



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:** 3003991  
**Applicant Name:** Brittani Ard for MDK Builders LLC  
**Address of Proposal:** 11727 4<sup>th</sup> Ave NW

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to subdivide one parcel into two lots. Proposed lot sizes are: A) 7,201 sq. ft. and B) 12,373 sq. ft.

The following approval is required:

**Short Subdivision** to divide one parcel of land into two lots.  
(Chapter [23.24](#), Seattle Municipal Code)

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

**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 SF 7200.  
Date of site visit July 20, 2006.  
Uses on site Single family home, to be demolished.

### Substantive Site Characteristics

The site is located in the Broadview neighborhood on the west side of 4<sup>th</sup> Ave NW, midblock between NW 117<sup>th</sup> and NW 120<sup>th</sup> Streets. Single family homes surround the site to the north, south, and west. To the west is Venema creek, part of the Piper Creek Natural Area, which drains to Carkeek Park. To the west of the site, the zoning transitions to Single Family with a minimum lot size of 9600 sq. ft.

The site measures about 65' wide (N-S) by 301' long. The site is generally flat, with the exception of a steep slope located at the site's northwest corner. The City's Geographic Information System (GIS) identifies this portion of the site as an Environmentally Critical Area (ECA), due to slopes in excess of 40% and its designation as wildlife area. The City's GIS also suggests that areas wetlands and riparian corridors exist near the site. A topographic survey shows that the steep slope and its 15' buffer comprise about 1,875 sq. ft. on the subject property.

For several years neighbors have drawn public attention to the area surrounding Piper's Creek. Members of the Carkeek Watershed Community Action Project have focused on restoration of the urban watershed and reintroduction of salmon to the creek. In the early 1990s, the group's efforts presumably resulted in the purchase by Seattle Parks and Recreation of much of the adjoining steep slope, wetland, and riparian corridor areas to the north and west of the site to create the Piper's Creek Natural Area (Ordinance #[116892](#)). The natural area boundary appears to follow the top of the slope. As a result, where several neighboring lots originally shared the subject site's 300' depth, they are now considerably shorter. The subject site was unaffected by the expansion of the natural area.

On June 22, 2006, DPD's notice of application erroneously indicated the application was to divide the parcel into three unit lots. DPD subsequently corrected the notice on July 6, 2006. This application is to divide one parcel into two parcels of land.

### Proposal

The proposal is to subdivide one parcel of land into two parcels. Proposed lot sizes are as indicated in the summary above. Parcels A and B will have direct vehicular access to 4<sup>th</sup> Ave NW. Future development will be subject to the applicable provisions of the ECA regulations (SMC [25.09](#)). The subject of this analysis and decision is the proposed division of land. Any building permits are subject to separate review, and no development or construction activities are associated with the subject proposal.

### Public Comment

DPD received several letters from the public. Neighbors expressed concern about the Environmentally Critical Area and the unstable slope, noting that the future construction of two single family homes would remove substantial vegetation, and that the area should be maintained as a greenbelt. They discussed limited on-street parking. They raised concerns about erosion and sewer runoff and potential impacts to the local salmon run. Some questioned the identified location of property lines, and one wondered whether lot size was adequate to support the proposed subdivision. One person felt the proposed location of the new driveway would constitute a nuisance to neighbors. Others were concerned that new construction would adversely affect the existing neighborhood design, and that new residential development should occur closer to services. One neighbor questioned whether the neighborhood has adequate water pressure to support a new home.

Comments also addressed relations between the property owner and adjoining neighbors, and raised grievances related to the grading activity conducted prior to this application.

One neighbor wrote in support of the proposal.

## **ANALYSIS - SHORT SUBDIVISION**

### **SMC [23.24.040](#) Criteria for approval.**

- A. 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, as modified by this chapter;

*The lots created by this proposed division of land will conform to all development standards of the SF 7200 zone. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.*

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section [23.53.005](#), Access to lots;

*The proposed parcels have vehicular access to 4<sup>th</sup> Ave NW. The Seattle Fire Department has commented and has recommended conditions to the proposed short plat (see Condition #6) All private 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 (see condition #2). As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.*

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

*DPD reviewed the existing, proximate public sanitary sewer system with the building permit application, and determined that there are no issues regarding sanitary sewage discharge from this project.*

*DPD reviewed the existing drainage infrastructure as part of the building permit application, and approved the proposed project stormwater control. Necessary easements and connection documents are included with a Side Sewer Permit.*

*The drainage reviewer has no recommended requirements to be required prior to publishing the unit lot subdivision decision.*

*A Seattle Public Utilities official has reviewed the proposal and issued Water Availability Certificate [20061083](#). All SPU conditions of approval must be met.*

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

*An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The public use and interest would be served by this proposal because additional opportunities for owner-occupied housing would be provided within the City limits as a result of this subdivision.*

*Upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.*

5. Conformance to the applicable provisions of Section [25.09.240](#), Short subdivisions and subdivisions, in environmentally critical areas;

*The City's Geographic Information System (GIS) indicates that the western edge of the property is categorized as an Environmentally Critical Area (ECA), due to steep slopes, landslide potential, and nearby wildlife habitat. A topographic survey confirms this finding. All applicable provisions of SMC [25.09.240](#) therefore apply.*

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

*Several mature trees exist on the site, though none appear to satisfy criteria as "exceptional" trees. The proposed parcels A and B contain buildable areas that appear to maximize the retention of existing trees. According to the submitted survey, proposed parcel A contains no existing trees. Most trees on proposed Parcel B are located toward the rear of the lot, potentially well removed from future construction. The proposed short plat therefore meets this 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; and

N/A.

8. Conformance to the provisions of Section [23.24.046](#), Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.

N/A.

- B. If the short subdivision contains a proposed dedication, the Director shall refer the matter to the Director of Transportation for report and recommendation. The short plat or dedication instrument shall be transmitted to the City Council for acceptance of the dedication by ordinance.

N/A.

**SMC [25.09.240](#), Short Subdivisions in Environmentally Critical Areas**

- A. This section applies to all applications for short subdivisions and subdivisions, excluding unit lot subdivisions, on parcels containing any part of a riparian corridor, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers, or steep slope areas in addition to the standards in Title 23.

*The City's Geographic Information System (GIS) indicates that the western edge of the property is categorized as an Environmentally Critical Area (ECA), due to steep slopes, landslide potential, and nearby wildlife habitat. A topographic survey confirms this finding. All applicable provisions of SMC [25.09.240](#) therefore apply.*

- B. Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and for access to this area that are outside all environmentally critical areas and buffers identified in subsection A above...

*The proposed short plat provides for building footprints that are outside of the steep slope and its buffer. No exceptions apply. The application meets this criterion.*

- C. Lots shall be configured to preserve the environmentally critical areas and their buffers identified in subsection A by: (1) Establishing a separate buffer tract or lot with each owner having an undivided interest; or (2) Establishing non-disturbance areas on individual lots.

*DPD conditions the proposal to identify a non-disturbance area encompassing the steep slope and its buffer (see Condition #3).*

- D. The environmentally critical areas and buffers identified in subsection A above, except for areas qualifying for development under subsection B1-4, shall be designated non-disturbance areas on the final plat. A notice that these non-disturbance areas are located on the lots, including the definition of "non-disturbance area," shall record in the King County Office of Records and Elections along with the final plat in a form approved by the Director. At the same time, a covenant protecting non-disturbance areas shall be recorded as set out in Section [25.09.335](#).

*DPD conditions the proposal to record the identified non-disturbance area and its covenant. (see Condition #4).*

- E. In computing the number of lots a parcel in a single family zone may contain, the Director shall exclude the following areas: (1) Easements and/or fee simple property used for shared vehicular access to proposed lots that are required under Section [23.53.005](#). (2) The area of the environmentally critical areas and buffers identified in subsection A, unless they are on a lot that meets one of the following standards: (a) the provisions of subsection B...

*The proposed parcels both provide required frontage on 4<sup>th</sup> Avenue NW and require no access easements. The proposed short plat meets this criterion.*

- F. Application Submittal Requirements. All short subdivision and subdivision applications, in addition to the application submission requirements included in Title 23 shall meet the applicable application submittal requirements of this chapter, Section [25.09.330](#) and shall include the information contained in this subsection and Section [25.09.260](#), as applicable, on the surveyed site plan.

*As conditioned, the site plan shall contain all necessary information.*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Department (SFD), 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 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. The proposal site is located in an environmentally critical area; and the requirements of SMC [25.09.240](#) are satisfied. 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.

### **DECISION - SHORT SUBDIVISION**

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

### **SEPA DETERMINATION**

Environmental review resulting in a Threshold Determination is required pursuant to WAC [197-11](#) and the Seattle SEPA Ordinance (SMC [25.05](#)).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 30, 2006. The information in the checklist, a Geotechnical Report prepared by Nelson Geotechnical Associates, Inc, dated March 10, 2006, and DPD experience with review of similar projects form the basis for this analysis and decision.

Note that pursuant to SMC [25.05.908 B](#), the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC [25.09](#); and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC [25.09](#), Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

DPD has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans and the additional information in the file, and considered received comments regarding this proposed action. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC [25.05.665](#)).

### **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. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(c\)](#).

### **CONDITIONS - SEPA**

None.

### **CONDITIONS - SHORT SUBDIVISION**

#### *Conditions of Approval Prior to Recording*

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

1. Have the 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.

