



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
Diane M. Sugimura, Director

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

**Application Number:** 3003629  
**Applicant Name:** Brittani Ard for Bennett Development Association Inc.  
**Address of Proposal:** 4702 47<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to subdivide two parcels into four parcels of land. Proposed parcel sizes are:  
A) 4, 044.6 square feet, B) 4,045.2 square feet, C) 4,045.7 square feet; and D) 4,937.7 square feet.  
The existing structures located on proposed parcels A, B, and C are to be removed. The existing structure located on proposed parcel D is to remain.

Related projects: Construct three single family residences with attached garages; DPD Project Numbers 6081122, 6081129 and 6081126.

The following approval is required:

- **Short Subdivision** - to subdivide two existing parcels into four parcels.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

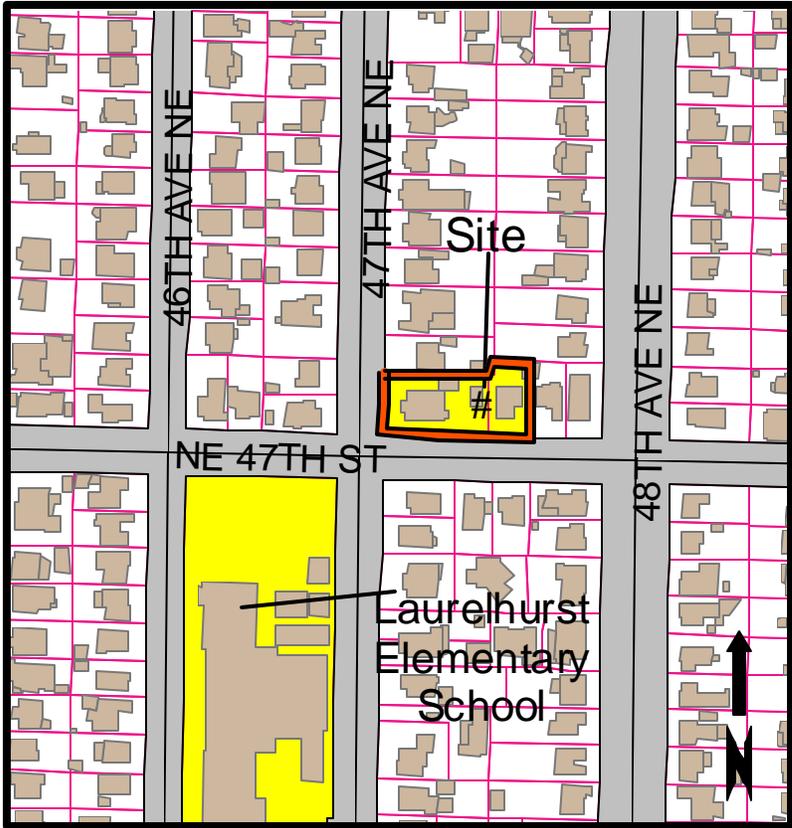
DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

**BACKGROUND DATA**

Site & Area Description

The approximately 17,073.2 square foot rectangular shaped site is located in a Single Family residential zone (SF 5000) in the northeast Seattle area. The parcels to be subdivided are located at the northeast corner of the intersection of NE 47<sup>th</sup> St and 47<sup>th</sup> Ave NE. Proposed Parcel A (corner lot) is proposed with street frontage on both NE 47<sup>th</sup> St and 47<sup>th</sup> Ave NE. Proposed parcels B, C, and D will have street frontage on NE 47<sup>th</sup> St. All proposed parcels will have direct pedestrian access to either NE 47<sup>th</sup> St or 47<sup>th</sup> Ave NE. The three new structures are proposed with separate driveways accessing an attached garage. These structures are currently being reviewed for code compliance under Project Numbers 6081122, 6081129 and 6081126.



Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of predominantly single family residences consistent with the zoning. Directly southwest of the site is Laurelhurst Elementary School.

Proposal

The proposal is to subdivide two parcels of land into four parcels. Proposed parcel A will have pedestrian access to both 47<sup>th</sup> Ave NE and NE 47<sup>th</sup> St. Proposed parcels B, C and D will have pedestrian access to NE 47<sup>th</sup> St. As shown on the three related building permits, vehicle access for the three new structures is currently proposed from the NE 47<sup>th</sup> St.

The subject of this analysis and decision is only the proposed division of land. The proposal is applying an exception to minimum lot area pursuant to SMC 23.44.010-B.1.b, known as the “75/80 rule”.

Public Meeting and Comment

During the public comment period, which spanned from 12/8/05 to 1/4/06, DPD received numerous written comments about the proposed subdivision. There was also a public meeting held on the subdivision as the Department received 50 signatures from the public requesting the meeting. The meeting was held on 2/8/06 at Laurelhurst Elementary School and was attended by approximately 55 people. The submitted written comments and vocal comments at the meeting opposed the proposed subdivision. The comments were related to: density, application of the 75/80 rule, permit process, preserving neighborhood character, retaining the existing structure, privacy, bus service, vehicle conflicts with children walking to and from school, the meaning of the public interest criteria, reduction of open space, loss of trees, driveway design, construction impacts, tree retention, and allowable development standards. The letters are located in the project file.

### **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.*

Based on information provided by the applicant, referral reviews from the Zoning Plans Examiner (DPD), Drainage Section (DPD), Ordinance and Structural Reviewer (DPD), the Fire Department,

Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner (DPD), the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single family residential use with a minimum lot size of 5,000 square feet (5000) or as provided in SMC 23.44.010-B.1.b (75/80 rule calculations located in the project file). The Land Use Code provisions were reviewed by the Zoning plans examiner and conditionally approved on January 3<sup>rd</sup> 2006. The following is the relevant code sections and code analysis pursuant to the 75/80 rule.

“B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area are subject to the limits of subsection B5. A lot which does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped as a separate building site according to the following:

1. In order to recognize separate building sites established in the public record under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot lines to permit more orderly development patterns, and to create additional buildable sites out of oversized lots which are compatible with surrounding lots, the following exceptions are permitted if the Director determines that:...”

“b. The lot is or was created by subdivision, short subdivision or lot boundary adjustment, and is at least seventy-five (75) percent of the minimum required lot area and is at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone (Exhibit 23.44.010 A).”

To apply the 75/80 rule to the site one must take into account the block face or block front as defined by SMC 23.84.004 which, “means the frontage of property along one (1) side of a street bound on three (3) sides by the centerline of platted streets and on the fourth side by an alley or rear property lines.”

In this case the subject block front has frontage along one side of NE 47<sup>th</sup> St and is bound by three streets, 48<sup>th</sup> Ave NE (to the east), NE 47<sup>th</sup> St (to the south) and 47<sup>th</sup> Ave NE (to the west) with the fourth side bound by the northern most property line of the development site. The northern property line serves as the rear property lines for the four properties on the south end of the block. As a result the described area clearly meets the requirements of a block front. The two properties used in the 75 x 80 calculation that are located on this block face are 4720 NE 47<sup>th</sup> St (4,860 sq. ft.) and 4707 48<sup>th</sup> Ave NE (4,862 sq. ft.) 75% of the minimum required lot area (5,000 sq. ft.) calculates to 3,750 and 80% of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone is 3,888.8 sq ft. The proposed lots are all greater than 3,888.8 sq. ft. and as a result the 75/80 rule is satisfied.

The allowed use in a single family zone is one dwelling unit per lot, with accessory dwellings permitted within the principal structure in accordance with SMC 23.44.041. Maximum lot coverage is 35% or 1,750 sq. ft., whichever is greater. Front setbacks are an average of the

neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setback is five (5) feet. Minimum required rear yard is 25' or 20% of the lot depth, whichever is less. The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning designation. As reviewed by the zoning plans examiner, the proposed parcels meet the minimum lot size requirement of the zone and provide adequate buildable area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards. To assure that future owners have constructive notice regarding the 75/80 calculations for the application, they must be added to the final recording documents. As a result this criterion is satisfied.

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

All proposed parcels will have adequate vehicle and pedestrian access to the abutting rights of way. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed parcels. This short plat provides for adequate access for vehicles, utilities, and fire protection. As a result this criterion is satisfied.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on April 19<sup>th</sup> 2006 (WAC ID No. 20060483). The property owner has contracted with Seattle Public Utilities and paid fees in preparation for extending, replacing, or altering the existing water distribution system. The water availability certificate was originally not approved On December 2<sup>nd</sup> 2005, as the water main extension was required. As reviewed by the Drainage plans examiner (DPD), the plat is adequate for drainage and sanitary disposal but subject to review during the building permit stage. As a result this criterion is satisfied.

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

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable City Code provisions and has been approved by all referral locations. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. Conditioning is appropriate to ensure the water main extension is constructed and finished at the appropriate time in relation to transfer of sale for any of the lots. As a result this criterion is satisfied.

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

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site. As a result this criterion is satisfied.

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

The applicant has proposed a tree retention plan to ensure that 13 of the 18 trees located on the site and in the planting strip in NE 47<sup>th</sup> St are retained during the construction process. The tree retention plan (fax coversheet date 6.5.06) was prepared by a licensed and insured arborist (Northern Arboriculture). The plan presents methods for preservation of 13 trees (5 in the right of way and 8 on site). 4 trees on site and 1 in the right way are to be removed because they are located in the buildable envelope of proposed parcels A, B and C. If the plat was designed to have lots oriented east and west the 7 trees located on the north property lines may not survive construction. As a result of the tree protection plan proposed by the applicant and the fact that reorienting the lots would not preserve more trees, this criteria will be satisfied with the imposition of condition to ensure the tree protection plan (text and plan) becomes part of the short plat and that the tree protection areas and measures are shown on the site plans for any related building permit.

- 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.*

This Short Subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

- 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.*

This Short Subdivision is not a multiple single-family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

**DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

**CONDITIONS - SHORT SUBDIVISION**

*Prior to Recording Non-Appealable Conditions*

- 1. Add the 75/80 calculations to the final recording documents to show how the proposal meets the requirements for SMC 23.44.010-B.1.b; Exceptions to Minimum Lot Area.

2. Amend the survey to reflect the shared driveway, curbcut, parking area and garage structure located upon Parcel D and the abutting property to the east (4720 NE 47<sup>th</sup> St).

Prior to Recording

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. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
4. Submit the final recording forms for approval and any necessary fees.
5. Add the tree retention plan and text from the submitted arborist's report as a separate sheet to the final short plat submittal documents.

Prior to Issuance of Construction Permits

6. A copy of the recorded short subdivision shall be attached to the building permits prior to their issuance.
7. Clearly delineate and show the trees required to be saved on the site plans for each of the applicable building permits. Also, specifically call out the tree retention conditions for each building permit.

Signature: \_\_\_\_\_ (signature on file) Date: June 22, 2006

Lucas DeHerrera, Land Use Planner  
Department of Planning and Development

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