



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 3003176
Applicant Name: Missy Everson for Soleil, LLC
Address of Proposal: 4411 Williams Ave W

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land in an environmentally critical area (Potential Slide Area). Proposed parcel sizes are: A) 4,008.9 sq. ft. and B) 4,021.1 sq. ft. Existing single family residence to remain.

The following approvals are required:

Short Subdivision - to subdivide one parcel into two parcels pursuant to Seattle Municipal Code (SMC) 23.24.

SEPA Threshold Determination - pursuant to SMC 25.05.

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 & Area Description

The approximately 8,030 square foot site is located in a Single Family zone with a minimum lot size of 5,000 sq. ft. (SF 5000), in the Magnolia neighborhood. The site is located between Williams Ave W and 28th Ave W just south of Gilman Ave W. Williams Ave W is paved and there are sidewalks, concrete curbs and gutters on both sides of the street. 28th Ave W is paved but is absent of curbs, gutters or sidewalks. There is an existing single family house on the site which is to remain. Vehicle access to the site is from Williams Ave W.

The subject parcel slopes from the southwest corner to the northeast with approximately 12' in elevation change. The entire property is within an identified and mapped designated Environmentally Critical Area (ECA) – Potential Slide Area. An ECA exemption was requested by the applicant under the presumption that the ECA was mapped in error, but the request was subsequently denied and ECA review will be required for all applicable permits.

The streets abutting the property are classified as a non-arterial street, pursuant to SMC Chapter 23.53. Properties in the area to the south and west of the site are also zoned SF 5000. Zoning changes to Multifamily Lowrise Two (L2) to the southeast of the site. Development in the area consists of one and two-story single-family houses of varying age and architectural style.

Proposal

The proposal is to subdivide one parcel into two. Proposed lot sizes are as indicated in the summary above. The existing house is to remain. Parcels A and B will have direct vehicular access to Williams Ave W. Future development will be subject to the applicable provisions of the ECA regulations (SMC Ch. 25.09). No development or construction activities are associated with the subject proposal. The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended on September 7, 2005, DPD received six written comments. The comments were all non-supportive of the project and expressed concerns over density, property values, geotechnical testing, ground water, traffic and construction in an ECA.

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;*

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.*

Based on information provided by the applicant, referral comments from the Zoning Plans Examiner, the Drainage Section, Geotechnical Review, 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:

1. The subject property is zoned single-family residential. One dwelling unit per lot is permitted in single family zones. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setback is 5 feet. In this case the applicant has included a side yard easement along the common property line of the two parcels. Minimum rear yard setback is 25 feet or if the lot is less than 125' in depth, 20% of the lot depth. In order to request the lot sizes proposed, the application is using what is known as the 75 x 80 rule of SMC 23.44.010-B1b. The zoning reviewer has reviewed and approved the 75 x 80 calculations. For future permitting and accurate records, this exception to minimum lot area must be added to the final recording plat document. The lots created by this proposed division of land will conform to all development standards and/or exceptions of the SF 5000 zoning. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The proposed parcels have vehicular access to Williams Ave W. The site also abuts 28th Ave W, but an easement has been proposed at the existing driveway location, so vehicle access is proposed to remain from Williams Ave W at this time. 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. City Light is currently reviewing the proposal and may require an easement to provide for electrical facilities and service to the proposed lots. With appropriate conditioning this short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain 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 Water Availability Certificate No. 20051404 was issued on September 12, 2005. The existing house located upon the proposed Short Plat is connected by means of a single sidesewer to an 8-inch public combined sewer (PS) located in Williams Avenue West. The existing sidesewer serving the house located upon proposed Parcel A runs through the land of proposed Parcel B. A sidesewer easement, "along the line as-constructed" must be provided to the benefit of proposed Parcel A and as a result, proper conditioning is warranted to ensure this easement is on the final plat.

DRAINAGE: Stormwater detention, with controlled release to the PS, is likely to be required for construction in excess of 2,000 sq. ft. of developmental coverage. Plan Review requirements will be required at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project is greater than 5,000 sq. ft. new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020, may be required.

4. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis. Thus the public uses and interests are served by permitting the proposed subdivision of land.
5. The proposed subdivision is located in an environmentally critical area (Potential Landslide Area), thus future construction is subject to the provisions of the Critical Areas Ordinance. As the subject lot is not located in riparian corridor buffer, wetland or wetland buffer, or a steep slope (over 40%), the specific provisions of SMC 25.09.240 do not apply to this proposal. Future building permit applications located on proposed Parcel B will be subject to ECA (geotechnical) and drainage reviews, to ensure compliance with applicable codes.
6. There are thirteen trees located on the parent parcel. All of the trees are located on proposed parcel A or located near the property lines of proposed Parcel B. All of these trees may be preserved, depending upon the location of the root systems and the overall health of the trees. Future construction on the proposed parcels is subject to the provisions of SMC 23.44.008 which sets forth tree replacement/planting requirements on single family lots. After review by city staff, the 24" Hemlock Tree (*Tsuga Heterophylla*) located on the proposed parcel A does not meet requirements for an exceptional tree. Although the tree does not meet exceptional status conditioning is warranted to ensure the tree is preserved and the plat designed to retain the tree. City staff has given recommendations to ensure retention of the tree during construction, which are included as conditions shown below. Thus the proposal has been designed to maximize the retention of existing trees.
7. This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

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 August 17, 2005. The information in the checklist, a Geotechnical Report prepared by Dennis M. Bruce, dated July 30, 2005, and the experience of the lead agency with review of 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 in 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 project applicant, reviewed the proposed plat and the additional information in the file, and any comments which may have been received regarding this proposed action have been considered. Impacts to the environmentally critical area will be temporary and of limited effects; thus, 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).

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.

- [X] 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 43.21.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

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. 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. **(A.1.a)**
2. Submit the final recording forms for approval and any necessary fees. **(A.1.a)**
3. Include an easement to provide for electrical facilities and service to the proposed lots if required by Seattle City Light on the final Short Subdivision. **(A.1.a)**
4. A note should be added to the plat stating “To adequately protect the 24” Hemlock (Tsuga Heterophylla) Tree and maintain its stability requires that no roots are disturbed/destroyed and that the rockery remain intact and no machines or staging occur in the front yard of the existing house located on proposed parcel A. A chain link fence should be erected at the edge of the driveway where the tree is to keep equipment & materials away. If work will be done on the existing house, with exterior activity, the fence should extend 6’ back from the front of the existing house. If there will be minor activity in the front yard (which is the critical root zone of the tree) then 8” of hog fuel should be placed over the ground.” **(A.1.a)**

Prior to Building Permit Application

5. A note should be added to the site plan stating “To adequately protect the 24” Hemlock (Tsuga Heterophylla) Tree and maintain its stability requires that no roots are disturbed/destroyed and that the rockery remain intact and no machines or staging occur in the front yard of the existing house located on proposed parcel A. A chain link fence should be erected at the edge of the driveway where the tree is to keep equipment & materials away. If work will be done on the existing house, with exterior activity, the fence should extend 6’ back from the front of the existing house. If there will be minor activity in the front yard (which is the critical root zone of the tree) then 8” of hog fuel should be placed over the ground.” **(D.2.b)**

Non-appeal able conditions

6. Add the approved 75 x 80 calculations to the face of the final plat. **(B.1.a)**

