



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Planning and Development**  
Diane M. Sugimura, Director

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

**Application Number:** 3018511  
**Applicant Name:** Julie LeDoux  
**Address of Proposal:** 3811 Fremont Ln N

**SUMMARY OF PROPOSED ACTIONS**

Council Land Use Action to subdivide one unit lot into two unit lots. This is a re-division of one unit lot within a nine unit lot subdivision, creating a total of 10 unit lots. The nine unit lot subdivision was issued under Permit #3017428. The construction of residential units is under Project #6387706. 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. Environmental review conducted under #3014630.

The following approval is required:

**Full Subdivision Recommendation** – Chapter 23.22 Seattle Municipal Code.

**SEPA DETERMINATION:**  Exempt  DNS<sup>1</sup>  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition,  
or another agency with jurisdiction.

**Public Comment**

The public comment period ended December 28<sup>th</sup> 2015. No comment letters were received.

**PROCEDURES FOR PRELIMINARY PLAT APPROVAL**

*Hearing Examiner Findings and Conclusions.* The Land Use Code Section 23.76.024 requires that the Hearing Examiner conduct a public hearing on the unit lot subdivision application. The

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<sup>1</sup> A Determination of Nonsignificance under application #3014630 was issued on January 13<sup>th</sup> 2014. The DNS was not appealed.

Hearing Examiner can approve the proposal if it is determined that the proposed plat makes appropriate provision for the public health; safety and general welfare; open spaces; drainage ways; streets, alleys, other public ways; water supplies; sanitary waste disposal; fire protection; parks; playgrounds; sites for schools and school grounds; and that the public use and interest will be served by the platting of the subdivision. If the Hearing Examiner determines that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, the proposed plat may be denied. After the hearing, the Hearing Examiner will make a decision that is final on the preliminary subdivision.

*Council Action.* The Council review process changed in March 1996, in response to regulatory reform legislation, which made the approval of preliminary plats or subdivisions a Hearing Examiner decision. A formal action to approve the final plat is still the responsibility of the City Council as provided by RCW 58.17. However, the Council does not hold a public hearing for the purpose of accepting testimony. After the Hearing Examiner approves the preliminary plat, the Council reviews it for final plat approval.

*Analysis and Recommendation of the Director.* The Land Use Code (Section 23.76.023) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director's report to include the following:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;
2. Responses to written comments submitted by interested citizens;
3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22;
4. All environmental documentation, including any checklist, EIS or DNS; and
5. The Director's recommendation to approve, approve with conditions, or deny the application.

The Director's report is submitted to the Hearing Examiner and made available for public review at least thirty (30) days prior to the Hearing Examiner's public hearing.

## **ANALYSIS – SUBDIVISION**

### **1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;**

The following represent a summary of the comments received from each City Agency indicated in SMC 23.22.024. Information and documentation from each review agency is available in the DPD project file.

- **Seattle Department of Transportation**

Seattle Department of Transportation provided approval of the preliminary plat. No additional street improvements were required.

- **Director of Public Health**

A referral was sent to the Department of Health on March 25, 2015. As of May 13, 2015 no comment was received by the Director of Public Health. SMC 23.22.024 requires that comments be submitted to the Director within 30-days.

- **Superintendent of City Light**

City Light has reviewed the ULS noted above and has an existing easement under #3017428 (KC Recording # 20141114900005).

- **Director of Housing**

A referral was sent to the Director of Housing on March 25, 2015. As of May 13, 2015 no comment was received by the Director of Housing. SMC 23.22.024 requires that comments be submitted to the Director within 30-days.

- **Superintendent of Parks and Recreation**

Parks Real Estate division provided approval of the preliminary plat.

- **Director of Seattle Public Utilities**

A Water Availability Certificate (WAC) ID No. 20142280 was issued on December 22<sup>nd</sup> 2014. The WAC is valid for 18 months and will expire on June 6<sup>th</sup> 2016.

- **Fire Department**

The Fire Department approved the preliminary plat on December 5, 2014.

- **Seattle Metropolitan Services**

A referral was sent to King County Metro on December 5, 2014. On February 23, 2015 commented that they had no concerns from a service planning perspective.

- **Structural / Ordinance Review (DPD)**

The DPD ordinance structural reviewer approved the preliminary plat with no conditions on December 10, 2014.

- **Drainage Review (DPD)**

The DPD drainage reviewer has given approval with no conditions on December 19<sup>th</sup> 2014.

There is an eight inch diameter sanitary sewer main and a twelve inch diameter public storm drain in Fremont Ave. N. Storm water from the permitted development on the site will be discharged to the public storm drain. There are no recommended sewer or drainage conditions prior to recording of the unit lot subdivision.

**2. Responses to written comments submitted by interested citizens.**

The Department received no written comment on the preliminary plat application.

**3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22.**

**Dedications Required**

**SMC 23.22.052A** Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

Development of four townhouse structures (two structures will contain three residential units and two will contain two residential units [for a total of 10 units]) was reviewed and approved under land use application 3014630 and building permit 6387706.

**SMC 23.22.052B** Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

No dedications are required. Required street improvements are located within the existing rights-of-way.

**SMC 23.22.052C** Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to the existing sidewalks contiguous to the subdivision.

Street dedication is not required. Sidewalks within the subdivision will be installed. Sidewalks currently exist in Fremont Ave N. Within the unit lot a Pedestrian Easement provides access from unit lots to public rights-of-way and the parking and refuse area.

**SMC.22.052D** Vehicular access to every lot shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement.

Access to the proposed development is from Fremont Ave N. and Fremont Lane N. (Named Alley). Unit Lots AA and BB will have parking that is accessed from Fremont Lane N.

DPD does not recommend any further dedications or easements. Private easements for vehicular ingress and egress, pedestrian access, parking, and utilities, except Seattle City Light which requires an easement for electric overhead and underground distribution facilities, are adequate and the public interest served.

### **Public Use and Interest**

Pursuant to SMC 23.22.054, the decision maker must consider all relevant facts to determine whether the public use and interest will be served by the proposed full unit lot subdivision. Additionally, the proposed plat must make appropriate provision for the public health, safety and general welfare by providing for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, and safe access to and sites for schools.

DPD recommends the Hearing Examiner finds that the proposed unit lot subdivision serves the use and public interest by allowing separate ownership of individual units that otherwise would be owned by one party and might otherwise be available on a rental only basis or as condominium units with adequate provisions for the access and maintenance of joint facilities.

DPD recommends the Hearing Examiner finds that the proposed unit lot subdivision makes appropriate provisions for the public health, safety and general welfare, public ways, and planning features based on comments received from relevant City Departments and outside agencies; review of approved permits 3014630 and 6387706 for development of the four townhouse structures; two structures will contain three residential units and two will contain two residential units (for a total of 10 units), review of the approved Street Improvement Plan, and the submitted preliminary plat with identified easements.

### **Flood Control Zone**

No plat shall be approved by the Hearing Examiner covering and land situated in a flood control zone.

The development site is not mapped as Flood Prone.

### **Environmentally Critical Areas**

No plat shall be approved by the Hearing Examiner covering and land situated in a riparian corridor, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of Section 25.09.240 Short Subdivisions and subdivisions, in environmentally critical areas.

SMC 25.09.240 excludes unit lot subdivisions.

### **Transportation Concurrency Level-of-Service Standards**

Proposed subdivisions shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

Transportation concurrency is not applicable. The proposed unit lot subdivision is for the purpose of allowing sale or lease of the unit lots. Environmental review and Determination of Nonsignificance was issued under land use permit 3014630.

### **Unit Lot Subdivisions**

**SMC 23.22.062A** The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for townhouse, rowhouse, and cottage housing developments, as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

The proposal is for the unit lot subdivision of land for a townhouse structure as permitted in a Lowrise zone.

**SMC 23.22.062B** 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.

This site may be subdivided into individual unit lots. Development as a whole meets development standards applicable at the time the permit was vested. The proposal was reviewed and approved under land use permit 3014630 and construction permit 6387706. Open space has been provided on the same unit lot as the dwelling unit it serves, as shown on Sheets 5 and 6 of the preliminary plat.

**SMC 23.22.062C** Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

This has been noted on Sheet 1 of 7 of the preliminary plat documents.

**SMC 23.22.062D** 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 spaces for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

Access easement and joint use and maintenance agreements have been provided on the plat and will be executed with recording of the final plat documents. Ingress, Egress, Parking and Trash Storage Area; Joint Use/Maintenance Agreement, Pedestrian Access Easement, Common Amenity Easement, are described on Sheet 3 of 7 and shown on Sheet 5 of 7 of the preliminary plat. The Utility Easement is described and shown on Sheet 6 of 7 of the preliminary plat.

Emergency Egress Easements, Address Sign Easements, are shown on 5 of 7 of the preliminary plat. They are described on Sheets 3 of 7 of the preliminary plat.

**SMC 23.22.062E** 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 the parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

Access to the proposed development is from Fremont Ave N. and Fremont Lane N. (a named alley). Parking is accessed from Fremont Lane N.

Unit Lots AA and BB will have parking that is accessed from Fremont Lane N. (Named Alley).

**SMC 23.22.062F** The fact 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 King County Department of Records and Elections.

This has been noted on the preliminary plat documents, Sheet 1 of 7.

**4. All environmental documentation, including any checklist, EIS or DNS; and**

Environmental review was approved under Project #3014630. Environmental documentation will be provided to the Hearing Examiner and is part of the public record.

**5. The Director's recommendation to approve, approve with conditions, or deny the application.**

See below.

**RECOMMENDATION – SUBDIVISION**

**DPD Recommends approval of the preliminary subdivision application with no conditions.**

Signature: Denise R. Minnerly for Date: October 5, 2015  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

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