



City of Seattle

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: 3014741
Applicant Name: Bob Winters
Address of Proposal: 3912 SW Henderson St

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 8,103 sq. ft. and B) 7,557 sq. ft. Existing single family residence to remain; existing swimming pool to be removed.

The following approvals are required:

- Short Subdivision** - to create two lots. (Chapter 23.24, Seattle Municipal Code).
- Special Exception** - to modify 23.24.040.A.9 (Chapter 23.24, Seattle Municipal Code).
- SEPA – Environmental Determination** (Chapter 25.05, Seattle Municipal Code).

DPD SEPA DETERMINATION:

Determination of Non-Significance

x	No mitigating conditions of approval are imposed.
	Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND INFORMATION

Zoning: Single Family 5000 (SF5000) The site is designated as and is mapped steep slope critical area pursuant to SMC 25.09.

Public Comment: Original notice of application was published on February 21, 2013 and ended on March 3, 2013. Several comment letters were received at that time. The project was revised and renoticed on July 8, 2013 with the comment period ending July 21, 2013. Two additional comments were received.

ANALYSIS – SUBDIVISION

General short subdivision standards: 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 circulation;*
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 subdivisions 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 townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; 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 or more lots from one lot with more than one existing single-family dwelling unit.*
9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*

- d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Conclusion

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions.

The pedestrian and vehicle access to Parcel B will be from SW Henderson St. The interior of the lot will be accessed over a 12' wide easement on the lot that abuts the right-of-way. This configuration gives Parcel B more than six separate lot lines. SMC23.24.040A9c requires new parcels to have no more than six separate lot lines. A Special Exception under SMC23.24.040B1c, "feasibility of access to portions of the property prevents the configuration of proposed lot lines that meet the standards of 23.24.040.A.9." has been used to modify the above requirement. The existing lot already has a jog on the east boundary and thus has six lot lines. In addition, there is an existing retaining wall that jogs through the property and proposed lot lines follow this topographic feature. Thus the Proposed Parcel A will have nine lot lines and Proposed Parcel B will have seven lot lines. See analysis of the Special Exception below.

DPD's drainage reviewer has determined that a public sanitary sewer and a public storm drain are available to serve new construction on either or both parcels. The short plat includes an easement that will allow access from the proposed Parcel B to the infrastructure in SW Henderson St.

The proposed location of the lot lines maximizes retention of trees of most of the trees.

The proposal site is designated as a steep slope area pursuant to SMC 25.09. ECA (environmentally critical area) review has been conducted by DPD's Geotechnical engineers and a Limited Steep Slope Exemption has been granted. As a result, the site is not subject to the development standards for steep slopes but the ECA standards for landslide hazard development still apply.

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.

ANALYSIS - SPECIAL EXCEPTION

- B. Special Exception. The Director may modify the standards of subsection 23.24.040.A.9, as a Type II special exception decision, if the applicant demonstrates that the proposed plat meets the following criteria:
1. *The property has one of the following conditions not created by the applicant:*
 - a. *Natural topographic features or natural obstructions prevent the platting of one or more lots according to the standards of subsection 23.24.040.A.9;*
 - b. *Location of existing principal structures that are retained on lots existing prior to the proposed platting require a platting configuration of one or more lots that cannot reasonably meet the standards of subsection 23.24.040.A.9;*
 - c. *Location of existing easements or feasibility of access to portions of the property prevents the configuration of proposed plat lines that meet the standards of subsection 23.24.040.A.9.*
 2. *Modification of the standards of subsection 23.24.040.A.9 shall be the minimum necessary to allow platting of lots that each contain a building area for development meeting the development standards of the zone in which the proposed plat is located.*
 3. *Lots created under the special exception standards of this subsection 23.24.040.B shall not have a configuration that requires a variance from setbacks and yard requirements of the Land Use Code or a variance or exception from the Regulations for Environmentally Critical Areas for any development that may be proposed on the lots.*

Conclusion

As noted above, pedestrian and vehicle access to Parcel B will be from SW Henderson St. The interior of the lot will be accessed over a 12' wide easement on the lot that abuts the right-of-way (Parcel A). This configuration along with the pre-existing retaining wall gives both Parcel A and Parcel B more than six separate lot lines.

SMC 23.24.040A9c requires new parcels to have no more than six separate lot lines. A Special Exception under SMC23.24.040B1c, "feasibility of access to portions of the property prevents the configuration of proposed lot lines that meet the standards of 23.24.040.A.9." has been granted to modify the above requirement.

The existing lot configuration has six lot lines. Four new lot lines are being added to divide the existing lot into Parcels A and B along the existing retaining wall. The proposed Parcel B will have seven lot lines and parcel A will have nine lots lines (four along the retaining wall and four from the existing configuration).

The topography of the property and its existing exterior boundary configuration present unique difficulties that are not amenable to a strict adherence to the 6-side maximum requirement. In this instance, the proposed lot lines recognize the topographic features of the lot and follow along the top of the bank in a practical and logical use of the land, recognizing the property's natural features.

Thus, all of the criteria are met and the Special Exception is approved.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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 on February 3, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

City codes and/or ordinances apply to the proposal and will provide mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665C).

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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

None required.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

Condition of Approval Prior to Recording

1. Final recording documents shall contain the topographic survey dated April 30, 2013.

DECISION – EXCEPTION to 23.24.040.A.9

Exception – GRANTED.

Signature: _____ (signature on file) Date: August 26, 2013
Marti Stave, Senior Land Use Planner
Department of Planning and Development

MS:bg