



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

Application Number: 3002861
Applicant Name: Brian Malady
Address of Proposal: 4202 East Lynn Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 2,557 square feet and B) 2,248 square feet.

The following approval is required:

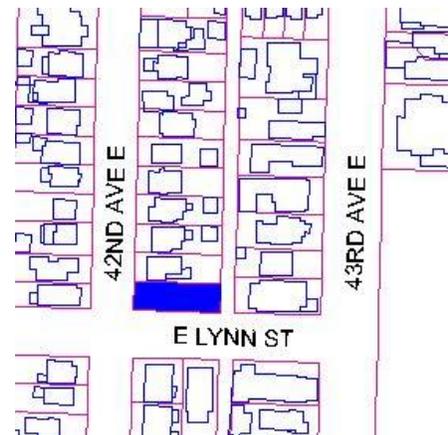
Short Subdivision – Multiple single-family dwelling units on a single-family lot. To subdivide one parcel into two parcels. (Chapter 23.24.046 Seattle Municipal Code).

- SEPA DETERMINATION: [X] Exempt [] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

The 4,805 square-foot site is located in a Single Family 5000 zone (SF 5000) across the alley from a Lowrise 1 zone (L1). The corner site is located at East Lynn Street and 42nd Avenue East. The site slopes gradually from the west property line to the east property line with approximately 3 feet of difference in grade. There is an alley in this block. Properties surrounding the site are all zoned Single Family 5000 and Lowrise 1. The street frontage includes curbs, gutters, sidewalks, and planting strips. There are three birch trees on the southwest corner of the site. These trees have been determined to not meet the City of Seattle criteria for exceptional trees.



Proposal

The applicant proposes to short plat the property using the SMC subdivision section 23.24.046 to subdivide the property when there are multiple single-family dwelling units on a single-family lot. Historically, there has been one duplex and one single family home on the site. The applicant has an issued building permit that changed the duplex to a single family dwelling unit. Currently there is off-street parking for the existing residential dwellings.

Public Comment:

Ten (10) comment letters were received during the official, extended, two week comment period which ended March 28, 2010. The letters introduced several points on the proposed subdivision as follows:

- The lot is too small for two houses.
- The lot is too small for large houses.
- This action will set a precedent in the neighborhood.
- This is not a good idea for this area
- The lot will have too many residences.
- The birch trees should remain.
- New houses will block the site lines for cars at this intersection

ANALYSIS - SHORT SUBDIVISION - Multiple single-family dwelling units on a single-family lot. (Chapter 23.24.046 Seattle Municipal Code). The following code criteria will determine if a lot with multiple dwelling units can be short platted.

A. The provisions of this section apply exclusively to the short subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling unit.

Currently there are two residential structures on the lot, each permitted to be a single family residence.

B. A lot in a single-family zone containing more than one (1) existing single-family dwelling unit may be divided in accordance with this chapter as long as each of the following conditions is satisfied:

- 1. Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section [23.42.102](#), Establishing nonconforming status;*

The proponent has presented evidence that the structures containing the dwelling units were legally established by the hearing examiner and by a City of Seattle permit. The existing development was legally established on July 22, 1980 in the Hearing Examiner's case file number X-78-427. The development is further established by a DCLU permit number 593457 which was issued in 1980 and finalized in February of 1981.

- 2. Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

The permit documents show that the structures containing the dwelling units were constructed prior to February 20, 1982.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

The proposal is for only one single family dwelling unit on each lot.

4. *Parking is provided in accordance with Section [23.44.016](#), Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*
 - a. *Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmentally critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or*
 - b. *The short subdivision cannot be configured to provide parking in compliance with Section [23.44.016](#); If the Director determines that at least one (1) of the foregoing conditions is present, the Director may waive or modify the parking requirements of Section [23.44.016](#) as long as the short subdivision does not reduce the number of off-street parking spaces existing prior to the short subdivision. In connection with such waiver or modification, the Director may require access and parking easements as conditions of approval of the short subdivision; and*

Parking cannot be configured to provide parking in compliance with Section 23.44.016. The location of the existing buildings on the proposed lots and the lot configurations preclude parking as per 23.44.016. The Director waives the parking requirements and as such there is no addition or reduction in the number of off-street parking spaces existing prior to the short subdivision.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*
 - a. *Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
 - b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposal meets a. and b. above and is therefore eligible to receive development standard waivers. Each proposed lot cannot meet the single-family development standards in that the existing buildings do not anticipate the current development standard requirements. The City of Seattle provides opportunities for various housing types and ownership configurations. Short plats are one such vehicle to provide home ownership. It furthers the public interest to waive any applicable Seattle Municipal Code development standards.

C. Structures on lots for which the Director has waived or modified development standards according to subsection B of this section will be treated as nonconforming and be subject to Section [23.42.112](#).

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD) (WAC 20100077), Fire Department (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. This short subdivision can be provided with 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 is compliant with SMC 23.24.046. The proposed plat maximizes the retention of existing trees in that the corner Birch trees are slated to remain. 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 ownership opportunities in the City.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. 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. Add the conditions of approval to the face of the plat.
2. Submit the final recording forms for approval and remit any applicable fees.
3. Add the tree location and species to the plat.

Condition Prior to Recording

4. Prior to recording, install separate water meters for each parcel unless alternative arrangements have been approved by Seattle Public Utilities.

Prior to Issuance of any Building Permit

5. Attach a copy of the recorded short subdivision to any sets of building permit application plans, if applicable.

Signature: _____ (signature on file) Date: May 20, 2010
Holly J. Godard, Land Use Planner
Department of Planning and Development

HJG:bg

H:\projects..godardh\shortplat\3002861_at_4202_East_Lynn_Street decision 2.doc