



City of Seattle  
Gregory J. Nickels, Mayor

---

**Department of Planning and Development**  
D. M. Sugimura, Director

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

**Application Number:** 3010111  
**Applicant Name:** Anne Van Dyne  
**Address of Proposal:** 632 NW 85<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into four unit lots. The construction of two new duplex townhouse structures has been approved under Project No. 6204236. 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 following approval is required:

**Unit Lot Subdivision** - to create four unit lots. (SMC 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

**BACKGROUND DATA**

**Zoning:** Lowrise Three (L-3)  
**Uses on Site:** Two duplex townhouse units (Project #6204236)

**Site and Vicinity Characteristics**

The subject site is a multi-family zoned lot (Lowrise-3 (L-3)), located on the north side of NW 85th Street, east of the intersection with 8<sup>th</sup> Ave NW. A building permit (Project No. 6204236) was issued March 18, 2009, for the construction of two new duplex townhouse structures on the subject

site. Access to the site is from the alley to the north of the lots. Dedication of an additional two foot of alley width was made to the city as part of the construction permit.

The surrounding neighborhood is zoned predominately Single Family (SF5000) north of the abutting alley. Multifamily zoning (L-3) continues to the east of the site and south of NW 85<sup>TH</sup> Street. There are Neighborhood Commercial zones on both sides of 8<sup>th</sup> Ave NW and east of 6<sup>th</sup> Ave NW that transition to a more intense commercial area (C-1).

The arterial, NW 85<sup>th</sup> Street, is improved with curb, gutter, sidewalk, and paving. There is bus service along both 85<sup>th</sup> Street and 8<sup>th</sup> Ave NW. Greenwood Shopping Center is located two blocks east of the site at NW 85<sup>th</sup> Street and 1<sup>st</sup> Ave NW and Crown Hill Cemetery is located approximately two blocks to the northwest of the site at 12<sup>th</sup> Ave NW and NW 87<sup>th</sup> Street.

### Public Comment

Three public comment letters were received during the comment period which ended April 29, 2009, and concerns about the condition of the alley were raised. Street improvement requirements are addressed under review of the construction application. In this case, improvement are required was for the alley, which will be graveled from the lot to 6<sup>th</sup> Ave NW.

### 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 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 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; and*
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.*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Seattle Public Utilities (SPU), Fire Departments (SFD), and Seattle City Light, 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. The lots created by this short subdivision will meet all minimum standards or applicable

exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular pedestrian 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 not a mapped environmentally critical area nor were any environmentally critical areas observed on the site; therefore SMC 25.09.240 is not applicable). Tree and other landscaping requirements were considered under the building permit review. A note shall be added to the plat informing parties about the limitations of the Unit Lot Subdivision and the application of development standards to the entire parcel, as discussed below. The purpose of this platting action does not involve the creation of a new lot where two separate principal single family structures have occupied a single lot. 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**

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 provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family dwelling units in zones where such uses are permitted.*
- B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, 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 open 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 the King County Department 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 one single family residence and a two unit townhouse. The structures, as reviewed under their separate building permits, conform to the development standards at the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant is required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: *“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.”* A joint use and maintenance agreement is required.

**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. Add the conditions of approval after recording 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 \_\_\_.”
2. Provide on the plat the required Seattle City Light easement.
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. The lot areas of each parcel shall be shown on the recording documents.
4. Include the following on the face of the plat: “The lots created by unit subdivision are not separate buildable lots. Additional development of the individual unit lots 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.”

