



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 2501287
Applicant Name: Thomas Woldendorp
Address of Proposal: 5436 Kirkwood Place North

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two (2) parcels into four (4) parcels of land. Proposed parcel sizes are: A) 1,174 square feet, B) 4,019 square feet, C) 5,065 square feet and D) 4,731 square feet. Two existing residences, addressed 5436 and 5444 Kirkwood Place North, are to remain. An existing garage and shed are to be demolished. Proposed Parcel A is located in an NC1-30' zone (Neighborhood Commercial 1 with a structure height limit of 30 feet) and Proposed Parcels B, C and D are located in an SF 5000 zone (Single Family with a minimum lot area requirement of 5,000 sq. ft.).

The following approval is required:

- **Short Subdivision** - to subdivide two (2) existing parcels into four (4) parcels. (Chapter 23.24, 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

Site & Area Description

The approximately 14,989 square foot site is located in two zones: NC1-30' (Neighborhood Commercial 1 with a structure height limit of 30 feet) and SF 5000 zone (Single Family with a minimum lot area requirement of 5,000 sq. ft.). The property is located about a half-mile east of Greenlake.

The parcels are currently configured as two lots, each developed with single family residences addressed as 5436 and 5444 Kirkwood Place North, respectively. The property is located on Kirkwood Place North between North 56th Street and North 54th Street. Three of the proposed parcels (A, B and D) will have street frontage on Kirkwood Place N. Parcel C will have no street frontage, but will have alley access and a five-foot pedestrian access easement to Kirkwood Place N. Kirkwood Pl. N. is improved with curbs and sidewalks. Parcels B and D will also have alley access.

Surrounding properties and blocks to the south, east and west are also zoned SF 5000 and development in the area consists of a variety of one- and two-story single-family houses of varying age and architectural style on a variety of lot sizes. To the north, the property is zoned NC1-30' (along N. 56th St.) and development consists of small scale office, retail and restaurant/tavern uses.

Proposal

The proposal is to subdivide two (2) parcels of land into four (4) parcels (for a total net gain of two lots). Two existing residences, addressed 5436 and 5444 Kirkwood Place North, are to remain. An existing garage and shed are to be demolished.

Proposed parcel sizes are: A) 1,174 square feet, B) 4,019 square feet, C) 5,065 square feet and D) 4,731 square feet. Proposed Parcel A is located in an NC1-30' zone (Neighborhood Commercial 1 with a structure height limit of 30 feet) and Proposed Parcels B, C and D are located in an SF 5000 zone (Single Family with a minimum lot area requirement of 5,000 sq. ft.). The lot sizes in the SF 5000 zone are accomplished by using an exception from the minimum lot area requirement found in the Land Use Code at SMC 23.44.0910.B. This exception allows lots to be created which are at least 75 percent of the required minimum for the zone ($.75 \times 5,000 = 3,750$) AND 80 percent of the average of the lots on the same block face in the same zone. There are eight other lots in the same zone and on the same block face as the subject site. These lots have an average area of 4,905 sq. ft. Eighty percent of 4,905 is 3,924. So, all of the proposed lots in the SF 5000 zone meet the exception known as the "75/80 Rule" (SMC 23.44.010.B). There is no minimum lot area requirement for lots in the NC1-30 zone.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended April 6, 2005, DPD received a few phone calls and one email with comments regarding the proposed subdivision. A copy of the email is in the project file.

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.*
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.*

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 above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is split-zoned: NC1-30' (Neighborhood Commercial 1 with a structure height limit, and SF 5000 (Single Family residential with a minimum lot size of 5,000 square feet or as provided in SMC 23.44.010.B – see above). The allowed use in a single family zone is one dwelling unit per lot, with accessory dwellings permitted within the principal structure in accordance with SMC 23.44.041. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum

side yard setback is five (5) feet. Minimum required rear yard is 25' or 20 percent of lot depth for lots with a depth of less than 125 feet. The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning designation, or the exception provided at SMC 23.44.010.B. Two of the three lots (Parcels B and D) in the SF 5000 zone are already developed with single family residences. No new nonconformities will be created by the short plat. Parcel C meets the minimum lot size requirement of the zone and provide adequate buildable area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards. Allowed uses and development standards for NC zones are found in SMC Chapter 23.47. Projects will be reviewed for compliance with applicable codes at such time as applications are made.

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

Parcels A, B and D will have frontage on Kirkwood Pl. N. Proposed parcels B, C, and D will have direct vehicle access from the alley. Parcel C will have a five-foot pedestrian access easement to Kirkwood Pl. N. The Seattle Fire Department has no objection to the proposed short plat 2501287. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light may require an easement to provide for electrical facilities and service to the proposed lots. 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 and sanitary sewer facilities by the City of Seattle. Availability of service is assured subject to the conditions, below. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on March 24, 2005 (WAC ID No. 20050447).

SANITARY SEWER: The existing house located upon proposed Parcel D, currently addressed as 5436 Kirkwood Pl N, is connected by means of a shared sidesewer, also serving the property addressed as 5432 Kirkwood Pl N, to a 8-inch public combined sewer (PS) located in Kirkwood Pl N. The existing house located upon proposed Parcel B, currently addressed as 5444 Kirkwood Pl N, is connected by means of a single sidesewer to the 8-inch PS.

DRAINAGE: The PS will be the appropriate point for stormwater discharge from any development upon the proposed short plat.

A utility easement for sanitary sewer and drainage must be provided to the benefit of proposed Parcel C, across proposed Parcel B. The easement must be a minimum of five feet wide.

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 new housing development in order to ensure that there will be adequate capacity for future housing need.

The proposed short 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. The public use and interest will be served with this proposal because additional opportunities for housing 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;*

There are several trees on the subject site, as shown on the survey. One clump is located on proposed Parcel B, which is already developed. Two more, including a 36" deciduous tree, are located near the northern property line of proposed Parcel C. The subdivision could not be designed or changed in a way that would retain more trees than proposed design. Thus, the proposal has been designed to maximize the retention of existing trees on the property. Future construction will be subject to the provisions of SMC 23.44.008 and SMC 25.11 which sets forth tree planting requirements and tree preservation regulations on single family 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 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.*

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

DECISION - SHORT SUBDIVISION

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

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. A utility easement for sanitary sewer and drainage must be provided to the benefit of proposed Parcel C, across proposed Parcel B. The easement must be a minimum of five feet wide.
2. The dimension of the closest point between the northern wall of the existing residence on Parcel B and the proposed lot line between Parcels A and B must be shown on the survey to be at least five feet (minimum side yard requirement in SF zone).
3. Provide on the plat any required Seattle City Light easement.
4. 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.
5. Submit the final recording forms for approval and any necessary fees.

Prior to Construction Applications

6. A copy of this short subdivision shall be attached to all related building permit applications or revisions.

Signature: _____ (signature on file) _____ Date: July 21, 2005
Molly Hurley, Senior Land Use Planner