



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: 3010021
Applicant Name: Brent Lumley
Address of Proposal: 706 Lake Washington Blvd. S.

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two (2) parcels (with one single family residence on each parcel) of land in an environmentally critical area. Proposed parcel sizes are approximately: A) 2,314 square feet and B) 1,881 square feet. The existing structures are to remain. Related establish use for the record of a second single family residence on existing single family lot project number 6181243.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels of land.-
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05).

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

BACKGROUND DATA

Site & Area Description

The 4,195 square foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000). The site is located in the Leschi Neighborhood of the City of Seattle on Lake Washington Blvd. South between South Lane Street to the north and South Dearborn Street to the south. The site has approximately forty feet of Street frontage on Lake Washington Blvd South and is paved with sidewalks curbs and gutters on both sides of the street and a 15-ft. wide undeveloped alley adjacent to parcel "B". There are two existing houses on the

site, which are to remain. There is currently no existing vehicle access to the site that meets Land Use Code Standards. The lot is relatively flat and rectangular in shape.

Surrounding properties are also zoned SF 5000, however, to the east on the east side of Lakeside Ave S. there is an area zoned Lowrise-three (L-3). Development in the area consists of some single-family and multi-family uses and a variety of one and two-story single-family and multi-family structures of varying age and Architectural style on a variety of lot sizes, consistent with the zoning designations.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed parcel "A" will have direct pedestrian access from Lake Washington Blvd S. Parcel "A" will have a pedestrian access easement across the south 5 feet for access to parcel "B". The existing single family residences will remain. The applicant proposes to remove the stairs to the rear of the residence in the southeast corner on parcel "B".

The subject of this analysis and decision is only the proposed division of land.

Public Comment

Three comment letters were received during the public comment period, which ended April 22nd, 2009.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are 20 feet or the average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yards for both structures are existing. The minimum side yard setback requirement is five (5) feet, except as modified by 23.24.046-B5. The minimum rear yard requirement is twenty-five (25) feet if lot depth is one-hundred twenty five feet (125') or greater. If the lot depth is less than one-hundred twenty-five feet then the rear yard is 20% of lot depth, or as modified by 23.24.046-B5.

The existing principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 on page 6 of this document outlines the extent of the non-conformities to both proposed parcels A and B of this subdivision.

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

Proposed parcels “A” and “B” will have direct pedestrian access to Lake Washington Blvd S. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. Seattle City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots.

There is no parking established for parcel “A” and no vehicle access to parcel “A”. The vehicle access to parcel “B” is from an unimproved 15-ft alley adjacent to the east property line of parcel “B”. The parking for parcel “B” is located in the first level of the single family structure on the site. Since the two existing structures on this subdivision were legally established by permit prior to the effective date of the first Seattle Zoning Code in 1923 and prior to 1957 when parking requirements were established for the City of Seattle, parking was never established for both parcels.

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. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on March 16th, 2009 (WAC ID No. 2009-0136).

Sanitary Sewer: The existing property is connected with a side sewer to an 8-inch public sanitary sewer main located in the alley east of the site.

Drainage: The existing property is served by the public storm drainage system.

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

The proposed short 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. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

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

Steep Slope Area or buffer, exist on the site. However, the site is correctly mapped as an ECA Potential Landslide Due to Geologic Conditions and will require ECA review for future building permit applications.

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

There are three trees located on the site. One 6-inch Alder is located on proposed parcel A and two 8-inch Madrona trees are located on proposed parcel B. These trees are to remain. At the time of this decision, no related building permit has been applied for. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single-family lots.

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.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

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.*

SMC 23.24.046

Pursuant to SMC 23.24.046-B5, the structures on the proposed lots will not meet all applicable development standards for single-family zoning. Pursuant to SMC 23.24.046-B5 each resulting lot will conform to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:

- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and
- b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5(a)(b)). The single-family dwellings will be 15' feet at the closest point to the proposed common lot line. The smallest lot size of the proposed parcels is 1,881 square feet (parcel B). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B123. Below is a table that summarizes the modification or waivers to the development standards that are required to approve the short plat.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling unit to be divided in accordance with SMC 23.24.046-B, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

Analysis of Required Yards

	Front Yard	Side Yard (north)	Side Yard (south)	Rear Yard
<i>Proposed Parcel A</i>	Non-conforming at 3.1+ feet	Non-conforming at 2.3 + feet	Conforming at 5+feet	Conforming at 20+ feet
<i>Proposed Parcel B</i>	Conforming at 15+ feet	Conforming at 5 + feet	Non-conforming at 4.9 feet	Non-conforming at 1.9 feet

Table 1

Conclusion

DPD approved application for establishing use for record under project No. 6181243 based on King County Assessor records. The approved permit was to legally establish the use for the front single family dwelling unit (proposed parcel A). The single family residence on parcel B can be established from 1915, which is prior to the effective date of the first Seattle Zoning Code in 1923. The single family structure (rear dwelling unit), on proposed parcel B is already established by permit as a single family residence (Seattle Bldg. Code No. 139887, issued in 1915). DPD found that the minimum standards for habitable dwellings and standards for fire, life and safety as set forth in the Uniform Building Code were met. At the time these single family residences were constructed, there was no parking requirement, from the City.

It appears that, although, most of the development standards for these proposed parcels are non-conforming, the intent of the new ordinance was clearly intended for short plats similar to this one.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED.**

SEPA DETERMINATION:

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 December 31st, 2008. The information in the checklist, the supplemental information submitted by the applicant, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including an additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The Department of Planning and Development has analyzed the environmental checklist submitted by the applicant; reviewed the project plans and the 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 may result in impacts to the environment. However, due to their temporary nature and 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 25.05.665 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, 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 or circumstances (SMC 25.05.665 D1-7) mitigation can be considered.

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.

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 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.

CONDITIONS – SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

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. Install separate water meter so that each parcel is separately metered.

After Recording and Prior to Issuance of a Building Permit

4. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: _____ (signature on file) Date: December 24, 2009
Joan S. Carson, Land Use Planner
Department of Planning and Development

JC: