



City of Seattle

Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011703
Applicant Name: Greg Brant for Clifford Low
Address of Proposal: 9016 2nd Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. The proposed parcel sizes are: A) 7,173.3 sq. ft. and B) 5,000 sq. ft. The existing garage and rockery wall will be demolished.

The following approval is required:

Short Subdivision - to create two parcels of land.
(SMC Chapter 23.24)

BACKGROUND DATA

Zoning: SF 5000
Uses on Site: One single family residence

Substantive Site Characteristics: This 12,173.30 square foot lot is located in the Maple Leaf Neighborhood one block east of the Interstate 5 freeway and nine blocks south of the Northgate Shopping Mall. Proposed Parcel A will have street frontage on 2nd Avenue North. Parcel B will have vehicle access via an easement from 2nd Avenue North. The site slopes down from east to west and is developed with one single family residence located on the western portion of the site. There are Cherry, Apple, Pear, Plum, Cypress, Laurel, Atlas cedar, and Silver Fir trees on the site. These trees are not exceptional trees per Director's Rule 16-2008.

Public Comment:

Twelve comment letters were received from residents of the neighborhood during the comment period which ended November 10, 2010. Concerns were expressed about: drainage, ground settling, and property damage. Neighbors claim there was formerly a creek in the vicinity in the low point between the rear yards of the adjoining lots which formed a bog and then ran northward. The water drains ineffectively during heavy or extended periods of moderate rain. There is a history of foundation settling and water damage in the homes that surround the proposed new plot. One neighbor installed pilings and French drains in the basement and raised the house due to water damage from standing water in the backyard. A 20 year resident has experienced cracks in the walls and driveway, crumbling lathe and plaster walls, and uneven floors and installed a sump pump to address water under the foundation. Other neighbors are concerned about whether pile driving would destabilize the soil and trees and cause more settling of the house foundations. The neighbors believe these problems will be exacerbated by the construction of a new home and requested soil, drainage, and wetland studies, an environmental impact study, and to investigate Federal regulations for drainage. A long-time resident of over 40 years claims to have been able to fish in a stream that ran through the short plat property and may have pictures of a pond on the site. A photo was provided of a sunken sidewalk in the path of the former stream. One neighbor is concerned about excavation near an existing fragile sewer line. There are concerns about protecting trees in the yards of adjoining properties, decommissioning an oil tank in the driveway, and the impact of stormwater runoff from the site on salmon habitat.

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, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulations;*
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 Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
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 Department of Planning and Development, (DPD), Water (SWD), Fire Department (SFD), Seattle City Light, and Parks 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. 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). The existing house currently discharges its sanitary waster to the public sanitary-only sewer (PSS) in 9th Avenue NE. New construction may use this sidesewer for sanitary discharge. There are no storm drains within the immediate vicinity of the short plat. New construction will provide green stormwater infrastructure to the maximum extent feasible. If during building permit review, DPD finds that the runoff from new construction cannot be infiltrated on-site. Overflow discharge may need to be directed to the existing or future culvert in 2nd Avenue NE. 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 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.

The proposal site is not located in an environmentally critical area (ECA) and the requirements of SMC 25.09.240 have been met. In response to neighbors' comment letters, the DPD wetland biologist visited the site on December 14, 2010 to investigate the possible presence of wetlands. He investigated the plant, soil, and hydrologic indicators necessary to be considered a regulated wetland under the City of Seattle's Environmentally Critical Areas Regulations. Soils in these areas were generally dark brown or very dark brown (10YR 3/3 or 10YR 3/2 on the Munsell Soil Chart) and therefore are not considered hydric (wetland soils). Soils were not saturated at depths of 2 to 2.5 feet, even after extreme precipitation during the preceding days. The plant community was turf grass and was not evaluated for wetland indicator status, since both the hydrology and soil wetland indicators were clearly not present. Typically, soil, hydrologic, and plant indicators all must be present to be regulated by the City of Seattle's ECA regulations. Since these three indicators were not present, this site does not appear to contain any wetlands regulated by the ECA regulations.

DECISION – SHORT SUBDIVISION

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

CONDITIONS – SHORT SUBDIVISION

Conditions of Approval Prior to Recording.

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

1. Provide on the plat a joint use and maintenance agreement.

2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ___ of ___."
3. Provide on the plat the required Seattle City Light easement.
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. Submit the recording fee and final recording forms for approval.
6. Submit a no-protest agreement.
7. Provide an easement, covenant, or other legal agreement to allow for the proper display of addresses visible from the street.

Prior to Issuance of any Building Permits for Parcels A and B

8. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (Signature on file) Date: January 13, 2011
Malli Anderson, Land Use Planner
Department of Planning and Development

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