



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:** 3008480  
**Applicant Name:** Debora Goodman for Four Seasons Properties  
**Address of Proposal:** 13205 9<sup>th</sup> Avenue Northwest

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel of land into two parcels of land. Proposed parcel sizes are: A) 9,600 square feet and B) 9,600 square feet. The existing structure is to be removed.

The following approval is required:

**Short Subdivision** - To create two (2) parcels of land (SMC Chapter 23.24).

**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:** Single Family (SF 9600)

**Date of Site Visit:** March 4, 2008

**Substantive Site Characteristics:**

The subject site is located in the northwest corner of the City of Seattle, in Seattle’s Broadview neighborhood. The site is a corner lot situated at the intersection of Northwest 132<sup>nd</sup> Street and 9<sup>th</sup> Avenue Northwest. This irregular shaped lot comprises a total of 19,200 square feet in land area, with 145.42 feet of frontage on Northwest



132<sup>nd</sup> Street and 154.89 feet of frontage on 9<sup>th</sup> Avenue Northwest. Each of the residential access streets is a 60 foot wide unimproved right-of-way. Though the site rises in elevation approximately 32 feet from west to east, the site is not located within any mapped or observed environmentally critical areas (ECAs).



The site is currently developed with a single family structure constructed in 1961. Direct access to the site is from 9<sup>th</sup> Avenue Northwest. Area zoning is single family with a minimum lot area of 9,600 square feet (SF 9600). The zone extends in every direction of the site. This area of the Broadview neighborhood is distinctly residential in character, comprised of single family structures of varying age and architectural style.

Several mature trees exist on the subject site, both native and nonnative to the Puget Sound area, including an 8 inches-in-diameter (DBH) Pacific Madrona tree (*Arbutus menziesii*). Madrona trees are native to the Pacific Northwest and are known to obtain a trunk diameter of greater than 6 feet, and reach heights of over 100 feet.<sup>1</sup>

Proposal:

The applicant proposes to divide the subject property into two (2) parcels of land. The proposed lot sizes are as follows:

- Parcel A: 9,600 square feet
- Parcel B: 9,600 square feet

Parcels A and B will take direct pedestrian and vehicular access from 9<sup>th</sup> Avenue Northwest. The existing single family structure is to be removed.

Public Comment:

The extended comment period ended August 29<sup>th</sup>, 2007. DPD received two comment letters during the comment period. Neighbor concerns included the following:

- Noise impacts from demolition and construction activities
- Potential soil and slope instability related to vegetation removal, and construction
- Concerns that the general character of the neighborhood would be altered with the new construction

Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

<sup>1</sup> *Champion Trees of Washington State*. Robert Van Pelt. University of Washington Press. 1996.

## 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;*

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

The subject property is zoned for single-family residential uses with a minimum lot size of 9,600 square feet (SF 9600). The lots created by this proposed division of land would conform to all applicable development standards of the SF 9600 zone. The proposed parcels would provide adequate buildable area to meet applicable yards, lot coverage requirements, and other applicable Land Use Code development standards.

As a non-appealable condition of this short plat application, the owner shall submit to the undersigned Land Use Planner a recorded no-protest agreement to future street improvements along both residential access streets: Northwest 132<sup>nd</sup> Street and 9<sup>th</sup> Avenue. The agreement shall be recorded with King County Department of Records and Elections (SMC 23.53.015).

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

The proposed lots will have direct vehicular access to 9<sup>th</sup> Avenue Northwest, consistent with the provisions of the Code. The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code Requirements. All private utilities are available in this area.

Seattle City Light (SCL) provides electric facilities to the surrounding community, including the proposed short plat. Seattle City Light has reviewed the proposal and requires an easement to provide service to the proposed lots. This short plat will be conditioned to include the required SCL easement on the final plat prior to recording.

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

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. Seattle Public Utilities reviewed the short plat application, and Water Availability Certificate 20080070 was issued on January 22, 2008.

**Sanitary Sewer** The existing property is connected with a side sewer to an 8-inch public sanitary sewer main located in Northwest 132<sup>nd</sup> Street. If the proposed side sewer will be shared with

another property, a “Side Sewer Easement, Connection, Hold Harmless & Indemnification Agreement” shall be required prior to permitting additional units to be connected.

**Drainage** The existing property is served by a public storm drainage system in Northwest 132<sup>nd</sup> Street. Plan review requirements will be made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

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 proposed short subdivision would meet applicable Land Use Code provisions; the proposal has adequate access for vehicles, utilities and fire protection; and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest would be served by this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. Furthermore, 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 SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

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

Several mature trees exist on the subject site, both native and nonnative to the Puget Sound area, including an 8 inches-in-diameter (DBH) Pacific Madrona tree (*Arbutus menziesii*). Director’s Rule 6-2001 states that healthy young specimens of Madrona trees may be classified as “exceptional”, and should be preserved on construction sites. The Director’s Rule also defines exceptional trees and sets standards for their classification. Exceptional trees may be removed only in limited circumstances. Protection of trees over two feet in diameter not designated as exceptional is optional, but encouraged.<sup>2</sup>

The Pacific Madrona tree is in good health and can be preserved depending upon the location of any future construction and the extent of the root system. The tree shall be clearly called out on the final plat, including common and botanical names. A tree protection area shall be identified on the final plat within which no development should occur in order to protect the tree. The tree protection area shall be the area within the drip line of the tree (SMC 25.11). This area shall remain undeveloped for the remainder of the life of the project, and a permanent covenant stating this requirement shall be recorded in the King County Office of Records and Elections and submitted to the undersigned Land Use Planner.

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<sup>2</sup> DPD Director’s Rule 6-2001. “Clarification of State Environmental Policy Act (SEPA) Plants and Animals Policy Concerning Outstanding Trees, and Designation of Exceptional Trees, under the Tree Protection Chapter (25.11) of the Seattle Municipal Code”. SEPA Sec. 25.05.675; SMC 25.11. July, 2001.

Future construction will be subject to the provisions of SMC Sections 23.44.008, 25.11.050, and 25.11.060, which sets forth tree planting requirements on single family lots.

Summary – Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light (SCL), and review by the undersigned 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 not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The design of 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.

**CONDITIONS - SHORT SUBDIVISION**

Non Appealable Conditions of Approval

1. A no-protest agreement for future improvements to both Northwest 132<sup>nd</sup> Street and 9<sup>th</sup> Avenue Northwest shall first be recorded with King County Department of Records and Elections, then submitted to the undersigned Land Use Planner.

Conditions of Approval Prior to Recording

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

2. 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. Add the conditions of approval to the face of the plat.
3. The Exceptional tree (the 8 inch-in-diameter Pacific Madrona) shall be boldly identified on the final plat, including the common and botanical name.

4. A tree protection area shall be identified on the final plat within which no development should occur in order to protect the Exceptional tree. The tree protection area shall be the area within the drip line of the tree (SMC 25.11). A permanent covenant stating this requirement shall be recorded in the King County Office of Records and Elections and submitted to the undersigned Land Use Planner.
5. Preliminary approval of the tree protection area must be granted by Seattle's Urban Forester prior to recording of the plat, and confirmation of such submitted to the undersigned Land Use Planner.
6. Submit the final recording forms for approval and remit any applicable fees.
7. Add all conditions of approval to the face of the plat.

Prior to Issuance of any Building Permit

8. Attach a copy of the recorded short subdivision to any sets of building permit application plans, if applicable.

Signature: (signature on file) Date: April 24, 2008

Catherine McCoy, Land Use Planner  
Department of Planning and Development