



**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Project Number: 3032834-LU
Applicant Name: Brooke Friedlander, Mirrah Homes
Address of Proposal: 3416 23rd Ave W

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land.

The following approvals are required:

Short Subdivision - to create two parcels of land. (Chapter 23.24, Seattle Municipal Code).

SITE AND VICINITY

Site Zone: Lowrise 1 (LR-1)

Nearby Zones: (North) LR-1
(South) LR-1
(East) LR-1
(West) LR-1

Environmental Critical Areas: Steep Slope
Potential Slide Area

Project Area: 5,999 square feet (sq. ft.)

BACKGROUND

The site was granted Relief on Steep Slope Development by the SDCI Geotechnical Engineer on December 5, 2018

SMC 25.09.090.B. Approved Relief from Prohibition on Steep Slope Development.

[Environmentally Critical Areas (ECA) review is required for this project.] Based on a review of the City GIS system and submitted information, SDCI concludes that steep slope critical areas on and adjacent to the subject property appear to be created by previous legal grading activities associated with site development. Consequently, this project qualifies for Relief from Prohibition



The top of this image is north.
This map is for illustrative purposes only.
In the event of omissions, errors or differences, the
documents in SDCI's file will control.

on Steep Slope Development per SMC 25.09.090.B2b. No Steep Slope Area Variance is required for permit applications. Except as described herein, the remaining ECA Regulations will apply.

Public Comment:

The public comment period ended on November 7, 2018. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to concerns about exceptional trees in the street right-of-way, non-compliance with housing density limits, and over-development on designated potential ECA slide areas. Other comments pertained to concerns about not enough parking being provided for the subsequent development project.

I. ANALYSIS – SUBDIVISION

General short subdivision standards: 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, as modified by this Chapter 23.24;*
- 2. Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
- 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 Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
- 6. Whether the proposed division of land 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 single-family dwelling units, townhouse, rowhouse, and cottage housing developments, existing apartment structures built prior to January 1, 2013, but not individual apartment units, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
- 8. Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*

- c. No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
- d. If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall either have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the proposed new lot or lots to the alley that meets access standards for the zone in which the property is located.*

Conclusion

Based on information provided by the applicant, referral comments from SDCI and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The short plat application has been reviewed by Seattle Public Utilities and a *Water Availability Certificate* (WAC) was issued on October 24, 2018 (WAC ID No. 20181384). The site is not subject to the provisions of Section 25.09.240 since it is not located in a riparian corridor, wetland, wetland buffer, or steep slope area. Each of the proposed lots will meet the criterion of 23.24.040.A.9, as detailed below. There does not appear to be any reasonable alternative configuration of this plat that would better maximize the retention of trees than the proposed plat.

Future construction will be subject to the provisions of SMC 23.44.008, 25.09.070, 25.11.050 and/or 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single family lots. 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. SDCI geotechnical engineer has determined that future construction on the upslope lot (Parcel B) should only be allowed if site stabilization is installed on the downslope lot (Parcel A). Therefore, the short plat will be approved with the condition to require a non-appealable site stabilization wall per the provisions of SMC 25.09.080 A and B.

DECISION –SHORT SUBDIVISION

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

RECOMMENDED CONDITIONS – SHORT SUBDIVISION

For the Life of the Project

1. New construction on the upslope lot (Parcel B) should only be allowed if site stabilization is installed on the downslope lot (Parcel A). Therefore, the short plat will be approved with the condition to require a non-appealable site stabilization wall per description above and per SMC 25.09.080 A & B.

David Landry, AICP, Land Use Planner
Seattle Department of Construction and Inspections

Date: April 29, 2019

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.