



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane M. Sugimura, Director

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

**Application Number:** 3006935  
**Applicant Name:** Richard Van Mourik for Blueline Development, LLC  
**Address of Proposal:** 8607 23<sup>rd</sup> Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of one single family residential structure, and one two-unit townhouse structure was reviewed under Project No. 6086027. The subject of this analysis and decision is limited to the subdivision of land.

The following approval is required:

**Short Subdivision** - to create three unit lots pursuant to Seattle Municipal Code (SMC) 23.24.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

**BACKGROUND DATA**

Zoning: Lowrise 1 (L-1).

Uses on Site: Single family residential.

Substantive Site Characteristics:

The subject site, the “parent lot”, is a 4,956 square foot rectangular site, zoned Lowrise 1 (L-1), located in Seattle’s Wedgewood neighborhood. The lot fronts on 23<sup>rd</sup> Avenue Northeast between Northeast 86<sup>th</sup> Street and Northeast 88<sup>th</sup> Street. Development on the site recently consisted of a single family residential structure; demolition of the structure was reviewed under Building Permit No. 6109641.

Several zoning districts surround the subject site, varying in intensity. For example, west of the site the zoning changes immediately to Lowrise 2 (L-2) and development on this large parcel consists of a mobile home park. Further west and northwest the zoning changes to Commercial One with a height limit of 65 feet (C1-65). Lowrise 1 zoning continues for a short distance east

of the subject site, then changes to Single Family residential with a minimum lot area of 5,000 square feet (SF 5000). Land uses in the vicinity reflect area zoning and consist primarily of single and multi-family residential development. Twenty-third Avenue Northeast is an unimproved 60 foot wide residential access street. The street is an asphalt paved right-of-way with no sidewalk or gutter.

The site is located in a mapped liquefaction-prone zone; liquefaction-prone areas are not subject to general development standards set out in the Seattle Environmentally Critical Areas Ordinance, SMC 25.09.

### Proposal Description

The applicant proposes to subdivide one 4,956 square foot parcel (the “parent lot”) into three unit lots with the following lot areas:

Unit Lot A: 2,144 square feet  
Unit Lot B: 1,428 square feet  
Unit Lot C: 1,384 square feet

Parcel A will have pedestrian and vehicular access directly from 23<sup>rd</sup> Avenue Northeast. Parcels B and C will be interior lots with vehicular access to 23<sup>rd</sup> Avenue Northeast via a 10 foot wide easement. Parking will be provided within each unit, for a total of three off-street parking spaces.

### Public Comments

The public comment period for this proposal ended on May 16, 2007. DPD received one written comment. The comment letter is available in the Land Use Application file at the Public Resource Center located at 700 Fifth Avenue, Suite 2000, <http://www/seattle.gov/dpd/prc/>.

### ANALYSIS – UNIT LOT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) 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 tree;*
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; and*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from the Drainage Section, Fire Department, Seattle Public Utilities (Seattle City Light and Water Department), 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. A more detailed discussion of Criterion No. 7 follows below.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions 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 located in a mapped liquefaction-prone zone; liquefaction-prone areas are not subject to general development standards set out in the Seattle Environmentally Critical Areas Ordinance, SMC 25.09. The retention of trees and landscaping requirements were reviewed with the building permit application. 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.

**ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #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.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*

*F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

#### Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed development is for one single family residential structure, and one two-unit townhouse structure. The structures, as reviewed under their separate building permits, conform to the development standards at the time the permit applications were vested.

To assure that future owners have constructive notice that additional development may be limited the applicant will be required to add a note to the face of the plat that reads as follows: *“The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*

#### **DECISION – UNIT LOT SUBDIVISION**

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

#### **CONDITIONS – UNIT LOT SUBDIVISION**

##### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

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 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.
2. Submit the final recording forms for approval, and any necessary fees.
3. After recording, add the conditions of approval on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page \_\_\_ of \_\_\_.”

