



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 OF PLANNING AND DEVELOPMENT**

Application Number: 3003781
Applicant Name: Brent Lumley
Address of Proposal: 9532 Phinney Avenue North

SUMMARY OF PROPOSED ACTION

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

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, (23.24.046) 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 6,400 square-foot site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000). The site is located on the east side of Phinney Avenue North between North 95th and 97th Streets. The site has 50 feet of street frontage along Phinney, which is paved but lacks curbs, gutters, sidewalks, and planting strip. The area that would accommodate these street improvements is presently graveled. There are two existing houses on the site, which are to remain. The rear house was established-for-the-record pursuant to DPD Permit No. 6074741; no parking for the second house was required at that time. There is currently existing vehicle access to the site from a paved 16-foot alley, serving the rear house

(the one established-for-the-record). Surrounding properties are also zoned SF 5000. 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, consistent with the zoning designations.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are approximately 4,400 square feet for the house facing the street, and approximately 2,000 square feet for the house in the rear. Parcel A will provide a pedestrian access easement across the north 5 feet for access to Parcel B. The existing single-family residences will remain. There is currently no off-street parking for the existing residence on Parcel A, and there is one surface parking space serving the residence on Parcel B (accessed via the alley). New off-street parking will not be required to be provided for the residence on Parcel A, because the proposal does entail any change in parking demand. The parking space for the residence on Parcel B will be required to remain, as a condition of approval of this short plat.

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

Public Comment

Two comment letters were received during the public comment period, both of which opposed the project. One letter was signed by nearly 30 people.

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.*

Summary – General platting criteria

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), 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. As conditioned, 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, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply 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. There are no exceptional trees on the site, and the proposal comports with SMC Chapter 25.11. 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.

SMC 23.24.046

Pursuant to SMC 23.24.046-B5, the structures on the proposed lots, each with a legally established single family dwelling unit, will not meet all applicable development standards for single-family zoning, in particular, yards and parking. Waiver of these standards is appropriate, given that the short subdivision cannot be approved if such standards are strictly applied and modification and that waiver of these standards would further the public interest in providing additional housing. In this case:

- a. Each existing single-family dwelling unit is 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 smallest lot size of the proposed parcels is approximately 2,000 square feet (parcel B). With respect to parking, the site is legally non-conforming, and this division of the land for purposes of ownership will not increase any adverse impacts with respect to parking. As a result, the proposed lots meet the criteria for waiver or modification of the development standards.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY 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 sideyard 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. Provide, on face of plat, an easement or covenant to allow for posting of individual unit addresses in a manner visible from Phinney Avenue North.
4. Provide the easement required by Seattle City Light on the final short subdivision.

After Recording and Prior to Issuance of a Building Permit

5. Attach a copy of the recorded subdivision to all future building permit application plans.
6. Provide evidence that a separate water meter exists for each proposed parcel.

Signature: (signature on file)
Paul Janos, Land Use Planner
Department of Planning and Development

Date: June 26, 2006