



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:** 3008770  
**Applicant Name:** Bob Winters  
**Address of Proposal:** 9505 Mary Avenue NW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 6,118 Sq. ft. and B) 6,118 sq. ft. Existing structures are to be demolished.

The following approval is required:

**Short Subdivision** – to subdivide one parcel into two parcels (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 Residential with a 7,200 sq. ft. minimum lot size (SF 7200).

**Prior Uses on Site:** One single family house and detached garage to be removed.

**Substantive Site Characteristics:**

This 12,236 square foot subject site is a rectangular corner lot that fronts on Northwest 95<sup>th</sup> Street to the south and Mary Avenue Northwest to the east. The lot is located within a Single-family Residential zone (SF 7200) that



continues to all adjacent blocks. Marcus Whitman Junior High School is located a half block to the west across 15<sup>th</sup> Avenue. The block does not contain an alley and currently vehicular access is from Mary Avenue. The site is not located in any mapped critical areas.

Proposal Description:

The applicant proposes to subdivide one 12,236 square foot parcel into two parcels with the following areas:

Parcel A – 6,118 square feet

Parcel B – 6,118 square feet

Vehicular, pedestrian and emergency access for required parking for both proposed parcels will be from the public right-of-way.

Public Comment:

The comment period for this proposal ended on July 9, 2008. During this period, one written comment letter related to this project was received asking that the large tree on site be preserved.

**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 7,200 square feet (SF 7200). 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 60' wide and 101.97' deep.

This short subdivision was submitted on the basis of the application of the 75-80 rules pursuant to SMC 23.44.010B.1.b. By subdivision, lots in a single family zone may be created which are "at least seventy-five (75) percent of the minimum required lot area and at least eighty (80) percent of the mean lot area of lots in the block face within which the lot is located and within the same zone". Seventy-five percent of the minimum lot size in Single Family 7200 zone is 5,400 sq. ft. Eighty percent of the mean lot size of the lot on the subject block face (NW 95<sup>th</sup> Street) is 6,079 sf. The proposed lot areas of lot A and B, 6,118 sq. ft., exceed these minimums. Thus the proposed lot configuration meets the exception to the minimum lot area as contained in SMC 23.44.010B.1.b. Each lot will have adequate buildable lot area to meet applicable setbacks and 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 vehicular access (including emergency vehicles), pedestrian access, and public and private utilities through adjacency to the NW 95<sup>th</sup> Street right-of-way. The Seattle Fire Department has no objection to the proposed short plat. Seattle City Light provides electrical service to the proposed short plat but does not 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. The existing property has water and sewer service and additional connections will be made for the additional house during the building permit process. Water Availability Certificate #20090021 has been issued for the project. New construction with discharge to the sanitary sewer requires a side sewer permit. Storm drainage is also available in Mary Avenue NW and though the existing houses are not connected the new houses could be. 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 SF7200 zone is intended for single family development, allowing one single family residence on a lot. This project will result in two lots that are larger than the minimum size requirements, though smaller than the general minimum allowed 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;*

There are several large trees on the site some of which the applicant will preserve. Designated for preservation is the stand of evergreens on the north property line on proposed Parcel A. There is a 36" cedar tree on proposed parcel B that the applicant has indicated a desire to preserve. The applicant will be required to provide a tree protection plan for the trees to be preserved prior to the issuance of any building permit.

Future construction will be subject to the provisions of SMC 23.44.008 and SMC 25.11 which sets forth tree planting requirements and tree preservation regulations on single family lots.

## **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 single family 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 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. A “Side Sewer Easement, Connection, Hold Harmless and Indemnification Agreement” is required if the facilities will be shared.
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. The lot areas of each parcel shall be shown on the recording documents.
3. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all parcel addresses.
4. Future construction will be subject to the provisions of SMC 23.44.008 and SMC 25.11 which sets forth tree planting requirements and tree preservation regulations on single family lots.
5. Submit the recording fee and final recording forms for approval.

