



# 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:** 3003015

**Applicant Name:** Terry Wilson

**Address of Proposal:** 6415 Ellis Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide two parcels into five unit lots (Unit Lot Subdivision). The construction of townhouses and single family residences has been approved under Project No. 2405573 / Permit No. 751351. 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 two parcels into five 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:                    Lowrise 1

Uses on Site:            One single-family residence and one duplex

Substantive Site Characteristics:

This 10,013 square foot subject site (the “parent lot”) is composed of two rectangular lots that front on Ellis Avenue South and back to an alley. The site is located within a mapped environmentally critical area because it is a potential liquefaction area. The existing structures on these two lots include a single-family residence and a duplex, which are to be retained.

Proposal Description:

The applicant proposes to subdivide two parcels that compose the 10,013 square foot subject site (the “parent lot”) into five unit lots with the following lot areas: Unit Lot A –1,961 square feet, Unit Lot B – 1,884 square feet, Unit Lot C –1,472 square feet, Unit Lot D –1,521 square feet, and Unit Lot E – 3,175 square feet. Vehicular access for required parking for all proposed unit lots will be via the alley to the west of the lots. Parking for the new units A, C, and D is provided within each building. Parking for existing units B (single-family) and E (duplex) will be provided by three stalls on the northwestern corner of Unit Lot A next to the alley.

Pedestrian access from Ellis Avenue South is available to Unit Lots B and E directly from their street frontage. Pedestrian access to Ellis Avenue South for lots A, C, and D is from a 3.5’ pedestrian easement that runs from the street along the southern boundary of Unit Lot E to the west. Pedestrian access to the parking for Unit Lot E is from a 3.5’ pedestrian easement that runs west from the western boundary of Unit Lot E along the northern boundary of Unit Lot D to the alley. Pedestrian access to the parking for Unit Lot B is from a 3.5’ pedestrian easement that runs west from the western boundary of Unit Lot B along the southern boundary of Unit Lot A to the alley.

A Master Use Permit for the construction of three new single family residences has been reviewed and approved (Project No. 2405573 / Permit No. 751351). The subject of this analysis and decision is limited to the subdivision of land.

Public Comment:

The comment period for this proposal ended on August 31, 2005. During this period, one written comment letter related to this project was 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; 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.*

### 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. Although the proposal site is located in an environmentally critical area, SMC 25.09.240 requires SEPA review only for projects within certain environmentally critical areas, and the liquefaction area is not included as one that requires SEPA review. Therefore, the requirements of SMC 25.09.240 do not apply to this project. The proposed plat maximizes the retention of 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 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 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 single family residences. The structures, as reviewed under their separate building permits, conform 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 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 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. A Joint Use/Maintenance Agreement should be included on the final plat.
  - a. The Joint Use/Maintenance Agreement should address the common sidesewer and storm drainage system that will serve the proposed Unit Lots.
2. Provide on the plat the required Seattle City Light easement for electrical facilities to provide power to the proposed lots (as described in Exhibit “A” of P.M. 240429-1-017).
3. Make the required addressing corrections:

- a. Add the following lots, block and addition in the title block section: Lots 39-41, Block H, Georgetown Addition.
  - b. In the Approval Section, Change Dept. of Design, Construction & Land Use to Department of Planning and Development.
  - c. Change Diane Sugimura from Acting Director to Director.
  - d. In the Legal Description for Unit Lot A, change Lot 9 to Lot 39.
  - e. Add access easement legal description language to Unit Lots A, D, and E.
4. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses visible from Ellis Avenue South.
  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 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.”*
  7. Submit the recording fee and final recording forms for approval.

*Prior to Issuance of any Building Permit*

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

1. 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: April 6, 2006  
Janet Hyde-Wright, Land Use Planner  
Consultant to the Department of Development and Planning