



City of Seattle

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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 & DEVELOPMENT**

**Application Number:** 3006436  
**Applicant Name:** Anthony Maschmedt  
**Address of Proposal:** 314 W. Barrett Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into three unit lots in an environmentally critical (potential slide) area. 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 on each of the unit lots. Construction of the new two-unit townhouse is being reviewed under Project #6088659. Accessory parking for two vehicles for the new two-unit townhouse shall be provided within the new structure. The existing single family house located at the south portion of the lot, together with its detached garage located on the north portion of the lot shall remain.

The following approval is required:

**SEPA – Environmental Determination**  
Chapter 25.05 of the Seattle Municipal Code

**Short Subdivision** – to subdivide one existing parcel into three unit lots.  
Seattle Municipal Code Chapter 23.24

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

## **BACKGROUND DATA**

### Site and Area Description

This rectangular shaped proposal site is approximately 6,730 square feet in area located in a Multifamily Residential Lowrise 1 zone. The proposal site is adjacent to the west margin of an existing alley running north-south from W Dravus Street to W Barrett Street, between 3rd Avenue W and 4th Avenue W, and fronts along W Barrett Street. The proposal site is currently developed with an existing single family house facing W Barrett Street and located approximately two feet away from the alley lot line. It has an existing detached two-car garage located adjacent to the rear lot line and with its garage doors also approximately two feet away the alley lot line. The site has a lot depth of approximately 132 linear feet and with a lot width of 51 linear feet. The abutting alley is improved with an approximately 14 feet wide cement concrete paved roadway and with a right-of-way width of 16 feet.

The north half of the site has a moderate down-slope from the west lot line approximately 25% to 30% northeastward to the top of the retaining wall along the west alley lot line. The retaining wall has a varying height from approximately four feet at W Barrett Street to approximately seven feet at the existing garage. Access to the garage is from the alley and the rest of the structure is dug-into the slope with its flat roof exposed approximately two-and-half feet (average) above existing grade.

### Development in the Vicinity

The zoning adjacent at the north end of the Block is MIO-37-(L-1), to the east of the alley is L-3, to the southeast across W Barrett Street and east of alley the zone is L-2. Directly south across W Barrett Street and west beyond 4<sup>th</sup> Avenue W the zone is L-1.

The existing development of the properties to the immediate north is mostly single family homes with a few multifamily structures, and to the northeast across the alley is multifamily (apartments). Directly to the east across the alley are single family homes and a multifamily structure. To the southeast across and beyond W Barrett Street are vacant lots. Directly to the south and southwest beyond W Barrett Street are single family homes. To the west and beyond 4<sup>th</sup> Avenue W are mostly single family homes and a few multifamily structures.

All the streets in the immediate vicinity are improved to standards with curbs, planting strips and sidewalks. The abutting existing alley is also improved with concrete paved roadway.

### Proposal Description

The applicant proposes to construct a three-story, two-unit townhouse with garage and unit entry way partially below grade into the critical area. The proposed new townhouse structure will be constructed between the existing single family structure and the existing garage. Vehicular and pedestrian access to the new townhouse is through the existing improved alley abutting the site to the east.

### Public Comments

The public comment period for this proposal began on January 11, 2007 and ended on January 24, 2007. No comment letter or telephone call was received during the comment period regarding this proposal. No comment period extension request was received.

### ANALYSIS - SEPA

This proposal site is located in a moderate slope but potential slide area, thus the application is not exempt from environmental review. However, SMC 23.05.908 provides that the scope of environmental review of projects within the critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmental Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigating measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a threshold determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 23.05).

The initial disclosure of the potential environmental impacts on this project was made in the environmental checklist prepared by the applicant dated January 2, 2007. The information in the checklist, field inspection and the experience of the lead agency with similar projects form the basis of this analysis and decision.

The Department of Planning & Development has analyzed and annotated the environmental checklist submitted by the applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to the temporary nature and the 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).

The SEPA Overview Policy (SMC 25.05665 D) clarifies the relationship between the codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion due to excavation and/or stormwater runoff; and 2) increased vibration caused by construction activities, installation of shoring for excavations, and equipment operations. These impacts are temporary and/or minor in scope and therefore considered not significant (SMC 23.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. The proposal includes limited excavation of soils for construction due to the fact that majority of the work proposed is being done within the north half of the lot. The Stormwater, Grading and Drainage Control Code require that the soil erosion control techniques be initiated for the duration of construction. The Environmentally Critical Areas (ECA) Ordinance and DR 3-93 and 3-94 regulate the development and construction techniques in designated ECA’s. The Building Code provides for construction measures in general. Therefore, compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environmentally critical area and no further conditioning pursuant to SEPA policies is required.

Since the site is within an identified ECA (Potential Slide), a further discussion of the Code based requirements is warranted. The ECA Ordinance and the Directors Rule (DR) 3-93 may require submission of a soils report and detailed Geotechnical and Engineering studies to evaluate the site conditions and provide recommendations for safe construction within identified geological hazard areas.

A site visit by DPD confirmed that the north half of the site slopes down from the west lot line moderately towards northeast to the existing retaining wall along the alley lot line. The concrete retaining walls protect the cuts created by grading and improvement in the adjacent alley right-of-way. Construction plans and erosion control techniques can be applied to further protect these cuts, thus preventing impact on the adjacent properties.

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information required showing conformance with the applicable ordinance and codes (ECA Ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93 and 3-94) will be required prior to issuance of Building Permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure that safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long-term Impacts

Potential long-term or use-generated impacts associated with the approval of this proposal include stormwater, erosion potential and stability of the site. Adopted City codes and/or ordinances provide mitigation for identified impacts, and these are: the ECA Ordinance Chapter 25.09.100; Development Standards for Potential Slide Areas; Stormwater, Grading and Drainage Control Code which requires that on-site water runoff be directly discharged to an approved outlet into the City public sewer (PS) system and this may also require additional design elements to prevent isolated flooding. Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts and no further conditioning is warranted by SEPA policies.

### DECISION – SEPA

The 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 requirements of the State Environmental Policy Act (RCW 430 43021C including the requirement to inform the public agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW43.21C.030 2c.
- 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 2c.

### SEPA CONDITIONS

None required.

### 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; and*
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.*

Summary – Short Subdivision:

Based upon the information provided by the applicant, the referral comments as appropriate from DPD, Fire Department (SFD), Water (SPU), Seattle City Light and Seattle Department of Transportation (SDOT), and the review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. This short subdivision can be provided with adequate vehicular access including emergency vehicles. Adequate provisions for water supply, sanitary sewage disposal and drainage control have been provided for each lot and service is assured subject to standard conditions governing utility extensions. The proposal site is located in a mapped environmentally critical (potential slide) area however; SMC 25.09.240 is not applicable to unit lot subdivisions. The proposal site has only one existing tree but does not meet criteria for preservation. The proponent elected the tree planting option as depicted by the landscaping plans approved with the building permit. The required fully landscaped open spaces for this project are located in the west side of the structures. Since all applicable criteria are met, the public use and interests are served by this proposal and further 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, 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 constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”* A joint use and maintenance agreement will be required as conditioned at the end of this decision. Parking and open space will be provided on each site.

#### **DECISION-SHORT SUBDIVISION**

The proposed Unit Lot Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements, conditions and/or requirements as attached to approval cover letter. Applicant must provide and expand maintenance agreement as stated below.

#### **CONDITIONS-SHORT SUBDIVISION**

##### Conditions of Approval Prior to Recording

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

1. Comply with all applicable standard recording requirements and instructions.

2. Have the final 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 easements, fences or structures shall be shown. Lot areas shall be shown on the recording documents.
3. Expand the common maintenance agreement to ensure that all owners are responsible, individually and separately, for the maintenance of the vehicle accesses, pedestrian walkways and the common wall/s between each unit, including the maintenance of the landscaped areas and street trees on the abutting rights-of-way.
4. Provide easement as required by City Light for electrical service to the proposed lots per Seattle City Light memorandum P.M. #250313-4-040. Show this easement completely on the face of the plat.
5. Add the following note to the face of the plat: *‘The lots created by this unit subdivision are not separate building lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.*
6. Provide on the plat an easement, covenant, or other legal agreement to ensure that the address signage is posted visible from W Barrett Street.
7. Submit the recording fee and final recording forms for approval.

Conditions of Approval Following Recording

For the Life of the Permit:

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 demolish, construct, or change of use.

Signature: \_\_\_\_\_ (signature on file) Date: May 7, 2007

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Department of Planning & Development  
Land Use Services

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