots.

\*Environmental review for the number of units proposed in the zone was done under DPD Project No. 3006468.

The following approval is required:

**Unit Lot Subdivision** - to create eight-unit lots. (SMC Chapter 23.24).

**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: Low-Rise Two (L-2)

Uses on Site: Eight multi-family units (two structures with four units each, reviewed and approved under project 6095886)

**Site and Vicinity Characteristics**

The subject site is located one block west of Aurora Avenue N. on the southeast corner of Linden Avenue and N. 85<sup>th</sup> Street (an arterial). Both streets are improved with curb, gutter, sidewalk and

vehicular access to the site is from N. 85<sup>th</sup> Street. The 9,090 square foot development site was previously two separate lots developed with single family structures. Construction of two new multi-family structures (with four townhouse units in each structure) was permitted under project # 6095886. The multifamily zoning only continues one block to the west and east and transitions to Commercial (NC-2 and NC-3) west of Fremont Avenue N. and to Commercial (C1-40) one block east along Aurora Avenue N. The multifamily zoning along the north and south side of N. 85<sup>th</sup> Street is only a half block deep and then transitions to single family zoning (SF5000) along N 83<sup>rd</sup> Street and N 85<sup>th</sup> Street.

### Public Comment

Three public comment letters were received during the comment period, which ended September 16, 2009. Concerns expressed included increased parking along residential streets, speeding along the arterial (N 85<sup>th</sup> Street), prior accidents at the bus stop on N. 85<sup>th</sup> Street, inadequate sight lines for vehicles entering the arterial from residential streets, inadequate street lighting, narrow sidewalk and lack of planting strip in the right-of-way (N. 85<sup>th</sup> Street) and the lack of a crosswalk across N. 85<sup>th</sup> Street.

Any required parking and street improvements were assessed at the time the construction project was reviewed as were sightlines (including related items such as fence heights and structure setbacks). Information was provided to the person who expressed the concerns, about City programs for street lighting, traffic calming and increased pedestrian amenities. These items are not part of the review for this Unit Lot Plat Decision.

### 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 pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
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; and*
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 from DPD, Seattle Public Utilities (SPU), Fire Departments (SFD), and Seattle City Light, 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 eight unit lots 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 and pedestrian 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. The proposal site is not mapped as an environmentally critical area and SEPA review (under SMC 25.09.240) was conducted under DPD Permit No. 3006468. Tree and other landscaping requirements were considered under the building permit review. Environmental review for the number of units proposed (per 25.05.800) was conducted prior to construction of the townhouse units under DPD permit number 3006468.

A note shall be added to the plat informing parties about the limitations of the Unit Lot Subdivision and the application of development standards to the entire parcel, as discussed below. The purpose of this platting action does not involve the creation of a new lot where two separate principal single family structures have occupied a single lot. 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**

Conformance to the provisions of Section 23.24.045, Unit Lot Subdivisions is required 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 provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family dwelling units in zones where such uses are permitted.*
- B. *Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, 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 open 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 the 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.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed (eight unit lot) short subdivision will conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this Decision. The structures, as reviewed under their separate building permits, conform to the development standards at the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant is required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: *“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 required.

**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. Provide on the plat the required Seattle City Light easement.
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 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.

4. Include the following on the face of the plat: “The lots created by unit subdivision are not separate buildable lots. Additional development of the individual unit lots 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.”
5. Submit the recording fee and final recording forms for approval.

*For the Life of the Project*

6. 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.

Signature: \_\_\_\_\_ (signature on file) Date: November 16, 2009  
Justina Guyott, Land Use Planner  
Department of Planning and Development

JG:bg

Guyott/3010454decision.doc