



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: 3008397  
Applicant Name: Janine Fleming  
Address of Proposal: 3009 SW Myrtle Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are approximately: A) 2,467.6 square feet and B) 3,424.1 square feet. Both existing single family structures are to remain, with one single-family residence on each of the proposed lots. The detached garage on Parcel A will be removed. At the time of this decision there was no building permit related to this subdivision.

The following approval is required:

**Short Subdivision** – To subdivide one existing parcel into two parcels.  
(Chapter 23.24, (23.24.046) 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**

Site Visit:    June 20, 2008.

Zoning:    Single Family Residential 5000.

Uses on Site: Two single-family residences and one detached garage.

Substantive Site Characteristics:

This 5,891.7 square foot subject site is a rectangular corner lot that fronts on SW Myrtle Street to the north, 30<sup>th</sup> Avenue SW to the east, and an alley to the west. The existing development on the site consists of two single family residences and a detached garage. The project site is located within an area zoned Single Family Residential 5000 (SF5000) which extends to the east, west, and south. The area adjacent to the north is zoned Residential Multifamily Lowrise 1 and 2 (L-1 and L-2). The architecture and development pattern is consistent with single family zoning.

The site slopes downward to the east with an approximate 8 foot elevation change along the 129 foot length of the property. There are a few shrubs located in the front yard of the home on 30<sup>th</sup> Avenue SW along the eastern portion of the lot. There are six trees on the site, including three large fir trees (with diameter at breast height of 26", 30" and 30") located along the northern boundary of the lot. Other trees present include fruit trees on the northern and western portion of the lot. The site is not located in any mapped critical areas.

Proposal Description:

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The applicant proposes to subdivide one parcel with a total area of 5,891.7 square foot where there are two existing single-family residences into two parcels with one single-family residence on each new lot.

Proposed Parcel A is located on the western portion of the original lot, with street frontage on SW Myrtle Street for pedestrian access. Parcel A is adjacent to the alley to the west for vehicular access and parking. Parcel B will be created on the eastern portion of the lot with street frontage on SW Myrtle Street to the north and 30<sup>th</sup> Avenue SW to the east for pedestrian access. Parking is provided as follows: the single-family residence on proposed Parcel A has an existing driveway and a detached one-car garage (which shall be removed), and the single-family residence on proposed Parcel B utilizes on-street parking.

The subject of this analysis and decision is only for the proposed division of land.

Public Comment:

The initial deadline for the comment period was June 11, 2008 and it was extended by written request until June 25, 2008. During this period, there were ten comment letters received. The comments were related to development standards for single family zones and short plats, density, and overall general zoning questions related to subdivisions permitted under SMC 23.24.046.

**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, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection, as provided in Section 23.53.005; Access to lots; and Pedestrian access and circulation as provided in 23.53.006;*
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. *Whether the proposed subdivision of land is designed to maximize the retention of existing trees; and*
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; and*
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.*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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.

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

The subject property is zoned for single-family residential. The allowed use in a single family zone is one dwelling unit per lot, with multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq. ft. whichever is greater or as modified by SMC 23.24.046.

Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yards for the structures located on proposed Parcel A and proposed Parcel B are existing. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046B5. The principal structures associated with this subdivision will have some degree of non-conformity relevant to single family zone development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 of this document outlines the extent of the non-conformities to both proposed Parcels A and B of this subdivision.

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

Proposed Parcel A has street frontage on SW Myrtle Street for pedestrian access. Parcel B has street frontage on SW Myrtle Street and 30<sup>th</sup> Avenue SW for pedestrian access. The Seattle Fire Department has no objection to the proposed short plat. 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 requires an easement to provide for electrical facilities and service to the proposed lots. One surface parking space is proposed to be located on Parcel A with access off of the alley. The existing single family residence on proposed Parcel B has no existing off-street parking and none is required. The only available locations for off street parking on Parcel B would not conform to regulations which prohibit parking within required front yard or side yards. (SMC 23.44.016.C1b.)

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. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on June 17, 2008 (WAC ID No. 20080744). The parcels are adequate for sanitary sewage disposal and drainage requirements.

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

The proposed short 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. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

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;*

At the time of this decision, no related building permits have been applied for. The structures are proposed to remain, and no construction is proposed; as a result the plat is designed to maximize the retention of the 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.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat 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.*

**SMC 23.24.046**

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one existing single-family dwelling as detailed below.

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;*

Based on permit records on file with the Department of Planning and Development, the single family residence located on the eastern portion of the lot was constructed in 1926 and the structure on the western portion of the lot was constructed in 1932 and converted into a single family residence in 1949. As a result, the two residences are eligible to be established as a non-conforming development.

The legal description for this lot with King County Assessor is Lot 16, Block 7, Sunrise Heights, according to the plat thereof recorded in volume 23 of plats, pg 39, records of King County, Washington.

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

King County Assessor's data shows that the two homes were constructed in 1926 and 1932, respectively, and therefore the provisions of this section are met.

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

Each resulting lot will have one (1) single family residence located on it as evidenced by the proposed plat configuration showing separate structures on each proposed parcel. Therefore the provisions of this section are met.

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;*

Proposed Parcel A has one parking space located on the parcel and thus meets Section 23.44.016. An exemption from this parking requirement for proposed Parcel B is allowed due to its current situation of no existing off-street parking, and the mitigating circumstances of not reducing the current street parking with an additional curb cut and the requirement for parking to be outside of required yards (SMC 23.44.016.C1b).

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 proposed subdivision will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwelling located on proposed Parcel A is proposed to be 28 feet from the deck stairs, which is the closest point of the structure, to the proposed common lot line. The single-family dwelling located on proposed Parcel B is proposed to be 7.4 feet at the closest point to the proposed common lot line. Proposed parcel sizes are approximately: A) 2,467.6 square feet and B) 3,424.1 square feet. As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046B5. Below is a table that summarizes the development standards that if strictly applied would preclude the approval of this subdivision.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling units to be divided in accordance with SMC 23.24.046B5, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

The proposed short 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. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the waiver of the following yard standards will further the public interest.

**Analysis of Required Yards**

	Front Yard	Side Yard (north)	Side Yard (south)	Rear Yard
<b><u>Proposed Parcel A- 3009 SW Myrtle Street</u></b>	<b>Conforming at 28.0' (proposed)</b>	<b>Conforming at 9.5' (existing)</b>	<b>Conforming at 17.0' (existing)</b>	<b>Non-conforming at 2.6' (existing)</b>
	Front Yard	Side Yard (west)	Side Yard (east)	Rear Yard
<b><u>Proposed Parcel B- 7107 30<sup>th</sup> Avenue SW</u></b>	<b>Conforming at 28.8' (existing)</b>	<b>Conforming at 14.9' (existing)</b>	<b>Non-conforming at 2.2' (existing)</b>	<b>Non-conforming at 7.4' (proposed)</b>

**Table 1**

The above yard waivers are granted; as a result the proposed subdivision is conditionally granted.

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**.

**CONDITIONS – SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

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

1. Include the corrections noted in the Land Use Plans Correction Notice dated November 24, 2008 to remove the notation on the plat regarding parking on proposed Parcel B.

