



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

Application Number: 3011147
Applicant Name: Brittani Ard
Address of Proposal: 2330 42nd Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 2,128 sq. ft. and B) 2,676 sq. ft. Existing structures to remain.

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

Zoning: SF 5000
Date of Site Visit: April 30, 2010
Uses on Site: Two existing single family residences

Substantive Site Characteristics:

The 4,804 square foot site is located on the east side of 42nd Ave E, between E. McGilvra St and E. Lynn St. The lot has 40 feet of street frontage along 42nd Ave E. An alley is located immediately to the east. Lake Washington is located approximately 250 feet to the east. The site is relatively flat and not located in any Environmentally Critical Area (ECA).

The site is zoned Single Family Residential with a 5,000 square foot minimum lot size (SF 5000). Nearby zoning includes SF 5000 to the north, west, and south. Lowrise Multifamily Residential 3 (L-3) zoning is located across the alley to the east. Nearby development consists of single family and multi-family residential development.

Public Comment:

Notice of the proposal was issued on April 26, 2010. Two public comments were submitted, which included concerns of increased traffic and subdivision of land.

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;

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single-family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046.

Development standards for this zone are listed in SMC 23.44. Some minimum yard dimensions and lot size may be modified through SMC 23.24.046.

Minimum yards adjacent to the proposed common lot line may be reduced to 3' through the requirements of SMC 23.24.046. The proposed yard from each of the structures to the proposed common lot line is a minimum of 3.11 feet.

Lot size requirements may be reduced to 1,800 square feet through the provisions of SMC 23.24.046. The proposed lot size for Parcel A is 2,128 square feet. The proposed lot size for Parcel B is 2,676 square feet.

The principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards.

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

The Seattle Fire Department has reviewed and conditionally approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code requirements.

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

This area is served with domestic water and sanitary sewer facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. A side sewer easement will be required on the plat, prior to recording, as conditioned below.

Seattle Public Utilities reviewed the short plat application, and Water Availability Certificate # 20100205 was issued on April 20, 2010.

The applicant may contact DPD Sidesewer and Drainage Counter for sidesewer permit requirements.

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

The proposed short subdivision will meet the applicable Land Use Code provisions of Section 23.24.046 for single-family lots containing more than one single-family dwelling. The proposed development has adequate 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;*

The site is not located in any mapped or observed environmentally critical area applicable to 25.09.240. Therefore, this section is not applicable to the short plat application.

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

The survey indicates that there are a few trees on site, mostly located near the north and south property lines. The proposed common lot line is not located near any existing trees.

The configuration of the proposed parcels could allow retention of most of the trees on the north and south property lines. An alternative configuration would not necessarily better maximize retention of existing trees. There are no proposed building pads or construction at this time on Parcels A or B that would necessitate removal of any 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

Pursuant to SMC 23.24.046.B, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat.

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;*

The applicant included in their application a copy of the permit history for both houses. Seattle Certificate of Land Use and Local Assessments dated 5/9/1995 specified that two single family residential structures were located at this site. The Certificate noted Building Permits No. 479141 and 468395 as documentation. The proposal meets this criterion.

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

Building Permits No. 479141 and 468395 indicate the single family dwellings were constructed prior to 1958. The proposal meets this criterion.

3. *Each resulting lot has one (1) but not more than one (1), existing single-family dwelling unit.*

One single-family dwelling unit per lot is proposed. The proposal meets this criterion.

4. *Parking is provided in accordance with Section 23.44.016, Parking and location access, unless the Director determines that at least one (1) of the following conditions is present.*

Parking is provided as required by SMC 23.44.016. The proposal meets this criterion.

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 a 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*

The single-family dwellings will not be closer than 3 feet to any proposed common lot line. The proposal meets this criterion.

- b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The smallest lot size of the proposed parcels is 2,128 square feet (Parcel A). The proposal meets this criterion.

Conclusion

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 unit to be divided in accordance with SMC 23.24.046-B, 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.

It appears that, although these proposed parcels are non-conforming to some of the development standards, the intent of the ordinance allowing subdivision of two houses on one single family zoned lot was clearly intended for short plats similar to this one.

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. 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. Add the conditions of approval to the face of the plat.
2. Submit the final recording forms for approval and remit any applicable fees.
3. Add all conditions of approval to the face of the plat.
4. The plat and legal description shall include an easement for the side sewer serving the structure on proposed Parcel B and which crosses proposed Parcel A.
5. Provide the required Seattle City Light easement on the final plat documents.
6. Provide an easement, covenant, or other legal agreements to the benefit of both lots to allow proper posting of the address signage at 42nd Ave E.

After Recording and Prior to Issuance of a Building Permit

7. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: _____ (signature on file) Date: June 10, 2010
Shelley Bolser, AICP, LEED AP, Senior Land Use Planner
Department of Planning and Development

SB:bg

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