



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:** 3008815  
**Applicant Name:** Marion Nielson  
**Address of Proposal:** 9226 35<sup>th</sup> Avenue SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into three unit lots (Unit Lot Subdivision). The construction of townhouses has been approved under Project No. 6140000. 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.  
(Chapter 23.24, 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**

**Zoning:** Residential, Multifamily, Lowrise 2 (L-2)  
**Uses on Site:** One single-family residence and detached garage

**Substantive Site Characteristics:**

This 4,800 square foot subject site (the “parent lot”) is a rectangular lot that fronts on 35<sup>th</sup> Avenue to the west and an alley to the east. The lot is located within an area zoned Residential, Multifamily, Lowrise 2 (L-2) zone that continues to the north and south. The area one-half block

to the west and adjacent to the east is zoned Single-Family 5000 (SF5000). The site is not located in any mapped critical area.

Proposal Description:

The applicant proposes to subdivide one 4,800 square foot parcel, the "parent lot," into three unit lots with the following lot areas: Unit Lot A) 2,680 square feet, Unit Lot B) 1,060 square feet; and Unit Lot C) 1,060 square feet. The existing single family residence will be retained and will be located on Unit Lot A. The existing detached garage, deck, and gazebo will be removed.

Pedestrian access to Unit Lot A is from its street frontage on 35<sup>th</sup> Avenue SW. To provide access to Unit Lots B and C, there will be a pedestrian easement which runs east from 35<sup>th</sup> Avenue SW along the southern boundary of the parent lot to the parking easement.

Vehicular access for required parking for all proposed Unit Lots will be from an Ingress, Egress and Parking Easement which runs west from the alley to three surface parking stalls adjacent to the alley.

A permit to construct one 2-unit townhouse has been reviewed and approved under Project No. 6141000. The subject of this analysis and decision is limited to the subdivision of land.

Public Comment:

The comment period for this proposal ended on April 9, 2008. During this period, there were no public comments.

**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; and*
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; and*
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 from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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 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 an environmentally critical area for which SMC 25.09.240 is applicable; additionally, this regulation does not apply to unit lot subdivisions. 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 owner-occupied 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 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 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 proposed developments are townhouses. The new structure, as reviewed under its separate building permit, conforms to the development standards for 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 add a note to the face of the plat that reads as follows: *“The unit lots created by unit lot subdivision are not separate buildable 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.”* A joint use and maintenance agreement will be required as conditioned at the end of this decision.

#### **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. On the final plat, show that the pedestrian easement along the southern boundary and the private open space for Unit Lot A are separate, without any overlap between these two uses.
2. Include on the final plat the corrections noted in the Land Use Correction Notices dated April 17 and May 29<sup>th</sup>, 2008.
3. Include the Joint Use/Maintenance Agreement on the final plans which shall include, if needed, the common side sewer and storm drainage that will serve the proposed unit lots.
4. 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.
5. 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 set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.

6. Include the following on the face of the plat: "The unit lots created by unit lot subdivision are not separate buildable 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."
7. 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 \_\_\_."
8. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
9. Submit the recording fee and final recording forms for approval.

For the Life of the Project:

10. 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: July 10, 2008  
Janet L. Wright, Land Use Planner  
Department of Planning and Development

JLW:lc

I:\SUDER\Consults\3008815 unitlot 9226 35th Av SW.doc