



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:** 3010398  
**Applicant Name:** Brittani Ard for Darin Granger  
**Address of Proposal:** 5545 South Brandon Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into three parcels of land. Proposed parcel sizes are: A) 7,323.5 sq. ft., B) 7,269.1 sq. ft.; and C) 7,325.2 sq. ft.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into three parcels.  
(Chapter 23.24, 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**

**Site and Area Description**

The subject site is an interior lot that fronts South Brandon Street to the north, just east of Seward Park Avenue South in the Seward Park neighborhood of south Seattle. The development site is rectangular in shape (130.71 ft. by 167.66 ft.), comprising a land area approximately 21,917.8 square feet located in a Single Family zone with a minimum lot size of 7,200 square feet (SF 7200). The site is currently undeveloped and heavily vegetated with ground



cover, shrubs and small trees. DPD has accepted and issued a building permit to construct a single family structure in a limited area within the confines of one of the proposed parcels (Parcel "C"). The site sits on the east side of a hill and slopes moderately downward from west to east, approximately 16 feet over a distance of 130 feet, with views to Lake Washington and Seward Park.

Vehicle access to the development site is limited, with the alignment of the right-of-way and dead end streets. The subject lot is located to the south of South Brandon Street which terminates to the east, at the intersection of 57<sup>th</sup> Avenue South. The street right-of-way is 30 feet wide with an asphalt paved road surface with soft shoulders including grass and gravel.

Prior to submitting this land use action to subdivide the subject lot the applicant received a building permit to construct a single family structure (under permit #6173703), on a lot that previously contained a mapped Environmentally Critical Areas (ECA) Wetlands. During building permit review, the mapped wetlands was mitigated and removed at the development site as authorized and approved By DPD and Washington State Department of Ecology.

The immediate vicinity is zoned for single family residential development in an expansive SF 7200 zone. The area is developed primarily with single, two and three-story single family residences in a mix of architectural styles. This densely populated neighborhood appears to be well established. The area is open to the sky with a number of trees to provide shade from the sun. The block frontage has a visually urban residential feel with its narrow street and close proximity of residential structures. The general area sits upon a hillside that slopes downward to the east, to Lake Washington. There are a few pockets of mapped ECA Steep Slope and Potential Slide in the immediate area on the hillside. The area appears to be well developed with territorial views to the east.

### Proposal

The proposal is to subdivide one parcel of land into three parcels. Proposed parcel areas are indicated in the summary above. Proposed parcels will have direct access to South Brandon Street. Per the approved wetland mitigation landscape plan (under permit #6173703), the rear yard(s) will be heavily vegetated with plants approved by DPD.

### Public comment:

Date of Notice of Application: July 23, 2009.  
Date End of Comment Period: August 19, 2009<sup>1</sup>.  
Number of Letters: 6

Issues: Public comments centered on environmental concerns and impacts associated with increased residential density in the neighborhood. One letter stated; consideration should be given to impacts associated with site improvements to the three proposed parcels that could exacerbate water flow and drainage concerns upon adjacent

---

<sup>1</sup> At the request from the public the comment period was extended from the August 5<sup>th</sup> to August 19, 2009 to allow additional time to review proposed project's impacts.

properties. A number of comment letters addressed a perceived circumvention of the removal of a mapped ECA Wetlands area and wanted this project to be evaluated through an ECA lens. In particular, site disturbance could negatively impact surface water runoff without proper design considerations.

### **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 on information provided by the applicant, referral comments from the Land Use Plans Examiner, the 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:

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

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

The subject property is zoned single family residential with a minimum lot size of 7,200 square feet. The allowed use in a single family zone is one dwelling unit per lot. Maximum lot coverage is 35 percent. Front setbacks are an average of the neighboring adjacent lots, or 20 feet, whichever is less. Minimum side yard setbacks are five feet. Minimum rear yard setback is 25 feet or 20% of lot depth. The proposed parcel configurations created by this proposed division of land will conform to all development standards of the SF 7200 zoning district. With the creation of all proposed Parcels "A, B and C", the front yards will be along the north property line adjacent to the South Brandon Street frontage, which will require a 20 foot setback from the property boundary line, if front yard averaging is not employed. Any future development must conform to land use code requirements at the time of application.

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

The proposed parcels will have direct vehicular access to South Brandon Street through private driveways consistent with the provisions of the Code. The Seattle Fire Department (SFD) has approved the proposed short plat (dated: 8/03/09). Seattle City Light provides electrical service to the proposed short plat development site. City Light has reviewed the proposal and will not require an easement to provide for electrical facilities and service to the proposed parcels. This short plat provides for adequate access for vehicles, utilities, and fire protection. Due to the 30 foot right-of-way DPD will require an eight foot setback adjacent to South Brandon Street and No Protest Agreement in anticipation of future right-of way improvements.

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

This area is served with domestic water and sanitary sewer 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 (SPU) and a Water Availability Certificate (#2009-0345) was approved and issued on July 20, 2009. The development site, proposed for short plat, has adequate water service, including an 8-inch public sanitary sewer (PSS), and water main located in South Brandon Street to support future development.

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

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing needs. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed development has adequate access for vehicles, utilities, and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

Public use and interest will be served with this proposal because additional opportunities for housing would be provided, and pedestrian safety will be ensured within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

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

The development site is not within an identified Environmentally Critical Areas therefore, this section does not apply. As previously stated, a mapped ECA Wetlands Area was mitigated and removed under building permit (number 6173703) to construct a single family structure. There were two very small wetlands on the site; being 258 and 330 square feet and rated as Category 4, these wetlands do not require a buffer per SMC 25.09.0160C1b. The approval of the wetland "removal" was allowed under SMC 25.09.160C3, which allows for development in most Category 4 Wetlands, provided one of three prescriptive mitigation methods is implemented and it is demonstrated that the mitigation will compensate for the lost function. Mitigation under this provision is independent of the "Avoidance and Mitigation Standards" for wetlands under 25.09.160E.

The applicants offered mitigation under 25.09.0160C3b, which requires planting an area of native vegetation equal in area to the wetland to be developed. In this case, the area to be planted was actually several times larger than the wetlands (that is, they provided considerably more than the minimum area required) and in DPD's assessment and as presented by the applicant's wetland consultant, this planted area will more than adequately compensate for the minimal function (primarily habitat) provided by the two small degraded wetlands. Approval from the Army Corps of Engineers was also obtained as required under SMC 25.09.160H, and their review also included assessing the mitigation scheme.

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

No trees were found meeting minimum threshold requirements at the development site; therefore this section does not apply.

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.

### **DECISION - SHORT SUBDIVISION**

Conditionally Approved.

### **CONDITIONS – SHORT PLAT:**

#### 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. All existing structures shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat. The short plat drawing shall be stamped by a licensed surveyor.
2. Submit a completed, signed and notarized original No Protest Agreement per SMC 23.53.015D2b.
3. Comply with the requirements outlined in the Water Availability Certificate (WAC #20090345).
4. Provide a copy of a Building Grade sheet to confirm the required elevation height of driveway at the property line abutting South Brandon Street.
5. Add the conditions of approval to the face of the plat, or on an additional page if needed. If the conditions are on a separate page, insert on the plat:  
  
*“For conditions of approval after recording, see Page \_\_\_ of \_\_\_.”* (If necessary, renumber the pages).
6. Submit the final recording forms and fee.

#### After Recording and Prior to Issuance of a Building Permit

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

7. Attach a copy of the recorded short plat to all building permit plan sets.

8. Embed required setbacks from South Brandon Street in permit plan sets as identified in zoning correction letter dated August 20, 2009.
9. Attach a copy of the approved ECA Wetlands landscape mitigation plan to all building permit plan sets.

After Recording and Prior to final approval of a Building Permit

10. Submit a copy of an approved Driveway Access Permit from SDOT for all proposed Parcels associated with this short plat (#3010398) to DPD Land Use Plan reviewer assigned to building permit review.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: October 5, 2009  
Bradley Wilburn, Land Use Planner  
Department of Planning and Development

BW:bg

I:\WILBURB\Short Plats\3010398\3010398Dec.DOC