



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 3017033
Applicant Name: Moon Zhang
Address of Proposal: 2028 NE 65th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of land. Proposed parcel sizes are: X) 717.2 sq. ft., Y) 1,262.6 sq. ft. and Z) 2,493.1 sq. ft. Existing structures are to be legally removed under Project #6401230 – Demolition; and to subdivide the Rowhouse development on Parcel Z into two unit lots. Construction of the Rowhouse (1-Duplex Structure) has been approved under Project #6386150 and the construction of Live/Work Units has been approved under Project #6366936. This unit lot subdivision of Parcel Z is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original Parcel Z and not to each of the new unit lots.

The following approval is required:

Short Subdivision – to create three parcels of land and two unit lots. (Seattle Municipal Code 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: NC2-40 (Commercial Zone)

Uses on Site: One detached Single Family Dwelling.

Substantive Site Characteristics:

The subject property is 4,472.9 square feet in size and is zoned NC2-40 and a corner lot at the northwest corner of the intersection between 21st Avenue NE and NE 65th Street. The existing lot has 101.60 feet of street frontage along 21st Avenue NE and 41.21 feet of street frontage along NE 65th Street. Both intersecting street is improved with hard surface paved roadway, concrete sidewalks, planting strips and concrete curbs. There is no mapped or observed Environmentally Critical Area (ECA) on the site.

Proposal Description

The applicant proposes to short subdivide one parcel into three parcels: X) 717.2 sq. ft., Y) 1,262.6 sq. ft. and Z) 2,493.1 sq. ft. The applicant also proposes to subdivide the development on Parcel Z into two unit lots.

Public Notice and Comment Period

The comment period ended on 04/09/2014. One comment letter was received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to Seattle Municipal Code (SMC) 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria (*in italics*) to determine whether to grant, condition, or deny a short plat. 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 corresponding criteria.

1. Conformance to the applicable Land Use Code provisions;

The subject property is zoned NC2-40 as provided in SMC 23.47A. The Multifamily Dwelling use established on this zone is allowed per SMC 23.47A. There are restrictions as to required structure setbacks from property lines and must meet development standard requirements in the NC2 zone. The proposed parcels meet the minimum lot size requirement of the zone and provide adequate buildable area to meet applicable Land Use Code development standards.

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

The proposed parcels will have direct pedestrian access from both 21st Avenue NE and NE 65th Street. Vehicle access is from 21st Avenue NE. The vehicle parking per SMC 23.54.015 for each dwelling unit and the live/work units are required. Since each of the live/work unit area is not over the threshold specified SMC 23.54.015, no parking is required.

The Seattle Fire Department has no objection to the proposed short plat as long as the required access, exterior doors and openings required by the Fire Code or the International Building Code shall be maintained readily accessible for emergency access by the Fire Department.

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.

All private utilities are available in this area. This short plat provides for adequate access for vehicles, utilities, and fire protection.

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

This area is served with domestic water, combined sewer and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities Water Availability Certificate when issued prior to development.

New construction with discharge to the combined sewer/storm system on 21st Avenue NE and will require a side sewer permit. Plan review requirements regarding storm water 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;*

One objective of the short subdivision process is to increase opportunities for ownership of residential land. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for residential and nonresidential development would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

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

Construction will be subject to the provisions of SMC 23.47 and SMC 25.11 which sets forth tree planting requirements and tree preservation regulations on residential lots. Based on the applicant's information, there are no significant trees located on the site.

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 also a unit lot subdivision for Parcel Z. Thus, this section is also 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.*

This short subdivision is not a multiple single-family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
 - d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The unit lot subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This unit lot subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard requirements governing utility extensions. Unit lot Subdivisions are not subject to SMC 25.09.240. Tree and other landscaping requirements were considered under the building permit review. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Unit Lot Subdivision Standards: The unit lot subdivision must conform 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, rowhouses, cottage housing, clustered housing, or single-family housing.

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, rowhouses, cottage housing developments, residential cluster developments, and single-family dwelling units in zones where such uses are permitted.*

- B. *Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*
- F. *The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

The unit lot subdivision conforms to applicable standards of SMC 23.24.045. Structures reviewed under a separate building permit, conform to the development standards at the time the permit application was vested to Code.

DECISION - SHORT SUBDIVISION

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

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

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 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.
2. Submit the final recording forms for approval and any necessary fees.

Signature: _____ (signature on file) _____ Date: June 26, 2014
Edgardo R. Manlangit, Senior Land Use Planner
Department of Planning and Development

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