



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: 3007861

Applicant Name: Bob Kackman for JRJ Development, Inc.

Address of Proposal: 8729 12th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel of land into two parcels of land. Proposed parcel sizes are: A) 5,787.3 square feet and B) 5,773.8 square feet. The existing structures are to be removed.

The following approval is required:

Short Subdivision - To create two (2) parcels of land (SMC Chapter 23.24).

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Zoning: Single Family (SF 5000)

Date of Site Visit: November 8, 2007

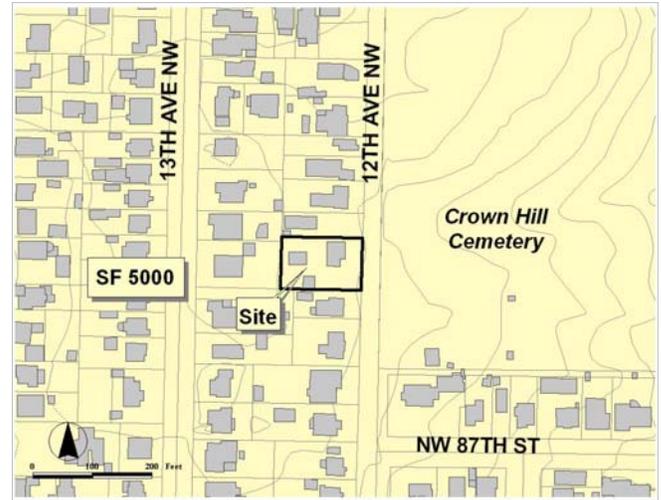
Substantive Site Characteristics:

The subject site is located on 12th Avenue Northwest between Northwest 87th Street and Northwest 90th Street in Seattle's Crown Hill Hub Urban Village. The site is immediately west of the Crown Hill Cemetery. The site has a total land area



of 11,561 square feet, including 86 feet of frontage along 12th Avenue Northwest. On-site development consists of two single family structures and an accessory structure (garage). Twelfth Avenue Northwest, at this location, is a 30 foot wide asphalt paved right-of-way with no gutters and no curbs.

The subject site is zoned single family with a minimum lot area of 5,000 square feet (SF 5000). This zone designation is the predominant designation in the vicinity and development in the area reflects the zone insofar as development in all directions consists of single family residential structures of varying age and architectural styles. The site is not located within any mapped or observed Environmentally Critical Area (ECA).



Along the west property line, in the southwest corner of the parcel, is a 24 inch-in-diameter Honeylocust tree (*Gleditsia triacanthos*).

Proposal:

The applicant proposes to divide the subject property into two (2) parcels of land. The proposed lot sizes are as follows:

- Parcel A: 5,787.3 square feet
- Parcel B: 5,773.8 square feet

Parcels A and B will take direct pedestrian and vehicular access from 12th Avenue Northwest. The existing single family structures and accessory structure are to be removed.

Public Comment:

Notice of application ended on October 24, 2007. DPD received one comment letter during the two week period. Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

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;*

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

The subject property is zoned for single-family residential uses with a minimum lot size of 5,000 square feet (SF 5000). The lots created by this proposed division of land would conform to all applicable development standards of the SF 5000 zone. The proposed parcels would provide adequate buildable area to meet applicable yards, lot coverage requirements, and other applicable Land Use Code development standards.

As a non-appealable condition of this short plat application, the owner shall submit to the undersigned Land Use Planner a no-protest agreement to future street improvements along 12th Avenue Northwest. The agreement shall be recorded with King County Department of Records and Elections (SMC 23.53.015).

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

The proposed lots will have direct vehicular access to 12th Avenue Northwest, consistent with the provisions of the Code. The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code Requirements. 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 lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

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

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. Seattle Public Utilities reviewed the short plat application, and Water Availability Certificate 20071792 was issued on October 9, 2007.

Sanitary Sewer The existing property is connected with a side sewer to an 8-inch public sanitary sewer main located in 12th Avenue Northwest. If the proposed side sewer will be shared with another property, a "Side Sewer Easement, Connection, Hold Harmless & Indemnification Agreement" shall be required prior to permitting additional units to be connected.

Drainage The existing property is served by a public storm drainage system in 12th Avenue Northwest. Plan review requirements will be made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

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

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed short subdivision would meet applicable Land Use Code provisions; the proposal has adequate access for vehicles, utilities and fire protection; and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest would be served by this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. Furthermore, upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.

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.

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

Along the west property line, in the southwest corner of the parcel, is a 24 inch-in-diameter Honeylocust tree (*Gleditsia triacanthos*). The Department has determined this to be an Exceptional tree based on information submitted by the applicant's arborist¹, and based on a 75% rating under the American Forestry Association (AFA) rating system for the largest trees of each species in the state, as noted in Champion Trees of Washington² (Director's Report 6-2001).

The tree is in good health and can be preserved depending upon the location of any future construction and the extent of the root system. A tree protection area shall be identified on the final plat within which no development should occur in order to protect the tree. The tree protection area shall be the area within the drip line of the tree (SMC 25.11). This area shall remain undeveloped for the remainder of the life of the building (Permit No. 6089698), and a permanent covenant stating this requirement shall be recorded in the King County Office of Records and Elections.

Future construction will be subject to the provisions of SMC Sections 23.44.008, 25.11.050, and 25.11.060, which sets forth tree planting requirements on single family lots.

Summary – Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), 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. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. 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. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees. 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 opportunities in the City.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is CONDITIONALLY GRANTED.

¹ Arborist Report for 8729 12 Avenue Northwest. Urban Element Landscapes. December 21, 2007.

² *Champion Trees of Washington State*. Robert Van Pelt. University of Washington Press. Seattle, WA. 1996.

CONDITIONS - SHORT SUBDIVISION

Non Appealable Conditions of Approval

1. A no-protest agreement for future improvements to 24th Avenue Northwest shall first be recorded with King County Department of Records and Elections, and then submitted to the undersigned Land Use Planner.

Conditions of Approval Prior to Recording

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

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 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.
3. The Exceptional tree shall be identified on the final plat, including the common and botanical names and a full description of the tree as submitted in the Arborist Report dated December 21, 2007.
4. A tree protection area shall be identified on the final plat within which no development should occur in order to protect the Exceptional tree. The tree protection area shall be the area within the drip line of the tree (SMC 25.11). This area shall remain undeveloped for the remainder of the life of the building (Permit No. 6089698), and a permanent covenant stating this requirement shall be recorded in the King County Office of Records and Elections and submitted to the undersigned Land Use Planner.
5. Preliminary approval of the tree protection area must be granted by Seattle's Urban Forester prior to recording of the plat, and confirmation of such submitted to the undersigned Land Use Planner.
6. Submit the final recording forms for approval and remit any applicable fees.
7. Add all conditions of approval to the face of the plat.

Prior to Issuance of any Building Permit

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

Signature: _____ (signature on file) Date: January 31, 2008
Catherine McCoy, Land Use Planner
Department of Planning and Development

CM:bg