



City of Seattle

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**Department of Planning & Development**

D. M. Sugimura, Director

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

**Application Number:** 3009304  
**Applicant Name:** Kelly Foster  
**Address of Proposal:** 202 North 36<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into six parcels of land. The proposed parcels vary in size from 524.1 square feet to 734.3 square feet.

The following approval is required:

**Short Subdivision** - to create six parcels of land. (SMC Chapter 23.24)

**BACKGROUND DATA**

Zoning: Commercial 1 40' (C1 40').

Uses on Site: Vacant site.

**Substantive Site Characteristics:**

This 9,199.6 sq. ft. lot is located on the northeast corner of Palatine Avenue North and North 36<sup>th</sup> Street in the Fremont Neighborhood two blocks north of the Lake Washington Ship Canal. Proposed Parcels A, B and C will have street frontage on North 36<sup>th</sup> Street. Proposed Parcels C, D and E will have street frontage on Palatine Avenue North. Parcel F will be an interior lot with vehicle access via an easement. The site slopes gradually from northeast to southwest and has vehicle access from both North 36<sup>th</sup> Street and Palatine Avenue North. The site is developed with a single family residence on proposed Parcel A. There are no trees on the site.

Public Comment:

Comment letters were received from two residents of the neighborhood during the comment period which ended February 3, 2010. Concerns were expressed about: increased density, increased demand for onstreet parking, increased traffic circulation, the short plat does not serve the public good, and the need for a residential parking zone (RPZ).

Additional Information

Side Sewer Permit 6203326 indicates that the applicant has chosen to connect all of the sanitary side sewers from all of the proposed parcels to the existing sanitary side sewer in Palatine Avenue North. The proposed ULS provides an easement for this shared side sewer but neither the plat nor the side sewer permit provide or provided for the required connection agreement. Side Sewer Permit 6203326 indicates that the applicant will discharge the stormwater runoff to the public storm drain in 36<sup>th</sup> Avenue North. Neither the proposed plat nor the side sewer permit provide or provided for an easement or connection agreement for the shared service drain. Therefore, an easement, connection, hold harmless and indemnification agreement will be required prior to recording of the short plat.

**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 in this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection, as provided in Section 23.53.00, 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 Section 25.09.240, Short subdivision and subdivisions in environmentally critical areas;*
6. *Whether the proposed subdivision 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.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (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 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 and subject to an easement, connection, hold harmless and indemnification agreement for the shared sanitary side sewers and service drains as conditioned below. The proposal site is located in an environmentally critical area and the requirements of SMC 25.09.240 have been met. 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. 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 \_\_\_.”
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. Submit the recording fee and final recording forms for approval.
4. Record with King County an Easement, Connection, Hold Harmless, and Indemnification Agreement for the shared sanitary side sewers and service drains. Provide in the new legal descriptions reference to the noted document to be recorded.

