



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning & Development**

D. M. Sugimura, Director

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

**Application Number:** 3007869  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 161 10<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into four unit lots (Unit Lot Subdivision). The construction of residential units is being reviewed under Project #60665429. 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:

**Short Subdivision** - to subdivide one existing parcel into six lots as a unit lot subdivision.  
(Chapter 23.24 Short Plats, Seattle Municipal Code)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

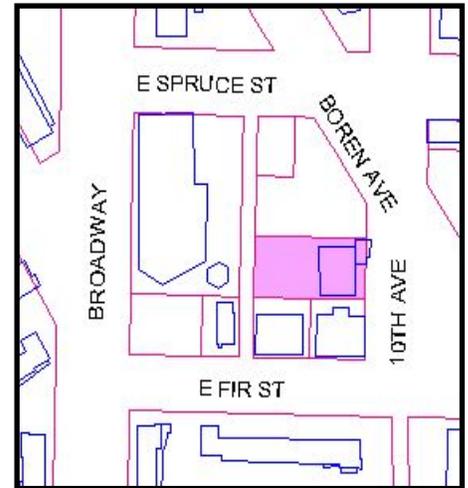
DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Substantive Site Description**

The subject property is 7,303 square feet in size and is zoned Midrise (MR).

The areas adjacent to the east of the subject property, across Boren Avenue, are also zoned MR, while the areas to the south and west are zoned Lowrise 3 (L-3). The property immediately north of the site is zoned MR, while the property north of this is zoned Neighborhood Commercial (NC2-65). The subject property has approximately 60 feet of street frontage to the east with 10<sup>th</sup> Avenue, which tapers to a dead end immediately north of the subject property and is not fully improved to the standards for existing non-arterial streets as provided in section 23.53.015 of the Seattle Municipal Code (SMC). There is no mapped or observed City of Seattle designated Environmentally Critical Area (ECA) on the property.



### **Proposal Description**

The applicant proposes to short subdivide the subject property into four unit lots. Proposed unit lot sizes are Unit Lot A) 3,280 square feet, Unit Lot B) 1,554 square feet, Unit Lot C) 1,098 square feet, and Unit Lot D) 1,299 square feet.

Vehicular access to Unit Lot A will be achieved directly from 10<sup>th</sup> Avenue, while the gravel alley immediately west of the proposed development will provide vehicular access to Unit Lots B, C, and D.

Off-street parking for one car per unit is proposed within each unit lot. A permit for the establishment of land use for residential townhomes and construction of 3-units with parking for each below has been reviewed and approved under Project #6065429.

### **Public Comment:**

The comment period for this proposal ended on October 10, 2007. During this period, no written comment letters related to this project were received.

## **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.*

#### Summary - Short Subdivision

Based on information provided by the applicant, referral comments or review approvals from Zoning (DPD), Addressing (DPD), Building Plans (DPD), Drainage (DPD), Water (SWD), City Light (SCL), Fire Department (SFD), 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 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 proposed and/or conditioned, this short subdivision will be provided with pedestrian and vehicular access and public and private utilities with right-of-entry. 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 proposed site is not located within an Environmentally Critical Area so SMC 25.09.240 is not applicable. Trees (if any) will be removed and installed per the approved (building permit #6065429) landscape plan. Any tree removal or replacement is subject to the requirements of the Seattle Municipal Code.

The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities within 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 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. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. *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 Department of Records and Elections.*
- G. *The fact 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 townhouse structures being developed and constructed will collectively contain three dwelling units. These structures, as reviewed under a separate building permit, will conform to the development standards in place at the time that the permit application was vested. To ensure that future owners have sufficient notice that additional development may be limited; the applicant has appropriately added a note to the face of the short 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 lot 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 provided on the short plat.

