



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: 3004847
Applicant Name: Mark Mauger
Address of Proposal: 11703 35th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide two parcels into four parcels of land. Proposed parcel sizes are approximately: W) 12,401 sq. ft., X) 5,001 sq. ft., Y) 7,815 sq. ft. and Z) 10,807 sq. ft. Both existing single family structures located on proposed parcels W and X are to remain and two accessory structures are to be removed.

The following approval is required:

- **Short Subdivision** - Chapter 23.24.040 Seattle Municipal Code.
- **SEPA** – Chapter 25.05 Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

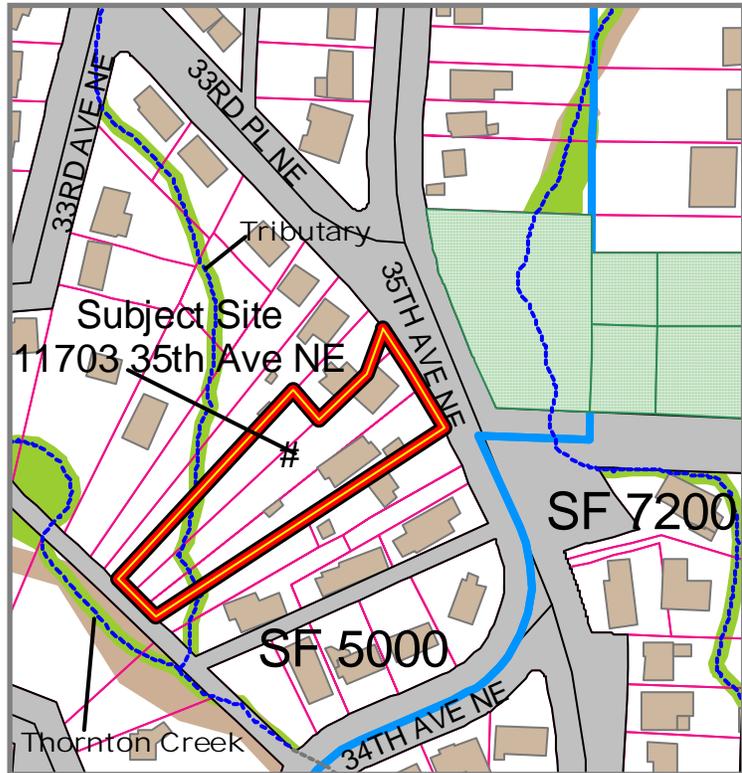
DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The approximately 35,516 square foot site is located in the northeast area of Seattle, in a Single Family 5000 (SF 5000) zone with a minimum lot size of 5,000 sq. ft. The site abuts and is accessed by 35th Ave NE, a designated arterial street. The site is located just east of Lake City Way NE between NE 115th St and NE 120th St. Two single family homes are developed on the site, both with existing vehicle access from 35th Ave NE.

The site slopes down moving from east to west with approximately 28' of elevation change. The majority of the slope occurs approximately 200' from the east property line where the steep slope area is located. A portion of the site is within three identified Environmentally Critical Areas (ECA) – Riparian Corridor, Wetland and Steep Slope. The stream on site is a north branch tributary of Thornton Creek.



35th Ave NE, the only abutting street, is an arterial and provides access to the driveways that serve the existing two homes on site. Properties on the project (west) side of 35th Ave NE are also zoned SF 5000, while zoning on the east side of 35th Ave NE changes to SF 7200. Accordingly, single family structures make up the structure types development in the area.

Proposal

The proposal is to subdivide two parcels into four. The existing single family residences located on proposed parcels W and X are to remain at this time. A 10' wide access and utility easement is proposed to serve the two new proposed parcels. The subject of this analysis and decision is related to the proposed division of land.

The subject of this analysis and decision is only the proposed division of land. There is a related Lot Boundary Adjustment, DPD # 3004887 which has been approved.

Public Comment

During the public comment period which ended on June 7, 2006, DPD received one written comment about the project. The comments expressed concerns over impacts of any future development on wildlife area and green spaces.

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 (Ord. 116253 – 1992);*
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.*
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.*
9. *If the short subdivision contains a proposed dedication, the Director shall refer the matter to the Director of Transportation for report and recommendation. The short plat or dedication instrument shall be transmitted to the City Council for acceptance of the dedication by ordinance.*

Based on information provided by the applicant, reviews by the Zoning Plans Examiner (DPD), the Drainage Section (DPD), Ordinance & Structural Review, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner (DPD), 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. Minimum rear yard setback is 25 feet or if the lot is less than 125' in depth, 20% of the lot depth. The Zoning reviewer approved the short plat. The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning and applicable Land Use Code provisions. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. The two new undeveloped parcels Y and Z will have access via a shared 10' driveway easement. The remaining parcels, W and X, have existing vehicular access to 35th Ave NE. The Seattle Fire Department has granted conditional approval for the proposed short plat. As a result conditioning is warranted to provide the applicant with notice of these conditions. Fire approval is contingent upon meeting applicable non-appealable conditions (fire code requirements) during construction, which will be tied to any associated future building or grading permits. The Fire comments/conditions are located in the project file. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots. The required SCL easement is located in the MUP file. With appropriate conditioning this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. Water

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. 20071600 was issued on September 6th, 2007. A six-inch water main is available in 35th Ave NE to serve the proposed short plat. The Water Availability Certificate is located in the project file.

Drainage

DPD'S drainage reviewer submitted the following comments:

At the time of first building permit application:

The submittal to the drainage reviewer of an all-site permanent Drainage Control Plan that approximates as much as possible the natural drainage patterns existing on the site so that both Thornton Creek and its unnamed tributary are recharged by rainfall onto the site. The plan should include rough outlines of proposed new construction. If the total trafficked impervious areas are over 5000 sf then water treatment will be required.

As a result of SEPA and Drainage Review requirements, the applicant will prepare a comprehensive drainage plan for the site and proposed parcels. This plan will be reviewed with any grading or building permit review, before any work occurs on the site. Conditioning is warranted to ensure the plan is part of the recorded plat and any future grading or building permit applications for any of the parcels.

4. The proposal provides additional housing units within City limits and meets or will meet, with conditioning, all applicable criteria for approval of a short plat as discussed in this analysis. Thus the public use and interest are served by permitting the proposed subdivision of land.

5. The proposed property has three environmentally critical areas on site (Riparian Corridor, Wetland and Steep Slope) located on the western portion of the site. Application for the short plat was complete prior to the current version of Seattle's ECA code, which became effective May 9th, 2006. As a result, the short plat and the subsequent construction applications on the subject parcels (W, X, Y, Z) will be subject to the ECA code Ordinance in place at the time the short plat was submitted.

For this proposed short plat, critical areas (Riparian Corridor, Wetland and Steep Slope) and their required buffers are all shown on the plat for all proposed parcels. Required buffers are shown as follows: Riparian Corridor: 25', Wetland: 50' and Steep Slope: 15'. No construction is permitted in these ECA areas or their buffers. A condition is warranted to clearly show the location of the wetland with shading on the plat as is shown for the Steep Slope. An ECA covenant regarding the existence of the ECA areas on the site was submitted to DPD for review and the final approved document will be recorded with the short plat. DPD requires permanent markers be shown on the covenant and to be affixed at the site to delineate the related buffers for the three ECA areas on the property. DPD also requires the topographic survey be added to the final plat. Conditioning is warranted to ensure the covenant is recorded with the short plat, the topographic survey is added to the final plat and the ECA permanent markers are shown on the plat and permanently affixed at the site.

The application as reviewed by the zoning plans examiner conforms to the standards of SMC 25.09.240. As a result, with conditioning, the proposal will be compliant with SMC 25.09.240.

6. There are eight (8) trees located on the site. DPD has determined that the proposed plat is designed to maximize the retention of existing trees. Due to the location of the existing and proposed vehicle accesses, the platting pattern, the likely building areas for the parcels, the location of trees in relation to ECA and their buffers, the design of the proposed plat will maximize the retention of trees. All but one tree can likely be preserved considering likely building footprints.

Pursuant to the above analysis, DPD concludes that 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 proposal.
8. This short subdivision does not propose two single family units on one lot and thus this section does not apply to the 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 May 8th, 2006. The information in the checklist, a Geotechnical Report prepared by ABPB Consulting LLC dated March 3, 2006, a Wetland and Stream Delineation report prepared by Raedeke Associates, Inc. dated May 8th, 2006 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. A majority of the impacts to the environmentally critical area will be temporary and of limited effects; thus, the impacts are not expected to be significant. Some analysis is appropriate considering the adjacency of Thornton Creek.

As noted above, a comprehensive drainage plan that approximates as much as possible the natural drainage patterns existing on the site so that both Thornton Creek and its unnamed tributary are recharged by rainfall onto the site will be required to be submitted with any grading or building permit applications. Conditioning is warranted to ensure the comprehensive plan is part any future grading or building permit applications for the parent site. The drainage plan and drainage review during building or grading permit stage will provide sufficient mitigation regarding the riparian corridor and wetland ECA areas. Review of the geotechnical report provides adequate documentation regarding the Steep Slope that future development for the site is suitable and can be undertaken without significant impacts; review under the ECA code will provide sufficient mitigation.

Codes and development regulations applicable to this proposed project, specifically the Grading and Drainage Ordinance and Environmentally Critical Areas Ordinance will provide additional 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 - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final Short Subdivision.
2. Provide a signed notarized copy of the final approved ECA covenant for recording with the short plat.
3. Clearly delineate the wetland area and setback with shading or other method on the final plat.
4. Add the topographic survey as a separate sheet to the short plat.

Prior to any Building or Grading Permit Application

5. Attach a copy of the comprehensive drainage plan to any future building or grading permits.
6. Attach the final plat, meeting all conditions, to any building or grading permit application.

Prior to any grading or Construction Activities on the Site

7. Affix permanent markers as shown on the preliminary short plat delineating the outermost ECA buffer line (non-disturbance areas) upon the site (Riparian Corridor, Wetland and Steep Slope).

Non-appealable conditions

8. Add a note to the final plat stating that the existing vehicle easement will be reconstructed per Fire Code requirements. Meet the following Fire review conditions of approval:

