



City of Seattle

Gregory J. Nickels, Mayor
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: 3004089
Applicant Name: Anne Van Dyne
Address of Proposal: 9430 35th Avenue S.W.

SUMMARY OF PROPOSED ACTION

Master use permit to subdivide one parcel of land 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 has been approved under project #6074487.

The following approval is required:

Short Subdivision - to divide one parcel of land into four unit lots.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is approximately 5,765.8 square feet and is located in a Multi-Family Lowrise Two Residential Commercial (L-2/RC) zone on 35th Avenue S.W. between S.W. Cambridge St. and S.W. Roxbury St. 35th Avenue S.W. is a two-lane paved street with sidewalks, curbs, and gutters on both sides. The lot has approximately 48-feet of street frontage on 35th Avenue S.W. and is approximately 120.12-feet deep and has vehicular access from a 16-foot gravel alley. Vegetation on site is grass, shrubs and trees.

Area Development

Zoning in the vicinity is mixed between multi-family, single-family and neighborhood commercial. While the subject site is zoned L-2/RC, zoning to the north of the site is L-2. South of the site is zoned NC2-40 while east and west of the site is zoned single-family. The immediate and surrounding areas are predominately single-family with a mix of some multi-family use.

Proposal Description

The applicant proposes to subdivide one parcel of land into eight unit lots. Proposed unit lot sizes are: A) 1,250.7 square feet, B) 1,251.0 square feet, C) 1,344.0 square feet; and D) 1,920.1 square feet. Surface parking for four vehicles is provided on Unit Lot D for all unit lots by an Ingress, Egress and Parking Easement. Vehicular access to parking is from the 16-foot gravel alley. A 5-foot Pedestrian Easement is provided along the north property line for access from the alley to the street and a 5-foot Pedestrian Easement is also provided along the south property line for access from the alley to the street.

Public Comments

No comment letter was received during the comment period that ended on February 13, 2006.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

A construction permit that dealt with all development standards for townhouses in the L-3 zone, Project No. 6074487, was issued for the parent lot. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to code requirements for the parent lot at the time of application.

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

Surface parking for four vehicles is provided on Unit Lot D for all unit lots by an Ingress, Egress and Parking Easement. Vehicular access to parking is from the 16-foot gravel alley. A 5-foot Pedestrian Easement is provided along the north property line for access from the alley to the street and a 5-foot Pedestrian Easement is also provided along the south property line for access from the alley to the street.

In order to insure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light requires an overhead/underground power easement on the portion of the property shown as Pedestrian, Ingress, Egress and Parking Easement on sheet 5 of 5 of the short plat documents.

As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

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

Sanitary Sewer: The existing house located upon the proposed Short Plat is connected by means of a shared sidesewer, also serving the properties to the south addressed as 9436 & 9440 35th Ave. S.W., to a 8-inch public sewer (PS) located in 35th Ave. S.W.

Drainage: There is a 12-inch separated public storm drain in the downslope intersection between 35th Ave. S.W. & S.W. Cambridge St.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a **Water Availability Certificate, No. 20060178 on February 3, 2006**. All conditions on the certificate must be met prior to receiving water service.

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

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. 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;

The site is not mapped as an Environmentally Critical Area.

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

Not applicable, as the development of the subject site is permitted by approval of the associated building permit. No trees are expected to be removed as a result of this short subdivision.

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.

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets 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 non-conformities; 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."

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the 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 the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. 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."
3. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
4. Provide an easement for proper posting of address signage that is visible from the street.

Signature: (signature on file) Date: April 10, 2006

Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services