



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 PLANNING AND DEVELOPMENT**

**Application Number:** 3008431  
**Applicant Name:** Dean Guske  
**Address of Proposal:** 3841 34<sup>th</sup> Ave. W.

**SUMMARY OF PROPOSED ACTION**

A Land Use Application to subdivide one parcel into five, in a Commercial zone. Proposed parcel sizes are: A) 1,344.4 sq. ft.; B) 800 sq. ft.; C) 800 sq. ft.; D) 719.2 sq. ft. and E) 2,338.8 sq. ft. The related development was reviewed under Project #3005523 for Land Use Approval (Design Review and SEPA). The construction of live-work units on the site has been approved under Project #6100884.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into five.  
(Chapter 23.24, Seattle Municipal Code).

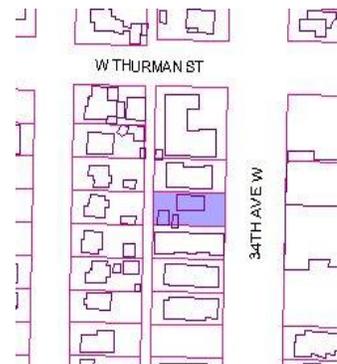
**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site & Area Description

The project site is generally flat but rises slightly across the site (two to four feet) from east to west. Vehicle access to and from the subject site is from the alley to the west of the property. West Emerson Street, to the south, is a secondary arterial, and 34<sup>th</sup> Avenue West is a main arterial.

The site is located within a Neighborhood Commercial Zone (NC1-30) as are all of the lots on the same block face (to the west of 34<sup>th</sup> Ave W). Across 34<sup>th</sup> Ave W to the east, the north



half of the block face changes to NC2-40 zoning and a large grocery store occupies several parcels. Zoning on the blocks to the north, west (west of the gravel alley) and south of the site are zoned single family (SF5000). Uses on lots immediately surrounding the subject site include several multi-family residential buildings. The main entry to Discovery Park, off of West Government Way, is two blocks north and west of the subject site.

### Project Description

The proposal is to divide the commercially zoned lot along the common walls of a three-story building containing five live-work units located on the west side of 34<sup>th</sup> Avenue West in the Magnolia neighborhood of Seattle.

The project includes a three-story building containing five live-work units and surface parking for five vehicles at the rear of the building. The commercial portion of the live-work units will be located on each unit's first floor and uses might be home offices, artists' work spaces, and/or retail spaces. The residential portion of the units are located on each unit's top two floors. The massing of the project would be pushed to the northern side of the site, allowing for a common 15-foot wide courtyard on the southern side of the property. Each live-work unit would have separate commercial and residential entries. Commercial entries would open onto the common courtyard to the south, and residential entries would open on a secured path running along the north side of the site. Both northern and southern external areas will be landscaped. A trash and recycling area would be provided in a paved area between the western side of the building and the surface parking area.

### Public Comment

DPD received no comments about the proposed subdivision during the public comment period which ended April 9, 2008.

### **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 pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
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; 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.*

Based on information provided by the applicant, referral comments from the Access and Drainage Section, Water, and Fire Departments, Seattle City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The proposed parcels (including the approved development on the site) would meet development standards using the applicable code provisions found in SMC 23.47 for commercial development (such as: use, street level development standards, setbacks, access, parking and solid waste storage). There are no minimum lot size requirements for a commercially zoned lot and the property owner will amend the Declaration of Covenants and easements to acknowledge the anomaly of establishing lot lines along a common structure wall, which will then be recorded.
2. Vehicular access will be provided off of a 16 foot gravel alley abutting the west property line of the lot. Vehicle parking will be located off the alley via a joint easement over the west half of Parcel E. The 100 foot wide right-of-way in front of the site, 34<sup>th</sup> Ave W., abutting the east property line, is fully improved with curb, gutter, sidewalk and planting strip. Adequate access to the site is available for service and emergency vehicles.

Residential and Commercial pedestrian access are provided via easements along the north (for residential pedestrian access) and the south (for commercial pedestrian access) property lines.

3. Drainage, water supply and sanitary sewage disposal issues are as follows:

The area is served by 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 #20080396 was issued on March 21, 2008. As reviewed by the drainage plans examiner, the plat has adequate storm water drainage and sanitary sewer disposal.

4. In the Comprehensive Plan Land Use Element the stated purpose of mixed use commercial area is to *Create strong and successful commercial and mixed-use areas that encourage business creation, expansion and vitality by allowing for a mix of business activities, while maintaining compatibility with the neighborhood-serving character of business districts, and the character of surrounding areas* (Land Use Goal 17).

The proposed short subdivision will meet all minimum Land Use Code provisions for the Neighborhood Commercial zone and will provide an opportunity for commercial activity in the live work structure. Adequate access for vehicles, utilities and fire protection, as well as adequate drainage, water supply and sanitary sewage disposal are available. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood commercial area.

5. The proposed subdivision is not mapped as an environmentally critical area.
6. Landscaping as required by code was reviewed as part of the building permit 6100884.

7. A unit lot subdivision is not proposed so the criterion relating to unit lot subdivisions is not applicable to this short plat.
8. The subdivision is not for the purpose of separating multiple single family units.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Seattle Public Utilities (SPU), Fire Departments (SFD), and 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 five lots 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 and pedestrian 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 mapped as an environmentally critical area and SEPA review (under SMC 25.09.240) does not apply. Tree and other landscaping requirements were considered under the building permit review. Language shall be added to the Declaration of Covenants and Easements informing future owners about the division of the lot along common structure walls. The purpose of this platting action does not involve the creation of a new lot where two separate principal single family structures have occupied a single lot. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional commercial opportunities in the City.

**DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED.**

**CONDITIONS - SHORT SUBDIVISION**

Conditions of Approval Prior to Recording

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

1. Submit the recording fee and final recording forms for approval.
2. Add the conditions of approval that will apply 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 \_\_\_." If necessary, renumber the pages.

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. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
4. Provide an easement for electrical facilities to the satisfaction of Seattle City Light. Added to the plat shall be the following statement: "An easement is granted to Seattle City Light as shown on page \_\_ of \_\_".
5. Reference the previously recorded Memorandum of Drainage Control and the (side sewer) connection agreement on the Plat and in the legal description, per the review comments dated April 15, 2008.
6. Show the dimension for the (private / residential) pedestrian easement over Parcels A – E, as part of the easement detail on sheet 5 of 5.
7. Add language to the Declaration of Covenants and Easements, section five (5) Courtyard Easement to allow for commercial pedestrian access for all units from the right-of-way 34<sup>th</sup> Avenue West.

Prior to MUP Issuance

8. Provide a copy of the recorded Declaration of Covenants and Easements to the Land Use Planner that includes the language required by the Department.

For the Life of the Project

9. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to all subsequent construction permit plans.

Prior to MUP Issuance

10. The Declaration of Covenants and Easements, as reviewed and approved by DPD, shall be recorded with King County.

Signature: \_\_\_\_\_ (signature on file) Date: September 23, 2009  
Justina Guyott, Land Use Planner  
Department of Planning & Development

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