



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:** 3008219  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 2113 South Massachusetts Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two unit lots. The construction of residential units has been approved under Project #6091138. 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 parcel into two unit lots. (SMC Chapter 23.24)

**BACKGROUND DATA**

Zoning: L-2  
Date of Site Visit: Previous MUP# 3005136 and 3004071  
Uses on Site: Townhouses

**Site and Area Description**

This proposal is located at 2113 S. Massachusetts St. and. The site is between 21<sup>st</sup> Avenue S. and 22<sup>nd</sup> Avenue S. in the South Seattle Neighborhood. This parcel is a newly created “Y” from Parcels A & B. The subject site is rectangular in shape and is approximately 45.73-foot wide and 50.08-foot deep with a total lot area of approximately 2405.00 square feet. This area includes two panhandles of .50’ wide which adjoin the site to the two separate frontages of South Massachusetts and that of South State Street. These panhandles create a through lot which does not require a rear set back. The sites to the north and south are part of a 9 unit lot subdivision (MUP #3008221). Construction has begun. The project site is zoned Lowrise-Two (L-2) and is located in a predominately single-family and multi-family neighborhood. The density for

Lowrise-Two zone is one dwelling unit per each 1,200 sq. ft. of lot area. Both Massachusetts and State Streets are two lane paved streets with sidewalks, curbs and gutters on both sides.

### **Development in the Vicinity**

To the north and northwest of the site, the area is zoned Lowrise-Two (L-2), west, southwest and south of the site, the area is zoned Commercial (C1-65). East of the site is zoned Lowrise One (L-1) and northeast of the site is zoned Lowrise-Duplex-Tripex (LDT). The existing development in the area is mostly single family houses with some duplexes and triplexes.

### **Proposal Description**

The applicant proposes to construct a two-unit townhouse with attached garages on the site at 2113 S. Massachusetts Street to be **Building "D"**. The total units for this site are 2 with 2 parking spaces provided within each structure in an environmentally critical area.

Vehicle access will be from S. Massachusetts St. Parking for two vehicles will be located in ground level garages under the structure. The remaining areas will be access easements, landscaped areas and open spaces required for this development.

The proposed structures are three stories. A garage for each individual unit is provided under the structure at grade level. Access to individual garages is through common paved driveways. The ingress/egress to the two-unit townhouse is from S. Massachusetts St. Each individual townhouse unit and ground related dwelling unit is provided with a directly accessible and fully landscaped private usable open space.

### **Public Comment:**

Two neighbors contacted the Department with their concern for the density of the two developments proposed on the original parcels.

### **ANALYSIS – SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

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.*

### **Summary**

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), 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 as set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, 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 and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions.

The proposal site has pre-existing steep slope conditions addressed in the DNS Approval for MUP #'s 3005136/3004071 SEPA of July 19, 2007. Based on submitted documents, the "steep slope" area along the west property line appears to be less than 20 feet in height and/or have been created by previous grading and construction activities on the adjacent public right-of-way. The submitted geo-technical report by Dennis M. Bruce, P.E. dated May 19, 2006 further infers that development on this site will not result in adverse impacts on this site and adjacent sites therefore SMC 25.09.240 is not applicable.

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 (CRITERION #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.

- 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. *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.*

- 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 Director of the King County Department of Records and Elections.*

#### Summary - Unit Lot Subdivision

Review of this application shows that the proposed unit lot short subdivision of Parcel Y would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed development on Parcel Y is a duplex townhouse. The structure, as reviewed under its separate building permit #6091138 conforms to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to maintain a note to the face of the plat that reads as follows: include the following on the face of the plat: "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 on the plat must also be maintained.

#### **DECISION - (UNIT LOT) SHORT SUBDIVISION**

The proposed Short (Unit Lot)Subdivision is **CONDITIONALLY GRANTED.**

#### **CONDITIONS – (UNIT LOT) SHORT SUBDIVISION**

##### Prior to Recording

1. Meet the requirements of Seattle City Light.

City Light has reviewed the short plat and will provide the required easement for electrical facilities to provide power to the proposed lots. The easement document is to be identified as Exhibit "A" and is to be attached to and become a part of the short plat. The following statement is provided for use on the face of the plat to reference said document:

*An easement is granted to Seattle City Light as shown on page\_\_\_\_\_.*

**If this short plat is revised in any manner, the attached easement will not be valid. Any revisions must be submitted to Seattle City Light for additional review.**

After the final short plat has been recorded, a copy should be mailed by DPD to City Light, Real Estate Service, Room 3012, Mail Stop 07-28-22 (Renee T. Brooks 7-26-07).

2. The owner(s) and/or responsible party(s) shall comply with all applicable standard recording requirements and instructions.

3. Maintain the following note on the face of the plat: *“The unit lots within the parent lot created by this subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot (Parcel Y) pursuant to applicable provisions of the Seattle Land Use Code.”*
4. Maintain the joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.
5. Include in the plans the required easement provided by Seattle City Light.
6. Add a covenant, easement or other agreement to the final plat which allows for proper posting of unit lot addresses visible from the street.

*Prior to Issuance of any Building Permit*

7. The owner(s) and/or responsible party(s) shall 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: January 3, 2008  
Carreen N. Rubenkonig, Land Use Planner  
Department of Planning and Development

CNR:lc

I:\RubenkC\My Documents\ARCHIVE2007\3008219 2113 Massachusetts Unit Lot Short Plat\3008219 Decision S  
Massachusetts Unit Lot Short Plat.DOC