



**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Record Number: 3039923-LU
Applicant: Jermey Notting
Address of Proposal: 222 10th Ave E

SUMMARY OF PROPOSAL

Land use Application to subdivide one development site into eight unit lots. The construction of residential units is under Project 6909670-CN. This subdivision of property is only for the purpose of allowing sale or lease of the units. Development standards will be applied to the original parcel and not to each of the new unit lots.

The following approval is required:

- I. Unit Lot Subdivision (SMC Chapter 23.24)** – to create eight unit lots.

SEPA DETERMINATION

- Determination of Nonsignificance (DNS)
 - Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
 - No mitigating conditions of approval are imposed.
- Determination of Significance (DS) – Environmental Impact Statement (EIS)
- Determination made under prior action.
- Exempt

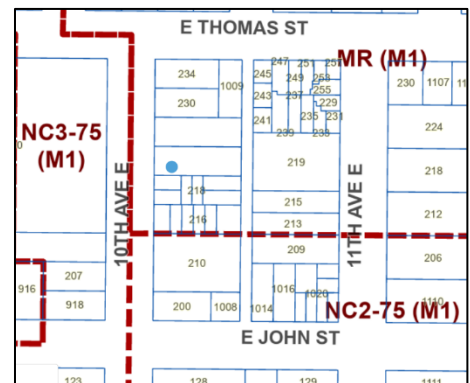
SITE AND VICINITY

Site Description: the subject site is a mid-block lot with frontage along 10th Ave East and abutting an improved alley to the rear.

Site Zone: Midrise (MR)

Zoning Pattern: (North) Midrise (MR)
(South) Neighborhood Commercial 2 (NC2-75 (M1))
(East) Midrise (MR)
(West) Neighborhood Commercial 3 (NC3-75 (M1))

Environmentally Critical Areas: There are no mapped ECA areas onsite.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

PUBLIC COMMENT

The public comment period ended on March 11, 2024. No comments were received.

I. ANALYSIS – UNIT LOT SUBDIVISION

SMC 23.24.040 SHORT PLATS – CRITERIA FOR APPROVAL

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria listed below to determine whether to grant, condition, or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions, as modified by this Chapter 23.24;*
2. *Adequacy of access for pedestrians, vehicles, utilities, and fire protection as provided in Section 23.53.005 and Section 23.53.006;*
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 Section 25.09.240 in environmentally critical areas and Section 23.60A.156;*
6. *For lots in the Shoreline District, conformance to the applicable provisions of Section 23.60A.168;*
7. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
8. *Conformance to the provisions of Section 23.24.045 when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of single-family dwelling units, townhouse, rowhouse, and cottage housing developments, existing apartment structures built prior to January 1, 2013, but not individual apartment units, or any combination of the above types of residential development, as permitted in the applicable zones; and*
9. *Every lot, except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
 - d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall either have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the proposed new lot or lots to the alley that meets access standards for the zone in which the property is located.*

Based on information provided by the applicant, referral comments from SDCI and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code.

This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities.

Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The short subdivision application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (WAC) was certified on July 8, 2022 (WAC ID no. SPUE-WAC-22-0984).

Unit lot Subdivisions are not subject to SMC Section 25.09.240. The site is not located in the Shoreline District. There does not appear to be any reasonable alternative configuration of this plat that would better maximize the retention of trees than the proposed plat. Tree and other landscaping requirements were considered under the building permit review. As a unit lot subdivision, the proposed short subdivision is not subject to SMC Section 23.24.040.A.9.

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 in the City.

SMC 23.24.045 SHORT PLATS – UNIT LOT SUBDIVISION

The unit lot subdivision must conform to the provisions of SMC Section 23.24.045, 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 23.24.045 apply exclusively to the unit subdivision of land for residential development including single-family dwelling units, townhouse, rowhouse, and cottage housing developments, and existing apartment structures built prior to January 1, 2013, but not individual apartment units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.*
- B. *Except for any lot for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.24.045.A 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 or private amenity area for each dwelling unit shall be provided on the same unit 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 King County Recorder's Office. For common parking areas and garages, access easements and joint use and maintenance agreements shall include the right to use any required electric vehicle charging infrastructure and the terms of use.*
- 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 King County Recorder's Office.*

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 King County Recorder's Office.

The unit lot subdivision conforms to applicable standards of SMC Section 23.24.045. Structures reviewed under a separate building permit conform to the development standards at the time the permit application was vested.

DECISION – UNIT LOT SUBDIVISION

This unit lot subdivision application is APPROVED.

Glenda Rader, Land Use Planner
Seattle Department of Construction and Inspections

Date: May 6, 2024

GR:bg

Rader/3039923-LUDecision