



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:** 3005258  
**Applicant Name:** Burton Green  
**Address of Proposal:** 12355 3<sup>rd</sup> Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 4,793 square feet, B) 2,704 square feet. The existing structures on proposed parcels A and B are to remain.

The following approval is required:

**Short Subdivision** - To subdivide one parcel into two parcels of land.  
(Seattle Municipal Code Chapter 23.24)

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



**Figure 1.** Vicinity Map



**Figure 2.** Area Zoning

## **BACKGROUND DATA**

Zoning                      Single Family (SF 7200)

Date of Site Visit        June 6, 2007

Uses on Site              Two single family residences; one located at 12355 3<sup>rd</sup> Avenue Northeast, one located at 12351 3<sup>rd</sup> Avenue Northeast

### **Substantive Site Characteristics**

The subject site is a 7,493 square foot corner lot located at the intersection of 3<sup>rd</sup> Avenue Northeast and Northeast 125<sup>th</sup> Street, in Seattle's Haller Lake neighborhood. Distinguishing landmarks in the area include the North Acres Park and Baseball Field to the immediate north, and Haller Lake two blocks west of the site.

The site has 135 feet of frontage along 3<sup>rd</sup> Avenue Northeast, and 55 feet of frontage along Northeast 125<sup>th</sup> Street. Both streets are 60 foot wide residential access streets with no major street improvements. On-street parking exists in the form of gravel and dirt shoulders available along both sides of the access streets. A 16 foot unimproved gravel alley abuts the site to the south.

The subject site is zoned Single Family with a minimum lot size of 7200 square feet (SF 7200), and is developed with two single family structures. Properties in the surrounding vicinity, in all directions, are zoned SF 7200 as well. The area consists of comparable sized lots developed with single family structures of similar age and architectural style.

The general terrain of the parcel is flat, gently sloping 8 feet from the southeast to the northwest. Several mature trees exist on-site, including a 55 inch Green Hawthorne (*Crataegus viridis*) located in the northeast corner, and a 15 inch English Holly (*Ilex aquifolium*) located in the northwest corner of the lot. The site is not located within any mapped or observed Environmentally Critical Area (ECA).

### **Proposal**

The applicant proposes to subdivide one (1) parcel of land into two (2) parcels of land. Multiple single family dwelling units on a single family lot may be subdivided when the provisions of SMC Section 23.24.046 are met. Proposed lot areas are:

- Parcel A) 4,793 square feet
- Parcel B) 2,704 square feet

The proposed parcels will each continue to take access from 3<sup>rd</sup> Avenue Northeast. One parking space will be provided for each parcel. Two existing single family structures are to remain. A portion (approximately 7 feet) of the carport in the front yard of Parcel A will be removed to accommodate the required 20 foot front yard off Northeast 125<sup>th</sup> Street (SMC 23.44.014). The subject of this analysis and decision is restricted to the proposed division of land.

Public Comment

Notice of application ended June 6, 2007. One comment letter was submitted for input. Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

**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;*
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;*
8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single family residential development. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041, and multiple single family dwelling units on a single family lot meeting the provisions of SMC 23.24.046.

Maximum lot coverage is 35 percent, or 1,750 square feet, whichever is greater, or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or 20 feet, whichever is less. The minimum side yard setbacks are 5 feet, except as modified SMC 23.24.046 B.5. Minimum rear yard setbacks are 25 feet, or if lot depth is less than 125 feet, 20 percent of lot depth, or as modified by 23.24.046 B.5.

The principal structures associated with this subdivision will have some degree of nonconformity relevant to single family zone development standards and as a result will be subject to SMC 23.42.112. Table 1 below (page 6 of 7) outlines the extent of the nonconformities to both proposed parcels, A and B, of this subdivision.

*2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B maintain street frontage and direct vehicular access from 3<sup>rd</sup> Avenue Northeast. One parking space is proposed to be located on each parcel. The Seattle Fire Department has reviewed and approved the proposed short plat.

All private utilities are available in this area. Seattle City Light is reviewing this short plat and may require an overhead/underground easement.

*3. Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on May 30, 2007 (WAC ID No. 20070944).

There is an eight inch diameter sanitary sewer main in the alley to the south of the property. The two proposed parcels are served by a shared side sewer which is connected to the main in the alley. There is a ditch and culvert drainage system in Northeast 125<sup>th</sup> Street. A drainage and sewer permit will be required for any future development. The method of drainage control will be determined at the time of building permit application.

*4. Whether the public use and interests are served by permitting the proposed division of land;*

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed short subdivision would meet applicable Land Use Code provisions: the proposal has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

The public use and interest would be served by this proposal because additional opportunities for owner-occupied housing would be provided within the City limits as a result of this subdivision. Furthermore, upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.

*5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The site is not located in any mapped or observed environmentally critical area as defined in SMC Chapter 25.09. Therefore, this section is not applicable to this short plat application.

*6. Is designed to maximize the retention of existing trees;*

Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060, which sets forth tree planting and exceptional tree protection requirements on single-family lots. At this time, the plat 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 townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat application.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

The structures on the proposed lots will not meet all applicable development standards for single-family zoning. Pursuant to SMC 23.24.046 B.5, the Director may modify or waive some or all of the standards if doing so would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:

- a. Each existing single-family dwelling unit shall be 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 proposed subdivision will meet the above standards (SMC 23.24.046). The single family dwellings will not be closer than 3 feet to any proposed common lot line. The smallest lot size of the proposed parcels is 2,704 square feet (parcel B). The table below summarizes modifications and/or waivers to the development standards required in order to approve the proposed short subdivision.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single family dwelling unit to be divided in accordance with SMC 23.24.046 B, as long as each of the required conditions are satisfied.

Conclusion

DPD permit records show both structures established as single family residences. The applicant included a copy of the permit history for both houses in the application submittal package. It appears that, although these proposed parcels are non-conforming to some of the development standards, the intent of the ordinance allowing subdivision of two houses on one single family zoned lot was clearly intended for short plats similar to this one.

	<b>Front Yard</b>	<b>Side Yard (east)</b>	<b>Side Yard (west)</b>	<b>Rear Yard</b>
<b>Proposed Parcel A 12355 3<sup>rd</sup> Ave NE</b>	Conforming at 20' (proposed)	Conforming at 5+' (existing)	Conforming at 5+ (existing)	Non-conforming at 5.24' (proposed)
<b>Proposed Parcel B 12351 3<sup>rd</sup> Ave NE</b>	Conforming at 20+' (proposed)	Non-conforming at 4.86' (proposed)	Conforming at 5+' (proposed)	Non-conforming at 3.62' (proposed)

**DECISION - SHORT SUBDIVISION**

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

**CONDITIONS - SHORT SUBDIVISION**

Non-Appealable Zoning Requirement

1. The owner(s) and/or responsible party(s) shall meet all requirements of the outstanding zoning correction notice, and resolve to the satisfaction of the zoning reviewer any other issues that arise.

Prior to Recording

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

2. Submit a revised plat showing the new dimensions of the covered structure and the required 20 foot front yard, per outstanding zoning correction notice.
3. 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. Add the conditions of approval to the face of the plat.
4. Provide on the plat any required Seattle City Light easement.
5. Submit the final recording forms for approval and remit any applicable fees.
6. Add all conditions of approval applicable after recording to the face of the plat.

Prior to Issuance of any Building Permit

7. Attach a copy of the recorded short subdivision to all future sets of building permit application plans, if applicable.

Signature: \_\_\_\_\_ (signature on file) Date: December 24, 2007  
Catherine McCoy, Land Use Planner  
Department of Planning and Development

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