



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: 3008589

Applicant Name: Thomas Woldendorp

Address of Proposal: 811 19th Avenue S

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two unit lots in an environmentally critical area. The construction of a single family residence has been approved under Project #753303. This subdivision of property is only for the purpose of allowing sale of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

The following approval is required:

Short Subdivision – to subdivide one parcel into two unit lots.
(Chapter 23.24, Seattle Municipal Code)

SEPA Environmental Determination – Chapter 25.05, Seattle Municipal Code.

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: Residential, Multifamily Lowrise Duplex Triplex (LDT).

Date of Site Visit: June 12, 2008.

Uses on Site: Single Family residence.

Substantive Site Characteristics:

This 6,005 square foot subject site is a rectangular lot that fronts on 19th Avenue S to the east. Its general location is just south of S Dearborn Street. The site is located within an area zoned Residential, Multifamily Lowrise Duplex Triplex (LDT) which extends to the south and west. The areas adjacent to the north and west are zoned Residential, Single Family 5000 (SF5000). There is an existing single-family residence on the eastern portion of the site which will be located on Unit Lot A. The uses in the area include a combination of single-family and multiple-family residences.

The site gradually slopes from the east down to the west, with an elevation change of approximately 16 feet from 19th Avenue S to the beginning of the steep slope. There is a steep slope in the southwest corner of the lot, with about an additional twelve feet of elevation change down to the west. The environmental checklist states that the steepest slope for the site is 42%. The site is located in a mapped environmentally critical area due to the presence of a steep slope. The existing vegetation consists of primarily shrubs and brush.

Proposal Description:

The applicant proposes to subdivide one 6,005 square foot parcel, the “parent lot,” into two unit lots with the following lot areas: Unit Lot A – 3,025 square feet and Unit Lot B – 2,980 square feet. Pedestrian access to Unit Lot A will be provided by its street frontage on 19th Avenue S. The existing single family residence will be located on Unit Lot A. Pedestrian and vehicular access to Unit Lot B will be provided by a vehicular easement which runs east along the southern boundary of the parent lot. Parking for these two unit lots will be provided by two surface parking stalls in the area between the buildings.

Public Comment:

The initial comment period for this proposal was to end on June 18, 2008 and was extended by written request until July 2, 2008. During this period, one written comment was received.

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; and*
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.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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. Detailed discussion of Criterion #7 follows below.

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 proposal site is located in an environmentally critical area for which SMC 25.09.240 is applicable, however, this regulation does not apply to unit lot subdivisions. Tree and other landscaping requirements were considered under the building permit review. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (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.

- 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 Development of Records and Elections.*
- G. *The fact 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 single family residences. 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 unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the 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.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the 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 May 20, 2008. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between 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: “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 certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. A more detailed discussion of some of the potential impacts from this short plat follows.

Short-Term Impacts

City codes and/or ordinances apply to the construction proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

Long-Term Impacts

Long-term or use-related impacts include increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily structures and will be mitigated by the City’s adopted codes and/or ordinances. Specifically these include: the Stormwater, Grading, and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); the Land Use Code (minimum lot area, vehicle access to parking); and the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the Critical Areas Ordinance.

Earth

The site gradually slopes from the east down to the west, with an elevation change of approximately 16 feet from 19th Avenue S to the beginning of the steep slope. There is a steep slope in the southwest corner of the lot, with about an additional twelve feet of elevation change down to the west. The environmental checklist states that the steepest slope for the site is 42%. The site is located in a mapped environmentally critical area due to the presence of steep slopes.

Air

The applicant completed a worksheet regarding possible greenhouse gas emissions resulting from this proposed short plat. There are no construction activities for this short plat proposal; thus, there are no anticipated adverse impacts on air quality which could contribute towards climate change and global warming. No unusual circumstances exist which warrant additional mitigating, per the SEPA Overview Policy.

Plants and Animals

The vegetation on the site consists of some shrubs in front of the existing single family residence and along the southern boundary. Construction activity is underway, so likely some vegetation has been removed. The applicant indicated that there are no known endangered plant species nor birds or animals on the site. During the staff site visit, no birds or animals were observed; however, it is assumed that songbirds occasionally visit the site or nearby sites.

Summary

In conclusion, several adverse effects on the environment are anticipated as a direct impact of the approved construction. However, no specific adverse impacts have been identified in the foregoing analysis which would warrant mitigation under SEPA policies.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Include on the final survey the corrections noted in the Land Use Corrections Notice dated July 11, 2008.
2. Include the Joint Use/Maintenance Agreement on the final plans which shall include, if needed, the common side sewer and storm drainage that will serve the proposed unit lots.
3. Include the required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected Unit Lots.
4. 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. The lot areas of each parcel shall be shown on the recording documents.
5. Include the following on the face of the plat: “The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”

