



City of Seattle

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

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

Application Number: 3008173
Applicant Name: Brittani Ard
Address of Proposal: 2331 East Madison Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of land. Proposed parcel sizes are: A) 1,721 sq. ft., B) 671 sq. ft.; and C) 1,172 sq. ft.

The following approval is required:

Short Subdivision – to create three parcels of land.
(SMC Chapter 23.24)

BACKGROUND DATA

The site is located on the southwest corner of East Madison Street and 24th Avenue, in the Downtown/Central area. The irregularly shaped site is approximately 3,564 square feet with approximately 95 feet of frontage on 24th Avenue East and 45 feet frontage on East Madison Street. The entire parcel is vacant and is located within the NC2-40' (Neighborhood Commercial 2-40') zone.

This site is subject to the conditions of the Variance MUP 3007395 allowing a parking access from East Madison Street rather than 24th Avenue (SMC 23.47.032.A.1.c).

Construction plans have been reviewed under DPD Project No. 6130642 which has been issued.

This entire site continues to be viewed as one development parcel/site for the purposes of reviewing for accessibility (SBC Chapter 11). Easements will be required for parking

which can be used by any of the owners, tenants, or guests, regardless of the location on the development parcel/site. The structure is reviewed for the building code as if there were no internal property lines (similar to the policy for Unit Lot Subdivisions) and the structure(s) are all on one development parcel. However, since there are actually multiple parcels, the legal description binding the site and structures together regardless of ownership will also need to include or reference any easements needed for utilities, ingress egress, emergency exiting, etc., that would be necessary to allow the project occupants and users to treat the development as one development parcel/site instead of multiple parcels. Codes, Covenants, and Restrictions must be included to prevent any individual Owner from acting independently in a way that could adversely affect the property of any of the other owners.

Area Development

The surrounding area which fronts East Madison Street is zoned NC2-40 zone. Surrounding development includes neighborhood commercial businesses along East Madison with single family houses. Across 24th Avenue and to the south of the site is the newly constructed, "Terra View Ventures". Multi-family zoning (L-3) is located to the north of the intersection across Madison. Multi-family zoning (L-2) is located to the south of the intersection fronting 24th Avenue East.

Zoning: NC2-40

Date of Site Visit: November 19, 2007 (for MUP Variance 3007395)

Uses on Site: One commercial live-work unit, (Building 1) and one residential duplex townhouse, (Building 2, Unit A and Unit B)

Public Comment: Three comments were received during the public comment through 2-21-08. One neighbor requested the mature lilac bushes of the southern edge of the parcel be maintained and the adjacent neighbor had boundary issues. Both were referred to the applicant for resolution of these private matters. The third comment was in favor of this development.

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;*

DPD Addressing approved the application January 23, 2008.

DPD Zoning conditionally approved the proposal on June 13th, 2008.

DPD Ordinance conditionally approved the proposal on November 17th, 2008

The subject property's zone (NC2-40) is intended for neighborhood commercial uses. The lots created by this proposed division of land would conform to all

applicable development standards of the NC2-40 zoning district. The proposed parcels would provide adequate buildable area to meet applicable yards, lot coverage requirements, and other applicable Land Use Code development standards. The proposed uses on each lot would conform to applicable Land Use Code permitted uses, subject to the conditions listed below.

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

A “Declaration of Covenants and Easements” will be recorded as a condition of approval of this short plat to address access easements, part wall agreements and other related issues.

A variance approved under MUP 3007395 allows parking access from East Madison Street rather than 24th Avenue (SMC 23.47.032.A.1.c).

The Fire Department approved the project on March 11, 2008.
Seattle City Light requires no easement at this time- April 26th, 2008.
Seattle City Water Department approved the proposal on February 7th, 2008.

Subject to these conditions the development site meets the criteria for adequacy.

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

DPD Drainage Review was approved January 22, 2008 with no conditions but the following comments:

The proposed Short Plat is currently vacant land. There is a 10-inch public sanitary sewer (PSS) located in 24th Avenue East. This mainline was originally constructed as a combined sewer, and as such, there are likely to be downspouts and area drains still connected to what is now considered to be, for purposes of new construction, a sanitary only sewer.

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 owner-occupied 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;*

The 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;*

The project was reviewed for compliance with applicable regulations for tree retention under Building Permit No. 6130642. In addition, development approval under MUP #3007395 resulted in an SDOT condition - regarding the East Madison right of way street tree- which requires payment of full value of the removed street tree, a Bowhall Maple, (less cost of any replacement); a public notification period prior to removal of the tree; and a street use permit.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and Parks 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 of the 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.**

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Provide on the plat a joint use and maintenance agreement which will include easement language, as needed, for parking to be used by any of the owners, tenants, or guests, regardless of the location on the development parcel/site.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ___ of ___."

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. The lot areas of each parcel shall be shown on the recording documents.
4. Post an address sign to benefit all units at a location visible from the street and provide an easement, covenant, or other legal agreement to ensure that the address signage is maintained.
5. Submit the recording fee and final recording forms for approval.
6. Provide on the plat on Parcel "A" the start and end markers for the curve as called out in the legal description.
7. Revise plat to show building outlines as approved under Building Permit number 6130642.
8. Provide a reference note on the plat for the "Declaration of Covenants and Easements" with language requiring its recording prior to sale of either Parcel A, B and/or C.
9. Provide the signed and notarized copy of the "Declaration of Covenants and Easements" for the MUP file 3008173.

Prior to Issuance of any Building Permit

10. The owner(s) and/or responsible party(s) shall 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.

Prior to Sale of Individual Parcel A, Parcel B and/or Parcel C

11. The "Declaration of Covenants and Easements" will be recorded prior to the sale of either Parcel A, Parcel B and/or Parcel C.

Signature: _____ (signature on file) Date: December 11, 2008
Carreen Rubenkonig
Land Use Planner

CR:bg