



City of Seattle

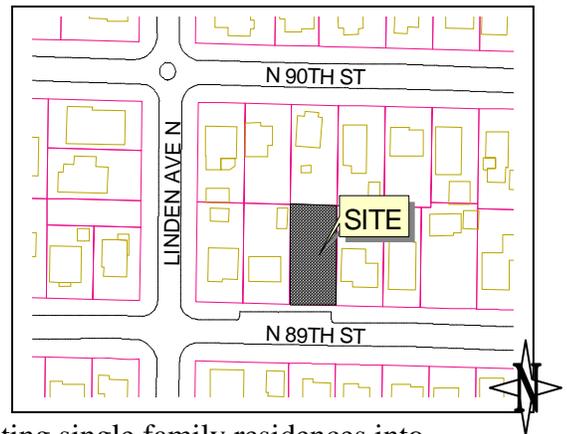
Gregory J. Nickels, Mayor

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: 3002948
Applicant Name: Melissa Deleon
Address of Proposal: 912 North 89th Street



SUMMARY OF PROPOSED ACTION

Land Use Permit to subdivide one parcel containing two existing single family residences into two parcels with one single family residence on each.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, (Section 23.24.046) Seattle Municipal Code).

SEPA DETERMINATION: [X] Exempt [] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Proposal Description

The subject site is a rectangular shaped lot with a lot area of 5,097 square feet. The two proposed lot areas are: A) 3,097 sq. ft and B) 2,000 sq. ft. Two legally established homes occupy the site and will remain. The home located towards the southerly portion of the site is addressed as 912 north 89th Street and the second home located towards the northerly portion of the site is addressed as 914 North 89th Street. The site slopes down from west to east and is zoned Single-Family 5000 (SF 5000). North 89th Street abuts to the south and is improved with sidewalk, curb and gutter along the site frontage.

Surrounding Area Description

The surrounding areas are zoned SF 5000 and primarily developed with a variety of single-family structures.

Public Comments

The application was deemed to be complete on January 9, 2006 and notice of application was sent on January 30, 2006. The public comment period ended on February 27, 2006. One public comment was received through the public notice process. The public comment suggested the proposal was to permit the subdivision to allow the future construction of new homes, which they are opposed to. However, this is not the case, the two legally established homes are already located on the site and the short subdivision will not substantially impact the existing development pattern.

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;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
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 SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *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 or more lots from one lot with more than one existing single-family dwelling unit.*

Analysis

Based on information provided by the applicant, referral comments as appropriate from DPD, Fire Departments (SFD), 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. Seattle City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed parcels. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as 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 (including emergency vehicles), and access to maintain/install utilities. Adequate provisions for drainage control, water supply (Water Availability Certificate

#20060103 issued January 27, 2006), and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in a mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. No trees will be removed unnecessarily as a result of the proposed configuration of property lines, thus the short plat has been designed to maximize the retention of tree. 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. The proposal is not a unit lot subdivision.

Subsection B of the SMC [23.24.046](#) outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

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;*
2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*
3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*
4. *Parking is provided in accordance with Section [23.44.016](#), Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*
 - a. *Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmental critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or*
 - b. *The short subdivision cannot be configured to provide parking in compliance with Section [23.44.016](#);*
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 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*
 - b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The applicant applied for and was granted permit # 6062847 on January 26, 2006 to legally establish use for the record for the homes. The permit and supporting documentation, establishing the homes were constructed prior to February 20, 1982, can be found in DPD's microfilm records. Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot, and by the permit history detailed above. Two parking spaces are proposed for Proposed Parcel "A" and one parking space for Proposed Parcel "B". Access to parking is from North 89th Street.

The single-family dwellings will not be closer than 3 feet to any proposed common lot line. The smallest lot size of the proposed parcels is 2,000 square feet (parcel B). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. Below is a table that summarizes the modification or waivers to the development standards that are required to approve the short plat.

Analysis of Required Yards

	Front Yard	Side Yard (west)	Side Yard (east)	Rear Yard
<i>Proposed Parcel A</i>	Non-conforming at 15.5 feet (existing)	Non -conforming at 2.6 feet (existing)	Conforming at more than 5 feet. (existing)	Non-conforming at 4.7 feet (New)
<i>Proposed Parcel B</i>	Non-conforming at 5 feet (New)	Conforming at more than 5 feet (existing)	Conforming at more than 5 feet (existing)	Non-conforming: at 6.6 feet. (existing)

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. Comply with all applicable standard recording requirements and instructions.

Ink the following condition of approval on the face of the plat:

Ink the following to the first sheet of the short plat “**CONDITION(S) OF APPROVAL**”, or on a separate page if needed. If the conditions are on a separate page, insert on the first sheet of the short plat the following, “For conditions of approval after recording, see Page ___ of ___.”

2. If new construction on either proposed parcel (or future side-by-side parcels established by a future LBA) includes less than 2,000 sq. ft. of new or replaced impervious surfacing then the stormwater runoff from the new construction shall be discharged to a detention with controlled release system shared with the other parcel.

Prior to Issuance of any Building Permit

3. The owner(s) and/or responsible party(s) shall 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.

