



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

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

Application Number: 3024037
Applicant Name: Yueann Wu
Address of Proposal: 3036 39th Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story, single family residence with attached two car garage.

The following approvals are required:

Special Exception - to allow development of a qualified lot less than 3,200 sq. ft. in area in a Single Family zone (SMC 23.44.010.B.3).

BACKGROUND

The subject property is located in the West Seattle Neighborhood on the east side of 39th Ave SW and south of SW Stevens Street. The property is zoned Single Family 5000 (SF 5000) and is surrounded by SF 5000 zoning as well. The City has determined that the property qualifies as a separate legal building site under exceptions to the minimum lot area requirement set forth in SMC 23.44.010.B.1 (Opinion letter dated January 5, 2016, under project 3022995).

The site includes an Exceptional Tree as defined in SMC 25.11. Removal of the tree has been identified in building permit application 6513178.

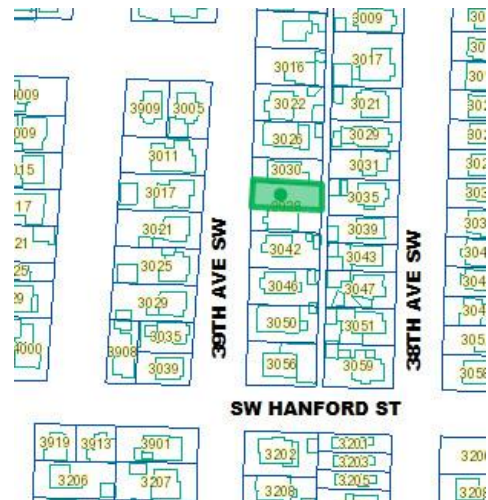
Removal of the tree will be reviewed under the building permit application.

Site and Vicinity

Site Zone: Single Family 5000

Nearby Zones: North: SF 5000
South: SF5000
West: SF 5000
East: SF5000

ECAs: There are no mapped ECAs.



Public Comment

The public comment period ended on June 22, 2016. Comments that raised issues within the scope of this review related to:

- Proposed location of windows in relation to privacy

Additional comments were received that are beyond the scope of this review and analysis per SMC 23.44.010.B.3.

ANALYSIS - SPECIAL EXCEPTION

The Land Use Code provides a Special exception review process for lots less than 3,200 square feet in area (SMC 23.44.010.B.3). A special exception Type II review as provided for in Section 23.76.004 is required for separate development of any lot with an area less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1. The special exception application shall be subject to the following provisions:

- a. The depth of any structure on the lot shall not exceed two times the width of the lot. If a side yard easement is provided according to subsection 23.44.014.D.3, the portion of the easement within 5 feet of the structure on the lot qualifying under this provision may be treated as a part of that lot solely for the purpose of determining the lot width for purposes of complying with this subsection 23.44.010.B.2.c.
- b. Windows in a proposed principal structure facing an existing abutting lot that is developed with a house shall be placed in manner that takes into consideration the interior privacy in abutting houses, provided that this provision shall not prohibit placing a window in any room of the proposed house.
- c. In approving a special exception review, additional conditions may be imposed that address window placement to address interior privacy of existing abutting houses.

Review and analysis of the information provided by the Applicant demonstrates compliance with the provisions regulating review for lots less than 3,200 square feet.

The structure on the lot has a proposed depth of 63 feet with a 66.67 foot wide lot and as such, does not exceed two times the width of the lot.

The applicant provided a window study and privacy analysis for the adjacent properties located at 3026 39th Ave SW and 3022 39th Ave SW. The proposed window placement in relation to the adjacent neighbor's windows are located strategically to minimize overlapping views and maintain privacy for adjacent residences. Based on the window study privacy analysis and public comments, it appears that windows in the proposed principal structure have been located in a manner to address interior privacy of existing abutting homes.

Public comments identified abutting windows across from proposed roof deck, however, the applicable criteria do not address outdoor gathering areas or roof decks in relation to window locations on abutting lots.

The proposal has been reviewed and complies with provisions regulating development on qualified lots under 3,200 square feet under SMC 23.44.010.B.3.

DECISION – SPECIAL EXCEPTION

The proposed Special Exception is **GRANTED**.

CONDITIONS OF APPROVAL

None.

Crystal Torres, Land Use Planner
Seattle Department of Construction and Inspections

Date: October 6, 2016

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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 Seattle DCI 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.