



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:** 3006964  
**Applicant Name:** Tess Wegier  
**Address of Proposal:** 3411 W Lawton St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 4,040 sq. ft. and B) 3,975 sq. ft. The existing home on Parcel A is proposed to remain.

The following approval is required:

**Short Subdivision** – to subdivide one existing parcel of land into two parcels.  
 (Chapter 23.24, Seattle Municipal Code)

**SEPA – Environmental Determination** – Review of development proposals in areas mapped as Environmentally Critical Areas, Chapter 25.05, Seattle Municipal Code.

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

**BACKGROUND DATA**

**Zoning:** Single Family (SF-5000).  
**Uses on Site:** Existing Single Family residence and garage to remain.  
**Public Comment:** The comment period for this proposal ended on December 19, 2007. Four public comments were received, three expressing the desire that existing mature trees on the site be retained since the lot is within a Heron Habitat area; one public comment expressed general support for the project.



Site Description:

The site is approximately 8,000 square feet. It is fairly level, and is developed with a single family house. The lot is located at the corner of W. Lawton Street and 35<sup>th</sup> Avenue West. Access for the current house is from West Lawton Street. The site is within a Heron Habitat buffer/wildlife habitat area, an environmentally critical area which triggers environmental review for the short plat.

Surrounding Area:

The immediately surrounding properties are also zoned Single Family 5000, while Discovery Park and federally owned property containing offices, formerly part of Fort Lawton, lie a block to the west on 36<sup>th</sup> Ave W. The Kiwanas Ravine/heron nesting area begins its descent about 250 feet to the east, east of the houses on 34<sup>th</sup> Avenue West.

Proposal Description:

The new parcel will have vehicular access from 35<sup>th</sup> Avenue West. No easements are required since both proposed parcels have street frontage. Parking will be provided for the new house to be developed on Parcel B, as required by code.

**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. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development, review from Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

***1. Conformance to the applicable Land Use Code provisions.***

The proposal for short subdivision conforms to the applicable standards of the Land Use Code, including setbacks from the existing residence to the proposed property lines.

***2. Adequacy for access for vehicles, utilities, and fire protection as provided in Sections 23.53.005.***

The proposed access to the new parcel from 35<sup>th</sup> Avenue West is adequate for vehicles and utilities. For purposes of fire protection, the Seattle Fire Department has reviewed and approved the proposed configuration of the parcels in relation to the street system. West Lawton Street and 35<sup>th</sup> Avenue West are not improved with curbs and gutter, but each street does contain a pedestrian walkway.

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

A 12” combined sewer and storm main is located in W. Lawton Street and in 35<sup>th</sup> Avenue W available to serve the new parcel. Side sewer permits will be issued for connection of the projects’ side sewer at the time of building permit review.

Storm drainage from the project will be tight-lined to the combined sewer system. The drainage reviewer will review the proposed discharge point for the associated building permit's stormwater run off and ensure that the project's stormwater control method is adequate.

Separate water meters are required to serve each parcel that is being created. An 8" water main is available in West Lawton Street for Parcel A (current service for the existing house), and in 35<sup>th</sup> Avenue West for Parcel B.

**4. *Whether public use and interest are served by permitting the proposed division of land.***

The creation of new urban lots that are served by City utilities is in the public interest. The public use and interest are served by permitting the proposed division of land.

The proposed short plat is consistent with the sizes of parcels allowed in the SF5000 zone. SMC 23.44.010 B. 1. allows for new lots to be created that are 75% of the minimum lot size and 80% of the average size of the lots on the same block face. The applicant has shown a calculation on the face of the plat that demonstrates this.

**5. *Conformance to the applicable provision of SMC Section 25.09.240, short subdivision and subdivision in environmentally critical areas.***

SMC 25.09.240 lists certain critical areas, including steep slopes, wetlands, and riparian corridors, where subdivisions are subject to extra standards to preserve the critical areas from harm by development. Heron habit is not one of the listed critical areas in SMC 25.09.240; therefore, this criterion is not applicable.

**6. *Is designed to maximize the retention of existing street trees.***

There are three existing mature conifers on the property:

- Two 18" diameter ponderosa pines are on the corner of West Lawton and 35<sup>th</sup> Avenue South, within the front/side yard of the existing house. The proposed plat would not require the removal of these trees for access or for home construction.
- There is also a deodar cedar tree, a non-native species, toward the rear property line of proposed Parcel B. The height of the tree is estimated at 25 feet; the canopy extends from the base 13.5 feet, which is about 6 feet into the principal building area for the parcel. A house with a depth of about 40 feet in this area would still be possible while retaining the tree.

Retention of these trees is feasible with the short plat configuration.

**7. *Conformance to the provision 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.***

Not applicable.

## **DECISION-SHORT SUBDIVISION**

The short plat is **CONDITIONALLY GRANTED.**

### **ANALYSIS – SEPA**

The proposal site contains the following types of *Environmentally Critical Areas*: *heron habitat*, thus 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).

SMC 25.05.908 requires 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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated November 9, 2007. The information in the checklist, as well as other information contained in the project file, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision. The checklist indicates that this action will not result in adverse impacts to the environment.

### **Great Blue Heron Management Area**

The proposed short plat will divide a lot that is within a Great Blue Heron Management Area into two lots, resulting in the potential for development of one new house. There are existing codes in effect that require construction to occur outside the heron nesting season, and require retention of all screening trees 22 inches or larger to block visual disturbance to the colony. Screening trees are those trees that are within direct line of site of the nesting area or block line of site to the structure. (Director's Rule 5-2007)

The location of the proposed structure is 225' feet away from the heron habitat area, and several houses, plus a street are in the intervening space. In discussion with the representative for the Department of Fish and Wildlife regarding the value of the existing ponderosa pines and deodar cedar tree on the site for heron habitat, it was stated that while the trees may have general value to the neighborhood, in terms of heron habitat the Department of Fish and Wildlife does not consider them to be important screening trees since they are not contiguous to the nesting area. Screening trees that would be required to be retained would be those on the edge of a ravine. Nesting trees in this area are typically older tall deciduous trees such as alders and cottonwoods within the ravine itself. There is general value to older vegetation in terms of twigs for heron nest-making, but these can come from many sources.

The applicant is not planning on removing the ponderosa pines, as the existing house will be retained. The applicant would like to remove the cedar tree in the back yard of this lot and replace it with native Douglas fir. These are considered to be reasonable strategies to maintain the general quality of vegetation in the area and contribute to the aesthetic value of the property.

The distance of the short-plat from the nesting area, along with existing Codes and development regulations, including the requirement that any clearing, grading and outside construction not occur within the nesting season (February 15<sup>th</sup> to July 31<sup>st</sup>), 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 43.21.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 43.21C.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).

### **CONDITIONS – SEPA**

None.

### **CONDITIONS – SHORT SUBDIVISION**

#### *Prior to Recording (Nonappealable Conditions)*

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

1. Add the conditions of approval, “For the Life of the Permit” on the face of the plat. If the conditions are on a separate page, insert on the plat “For conditions of approval for the life of the permit, see page \_\_\_ of \_\_\_.”
2. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each parcel, lot, 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 yards easements, fences or structures shall be shown.

3. Submit final short plat for approval along with any necessary fees.

*For the Life of the Project*

4. Include a copy of the recorded short subdivision with any application for future development on the site.

Signature: \_\_\_\_\_ (signature on file)  
Holly E. Anderson, Land Use Planner  
Department of Planning & Development

Date: May 15, 2008