



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: 2407652
Applicant: David Chenoweth for WynGale Homes, Inc.
Address of Proposal: 20 W. Etruria St.

Summary of Proposed Actions

To subdivide four (4) parcels into fourteen (14) unit lots. Proposed unit lots range from 953 sq. ft. to 3,763 sq. ft.

The following approvals are required:

Full Unit Subdivision – Chapter [23.22](#) Seattle Municipal Code.

SEPA – Environmental Determination Chapter [25.05](#) SMC.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions.
 DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

Related Projects

MUP 2304575, established the use for construction of a total of 13 residential units and 22 parking spaces within four townhouse structures (comprising two 2-unit, one 3-unit and one 6-unit residential units) and 3 additional off-street, on-site parking spaces. MUP 2304575 included Design and SEPA Reviews. These buildings are now under construction.

The MUP was issued November, 2004, conditionally granting the Design Review component and with a Determination of Non-Significance for SEPA.

[SMC 23.22.062A](#) states that the unit lot subdivision of land applies exclusively to townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.

BACKGROUND DATA

Site and Vicinity Description

The site for this proposed multifamily development is located on the northeast slope of Queen Anne Hill, approximately two blocks from the Ship Canal and across that waterway from the Fremont commercial district. The alley to the north is the site's northern property line and also the boundary of the Seattle Pacific University MIO (Major Institution Overlay) with the main campus buildings approximately a block to the northwest. The south site property line is West Etruria Street.

The rectangular shaped 14,280 sq. ft. site is sloped markedly from southwest to northeast with elevation changes of approximately 32 feet across the site. There are currently seven structures, four residential and three accessory, all of wood construction, on the site. The residential structures on the site consist of a triplex to the east, a duplex to the west and two single-family houses in between, and three accessory garages.

Existing development in the immediate area is mixed with a 20 unit, "U" shaped apartment building built in 1963 across the street, a 10 unit apartment building built in 1978 to the west and many pre-World War II wood frame residential structures being used as single family and multi-family dwellings. Structure heights in the immediate area range from one to four story buildings, some have one more story on the downhill side due to the sloped area. W. Etruria St. is a residential street with two lanes and parking on both sides. The alley to the north is a 16 ft. wide two-way lane serving the adjacent residential structures.

The subject site is zoned L-3 (Lowrise 3). Multi-family structures are permitted outright throughout this zone. The height limit is 30 ft. The site is located in an Environmental Critical Area, a potential slide area.

Project Under Construction

The redevelopment of the site (permitted and under construction) involves the preservation of one of the wood frame residential structures in the southeast corner of the site and the creation of four new townhouse structures containing two duplexes, a triplex and a six-unit building. Parking for 25 vehicles is provided with access to most spaces from the alley. There are two driveways, each to a single parking space, from W. Etruria St. Open space is proposed throughout the site, directly accessible to each residential unit. Open space includes five foot deep front porches, proposed for all of the newly proposed townhouses structures.



Figure 1. Vicinity Zoning

PROJECT DESCRIPTION

The applicant proposes to unit subdivide a 14,280 square-foot lot into fourteen (14) unit lots. The existing structure at 8 W Etruria will remain on one of the unit lots.

Vicinity and Site

The site is located in the Queen Anne neighborhood, near the northeast corner of W Etruria Street and Queen Anne Ave N. Queen Anne Avenue is a minor arterial at this point, and W Etruria St. is a residential street. The property is not located in an Urban Village.

The site is zoned residential Lowrise 3 (L-3) with a 30-foot base height limit (see Figure

- 1). To the east and west there are other similarly zoned parcels. Properties to the north are zoned Major Institution Overlay for Seattle Pacific University.

The site measures 120' on the west and east by 120' on the north and 118' on the south side of the parcel. Both streets are paved with curb, gutter and sidewalk, and rights-of-way have the required dimensions provided in the Street Improvement Manual. The site slopes to the east, and the eastern fringe of the property is identified on City maps as a steep slope Environmentally Critical Area.

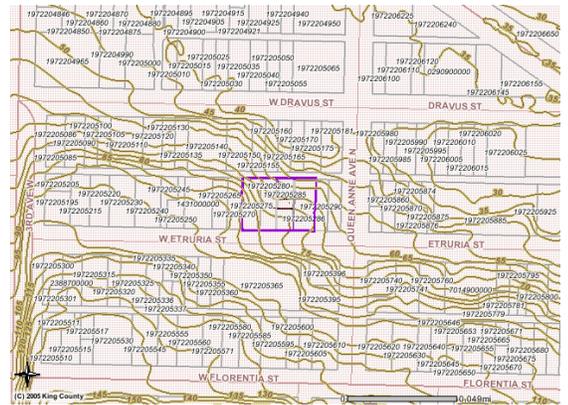


Figure 2. Local topography

Public Comment

DPD received no comments related to the proposed subdivision.

The comment period ended February 9, 2005.

Procedures for Preliminary Plat Approval

Hearing Examiner Findings and Conclusions.

The Land Use Code Section [23.76.024](#) requires that

the Hearing Examiner conduct a public hearing on the unit subdivision application. At the same hearing, the Hearing Examiner would hear any appeals of the Director's environmental decision (SMC [23.76.052 A](#)). The Hearing Examiner can give preliminary approval of the proposal if it is determined that the proposed plat makes appropriate provision for the public



Figure 3. Aerial View

provision for the public

health; safety and general welfare; open spaces; drainage ways; streets, alleys, other public ways; water supplies; sanitary waste disposal; fire protection; parks; playgrounds; sites for schools and school grounds; and that the public use and interest will be served by the platting of the subdivision. If the Hearing Examiner determines that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, the proposed plat may be denied. After the hearing, the Hearing Examiner will make her decision which is final on the preliminary subdivision.

Council Action. Pursuant to the Seattle Municipal Code conducting a public hearing, review and approval or denial of preliminary plats or subdivisions is conducted by the Seattle Hearing Examiner. A formal action to approve the final plat is still the responsibility of the City Council as provided by RCW [58.17](#). The Council does not hold another public hearing. City Council action on a Final Plat occurs after Hearing Examiner action on the preliminary plat.

The Land Use Code (Section [23.76.023](#)) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director's report to include the following:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;
2. Responses to written comments submitted by interested citizens;
3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter [23.22](#);
4. All environmental documentation, including any checklist, EIS or DNS; and
5. The Director's recommendation to approve, approve with conditions, or deny the application.

The Director's report is submitted to the Hearing Examiner and made available for public review for at least thirty (30) days prior to the Hearing Examiner's public hearing.

Analysis – Subdivision

- 1. Recommendations and comments by City departments and other government agencies having an interest in the application.**

The following represent a summary of the comments received from each City Agency indicated. Information and documentation from each review agency is available in the DPD project file.

A. Fire Department

The Seattle Fire Department has approved the proposal, subject to ordinance and field inspection, and provided that the following corrections are made or conditions are met:

Conditions:

2003 SFC Sect. 503.1.1 Buildings and facilities.

“ Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and **shall extend to within 150 feet of all portions of the facility** and all portions of the exterior walls of the first story of the building as measured **by an approved route** around the exterior of the building or facility.”

Exception:

The fire code is authorized to increase the dimension of 150 feet where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, or 903.3.1.3

2003 SFC Sect. 503.2.1 Dimensions.

“Fire apparatus access roads shall have an **unobstructed width of not less than 20 feet** except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet.”

An approved fire department access road is described in **2003 SFC Appendix D, Section D102** as a road with...

...an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus. See AASHTO Highway Standard 20.

B. Seattle City Light (SCL)

SCL requires an easement for this unit lot subdivision. SCL will need an easement to provide power to the buildings on the new lots from the right-of-way in the form prescribed by SCL and found in the DPD application file. The required easements are included as a Condition at the end of this document. Subject to the required easements, SCL approves this unit lot subdivision.

C. Seattle Public Utilities Department (SPU)

Seattle Public Utilities has issued a Water Availability Certificate for the proposal, a copy of which is in the DPD application file. The document indicates adequate water service is available and indicates the necessary conditions for obtaining service.

D. DPD Drainage and Sewer Review.

The DPD Drainage Reviewer indicated that necessary permits and easements for both sewer connection and stormwater conveyance were obtained at the time of building permit review for the residences and other improvements under construction.

2. Comments of interested citizens.

DPD received no citizen comments.

3. Evaluation of the proposal pursuant to applicable codes.

Land Use Code

SMC [23.22.062](#) provides requirements for unit lot subdivision, applicable to townhouse developments. Townhouses are defined in SMC [23.84.038](#), and states in part: “No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.” Parking for each residential structure is provided on the proposed parcel for that structure except for the parking for unit 5/B which is under ground in the rear setback of the unit behind it with rights of use by easement.

SMC [23.22.062](#) states: “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.”

SMC [23.22.062](#) also provides for common access easements and limits additional development of individual unit lots. The final plat recorded with the King County Department of Records and Elections must include the following language: *the unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.*

DPD conducted zoning reviews at both the MUP and Building Permit stages of this project to determine it is code complying to the Seattle Land Use Code. Open spaces remain entirely on the individual parcels of the residences they serve in the proposed unit subdivision. The parking arrangement is consistent with the requirement above. Necessary easements for ingress, egress and utilities are provided in the proposed legal descriptions.

Public Use and Interest

Pursuant to SMC [23.22.054](#), the decision maker must consider all relevant facts to determine whether the public use and interest will be served by the proposed full unit lot subdivision. Additionally, the proposed plat must make appropriate provision for the public health, safety and

general welfare by providing for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, and sites for schools.

The proposed unit lot subdivision serves the public interest in providing additional residential housing within the city in configurations which are both reasonably compatible with existing neighborhoods and desirable and affordable for future residents. Adequate provision of public services can be provided to the new residences. Their addition in the immediate vicinity has been reviewed and is not expected to put excessive or unmet demands on public services or facilities.

Analysis – SEPA

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on November 2004. This information, substantive feedback from other agencies and departments and the experience of the lead agency with similar applications form the basis for this analysis and decision.

Impacts, both short term and long term, of construction of and ongoing activities in the development were considered under the SEPA review conducted in MUP 2304575. No short term environmental impacts are expected to be caused by this platting action.

Long-term impacts

Long term impacts of the occupancy and use of the residential structures on the site were considered in the SEPA review for MUP 2304575. Additional impacts which would be expected to result from the unit lot subdivision of the site are expected to be minimal. This proposed action will allow fee simple ownership of individual units and open spaces with some common wall townhouse units. A Joint Use and Operation agreement has been created and will be in place to guide future owners as they maintain spaces used in common by easement.

No long term impact of the proposal warranting SEPA policy based conditioning are expected.

Decision – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. DPD has determined that this proposal does not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

Recommended conditions – subdivision

Conditions of Approval Prior to Recording of the **Final** Subdivision Plat:

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

1. Note on the plat all the conditions listed in this recommendation, as may be modified by the Hearing Examiner.
2. Show the required utilities easement on the plat as proscribed by Seattle City Light.
3. On the final plat map, note the location of any and all easements for infrastructure improvement and private and public utilities.
4. Note in the “Declaration of Protective Covenants...,” for all prospective and actual home owners to read, that per the Seattle Land Use Code “subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot” (SMC [23.22.062 C](#)), and “the unit lot is not a separate buildable lot, and ...additional development of the individual unit may be limited as a result of the application of development standards to the parent lot” ([23.22.062 F](#)).

Non-Appealable Seattle Fire Code Requirements:

2003 SFC Sect. 503.1.1 Buildings and facilities.

“ Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and **shall extend to within 150 feet of all portions of the facility** and all portions of the exterior walls of the first story of the building as measured **by an approved route** around the exterior of the building or facility.”

Exception:

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...an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus. See AASHTO Highway Standard 20.

Conditions – SEPA

None.

Signature: (signature on file)

Date: February 16, 2006

Scott Kemp, Senior Land Use Planner
Department of Planning and Development

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