



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3006617
Applicant Name: Mark Wierenga
Application Number: 5035 43rd Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 8,172 sq. ft., B) 6,371 sq. ft.; and C) 5,103 sq. ft. The existing single family residence and garage to remain.

The Seattle Municipal Code (SMC) requires the following approvals:

Short Subdivision – to create two unit lots pursuant to SMC 23.24.045.

SEPA - Environmental Determination pursuant to SMC 25.05

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

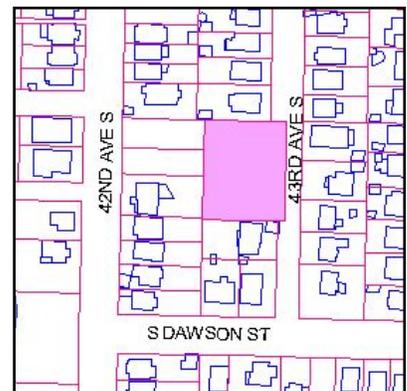
BACKGROUND DATA

The subject site is on the western block front of the 5000 block of 43rd Ave S, in the Columbia City Neighborhood. The rectangular shaped site is 155.00' wide and has a depth of 126.75'. The site encompasses a land area of 19,646 square feet, located in a SF5000 zone. Forty-third Ave S is improved with right-of-way pavement and drainage. The southwest portion of the site is mapped as steep slope area subject to the regulations for Environmentally Critical Areas.

Proposal Description

The applicant proposes to short subdivide one parcel into three lots. Proposed lot sizes are: A) 8,172 square feet, B) 6,371 square feet; and C) 5,103 square feet. Pedestrian and vehicle access for A is from 43rd Ave S, with B & C by an easement at the northeast corner of the site.

Public Notice and Comment Periods



Public notice of the project applications were given on September 13, and the comment period ended on September 29, 2007. The Land Use Application file is available for review at the Public Resource Center located at 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/prc/location.htm>).

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 SMC 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 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of SMC 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.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for single family residential use with a minimum lot size of 5,000 square feet (SF 5000) or as provided in SMC 23.44.010B.1.b. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwellings permitted within the principal structure in accordance with SMC 23.44.041. Maximum lot coverage is 35% or 1,750 square feet, whichever is greater. Front setbacks are an average of the neighboring adjacent lots, or 20 feet, whichever is less. The minimum side yard setback is 5 feet. Minimum required rear yard is 25 feet or 20 percent of the lot depth and in no case less than 10 feet. The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning designation. The proposed parcels meet the minimum lot size requirement of the zone and provide adequate buildable area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards.
2. The lots are provided vehicular access from 43rd Ave S, consistent with the requirements of the Land Use Code.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. If an easement is required by Seattle City Light it shall be included on the final plat prior to recording.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities Water Availability Certificate No. 20071463, issued on August 20, 2007.

New construction with discharge to the sanitary sewer will require a side sewer permit. Plan review requirements regarding stormwater were made at the time of building permit application.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. The site is mapped as an environmentally critical area (Steep Slope Area), thus the proposal is subject to the provisions of the Critical Areas Ordinance 25.09.
6. The subdivision could not be designed or changed in a way that would retain more trees than the proposed design. Thus, the proposal has been designed to maximize the retention of existing trees on the property. Future construction will be subject to the provisions of SMC 23.44.008 and SMC 25.11 which sets forth tree planting requirements and tree preservation regulations on single family lots. Based on the applicant's information, there are no significant trees located on the site.
7. This criterion does not apply to the application. This is not a unit lot subdivision.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light (SLC), and Parks and review by the Land Use Planners, 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 of the 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 subject property contains a Steep Slope ECA. A Limited Exemption has been granted for Steep Slope requirements. Future construction will be reviewed under the ECA Regulations. 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**. See the conditions at the end of this report.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally 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 mitigation 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 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 17, 2007, and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

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 43.21.C), 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 43.21.030(2)(C).

CONDITIONS—SEPA

None required.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. 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. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. If Seattle City Light requires an easement to provide for electrical facilities and service to the proposed lots, the final plat shall include the following statement. "*An easement is granted to Seattle City Light as shown on page ___ of ___.*"

Signature: _____ (signature on file) Date: October 22, 2007
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CRV:lc