City of Seattle

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 OF PLANNING AND DEVELOPMENT

Application Number: 3007501

Applicant Name: Jennifer McCully

Address of Proposal: 12331 28th 2032 Eastlake Ave E

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into six unit lots. The construction of townhouses is being reviewed under Project #6126476. 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.

The following approvals are required:

Short Subdivision – to create six unit lots pursuant to Seattle Municipal Code (SMC) 23.24.045.

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

The subject property is 6,607 square feet in size and is zoned Midrise (MR). The lot has 60.00 feet of street frontage along 28th Ave NE and a lot depth of 110.12 feet. Twenty-eight Ave NE at this location is developed with street pavement. There is no observed or mapped designated Environmentally Critical Area (ECA) on the site.

Proposal Description

The applicant proposes to short subdivide one parcel into the following proposed lot sizes: A) 1,195 square feet, B) 919 square feet, C) 1,194 square feet, D) 1,191 square feet E) 916; and F) 1,192 square feet.

Public Notice and Comment Period

Public notice of the Land Use Application was given on September 13, 2007. The public comment period ended on September 26, 2007. The Land Use Application file is available for review at the Public Resource Center, 700 Fifth Ave, Suite 2000 (http://www.seattle.gov/dpd/prc/location.htm).

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 SMC 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 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 SMC 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.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the 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. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the Lowrise zone. The density standard stated in SMC 23.45.008 is met for the development as a whole. The proposal conforms to applicable development standards. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.

2. The lots are provided vehicular access from an alley, consistent with the requirements of the Land Use Code.

   Seattle City Light provides electrical service to the subject property and may require an easement for overhead and 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. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities Water Availability Certificate No. 20071613, issued on September 13, 2007.

New construction with discharge to the sanitary sewer requires a side sewer permit. Plan review requirements regarding stormwater were made at the time of building permit application.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. This site is not an environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. The Screening and Landscaping Requirements of SMC 23.45.015 require trees for new development in Lowrise zones and was reviewed for consistency under Project #6126476.

7. SMC 23.24.045 provides that sites developed or proposed to be developed with townhouses, cottage housing developments; residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

   "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

The conformance of the proposed development as a whole with the applicable Land Use Code provisions has been approved under a separate project (Project #6126476). Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of SMC 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise zoning development standards such as setbacks, density, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions. An adequate provision for drainage control has also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. See the conditions at the end of this report.

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.

2. Submit the final recording forms for approval and any necessary fees.

3. If Seattle City Light requires an easement to provide for electrical facilities and service to the proposed lots, the final plat shall include the following statement. *"An easement is granted to Seattle City Light as shown on page __ of __."*

4. Insert the following on the face of the plat: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*

5. Provide a covenant or easement within the plat for address posting in a manner such that the addresses will be visible from 28th Ave NE. Provide a joint maintenance and responsibility agreement for maintenance and use of this area. Update the proposed legal descriptions accordingly.

Signature: _____(signature on file)_____ Date: December 27, 2007
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CRV:lc

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Address: 12331 28TH AVE NE
Project: 3007501 **Zone:** MR
Notice Date: 09/13/2007
Comments may be submitted through: 09/26/2007
Date Application Deemed Complete: 08/29/2007

Contact: JENNIFER MCCULLY - (206)437-5771

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