



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: 3003862
Applicant Name: Andrew Novion
for Miklos Kohary
Address of Proposal: 12323 10th Pl. NE

SUMMARY OF PROPOSED ACTIONS

Master Use Permit to subdivide one parcel into eight 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 two four-unit townhome structures (total of eight units) has been approved under Project Number [2408355](#), including SEPA review for this subdivision.

The following approval is required:

Short Subdivision - to divide one parcel of land into eight unit lots (unit subdivision).
(Chapter [23.24.045](#) , 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.

RELATED PROJECTS: Construction: # [2408355](#).

BACKGROUND DATA

Site and Vicinity Description

This 9,055 square foot site is located in a residential Lowrise 2 zone (L2) in the Pinehurst neighborhood, on the west side of 10th Pl NE, to the north of NE 123rd St. The site slopes to the east, and it is not in a mapped Environmentally Critical Area.

The subject property is located in a multi-family Lowrise 2 zone (L2), which encompasses the west side of 10th Pl NE and extends across NE 123rd St to the south. To the east and somewhat downhill from the site, land is zoned Single Family with a minimum lot size of 7200 sq.ft. (SF 7200). To the west and uphill from the site, land is zoned residential Lowrise 3 (L3). Further to the west and across Roosevelt Wy NE, land is zoned Neighborhood Commercial 2 with a base height limit of 40' (NC2-40). The entire area is also within the Northgate overlay. The overlay does not affect development standards otherwise applied to the proposal. The surrounding properties generally reflect their zoning, including single family homes, townhouses and apartments, and low commercial structures.

Proposal Description

The applicant proposes to subdivide the subject parcel of land into eight unit lots (unit subdivision). Proposed unit lot sizes are:

- | | |
|------------------|------------------|
| A) 1,202 sq.ft., | E) 1,439 sq.ft., |
| B) 859 sq.ft., | F) 1,028 sq.ft., |
| C) 859 sq.ft., | G) 1,027 sq.ft., |
| D) 1,203 sq.ft., | H) 1,438 sq.ft. |

Public Comments

The two-week comment period ended February 1, 2006. The project planner received two letters from the public. One comment letter requested drawings of the proposed townhomes and complimenting construction crews for their current work. The second noted concern related to the townhouse development, which is not the subject of this review. The construction proposal involved a discretionary review subject to conditioning and appeal. This review is to facilitate fee-simple ownership of the individual townhouse units only.

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. The findings which follow are based on information provided by the applicant, referral comments from DPD, the Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

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 Subdivisions.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Departments (SFD), 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 to be 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.

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 (WAC 20060041) 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 located in an Environmentally Critical Area; therefore SMC [25.09.240](#) is not applicable. Tree retention was addressed during the review of the construction permit. 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.

The provisions of SMC Section [23.24.045](#) are as follows:

- 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 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 private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

The approval of the building permit demonstrates that the development as a whole meets all applicable development standards. For ground related development, L2 zoning requires an average of 300 sq.ft. and a minimum of 200 sq.ft. of private, usable open space per unit. The proposed plat delineates more than the required amount of open space.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

Compliance with criterion F below should assure proper control of future platting actions, additions or modifications to the structures.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (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.*

The applicant has described the necessary easements for vehicular access to garages. A “joint use and maintenance agreement” for the property has been provided on plans and must be recorded for final approval of this unit subdivision.

- 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.*

Required parking will be provided in private garages located within the new structures. Each unit will have one parking space, with necessary access easements.

- F. *The fact that the unit lot is not a separate building 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.*

A note on the face of the plat clarifies that each unit lot is not a separate buildable site. The note must be recorded with the plat, and as such satisfies the provision.

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 development is two four-unit townhouse structures. The structures, as reviewed under separate building permit, conform to the development standards for the time the permit application was vested.

DECISION - SHORT SUBDIVISION

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

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Provide on the plat any required Seattle City Light easement.
2. Include the following on the face of the plat, "The lots created by the unit subdivision are not separate building lots. Additional development of 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."
3. Submit the final recording forms for approval.
4. Provide an area to post address signage for the benefit of Unit Lots E through H at a location on Unit Lot A visible from 10th Place NE. Provide a covenant and/or an easement to ensure that address signage can be maintained.

Conditions of Approval Prior to Final Certificate of Occupancy

None.

Signature: (signature on file)
Scott A. Ringgold, Land Use Planner
Department of Planning and Development
Land Use Division

Date: March 30, 2006