



City of Seattle

Gregory J. Nickels, Mayor

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**Department of Planning and Development**

D. M. Sugimura, Director

## SHORT SUBDIVISION – REVIEW CHECK LIST AND DECISION

**Application Number:** 3003614

**Applicant Name:** Brittani Ard

**Address of Proposal:** 800 NE 94<sup>th</sup> Street

### SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcels into two parcels of land. Proposed parcel sizes are 4,305 square feet each. Existing house to be removed.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into two 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

Zoning: Site: SF5000; corner lot.  
North: SF5000  
West: SF5000  
South: SF5000

Streets: Neither adjacent street is fully improved; covenant submitting to future street improvements has been recorded.

Surrounding Development: Typical for zone consisting of single family homes on individual lots.

Public Comment: A relatively large number of commenters (at least 17) submitted letters and/or emails opposing the proposed project. Virtually all expressed concern about the fate of the stand of Douglas firs on the west edge of the property, many noting their habitat as well as aesthetic value. Other concerns included:

Changes in character and appearance

Adding to congestion

Inadequate street infrastructure (curbs, sidewalks, drainage)

Adverse privacy impacts

Substandard size of proposed lots

Air impacts of demolition and construction

Noise impacts of demolition and construction

“Congestion” impacts of demolition and construction

Inadequate water pressure

Additional density

Additional traffic

Inadequate on-street parking supply

Safety hazards at the traffic circle off the SE corner of the property

Inconsistency with Northgate Area Plan designation of 8<sup>th</sup> Avenue NE as a “green street”

### **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.*

#### **Criteria 1-5**

Based on information provided by the applicant, referral comments as appropriate from DPD, City Light, Water (SPU), Fire Departments (SFD), 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.

**As conditioned**, the lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as 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 a mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. The proposed plat has been conditioned to maximize 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.

Criterion 6:

The subject site has row of 8 Douglas firs and one Sawara cypress that, although somewhat damaged by previous topping and other pruning activities. The trees were the subject of a report by Robert Williams (2 February 2006) affirming at the trees are not exceptional, and that they pose some hazard under “high winds.” The same statement could be made of any trees. In the judgment of the City arborist, the trees as a group are healthy enough and valuable enough as habitat to definitely warrant retention pursuant to Criterion #6. To this latter judgment the DPD defers.

The project has not been designed to ensure preservation of these trees, and hence must be revised to do so. The applicant shall provide an arborist’s report specifying what would be required to successfully preserve the trees for the life of the project. At the very least, the plat must be revised to include a statement that the trees will be preserved for the life of the project, unaltered, unless in the judgment of the City arborist, their alteration or removal is warranted; additional provisions will be required based upon recommendations of the required arborist’s report. In addition to this statement, the plat must be revised to show code-complying vehicular access for both parcels coming from NE 94<sup>th</sup> Street, at least 20 feet from the root zone of the trees. The root zone shall be documented by exploration per City arborist guidance unless the access is located east of the middle of the property.

The DPD drainage reviewer has indicated that the plat should be conditioned to require a stormwater infiltration system at the time of building permit application. This condition has been stated at the end of the decision.

**DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Please do not show conditions of approval prior to recording on the plat to be recorded).

**CONDITIONS – SHORT SUBDIVISION**

Conditions of Approval Prior to Recording

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

1. Comply with all applicable standard recording requirements and instructions.

2. Provide a certified arborist's report specifying what would be required to ensure successful preservation of the 8 firs and 1 cypress trees for the life of the project. All recommendations of the report shall be stated on the face of the plat.
3. Revise the plat to include a statement that the trees will be preserved for the life of the project, unaltered, unless in the judgment of the City arborist, their alteration or removal is warranted.
4. Revise the plat to show code-complying vehicular access to both parcels for NE 94<sup>th</sup> Street, at least 20 feet east from the root zone of the trees. The root zone shall be documented by exploration per City arborist guidance, unless the access is located east of the middle of the property, in which case no exploration of the root zone would be required.

Prior to Issuance of any Building Permit

5. 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.

For the life of the project

6. The nine existing trees (8 firs, 1 cypress) toward the west end of the property shall be preserved unaltered, unless in the judgment of the City arborist, their alteration or removal is warranted. No development activity of any kind, including grading or landscaping within the root zone area, shall be permitted which substantially harms the trees.
7. All recommendations of the arborist regarding preservation of the existing trees for the life of the project shall be observed.
8. Vehicular access shall be maintained per plan.

Signature: \_\_\_\_\_ (signature on file) Date: July 24, 2006

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Land Use Services

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