

May 28, 2025

MEMORANDUM

To: Seattle City Council
From: Lish Whitson and HB Harper, Analysts
Subject: Council Bill 120990 and Clerk File 314465: Ballard Corner Townhouses Subdivision

On Tuesday, June 3, 2025, the City Council (Council) will consider Council Bill (CB) 120990 and [Clerk File \(CF\) 314465](#). Passage of the CB and filing of the CF would grant final approval to the Ballard Corner Townhouses subdivision, which is located at the southwest corner of NW 57th Street and 9th Avenue NW in the Ballard neighborhood of Council District 6. The subdivision would facilitate the subdivision of two parcels into 14 unit lots to facilitate the sale of individual townhouse units. The project includes three three-story structures with penthouses. Seven townhouses face NW 57th Street, three townhouses face 9th Avenue NW, and four townhouses are located in a third structure behind the other two structures.

Attachment 1 describes the subdivision approval process. Final approval of a plat is a legislative act unless the Council has delegated that review to another body. Council's review of a final plat is limited to certifying that the plat has met conditions that have previously been placed on the plat by the Seattle Hearing Examiner. Under Washington State Law, Council is required to act within 30 days of filing of the final subdivision. Because Council's purview is constrained both in time and substance, Council routinely considers final subdivision ordinances, like the Ballard Corner Townhouses Subdivision, at a City Council meeting without consideration at committee. The bill is necessary to allow the Ballard Corner Townhouses, which have been built, to be sold as individual units.

The SDCI Director recommended approval of the preliminary subdivision with two conditions. On September 14, 2023, the Seattle Hearing Examiner approved the preliminary subdivision (see Attachment 2) with the following conditions:

Prior to Final Plat Approval

1. The approved Declaration of Covenants, Conditions, Restrictions and Easements shall be recorded at King County and the recording number provided on the final plat documents.
2. The covenants and bylaws for the proposed Homeowner's Association (HOA) for shared utilities, maintenance, etc., be recorded at King County and the recording number to be included on the final plat.

The Seattle Department of Transportation (SDOT), the Seattle Department of Construction and Inspections (SDCI) and Council Central Staff have confirmed that the final subdivision would meet all applicable conditions and recommends that the Council grant final approval (this requires a “do pass” vote on CB 120990 and a vote to “place on file” CF 314465.)

Attachments:

1. Seattle City Council Review of Final Subdivisions
2. Seattle Hearing Examiner’s Recommendation on the 13th Avenue Townhomes Subdivision

cc: Ben Noble, Director

Attachment 1

Seattle City Council Review of Final Subdivisions

Any application to divide one or more pieces of property into ten or more lots requires review under Washington State Law and the Seattle Municipal Code (SMC) as a subdivision. SMC [Chapter 23.22](#) contains the regulations that guide the City's review of subdivision applications. One requirement of the subdivision review process under current City regulations is that the City Council review and approve final subdivision plans.¹ The Revised Code of Washington (RCW) [58.17.140](#) requires that the City Council grant final approval for subdivisions within 30 days of filing of the final plat by the owner.

The Council grants such approval after completion of the following steps have been completed:

1. Seattle Department of Construction and Inspections (SDCI) reviews and issues a Master Use Permit for development that will end in a subdivision;
2. Hearing Examiner holds a public hearing and approves the preliminary plat², usually subject to conditions;
3. Developer builds all of the planned site infrastructure (this includes construction of shared driveways and installation of utilities);
4. Developer submits a final plat that conforms with the Hearing Examiner's conditions;
5. Seattle Department of Transportation (SDOT) and SDCI inspect the site to determine whether the site infrastructure has been installed as depicted on the preliminary plat and reviews the final plat to confirm that all the applicable requirements have been met;
6. SDOT transmits the final plat and legislation to approve the final plat to Council; and
7. The Council determines that all applicable requirements and conditions have been met or can be met if a bond is posted.

When reviewing final plats, SMC [23.22.074](#) requires the Council to determine that:

1. The final plat is in substantial conformance with the approved preliminary plat;
2. The requirements imposed when the preliminary plat was approved have been met;
3. A bond, if required by the City, is sufficient in its terms to assure that the improvements will be completed; and

¹ The RCW was recently amended to allow the Council to delegate decisions on final plats to the Planning Commission, a City agency, or other City administrator. The City has not updated its regulations to make this change.

² A plat generally refers to the map or plans that depict a subdivision, including providing dimensions for each new lot. The terms plat and subdivision are often used interchangeably.

4. The applicant has satisfied the requirements of Washington State Law and the SMC that were in effect at the time of preliminary plat approval.

There is no substantive or policy review in the Council's consideration of a final plat, the Council's review is purely ministerial.

Final subdivision approval requires the Council to vote to:

1. Pass a Council Bill to approve the final plat, and
2. Place on file a Clerk File that was created at the time of initial application.

Both the Council Bill and the Clerk File are typically referred directly to the City Council because of the short deadline for approval under the RCW and the lack of discretion in the Council's decisions.

**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

SUE WINTERS

for approval of a preliminary unit lot
subdivision

Hearing Examiner File:
MUP-23-007 (SD)

Department Reference:
3035509-LU

Introduction

The Applicant seeks preliminary approval of a 14-unit lot subdivision of property. The Director of the Department of Construction and Inspections ("Director") recommended approval of the subdivision with conditions. There were no requests for further consideration of the Director's recommendation pursuant to SMC 23.76.024.D.

A public hearing on the subdivision application was held before the Hearing Examiner on August 9, 2023. The applicant, Sue Winters ("Applicant") did not appear at the hearing, and the Director was represented by Scott Reynolds, Land Use Planner. The record was left open for additional comments and submissions through Friday August 11, 2023. The Hearing Examiner completed a site visit on August 18, 2023, and the record closed on that date.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code") unless otherwise indicated. After considering the evidence in the record and reviewing the site, the Hearing Examiner enters the following findings of fact, conclusions and decision on the application.

Findings of Fact

Site and Vicinity

1. The proposal site is addressed as 901 NW 57th Street. The site is rectangular shaped located at the northeast corner of NW 57th Street and 9th Avenue NW. The project site was occupied by a residential structure and associated parking.
2. The site is zoned Residential, Multifamily, Lowrise 2 with "M1" Mandatory Housing Affordability ("LR2(M1)"). Properties to the north and west are zoned Lowrise 1 with "M1" Mandatory Housing Affordability ("LR1(M1)"). Properties to the south and east are zoned LR2(M1).
3. There are no mapped Environmentally Critical Areas onsite.

Proposal

4. The proposal includes a subdivision to create 14 unit lots.
5. The Director issued a SEPA Determination of Non-significance ("DNS"). The DNS was not appealed.
6. The Director has determined that private easements for vehicular ingress and egress, pedestrian access, emergency vehicles, and utilities are adequate.
7. No right-of-way dedications are required. The two adjacent street rights of way located along the west and south boundaries of the project site are adequate for public infrastructure servicing the site.
8. Sidewalks are provided within the existing public street rights-of-way.
9. Building permits have been issued for construction of the approved structures, and the Applicant now seeks to subdivide the property into the anticipated 14 unit lots.
10. Useable open space is provided through a Private Amenity Area Agreement and a Common Amenity Area Agreement.

Director's Review of Unit Lot Subdivision

11. The public comment period ended on July 14, 2021. No comments were received.
12. The Director circulated a request for comment to agencies and City departments, and received the following responses (Exhibit 1):
 - a. Seattle Public utilities approved the proposal.
 - b. Seattle City Light indicated approval of the proposal and that no additional easements are required at this time.
 - c. The Fire Department Chief approved the proposal.
 - d. The Director of Public Health, Director of Housing, Superintendent of Parks and Recreation, King County Metro, Sound Transit and King County Wastewater Treatment Division provided no comment.
 - e. Seattle Department of Transportation responded with approval of the preliminary plat.
13. The Director has determined that the subdivision as a whole will meet all minimum development standards for the zone, and recommends approval of the subdivision with a single condition. The Director recommends approval of the subdivision with the following condition:

Prior to Final Plat Approval

1. The approved Declaration of Covenants, Conditions, Restrictions and Easements shall be recorded at King County and the recording number provided on the final plat documents.
2. The covenants and bylaws for the proposed Homeowner's Association (HOA) for shared utilities, maintenance, etc., be recorded at King County and the recording number to be included on the final plat.

14. SMC 23.22.054.A, entitled "Public use and interest," lists some of the factors the Hearing Examiner must consider in determining whether to approve a subdivision:

The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat.

15. SMC 23.22.052 provides that:

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to existing sidewalks contiguous to the subdivision.

D. Vehicular access to every lot shall be from a dedicated street, unless the Director ... permits access by a permanent private easement [that meets the requirements of SMC 23.22.052.D].

16. SMC 23.22.062 provides for unit lot subdivision of townhouse development as follows:

B. [Lots developed or proposed to be developed ... 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 or private amenity area for each dwelling unit shall be provided on the same unit 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 open spaces for cottage housing), and other similar features, as recorded with the King County Recorder.

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 King County Recorder.

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 King County Recorder.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to Chapters 23.76 and 23.22 SMC. The approval of preliminary plats or subdivisions is a Hearing Examiner decision. After the Hearing Examiner approves the preliminary plat, the Council reviews it for final plat approval.
2. The subdivision meets the requirements of SMC 23.22.052, in that it will provide sidewalks along the adjacent street, requires no dedications, and will provide vehicular access that the Director has determined is consistent with SMC 23.22.052.D.
3. The proposal also meets the requirements of SMC 23.22.062 for unit lot subdivisions. The development as a whole will meet the development standards applicable to the parent lot; the required parking, easements and private, usable open space are provided; and, the required disclosures and joint use and maintenance agreement are provided on the face of the plat.
4. The record shows that the subdivision makes appropriate provision for open spaces, drainage ways, streets, transit stops, potable water, sanitary wastes, fire protection facilities, parks and playgrounds, and sidewalks that assure safe

walking conditions for students who walk to and from school. The subdivision makes appropriate provision for the public health, safety, and general welfare.

5. The proposal will promote individual ownership of the 14 residential units, which will be constructed in a configuration that is compatible with the surrounding neighborhood. As conditioned, the subdivision will serve the public use and interest.

Decision

The application of Sue Winters for the preliminary subdivision is **APPROVED**, subject to the following condition:

Prior to Final Plat Approval

1. The approved Declaration of Covenants, Conditions, Restrictions and Easements shall be recorded at King County and the recording number provided on the final plat documents.
2. The covenants and bylaws for the proposed Homeowner's Association (HOA) for shared utilities, maintenance, etc., be recorded at King County and the recording number to be included on the final plat.

Entered September 14, 2023

/s/Ryan Vancil
Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner in this case is the final decision for the City of Seattle. In accordance with RCW 36.70C.040, a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the decision is issued unless a motion for reconsideration is filed, in which case a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the order on the motion for reconsideration is issued.

The person seeking review must arrange for and initially bear the cost of preparing a verbatim transcript of the hearing. Instructions for preparation of the transcript are available from the Office of Hearing Examiner. Please direct all mail to: PO Box 94729, Seattle, Washington 98124-4729. Office address: 700 Fifth Avenue, Suite 4000. Telephone: (206) 684-0521.

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **FINDINGS AND DECISION** to each person listed below, or on the attached mailing list, in the matter of **SUE WINTERS**

Hearing Examiner File: **MUP-23-007 (SD)** in the manner indicated.

Party	Method of Service
Applicant Sue Winters permitting@chadwickwinters.com	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger
Owner Will@bridgewrightpartners.com ;	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger
Department Scott Reynolds SDCI Scott.Reynolds@seattle.gov Nathan Torgelson Nathan.Torgelson@seattle.gov Greg Spotts Greg.Spotts@seattle.gov SDCI LUIB group SCI_LUIB@seattle.gov SDCI Routing Coordinator SCI_Routing_Coordinator@seattle.gov	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger
Mailing SUQUAMISH TRIBE* PO BOX 498 SUQUAMISH, WA 98392	☒ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☐ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger

Mailing Seattle Public Library LB-03-01	☐ U.S. First Class Mail, postage prepaid ☒ Inter-office Mail ☐ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger
Mailing Ketil Freeman Ketil.Freeman@seattle.gov Roger Wynne Roger.Wynne@seattle.gov Janet Oslund Janet.Oslund@seattle.gov annette.pearson@seattle.gov ; bpfeiffer@kingcounty.gov ; culturalpreservation@duwamishtribe.org ; fisheries2@muckleshoot.nsn.us ; fisheriescontact@muckleshoot.nsn.us ; glen.stamant@muckleshoot.nsn.us ; Jae.butler@muckleshoot.nsn.us ; jgreene@kingcounty.gov ; Jim.Ishimaru@kingcounty.gov ; KCWTD_otheragencyplanning@kingcounty.gov ; Ktsang@muckleshoot.nsn.us ; lpa.team@kingcounty.gov ; McCollID@wsdot.wa.gov ; preservationdept@duwamishtribe.org ; rachel.tausend@klgates.com ; SEPA.reviewteam@doh.wa.gov ; SEPA@psc Clean Air.org ; shirlee.tan@kingcounty.gov ; toddgray@tulaliptribes-nsn.gov ; YENGEL@CONE- ARCH.COM; afichukpv@yahoo.com; CARTER@C ONE- ARCH.COM; permitting@chadwickwinters.com; afi chukpv@yahoo.com;	☐ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger

Dated: September 14, 2023.

/s/ Patricia Cole

Patricia Cole, Executive Assistant