



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:** 3009053

**Applicant Name:** Michael Monroe for 62 Etruria, LLC

**Address of Proposal:** 62 W. Etruria

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into four unit lots. The construction of townhouses was approved under Project No. 6082257. 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:

**Unit Lot Subdivision** - to create four-unit lots. (SMC Chapter 23.24).

**BACKGROUND DATA**

Zoning: L3

Date of Site Visit: N/A

Uses on Site: Construction of townhouse development under review #6082257.

**Site Characteristics**

The subject site slopes down 10 ft. from south to north over the 120 ft. depth of the lot. Etruria is improved with curb, gutter, sidewalk, and paving. The arterial boulevard Third Ave borders the west end of the block, just one lot from the subject site. The lot borders on a 16 ft. wide gravel alley and the townhouse units on the site access parking from the alley.

**Vicinity**

There is a mixture of multifamily, single family, institutional and industrial development in the area surrounding the subject site, including: a church on the block to the north and the reuse of a public school building, by a non-profit group, on the block to the south. The project site is located in a band of multi-family zoned lots about two blocks deep to the east and west of the

subject site and is just south east of Seattle Pacific University and southwest of the Ballard ship canal. The area surrounding the site has various buildings including a warehouse near the subject site that are within a Major Institutional Overlay (MIO) District.

### Public Comment

Notice of application was issued on May 8, 2008. One public comment letter was received during the comment period that ended May 21, 2008. Concern was expressed about the height of the new construction and the damage to the City sidewalk.

### **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;*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), and Seattle City Light, 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. The “parent lot” for this unit lot subdivision will meet all minimum standards or an applicable exception set forth in the Land Use Code, and is 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 mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. 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 housing opportunities in the City.

### **ANALYSIS –UNIT LOT SUBDIVISION**

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, is required 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. *A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. *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.*
- G. *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 townhouses. 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 notice that additional development may be limited; the applicant is 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 is required.

**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. 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 \_\_\_.”
2. Provide on the plat any required Seattle City Light easement.
3. 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.
4. Include the following on the face of the plat: “The lots created by unit subdivision are not separate buildable lots. Additional development of the individual unit lots 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.”
5. Provide an easement, covenant, or other legal agreement to allow proper posting of the address signage along the property line bordering W. Etruria Street.
6. Submit the recording fee and final recording forms for approval.

*For the Life of the Project*

8. 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: September 11, 2008

Justina Guyott, Land Use Planner  
Department of Planning and Development

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