



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:** 3008443  
**Applicant Name:** Shelly Chinn  
**Address of Proposal:** 2852 44<sup>th</sup> Avenue W

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 5,624 sf and B) 5807 sf. Existing single family structure to be demolished. Existing garage to remain.

The following approval is required:

**Short Subdivision** – to subdivide one parcel into two parcels.  
 (Chapter 23.24, Seattle Municipal Code)

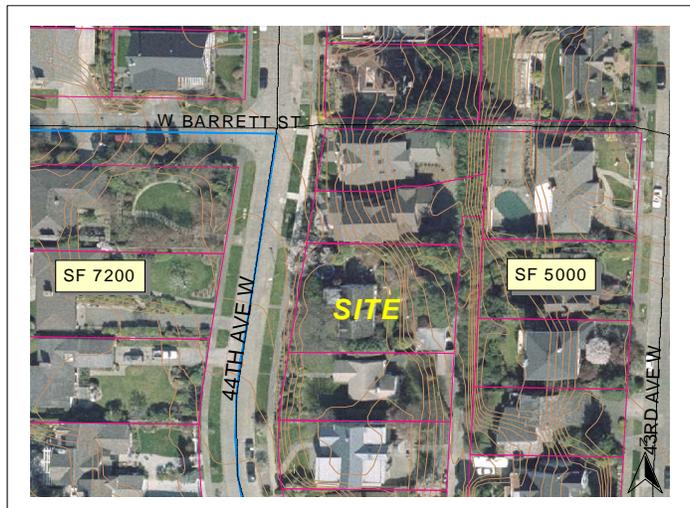
**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction

**BACKGROUND DATA**

Zoning: Single-Family 5000

Prior Uses on Site: One single family house to be demolished

Substantive Site Characteristics:  
 This 11,431 square foot subject site is a rectangular lot that fronts on 44<sup>th</sup> Avenue W to the west and a paved alley to the east. The lot is located in the Magnolia neighborhood within an area of Single-Family zoning with a 5000 sf minimum lot size. Across 44<sup>th</sup> to the west this changes to Single-Family with a 7,200 sf lot size.



The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 11,431 square foot parcel into two parcels with the following lot areas:

Parcel A – 5,624 square feet

Parcel B – 5,807 square feet

The existing house will be demolished but the alley accessed garage will be retained and provide parking for parcel B. Vehicular access to parcel A will be provided off of the alley with a new garage proposed along the east edge of the site.

Public Comment:

The comment period for this proposal ended on April 23, 2008. During this period, three written comment letters related to this project were received. Two of them opposed the short plat on the grounds that two houses on this lot would be out of character with the neighborhood, leave little green space between houses and shade the house to the north. The third was hoping that some of the larger trees would be removed to improve the views of the uphill neighbors.

**ANALYSIS - SHORT SUBDIVISION**

The Director shall, after conferring with appropriate officials, use the criteria at SMC 23.24.040 to determine whether to grant, condition, or deny a short plat. The applicable criteria are listed below in italics. Based on information provided by the applicant, referral comments from the 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 criteria.

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

The subject property is zoned for single family residential use with a minimum lot size of 5,000 square feet (SF5000). The allowed use in a single family zone is one dwelling unit per lot, with accessory dwellings permitted within the principal structure in accordance with SMC 23.44.041. Each lot will be nearly 48' wide and range from 115' to 125' deep. The proposed parcels meet the minimum lot area requirement of the zone and provide adequate buildable area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards.

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

Each lot will be provided with emergency access, pedestrian access, and public and private utilities through adjacency to the 44<sup>th</sup> Avenue W right-of-way. Vehicular access to parking areas will be provided from the alley. The Seattle Fire Department has no objection to the proposed short plat. Seattle City Light provides electrical service to the proposed short plat and may require an easement to provide for electrical facilities and service to the proposed lots.

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

The adequacy of the provisions for drainage control, water supply, and sanitary sewage disposal for each lot have been reviewed and approved by appropriate City staff. Water Availability Certificate number 20080400 has been issued for the project. The existing property has water and sewer service and additional capacity is available for the additional house. New construction with discharge to the sanitary sewer requires a side sewer permit. Plan review requirements regarding stormwater will be made at the time of building permit application.

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

The public interest is expressed by the zoning designation of the site and compliance by the application with applicable development regulations. The SF5000 zone is intended for single family development, allowing one single family residence on a lot with 5,000 sq. ft. of lot area, notwithstanding exceptions to minimum lot area. This project will result in two lots that are larger than the minimum size in the zone. This project would increase the number of single family houses on the site from one to two. The proposal meets the platting criteria and will provide for additional housing opportunities; thus, 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;*

The site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable.

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

According to the applicant's landscape architect twelve small trees on the South lot above the retaining wall will be left undisturbed (57.5 Caliper inches). On the North lot there are four small trees that will either remain in their current location or be transplanted (33 Caliper inches). Five existing trees have been cut down. In the alley adjacent to the site is an exceptional cork oak that will remain and have a tree protection zone partially on the subject site.

### **CONCLUSIONS - SHORT SUBDIVISION**

The lots to be created by this short subdivision are consistent with applicable development standards set forth in the Land Use Code. 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 public use and interest are served by the proposal since the zoning use and density standards will be met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the short subdivision decision criteria have been met subject to the conditions imposed at the end of this decision.

**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 any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected parcels.
2. Include the Joint Use/Maintenance Agreement on the final plans which shall include, if needed, the common side sewer and storm drainage that will serve the proposed parcels.
3. Call out the trees to remain on site and delete the trees that have already been removed. Show the extent of the tree protection area for the exceptional cork oak just east of the property.
4. Add the conditions of approval after recording (i.e. “For the life of the project”) on the face of the plat.
5. 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.
6. Submit the recording fee and final recording forms for approval.
7. Submit a separate replacement tree canopy cover calculation and plan per SMC 25.11.090.

*For the Life of the Project*

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

8. 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.

Signature: \_\_\_\_\_ (signature on file) Date: May 19, 2008  
Nora Gierloff, Land Use Planner  
Department of Planning and Development