



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: 3004604
Applicant Name: Brittani Ard for Granger Construction
Address of Proposal: 4516 Dayton Ave N.

SUMMARY OF PROPOSED ACTIONS

Master Use Permit to subdivide one parcel of land into eight (8) unit lots (unit subdivision).
Townhouses constructed under Project #[6064357](#). Proposed unit lot sizes are: A) 1,231 sq. ft., B) 820 sq. ft., C) 820 sq. ft., D) 1,209 sq. ft., E) 1,045 sq. ft., F) 681 sq. ft., G) 681 sq. ft.; and H) 1,021 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: #[6064357](#)

BACKGROUND DATA

Site and Vicinity Description

This 7,506 square foot site is located in a residential Lowrise 3 zone (L3) in the Fremont neighborhood, on the southeast corner of Dayton Ave N and N 46th St. Both rights of way have existing curbs and sidewalks. The site is essentially flat, and it is not in a mapped Environmentally Critical Area.

Neighboring properties in all directions are also zoned L3. To the northeast beyond N. 46th St, land is zoned residential Lowrise Duplex/Triplex (LDT), to the northwest is zoned residential Lowrise 1 (L1), and to the south across N 45th St. is also zoned L1. 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) 1,231 sq. ft., | E) 1,045 sq. ft., |
| B) 820 sq. ft., | F) 681 sq. ft., |
| C) 820 sq. ft., | G) 681 sq. ft.; and |
| D) 1,209 sq. ft., | H) 1,021 sq. ft. |

Public Comments

The two-week comment period ended May 3, 2006. The project planner received one comment letter from the public. The letter focuses on increased density, inadequate garage sizes, and resulting spillover parking into the right of way. It also voices frustration that the construction application involved no public notice. Demolition and construction involved a nondiscretionary review, not subject to appeal. The issues raised are beyond the scope of the subdivision review. 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 grand, 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 Dayton Avenue N, which is paved. Parking is to be beneath the proposed structures, and all units have access to the street.

Seattle City Light (SCL) requires an easement to provide power to the buildings on the new unit lots from the right-of-way. SCL approves this unit lot subdivision and has provided required easement language, which must be incorporated into the recorded short plat. The easement language is attached to this decision as Appendix A on page 7 of this report.

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 [20060623](#). 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, #[6064357](#), 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) 543 sq. ft. | E) 327 sq. ft. |
| B) 200 sq. ft. | F) 261 sq. ft. |
| C) 200 sq. ft. | G) 261 sq. ft. |
| D) 496 sq. ft. | H) 339 sq. ft. |

The average size of the above open spaces is 328 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.

Appendix A

**EXHIBIT "A" TO CITY OF SEATTLE
SHORT SUBDIVISION NO. 3004604
P.M. #250407-3-006C**

EASEMENT (Overhead and Underground)

THIS EASEMENT GRANTS to the City of Seattle, hereafter called the Grantee, its successors and assigns, the right, privilege and authority to install, construct, erect, alter, improve, repair, energize, operate and maintain electric overhead and underground distribution facilities at depths not exceeding 15 feet, which consist of poles with braces, guys and anchors, crossarms, transformers, ducts, vaults, manholes, cabinets, containers, conduits, wires and other necessary or convenient appurtenances to make said underground and overhead installations an integrated electric system. All such electric system is to be located across, over, upon and under the following described lands and premises situated in the County of King, State of Washington, to wit:

That portion of Lots 9 and 10, Block 15, Woodland Addition to Salmon Bay City, according to the plat recorded in Volume 2 of Plats, page 66, records of King County, Washington, described as follows:

Beginning at the northwest corner of said Lot 9;
thence North $89^{\circ}59'52''$ East, along the north line of said Lot 9, 15.23 feet;
thence South $0^{\circ}10'32''$ West, parallel with the west line of said Lot 9, 65.00 feet, more or less, to a point that is 10.02 feet North of the south line of the north half of said Lot 10;
thence East, parallel with the south line of the north half of said Lot 10, 69.53 feet, more or less, to a point that is 15.30 feet West of the east line of said Lot 10;
thence North $0^{\circ}10'32''$ East, parallel with the east line of said Lot 10, 65.01 feet, more or less, to the north line of said Lot 9;
thence North $89^{\circ}59'52''$ East, along the north line of said Lot 9, 10.30 feet, more or less, to a point that is South $89^{\circ}59'52''$ West, 5.00 feet from the northeast corner thereof;
thence South $0^{\circ}10'32''$ West, parallel with the east line of said Lots 9 and 10, 75.03 feet, more or less, to the south line of the north half of said Lot 10;
thence West, along the south line of the north half of said Lot 10, 95.06 feet, more or less, to the west line of said Lot;

thence North 0°10'32" East, along the west line of said Lots 10 and 9, 75.02 feet to the northwest corner of said Lot 9, and the point of beginning; EXCEPT any portions thereof lying within the proposed buildings to be constructed on said property.

(Being the west 15.23 feet of Unit Lot A, the west 10.30 feet of the east 15.30 feet of Unit Lot D, the west 10.30 feet of the east 15.30 feet of the north 25.52 feet of Unit Lot E, the west 15.23 feet of the north 24.00 feet of Unit Lot H, and The south 10.02 feet of Unit Lots E, F, G and H, all in City of Seattle Short Subdivision No. 3004604; EXCEPT any portions thereof lying within the proposed buildings to be constructed on said Unit Lots.)

The Grantee shall have the right at all times of ingress to and egress from said lands across adjacent lands within Unit Lots A, D, E, F, G and H, City of Seattle Short Subdivision No. 3004604 for the purpose of installing, constructing, reconstructing, repairing, renewing, altering, changing, patrolling, energizing and operating said electric system. And the Grantee shall have the right at any time to remove all or any part of said system from said lands.

The Grantee shall also have the right at all times to cut and trim brush, trees or plants of any kind standing or growing upon the lands within Unit Lots A, D, E, F, G and H, City of Seattle Short Subdivision No. 3004604 which, in the Grantee's opinion, interfere with the maintenance or operation of the electric system, or constitute a danger to said system.

It is covenanted and agreed that no structure or fire hazards will be erected or permitted within the above described easement area.

It is further covenanted and agreed that no digging will be done or permitted within the easement area which will in any manner disturb the electrical facilities or their solidity or unearth any portion thereof.

It is further covenanted and agreed that no blasting or discharge of any explosives will be permitted on the property within fifty (50) feet of said electric system.

The Grantee is to be responsible, as provided by law, for any damage through its negligence in the construction, maintenance and operation of said electric system across, over, upon and under Unit Lots A, D, E, F, G and H, City of Seattle Short Subdivision No. 3004604.

The rights, title, privileges and authority hereby granted shall continue in force until such time as the Grantee, its successors or assigns, shall permanently remove all of said electric system from said lands or shall otherwise permanently abandon said system.