



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:** 3009095  
**Applicant Name:** Tess Wegier  
**Address of Proposal:** 1026 S. Sullivan 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 Permit #425085 (issued in 1954). 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 create two unit lots.  
(SMC Chapter 23.24).

**SEPA Determination:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Zoning: SF  
Date of Site Visit: N/A  
Uses on Site: Legal nonconforming duplex.

**Substantive Site Characteristics:**

Midblock property in the middle of SF zone surrounded by single family residences. Paved alley. Street has curb, gutter, sidewalk, planting strip. The site is mapped as a liquefaction environmentally critical area; this has no implications for the present proposal.

Project Description: Per notice. Code-complying parking will be provided for each unit.

### Public Comment

One commenter stated that he was against the application unless allowed by code. A second commenter expressed concern about the damage inflicted by historic use of the parking space for the rear parcel, and fear that it could be worsened by the proposal.

### **ANALYSIS – SHORT SUBDIVISION - Pursuant to SMC 23.24.040**

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. *Comports with unit lot subdivision criteria (SMC Section 23.24.045);*
8. *Comports with Section 23.24.046, multiple single family dwelling units on one lot (as applicable).*

### Summary

Based on information provided by the applicant, referral comments as received from DPD, Water (SPU), Fire Department (SFD; no comment), 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. Conditions ensure compliance with Seattle City Light (SCL) and Seattle Public Utilities (SPU) requirements (if any). 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 or will be 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. The proposed plat comports with code with respect to existing trees. 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 Department 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.

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 has been provided on the plat. Provisions for addressing must be provided per condition.

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

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Conditions of approval prior to recording are to be met, but they are not to be printed onto the plat to be recorded).

**CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

1. The owner(s) and/or responsible party(s) shall comply with all applicable standard recording requirements and instructions.
2. Maintain the following note to the face of the plat: *“The lots created by this unit 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 pursuant to applicable provisions of the Seattle Land Use Code.”*
3. Maintain the joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements. (Eliminate duplicate language.)
4. Provide an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (if any) on the final short subdivision.
5. Comply with Seattle Public Utilities (Water) requirements (if any).
6. Maintain legal descriptions and show on the plat an area for the posting of address signage for the benefit of unit lot not abutting the street and visible from the abutting street; and provide a covenant and/or an easement to ensure that address signage will be maintained.

*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: July 10, 2008  
Paul M. Janos, Land Use Planner  
Department of Planning and Development

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