



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: 3007516
Applicant Name: Joanna Spaulding
Address of Proposal: 9239 17th Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into six unit lots (Unit Lot Subdivision). The construction of townhouses has been approved under Department of Planning and Development (DPD) project number 6103008. 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:

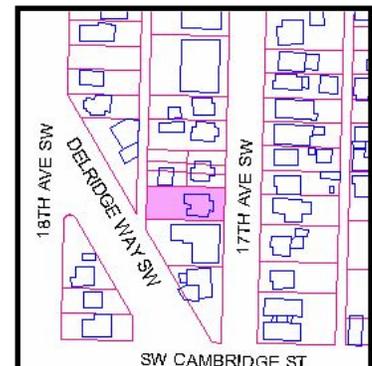
Short Subdivision - to subdivide one existing parcel into six lots as a unit lot subdivision.
(Chapter 23.24 Short Plats, Seattle Municipal Code)

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 7,058 square feet in size and is zoned Lowrise 3 (L3). The areas adjacent to the north, south, east, and west of the property are also zoned L3.



The subject property has approximately 55 feet of street frontage to the east with 17th Avenue SW, which is developed with curbs, gutters, and sidewalks on both sides of the street pavement at this location. To the west, the property has approximately 55 feet of frontage with an existing gravel alley which provides access to the property from Delridge Way SW. The site is bound on the north and south by developed parcels also zoned L-3. 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 eight unit lots. Proposed unit lot sizes are: Unit Lot A) 1,284.6 square feet, Unit Lot B) 961.3 square feet, Unit Lot C) 1,278.8 square feet, Unit Lot D) 1,286.3 square feet, Unit Lot E) 952.7 square feet; and Unit Lot F) 1,280.8 square feet.

An Ingress and Egress Easement, as shown on the submitted Short Plat, is proposed to provide pedestrian and vehicular access to Unit Lots A through F.

A blanket Utility Easement has also been granted, over, under, and across the entire subject property, for the benefit of the unit lots within this unit lot subdivision. This easement is proposed to include, but is not limited to, underground waterlines, power, gas, telephone, telecable, sanitary sewer, and storm water. Building repair, maintenance, and emergency access will also be provided under this blanket Utility Easement, as noted on the submitted short plat plan set.

Covered parking for one car per unit is proposed within each building to be constructed on each unit lot. A permit for the establishment of land use for residential townhomes and construction of eight units with parking for each below has been reviewed and approved under DPD project number 6103008.

Public Comment:

The comment period for this proposal ended on August 1, 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 (SPU), City Light (SCL), Fire Departments (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 ECA and is also a unit lot subdivision; therefore, SMC 25.09.240 is not applicable. Trees (if any) will be removed and installed per the DPD project number 6103008 building permit landscape plan. Any tree removal or replacement is subject to the requirements of the SMC.

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 Development 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 eight 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 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.

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. Seattle City Light requires an OH/UG power easement on: The West 18.4 feet on Unit Lot D, the South 5.0 feet on Unit Lot D, the East 18.0 feet on Unit Lot C; and the South 5.0 feet on Unit Lot C.

Please include this required easement descriptions provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected unit lots:

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 shall be identified on the plat and encroachments such as side yard easements, fences, or structures shall be shown. Please make sure that the lot areas of each parcel are included on the recording documents.
4. Submit the recording fee and final recording forms for approval.
5. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
6. The Ingress and Egress Easement providing pedestrian and vehicular access to the proposed unit lots is a joint access easement, in part to provide access to Lot 9 as shown on the submitted Short Plat plan set. Please provide a copy of the signed and notarized Joint Access Agreement to demonstrate both property owners' desire to grant each other an easement and right to use the vehicle driveway upon a portion of both of the parcels in conjunction with any lawful use.
7. Prior to recording, please add a statement to the Short Plat clarifying that pedestrian and vehicular access to the proposed unit lots will be achieved from a shared access easement with Lot 9.
8. Revise the legal description for Unit Lot E so that text is complete and legible.
9. Various sections of the unit lot legal description refer to this proposal as City of Seattle Short Subdivision Number 30XXXXXX. Please note that the short subdivision number is 3007516 has been assigned for this proposal and the Short Plat plan set should be revised accordingly.
10. Revise the legal description for all unit lots to read "*THENCE S 00° 09' 35" E, 55.00 FEET TO THE SOUTH MARGIN SAID NORTH 5 FEET OF LOT 11.*"
11. Please correct the open space for Unit Lot D. It should be 360 square feet.

12. The proposed unit lots are identified on the submitted short plat plan set as Unit Lots A-F. Please note that DPD Addressing has assigned the following addresses to the corresponding unit lots: Unit Lot A) 9239A 17th Avenue SW, Unit Lot B) 9239B 17th Avenue SW, Unit Lot C) 9239C 17th Avenue SW, Unit Lot D) 9237C 17th Avenue SW, Unit Lot E) 9237B 17th Avenue SW; and Unit Lot F) 9237A 17th Avenue SW.

For the Life of the Project

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

13. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: September 10, 2007
Mike Reid, Land Use Planner
Department of Planning and Development

MR:lc

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