

**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

JULIAN WEBER

For unit lot subdivision approval of
Property addressed as 1756 Valentine Place South

MUP-14-003(SD)

DPD Reference: 3012372
C.F. 309678

Introduction

The applicant seeks approval of a unit lot subdivision to subdivide one lot into 13 unit lots. The public hearing on this application was held on June 18, 2014, before the undersigned Deputy Hearing Examiner. Represented at the hearing were the Director, Department of Planning and Development (DPD), by Stephanie Haines, Senior Land Use Planner; and the applicant, Julian Weber, by Tony Vuongh and Brian Capsey. The record was held open after the hearing for the Examiner's viewing of the site, which occurred on June 25, 2014.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code"), as amended, unless otherwise indicated. After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

Background

1. The subject site is addressed as 1756 Valentine Place South, and is approximately 22,368 square feet. The site is zoned Lowrise 2.
2. The site is being developed with nine single family dwelling units and two two-unit townhouse structures, with surface parking for 13 vehicles. The development of the site has been approved under DPD Project 6073255, and environmental review of the project was approved under DPD Project 3006069.

Proposal

3. The proposal is to subdivide the property into 13 unit lots. As noted above, the development of the single family residences and the duplex structures has already been reviewed and approved by DPD.
4. Access to the development is from Valentine Place South and 20th Avenue S. Parking for unit lots A,B and C will be accessed from Valentine Place S., and parking for unit lots D-M will have access from 20th Avenue S.

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Director's review

5. The Director's Analysis and Recommendation was issued on May 12, 2014. One public comment was submitted to the Director concerning the construction and parking on the site. No public comments were submitted to the Hearing Examiner concerning the proposed unit lot subdivision. The Director recommends approval of the preliminary subdivision.

6. The agencies and City Departments which have reviewed this proposal are identified and have provided comments, as shown in the Director's Analysis and Recommendation.

Codes

7. SMC 23.22.054 provides that:

A. The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

8. SMC 23.22.062 addresses unit lot subdivisions of land. This section requires that the development as a whole shall meet development standards applicable at the time the permit application is vested, with open space to be provided on the same lot as the dwelling unit it serves. Subsequent platting actions, additions or modifications to structures shall not create or increase any nonconformity of the parent lot, and access easement and joint use and maintenance agreements are to be executed for common features and areas.

Conclusions

1. The Hearing Examiner has jurisdiction over preliminary plat decision pursuant to SMC 23.22.054 and 23.76.024.
2. The Director's Analysis and Recommendation addresses all of the items required by SMC 23.76.023 to be in the Director's report.
3. Under SMC 23.22.054, the Hearing Examiner is to consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication.
4. The proposed plat makes appropriate provision for the public health, safety and general welfare, and will serve the use and public interest by allowing separate ownership of individual units and by making adequate provision for access and maintenance of common areas and features.
5. The proposed unit lot subdivision satisfies the criteria of SMC 23.22.062.
6. The public use and interest will be served by the proposed preliminary subdivision and it should be approved.

Decision

The preliminary subdivision is hereby approved.

Entered this 25th day of June, 2014.



Anne Watanabe
Deputy Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner in this case is the final decision for the City of Seattle. In accordance with RCW 36.70C.040, a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the decision is issued unless a motion for reconsideration is filed, in which case a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the order on the motion for reconsideration is issued.

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The person seeking review must arrange for and initially bear the cost of preparing a verbatim transcript of the hearing. Instructions for preparation of the transcript are available from the Office of Hearing Examiner. Please direct all mail to: PO Box 94729, Seattle, Washington 98124-4729. Office address: 700 Fifth Avenue, Suite 4000. Telephone: (206) 684-0521.