



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Application Number: 3006425
Applicant Name: David Greathouse
Address of Proposal: 1608 M.L. King Jr. Way

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide two parcels into three parcels of land (Short Subdivision). Proposed parcel sizes are: A) 6,786 sq. ft. B) 5,012 sq. ft; and C) 5,012 sq. ft. Existing structures on proposed parcels to remain.

The following approval is required:

Short Subdivision - to subdivide two existing parcels into three lots as a short subdivision.
(Chapter 23.24 Short Plats, 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

Substantive Site Description

The subject site is comprised of two properties which are approximately 9,600 (Parcel 9828201530 – located at 1612 ML King Jr. Way) and 7,200 (Parcel 9828201545 – located at 1608 ML King Jr. Way) square feet in size respectively. These properties collectively share approximately 140 feet of street frontage along a concrete roadbed alley to the east and M.L. King Jr. Way to the west, which is developed with curbs, gutters, and sidewalks on both sides of the street pavement at this location.

The site is zoned Single Family 5,000 (SF 5000), as are the areas adjacent to the north, south, east, and west. Parcel 9828201530 is developed with one existing single family residence with a detached garage at the alley. A small shed also exists near the northeast property corner. Parcel 9828201545 is developed with one single family residence, a detached garage immediately west of the alley, and an additional detached garage which takes access from the alley via a concrete driveway. All structures are proposed to remain on-site as part of this application.

The site slopes approximately 16 feet from the southeast corner of Parcel 9828201530 to the northwest corner of Parcel 9828201545 and is not located in any mapped or observed Environmentally Critical Areas (ECA).

Proposal Description

The applicant proposes to short subdivide the two subject parcels into three lots. Proposed parcel sizes are Parcel A) 6,786 sq. ft., Parcel B) 5,012 sq. ft; and Parcel C) 5,012 sq. ft. Existing structures are proposed to remain on these newly subdivided parcels.

Public Comment:

The comment period for this proposal ended on July 11, 2007. During this period, no written comment letters related to this project were received.

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 the information provided by the applicant, referral comments from the Drainage Section, Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

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

The subject site is zoned for single family residential use, with a minimum lot size of 5,000 square feet (SF 5000) or as provided in SMC 23.44.010B.1.b. The allowed use in a single family zone is one dwelling unit per lot, with accessory uses and structures permitted in accordance with SMC 23.44.040 and 23.44.042. Maximum lot coverage within the SF 5000 zone is 35 percent or 1,750 sq. ft., whichever is greater. Front yards are an average of the neighboring adjacent lots, or 20 feet, whichever is less. The minimum side yards are five feet, while the minimum required rear yard is 25 feet or 20 percent of the lot depth and in no case less than ten feet.

Pursuant to the Zoning Correction Notice mailed to the applicant on 6/27/07, a side yard easement on Parcel B for the benefit of Parcel A has been provided. This side yard easement being provided by Parcel B is 7.5' wide from the proposed lot line (10' wide from the existing structure). The legal description for this side yard easement is included in the legal description of Parcel A (together with) and Parcel B (subject to).

The lots created by this proposed subdivision of land will conform to all other development standards of the SF 5000 zoning designation. Since the subdivision being sought will not include any changes to the existing on-site structures, the lot standards which apply to these existing structures will remain.

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

Proposed Parcels A, B, and C will each have direct vehicle and pedestrian access from the alley which abuts the site to the east. Pedestrian access to the three proposed lots will also be achieved from M.L. King Jr. Way, which abuts the site to the west.

Seattle City Light provides electrical service to the site and has not indicated that an easement is required for overhead and/or underground infrastructure. If Seattle City Light requires an easement, it shall be included on the Final Plat prior to recording.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

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

The site area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Seattle Public Utilities reviewed this short subdivision application and issued Water Availability Certificate #20071120 on June 27, 2007.

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 in order to ensure adequate capacity for future housing needs. The proposed short subdivision will meet all applicable Land Use Code provisions and will provide a new buildable lot suitable for the construction of a single-family residence. The proposed

development maintains adequate access for vehicles, utilities, and fire protection, and had adequate drainage, water supply, and sanitary sewer disposal. The public use and interest will be served with this proposal, as additional opportunities for housing would be provided within the City limits as a result of this subdivision.

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

The subject site is not located in any mapped or observed environmentally critical area as defined in SMC Chapter 25.09; therefore, this section is not applicable to the short plat application.

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

Since this short subdivision application does not propose any site activity, no existing trees will be impacted by this proposal. The existing structures on site will remain; therefore, all existing trees will be retained.

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 lot subdivision. As such, this section is not applicable to this 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. As such, this section is not applicable to this proposal.

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. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected unit lots.
2. 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 shall be identified on the plat and encroachments such as side yard easements, fences, or structures shall be shown. Please make sure that the lot areas of each parcel are included on the recording documents.

3. Submit the recording fee and final recording forms for approval.
4. The Joint Use/Maintenance Agreement should be revised to include the common sidesewer & storm drainage system that will serve the proposed unit lots.
5. As noted, this short subdivision proposes to create three lots from the two existing. This provides that proposed Parcel A would retain the existing one (1) story house, detached garage, and shed on-site as shown on the submitted plan set. Proposed Parcel B will retain the one and one-half (1.5) story house and detached garage as also shown on the submitted plan set. This short subdivision identifies that proposed Parcel C will only contain a detached garage, as shown on the submitted plan set. As such, this proposal requests the creation of proposed Parcel C to retain an existing accessory use structure and no associated principal use structure. SMC 23.44.040 B states that all accessory uses and structures must be located on the same lot as the principal use or structure allowed under the corresponding zoning designation. Several options exist to make this proposed compliant with the SMC land use provisions, and are detailed as follows:
 - a. The existing garage located on proposed Parcel C shall be removed to yield a buildable platted lot which conforms to the standards of the corresponding SF 5000 zoning designation. Should the applicant pursue the sale of this parcel prior to the demolition of the existing garage, a demolition permit from the City of Seattle must be applied for prior to the sale or transactions involving this subject parcel. Please note that this condition/permit application shall be cited in any agreement of sale, contract of purchase, purchase agreement, offer and acceptance, earnest money contract, sales agreement, or related contract involving the sale of the subject parcel prior to the demolition of the existing garage.
 - b. In order to create a platted lot which conforms to the standards and provisions of the SF 5000 zoning designation and the corresponding sections of the SMC, a single-family residence shall be constructed on the subject parcel to establish an appropriate principal use and structure. This option would allow the applicant to retain the existing on-site garage. Should the applicant pursue the sale of this parcel prior to the construction of a conforming single-family residence, a building permit from the City of Seattle must be applied for prior to the sale or transactions involving this subject parcel. Please note that this condition shall be cited in any agreement of sale, contract of purchase, purchase agreement, offer and acceptance, earnest money contract, sales agreement, or related contract involving the sale of the subject parcel prior to the construction of the single-family residence.

For the Life of the Project

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

6. 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 12, 2007

Mike Reid, Land Use Planner
Department of Planning and Development

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