



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: 3003729
Applicant Name: Anne Van Dyne
Address of Proposal: 2643 NW 59th St

SUMMARY OF PROPOSED ACTION

Land use approval to subdivide one parcel into four unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses is being reviewed under Projects # 6072624 and 6074032.

The following approval is required:

Short Subdivision – to create four unit lots pursuant to Seattle Municipal Code (SMC) 23.24.045.

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

BACKGROUND DATA

Site Description and Area Development

The subject property is 4,997 square feet in size and is zoned Lowrise 2 (L2). The lot has fifty feet of street frontage along NW 59th St and nearly one-hundred feet of lot depth. NW 59th St at this location is developed with curbs, gutters, and sidewalks on both sides of the street pavement. There is no mapped or observed City of Seattle designated Environmentally Critical Area (ECA) on the site.



Proposal Description

The applicant proposes to short subdivide one parcel into four unit lots. Proposed unit lot parcel sizes are: A) 1,136.9 square feet, B) 1,136.7 square feet, C) 1,361.8 square feet, and D) 1,361.8 square feet. Pedestrian and vehicle access for unit lots A, B, C, and D is from NW 59th St.

Note that the proposed structures were reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate project (Project Nos. 6072624 and 6074032). The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period, which ended December 28, 2005, DPD received one written comment letter from the public stating concerns about construction impacts to two large cedar trees adjacent to the site. The comment letter is available in the Master Use Permit file available from DPD's Public Resource Center.

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 SMC 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 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 SMC 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.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, 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 above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L2 zone. The density standard stated in SMC 23.45.008, which permits 1 unit for each 1,200 square feet, is met for the development as a whole. The proposal conforms to applicable development standards. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. The lots are provided vehicular access from NW 59th St, consistent with the requirements of the Land Use Code.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. The easement as required by Seattle City Light shall be included on the final plat prior to recording.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities and Water Availability Certificate No. 20051886, issued on December 7, 2005.

New construction with discharge to the sanitary sewer will require a side sewer permit. Plan review requirements regarding stormwater were made at the time of building permit application.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. This site is not an environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. The Screening and Landscaping Requirements of SMC 23.45.015 require trees for new development in Lowrise zones and was reviewed for consistency under MUP 6072624 and 6074032.

Maximizing the Retention of Existing Trees During the public comment period, the property owner east of the development site contacted DPD with concerns about the retention/protection of their northwestern two trees that share the common property line between the two properties. After visiting the site and consulting with the City's Arborist, DPD will be conditioning the proposed unit lot as noted in the conditions at the end of this report.

7. SMC 23.24.045 provides that sites developed or proposed to be developed with townhouses, cottage housing developments; residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

The conformance of the proposed development as a whole with the applicable Land Use Code provisions has been approved under a separate project (Projects 6072624 and 6074032). Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of SMC 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 2 zoning development standards such as setbacks, density, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions. An adequate provision for drainage control has also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. See the conditions at the end of this report.

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.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final Short Subdivision. Added to the plat shall be the following statement. *“An easement is granted to Seattle City Light as shown on page ___ of ___.”*
4. Insert the following on the face of the plat: *“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”*
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility and pedestrian easements.
6. Provide a covenant or easement on proposed Parcels A and B for the benefit of proposed Parcels C and D for the posting of the address of this lot in a manner such that the address will be visible from the NW 59th St right-of way. Provide a joint maintenance and responsibility agreement for maintenance and use of this area. Update the proposed legal descriptions accordingly.
7. The applicant shall provide a tree retention/protection plan by a Licensed Arborist for the northeastern two trees that share the common property line between the subject property and the property to the east. The plans for building permits 6072624 and 6074032 shall be amended to include this plan. At a minimum the plan shall address the following:
 - Develop a tree protection zone. Erect a physical barrier to keep the root system of the trees in tact. This barrier can be a chain link or other type of fencing.
 - Communicate the tree protection plan to everyone involved in the project. That includes architects, landscape architects, builders, contractors, carpenters, plumbers, electricians, and anyone else who will be on site. Reinforce the tree protection intentions by writing damage clauses into any service contract's to provide financial penalties to any contractor who damages the trees.

- Monitor the impacts of construction activities. A Certified Arborist or their appointee shall prevent incursions into the root zone and re-establish the protection zone if necessary. If roots have been cut, make sure they weren't damaged by construction activity. Broken roots should be cut cleanly with a saw. Don't allow contractors to park under the trees and the root zones shall be protected from pollutants that have the potential of contaminating the soil around the trees.
- Correct any damage to the root system. A Certified Arborist or their appointee shall be reasonable for any root cuts, making sure they are cut cleanly with a saw and not ripped with a backhoe. If damage is severe, seek the services of a Certified Arborist to obtain an assessment of the situation.

Signature: (signature on file)

Date: March 20, 2006

Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

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