



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:** 2408825  
**Applicant Name:** David Chenoweth  
**Address of Proposal:** 108 17<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into six (6) lots (Unit Lot Subdivision). 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 construction of townhouses has been approved under project 2306625.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into six lots, a unit subdivision. (Chapter 23.24.046, 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**

Site and Vicinity Description

The approximately 7,680 square foot property is located on the east side of 17<sup>th</sup> Avenue north of East Yesler Way. Pedestrian and vehicle access is from 17<sup>th</sup> Avenue.

The subject lot is zoned Lowrise 3 (L 3) as are all lots to the west, north and east. The adjacent lot, which fronts East Yesler Way, is zoned Neighborhood Commercial 1 (NC-1).

### Proposal

The proposal is to subdivide one lot into four (6) unit lots. The parent lot is 7,680 square feet in area. The proposed lot sizes are: A) 1,347.1 square feet, B) 914.7 square feet, C) 1,311.9 square feet, D) 1,527.8 square feet, E) 1,049.3 square feet, and F) 1,529.8. Vehicle access for all proposed unit lots will be from 17<sup>th</sup> Avenue through a joint vehicle and pedestrian access easement. The two structures containing all proposed unit lots have been reviewed and approved for applicable code compliance under MUP No. 2306625.

### Public Comments

The comment period for this proposal ended on December 29, 2004. No comments were received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following 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 tree;*
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.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section of DPD, the Fire Department, Seattle Public Utilities, City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Multi-Family Lowrise 3 (L-3) and all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, requirements for setback, lot coverage, building height, usable open space, landscaping, and parking. The establishment of use for the townhouses and

their construction was reviewed under these provisions, approved, and permitted under MUP No. 2306625.

The allowable density for the L 3 zone is one dwelling unit per eight hundred (800) square feet of lot area. The lot area is approximately 7,680 square feet, hence ten (10) townhouse units are allowed. Maximum lot coverage is fifty (50) percent for townhouse units. Lot coverage of the proposed townhouse was reviewed for conformance with this requirement and approved under MUP No. 2306625. Required parking for all units is provided on site and is accessed from 17<sup>th</sup> Avenue. Pedestrian access to all units is as described in *Site and Vicinity Description* above. Building set-backs, height limitations, and the provision of open space were reviewed for conformance to the development codes for this zone and were approved under the above-mentioned MUP.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided as described in *Criterion 1* above.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots, which must be included on the final plat.

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates this unit lot subdivision adequately provides for these services.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels. (See Water Availability Certificate # 20041948.)

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures and residential cluster developments amongst other housing types. Ground related townhouse structures are allowed outright in the L-3 zone. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all unit lots would be available on a shared ownership or rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for L-3 development regulations and the applicable approval criteria for short platting.

The public use and interests are thereby 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;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240, therefore this criterion does not apply.

6. *Is designed to maximize the retention of existing trees;*

There are no existing trees on the lot. However, as a part of approval for the construction of the townhouse and duplex structures (MUP 2306525) SMC 23.45.015 requires the planting of 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.*

The two-unit townhouses were approved under MUP 2306525. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development may be limited due to nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

### Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### Conditions of Approval Prior to Recording

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

1. Submit the corrected final recording forms for approval and any necessary fees.
2. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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, Chapter 23 of the Seattle Municipal Code.”
3. Include the required utility easement from Seattle City Light on the face of the plat and in the legal descriptions of affected Unit Lots.
4. Provide an address signage easement on Unit Lot C for the benefit of Unit Lots D, E, and F in a location close to and visible from the 17<sup>th</sup> Avenue right of way (ROW). Note: No obstructions are allowed with the distances of 32 inches to 82 inches above grade in the sight triangles provided at the intersection of the driveway and 17<sup>th</sup> Avenue ROW. Show the easement location on the face of the plat and include in the pertinent legal descriptions.

Signature: (signature on file) Date: April 11, 2005  
Art Pederson, Land Use Planner  
Department of Planning and Development  
Land Use Services