



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:** 3004468  
**Applicant Name:** Norman Yelin  
**Address of Proposal:** 827 NE 104<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to subdivide four parcels into five parcels of land. Proposed parcel sizes are: A) 5,001 sq. ft., B) 5,001 sq. ft., C) 5,001 sq. ft., D) 5,001 sq. ft. and E) 8,984 sq. ft. Existing single family residences at 827 and 835 NE 104<sup>th</sup> Street would be removed and existing single family residence at 841 NE 104<sup>th</sup> Street to remain.

The following approval is required:

**Short Subdivision** - To subdivide four parcels into five parcels of land.  
(Chapter 23.24, Seattle Municipal Code).

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

**BACKGROUND DATA**

Site Description

The 28,980.2 sq. ft. proposal site is located in a Single-Family 5000 (SF-5000) zone on the south side of NE 104<sup>th</sup> Street, approximately 168 feet from the intersection of NE 104<sup>th</sup> Street and Roosevelt Way NE. The site has approximately 199 lineal ft. of frontage on NE 104<sup>th</sup> Street and has approximately 145 feet lot depth. NE 104<sup>th</sup> Street at the project location is paved but not developed to current standards, no concrete curbs, gutters and sidewalks are present. The parcels are currently configured as four lots with single family residences addressed as 827, 835 and 841 NE 104<sup>th</sup> Street. All five proposed parcels will have frontage on NE 104<sup>th</sup> Street. There is no alley. The proposed parcels will have vehicle and pedestrian access to NE 104<sup>th</sup> Street.

There is one Cherry tree and a Blue Spruce tree located on the lot. Other vegetation on the site consists of flower plants and shrubs along the west and south property line to the rear of the lot. The topography of the site is relatively flat from the front property line to the rear property line. The site is not located within any mapped or observed Environmentally Critical Area (ECA). Properties to the north, east, west and south are zoned SF-5000 and development in the vicinity is predominantly single family residential.

### Proposal

The applicant proposes to subdivide one existing 28,980.2-square foot lot containing four lots into five parcels of land. Proposed parcel sizes are: Parcel A) 5,001 sq. ft., Parcel B) 5,001 sq. ft., Parcel C) 5,001 sq. ft., Parcel D) 5,001 sq. ft. and Parcel E) 8,984 sq. ft. Proposed Parcels A, B, C, D, and E will have yard frontage on and vehicle and pedestrian access to NE 104<sup>th</sup> Street. The vehicle and pedestrian access from all five proposed parcels will be from NE 104<sup>th</sup> Street. The existing residences addressed as 827 and 835 NE 104<sup>th</sup> Street would be demolished and new single family residences will be constructed under separate permits. The existing single family residence addressed as 841 NE 104<sup>th</sup> Street will remain.

No development or construction activities are associated with the current proposal; the subject of this analysis and decision is restricted to the proposed division of land.

### Public Comment

Notice of the proposed project was published on March 16, 2006. The public comment period ended on March 29, 2006. Two comment letters were received. One respondent expressed concerns about view blockage, lack of privacy and increased traffic impacts. The second respondent expressed concerns about the piecemeal manner in which this subdivision has evolved over the years with no consideration of its impact on the character of the neighborhood.

### **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;*

The site is located within the Single Family 5000 (SF-5000) zone.

This proposal will divide the four existing lots into five parcels of land as follows:

- Parcel A: 5,001 square feet
- Parcel B: 5,001 square fee
- Parcel C: 5,001 square feet
- Parcel D: 5,001 square feet, and
- Parcel E: 8,984 square feet

The resulting lot areas exceed the 5,000 square foot minimum lot size for each of the proposed lots. The lot configuration provides an adequate buildable area to meet applicable yards, lot coverage requirements and other land use code development standards. Any new development

must conform to land use code requirements at the time of application. Each lot will have adequate buildable lot area to meet applicable setbacks and lot coverage requirements and other Land Use Code development standards.

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

DPD has circulated this proposed short subdivision to all city agencies with jurisdiction for review of utilities, access, and fire protection. All utilities would be extended to Parcel A, B, C, D and E and any changes in services would require approval of the respective utility. Proposed Parcels A, B, C, D and E have street frontage on NE 104<sup>th</sup> Street and each would have adequate vehicular and utility access to adequately improved streets. The Seattle Fire Department would provide emergency vehicle access to the site; the Fire Department has approved the proposed short plat for emergency vehicle access. No street improvements are required. Seattle City Light does not require any additional easements to provide electricity.

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, and availability of service is assured subject to standard conditions of utility extension. The existing houses currently discharges their sanitary waste to the public sanitary only sewer (PSS) located on NE 104<sup>th</sup> Street. The proposed parcels would be connected by means of side sewer for sanitary discharge. There are no storm drains, ditches, culverts, or other water channels available to the short plat. Infiltration as a method of stormwater control is recommended by DPD Drainage Reviewer. Plan review requirements would be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

The short plat application was reviewed by Seattle Public Utilities, and Water Availability Certificate #200-604-09 was approved and issued on March 3, 2006.

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

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas.*

The site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

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

There are approximately two trees located upon the development site on proposed Parcel C and proposed Parcel E. The potential building footprint on Parcel C may result in the removal of the Blue Spruce tree located on the lot. The Cherry tree on proposed Parcel E may be protected if no development is proposed on the lot. Future construction would be subject to the provisions of SMC 23.44.008, which sets forth the tree planting requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivision, when the subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, cluster housing, or single family housing:*

This short subdivision is not a unit lot 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:*

This short subdivision is not a multiple single family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

### **DECISION - SHORT SUBDIVISION**

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

### **CONDITIONS - SHORT SUBDIVISION**

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

#### **Prior to Recording**

1. Provide final recording forms and fees. Have the 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 the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Provide the following note on the face of the plat: "The existing structures addressed as 827 and 835 NE 104th St shall be legally removed prior to separate sale of Parcel A, B, C, or D."

