



City of Seattle

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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:** 3008220  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 9052 17<sup>th</sup> Avenue SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into three unit lots. The construction of residential units has been approved under Project #6103478. 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 three unit lots. (SMC Chapter 23.24)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

**BACKGROUND DATA**

Zoning: L-3  
Date of Site Visit: December 11, 2007  
Uses on Site: Duplex

**Substantive Site Characteristics:**

This 5,120 square foot subject site (the “parent lot”) is a rectangular lot that fronts the east side on 17<sup>th</sup> Avenue SW between SW Henderson to the north and SW Barton to the south. An existing duplex is proposed to remain. An alley on the east side of the parcel serves the site.

18<sup>th</sup> Avenue SW is to the west and 16th Avenue SW is to the east. There is a mixture of multifamily and single family residences in the immediate area, and commercial uses adjoining Delridge Way to the west. The Lowrise 3 zone surrounds this site in a four square block area while due north is the SF5000 single family zone. The Salvation Army Complex is on 16<sup>th</sup> Avenue SW. There are several apartment buildings in the immediate vicinity and another Unit Lot Subdivision at 9049 17<sup>th</sup> Avenue SW was issued in 2007 and is under construction. The site is not located in any mapped critical areas.

The issuance of Building Permit #6103478 on 1-19-2007 was to construct new two-story duplex townhouse structure at east end of existing duplex with open-air parking per plan.

For L-3 zone the private, usable open space must be provided at an average of 300 square feet area but no open space will be less than 200 square feet area. The building plans provide an average of 365 square feet of private usable open space. According to SMC 23.45.016B1f Development Standards for Multi-Family parking areas will not be located in the open space.

Public Comment:

The two week period for public comment began November 29<sup>th</sup>, 2007 and ended on December 12, 2007. No comment was received.

**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.*
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; an*
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 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. Detailed discussion of Criterion #7 follows below.

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 is not located in a mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. Tree and other landscaping requirements were considered under the building permit review. 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 would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The existing development on Unit Lot A is a duplex single family structure. The proposed development of Building 1 includes Unit A and Unit B and they will be located on Unit Lot B and Units Lot C respectively.

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 unit lots created by unit lot subdivision are not separate building lots. Additional development on any individual unit 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.” The parent lot is Lot 14, located at 9052 17<sup>th</sup> Avenue Southwest.

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**

#### *Conditions of Approval Prior to Recording*

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

1. The owner(s) and/or responsible party(s) shall comply with all applicable standard recording requirements and instructions.
2. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected Unit Lots.
3. Maintain the following note on the face of the plat: “The unit lots created by unit lot subdivision are not separate building lots. Additional development on any individual unit 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.”
4. Per Seattle Municipal Code reference all of Lot 14 as the Parent Lot.

5. Maintain the joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.
6. Provide an easement, covenant, or other agreement of the final plat for the proper posting of all unit lot addresses.

*Prior to Issuance of Future 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 10, 2008  
Carreen N. Rubenkonig, Land Use Planner  
Department of Planning and Development

CNR:bg

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