

FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

UNITED HOMES CORPORATION

APPLICATION NO. 8802308
C.F. No. 296479

for a subdivision pursuant to
Chapter 23.22, Seattle Municipal
Code

Introduction

United Homes Corporation seeks approval of the subdivision, Plat of Viewpointe, of two parcels into sixteen lots at 5270 16th Avenue S.W.

The Director's report, submitted by the Department of Construction and Land Use, recommended that the subdivision be approved subject to conditions.

A hearing was held on the application by the Hearing Examiner on April 6, 1989. Clint Hergert represented United Homes Corporation and Arthur Ward, land use specialist, represented the Director, Department of Construction and Land Use.

For purposes of this recommendation, all section number references are to the Seattle Municipal Code, unless otherwise indicated.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, all evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject of the subdivision application is a 3.8 acre vacant site on the east side of 16th Avenue S.W. north of S.W. Brandon Street. The parcel has 735 ft. of frontage on 16th Avenue S.W. and is 224 ft. deep. The site slopes down to the northeast at approximately 12 percent with steeper slopes, up to 65 percent, on the northeasterly portion. The site is densely covered with shrubs, vines and trees and has one large madrona tree near the street at the middle of the property.

2. The subject site lies within an SF 7200 zone except for the northeast corner of the site which is zoned GB SF 7200 (Greenbelt).

3. Across 16th Avenue S.W. to the west of the subject site is a large SF 5000 zone largely in single family development. Directly south, across S.W. Brandon Street, is a continuation of the SF 7200 developed with single family residences. To the southeast and south beyond the 7200 zone, the zoning is I1/L1 for the South Seattle Community College. The West Duwamish Greenbelt lies to the northeast and more SF 7200-zoned area to the northwest.

4. Sixteenth Avenue S.W. is classified as a minor arterial. The roadway is 20 ft. wide which is substandard and has a curb and sidewalk along the west side. Parking is permitted only on the east side of the street. The street is heavily used by the community college traffic.

5. The applicant's preliminary plat shows 12 lots (Lots 1 through 12) oriented east-west with street frontage of 50 to 52 ft. and depth of 224 ft. Lots 1 through 5 are affected by the greenbelt designation and the applicant proposes to dedicate a depth of 55 ft. as greenbelt preserve. Four lots, Lots 13

through 16, would have a north-south orientation and are shown with 56 ft. of frontage on S.W. Brandon Street and a depth of 129 ft.

6. Four feet along 16th Avenue S.W. is to be dedicated for public right-of-way for the street. This will require adjusting the lot lines of Lots 13 through 16 to achieve a lot area of at least 7,200 sq. ft. for each of those lots.

7. The site has views of Elliott Bay and downtown. The applicant proposes underground utilities and varied setbacks to enhance views from the residences developed on the site. Views from private residences, particularly on the south side of S.W. Brandon Street, may be impaired by development of the site.

8. The right-of-way of Brandon Street is 30 ft. wide east of 16th S.W. It is open for a distance of 224 ft. east of 16th where it ends at a wooden barricade.

9. The applicant proposes to limit the number of curb cuts on 16th S.W. to six by using shared driveways. Each proposed lot is to have two off-street parking spaces, planned by the applicant to be in two-car garages. Other vehicles could be parked in front of such garages.

10. The Engineering Department reviewed the preliminary plat and provided for a series of modifications and requirements including the dedication of 4 ft. for right-of-way, construction of curbs and sidewalk, and roadway widening; extension of the storm drain system at the intersection of 16th S.W. and S.W. Dawson approximately 420 ft. to a point midway to S.W. Brandon Street; provision of a piped storm drain system, as opposed to the proposed ditch system, with service connection to each lot and connection of the system to the storm drain in 16th Avenue S.W.; provision of a drainage pick up facility near 15th S.W. which may be connected to the private drainage system on a temporary basis; indication on the final plat of the location of the private storm drain system, easement width and maintenance responsibility of each ownership; and indication on the final plat of the lowest floor elevation of each of the lots.

11. The Department of Community Development asked for a conditions of approval to minimize runoff and drainage on the steep slopes and to limit the number of curb cuts on 16th S.W.

12. The Water Department indicated that the construction of 280 ft. of 8 in. watermain is required prior to the issuance of a water availability certificate.

13. The Parks and Recreation Department recommended that access to the greenbelt be limited and that water runoff affecting the greenbelt area be controlled to limit erosion.

14. Metro reported that there would be no significant impacts to its waste water facilities.

15. Other consulted departments, Seattle-King County Public Health, City Light and Fire, either had no comments or no objections to the subdivision.

16. A determination of non-significance pursuant to SEPA was issued for the proposal by the Department of Construction and Land Use. Impacts from parking, additional traffic, increased noise, blockage of private views, potential slope instability and loss of vegetation were identified but none found to be significant. A series of mitigating conditions for imposition were identified as well.

17. Letters from residents of the area were submitted to DCLU during the comment period for the SEPA determination. Concern was expressed about increased competition for parking along 16th Avenue S.W., the density proposed, traffic on 16th S.W., blockage of views, soil stability, the number of driveways, noise, distance from recreation opportunities, loss of habitat

for wild animals and birds, drainage, slope stability, maintenance of the existing trails to the greenbelt and the madrona tree, among other concerns.

18. Surveys were done by the applicant of parking within 800 ft. of the site on two weekday evenings and one Sunday morning in the summer. The survey showed an average of 13 vehicles parked in the area leaving 68 vacant spaces. Thirty five of those spaces exist between South Brandon and South Dawson Streets on 16th Avenue S.W. which were utilized during these surveys at a rate of less than 23 percent. Because of proximity to the community college the utilization may be greater during the regular school year.

19. Most properties along 16th Avenue S.W. have off-street parking available but many choose to park on the street.

20. The applicant has agreed to attempt to save the large madrona tree and will dedicate more land to right-of-way to protect the tree from construction activity if needed.

21. The applicant has agreed with surrounding property owners to restrict the lots from any further subdivision by covenant, deed restriction or some other mechanism yet to be determined.

22. The applicant desires to have some control over the height of the vegetation in the dedicated greenbelt to preserve views from the property. The Park Department does allow professional trimming in greenbelt areas according to Arthur Ward.

23. Since the sanitary sewage line is in 16th S.W., lift pumps may be needed. Showing the lowest floor elevation on the plat would give notice to future purchasers of those lots.

24. With the satisfaction of conditions below, the proposed subdivision will be in conformity with the applicable provisions of Title 23.

Conclusions

1. To be approved the subdivision must serve the public interest and make appropriate provision for the public health, safety and general welfare and for open space, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, fire protection facilities, parks, playgrounds and sites for school and schoolgrounds. Section 23.22.054.

2. With the conditions recommended by the Director, Department of Construction and Land Use, after consultation with other departments, the plat will provide open space through dedication of greenbelt and the required setbacks; will provide for adequate drainage; will be served by adequate streets; will have an adequate water supply; and can adequately dispose of sanitary wastes. The size of the plat is small enough that no additional fire protection facilities, parks, playgrounds or schools will be required.

3. The Single Family Residential Areas Policies are an expression of the City Council's understanding of the public interest. The purpose of the Single Family Residential Areas Policies is to provide housing opportunities for all residents while preserving single family residential character. Section 23.16.002. The proposed subdivision, with changes required by conditions, meets the development standards of the Code for single family areas, maintains single family character and provides additional housing opportunities. Therefore, the public interest will be served by the proposed subdivision.

Recommendation

The subdivision should be approved with the following conditions:

Conditions of Approval Prior to Recordation of Plat

1. Prior to any site preparation for plat improvements, erosion control measures shall be provided such as leaving natural vegetation (in the rear 25' of the lots), and hay bales and/or silt fences upslope according to a plan approved by the Department of Construction and Land Use.
2. The owner shall quitclaim to the City of Seattle the west 4 ft. of the subject lot to the satisfaction of the Seattle Engineering Department. Additional right-of-way shall be quitclaimed to the City for the protection of the madrona tree located in the City right-of-way near the center of the property if the City arborist determines.
3. Lot 16 shall be adjusted to provide the minimum lot area of the Land Use Code, i.e., adjusting Lots 13 to 16 to measure 55 ft. x 131 ft.
4. Street improvements shall be constructed including: 1) On S.W. Brandon St. - curbs, planting strip, sidewalk and roadway; 2) On 16th Ave. S.W. - curbs, planting strip, street trees, sidewalk and roadway as to the satisfaction of the Engineering Department.
5. A minimum 6 ft. wide drainage easements shall be provided and a piped storm drain with service connections for each lot shall be constructed. This line shall be connected to the storm drain in 16th Ave. S.W., all to the satisfaction of the Seattle Engineering Department.
6. Drainage improvements to the satisfaction of the Seattle Engineering Department shall be provided as part of the improvements to S.W. Brandon Street.
7. The final plat shall show the location of the private storm drain system, its easement width, and provide a statement of maintenance responsibilities for each lot, all to the satisfaction of the Seattle Engineering Department.
8. The minimum floor elevations on each of the lots shall be included on the final plat as shown on the preliminary plat. There shall be a notation on the plat that "Sewage disposal located below these elevations may require a lift pump."
9. Adequate storm drainage for Lots 14 and 15 and easements, if found necessary by the Seattle Engineering Department, shall be provided to the satisfaction of the Seattle Engineering Department. (See conditions of approval after recording which could provide for its construction).
10. Underground utilities per Seattle City Light design standards shall be provided. Arrange for City Light documentation of completion to be transmitted to the Seattle Engineering Department Plan Review Section.
11. An open space on the GB SF 7200 zoned portion of the lot (the east 65 ft. of the north 230 ft. of the subject property) is to be dedicated or a conservation easement on approximately the same area to the satisfaction of the Department of Construction and Land Use may be provided. This area shall be noted on the plat including "This area shall be left in its natural condition, except for trimming approved by the Department of Parks and Recreation, unless approved by the Department of Construction and Land Use, City of Seattle".
12. 280 ft. of 8 inch water main in S.W. Brandon St. is to be constructed and a Seattle Water Department Water Availability Certificate Approval 88-641 submitted to the Seattle Engineering Department.
13. Shared driveway easements from 16th Ave. S.W., not to exceed six curb cuts, are to be shown on the plat.

14. During construction of street improvements on 16th Ave. S.W., if the City arborist determines that the madrona tree located in the street right-of-way can probably be saved by construction practices and additional right-of-way dedication, the City arborist recommendations shall be followed.

15. Note all the conditions below on the plat or addendum with reference on the plat.

Conditions of Approval After Recording But Prior to Issuance of Building Permits for Each Lot.

* also SEPA Conditions

* 1. To mitigate adverse on-street parking impacts, a minimum of two off-street parking spaces per lot are to be shown on the building plans.

* 2. Each lot fronting 16th Ave. S.W. shall provide shared driveway access to 16th Ave. S.W. with another lot per easement noted on the plat.

Conditions of Approval During Construction of Plat Improvements and On-Site Improvements

* 3. An erosion control plan approved by DCLU (e.g., a natural vegetated ground cover 25 ft. deep as measured from the rear lot lines, and hay bales/silt fences upslope) is to be shown on the building plans. This plan shall be implemented and documented by an affidavit to the Department of Construction and Land Use.

* 4. To mitigate noise impacts to residential uses in the vicinity, the use of loud equipment, including but not limited to, pavement breakers, pile drivers, jackhammers, sandblasting tools, crawlers, tractors, compactors, drills, graders, compressors and other similar equipment is strictly limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m.

* 5. Temporary erosion control measures shall be installed per DCLU approved plan prior to any clearing and/or grading and site improvements and shall be designed and maintained so as not to cause any erosion, siltation or slope instability on-site or to surrounding properties. These measures shall be maintained during the life of these activities and permanent erosion control measures such as reseeding shall be done immediately following this work.

* 6. If the City Arborist determines that the madrona tree located in the street right-of-way probably can be saved by adequate construction practices and reasonable additional right-of-way dedication, then the City Arborist's recommendations shall be followed. (The recommendation can include, but not be limited to the location of driveway easements, driveways, providing a fence a minimum 10' around the tree to prevent compaction of soil by construction equipment or storage of materials).

Condition of Approval Prior to Final Approval of Building Permit for Lots 14 and 15

* 7. A drainage system for Lots 14 and 15 shall be constructed if found necessary by the Seattle Engineering Department.

SEPA CONDITIONS

Conditions of Approval After Recording But Prior to Issuance of Building Permits for Each Lot

1. To mitigate adverse on-street parking impacts, a minimum of two off-street parking spaces meeting the Land Use Code requirements shall be provided.

2. Each lot fronting 16th Ave. S.W. shall provide shared driveway access to 16th Ave. S.W. with another lot per easement

noted on the plat.

Conditions of Approval During Construction of Plat Improvements
and On-Site Improvements

3. To mitigate noise impacts to residential uses in the vicinity, the use of loud equipment, including, but not limited to, pavement breakers, pile drivers, jackhammers, sandblasting tools, crawlers, tractors, compactors, drills, graders, compressors and other similar equipment is strictly limited to normal working hours (7:30 a.m. to 6:00 p.m.) on non-holiday weekdays.

4. Temporary erosion control measures shall be installed per DCLU approved plan prior to any clearing and or grading and shall be designed and maintained so as not to cause any erosion, siltation or slope instability on-site or on surrounding properties. These measures will be maintained during the life of these activities and permanent erosion control measures such as reseeding will be done immediately following this work.

Conditions of Approval Prior to Final Approval of Building Permit
for Lots 14 and 15

5. Drainage systems for Lots 14 and 15 shall be constructed if found necessary by the Seattle Engineering Department.

Entered this 14th day of April, 1989.

M. Margaret Klockars
M. Margaret Klockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.