



City of Seattle  
 Gregory J. Nickels, Mayor

**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:** 3004961  
**Applicant Name:** Joanna Spaulding  
**Address of Proposal:** 3805 NE 92<sup>nd</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: Parcel A) 4,792 sq. ft. and Parcel B) 4,388 sq. ft.

The following approval is required:

**Short Subdivision** – to subdivide one existing parcel of land 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.

**BACKGROUND DATA**

**Zoning:** Single Family (SF-5000).

**Uses on Site:** Existing Single Family residence and garage to remain at this time. The existing house is built across the proposed lot line and would need to be demolished or substantially altered as part of any future development on the property in order to meet zoning regulations.



Public Comment: The comment period for this proposal ended on July 16, 2008. Five public comments were received expressing concerns about increased storm water runoff, size and height of the potential new houses, lot size, lack of full sidewalks, parking, loss of greenery in a salmon watershed area, and the loss of a house that is still in good condition.

Site Description:

The property is on the corner of NE 92<sup>nd</sup> street, and 38<sup>h</sup> Ave NE. The site is approximately 9,180 square feet. There are no Environmentally Critical Areas (ECA) on the site, although a stream and ravine (tributary of Thornton Creek) lie 200 feet east of the site.

Surrounding Area:

The topography on the lot drops about 6 feet from front to back; the lot to the south does the same, creating a low spot toward the back of these two lots. The topography also is lower heading east toward the ravine.

The zoning in the area is Single Family 5000 (SF 5000). The blocks were originally platted as 30 feet wide by 102 foot deep lots. Most houses sit on two such lots (about 6,000 sq. ft.), while the subject property consists of 3 such lots 9 (in excess of 9,000 sq. ft.), and others, such as the lot to the south on 38<sup>th</sup> Ave NE, are about 1½ lots (about 5,000 sq. ft.). The proximity of this larger lot on the corner of 38<sup>th</sup> and NE 92<sup>nd</sup> and the smaller lot to the south on 38<sup>th</sup> Ave NE allows the new lots to meet a zoning code provision regarding lot size (the “75/80 rule”), by which the lots can be created if they are 75% of the minimum lot size in the zone (75% x 5,000 = 3,750 sq. ft.), and 80% of the average of the other lots on the same block face.

Proposal Description:

The proposed lots are 4,792 sq. ft. and 4,388 sq. ft. The only other lot on 38<sup>th</sup> Ave NE is 5,100 sq. ft., allowing 80% of that (5,100 x .8 = 4,080 sq. ft.) to be the minimum lot size. House plans for the proposed new lots will be submitted in the future and will need to meet the zoning standards in place at that time; driveway location will be determined at the time of building permit submittal.

**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. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development, review from Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

***1. Conformance to the applicable Land Use Code provisions;***

The proposal for short subdivision conforms to the applicable standards of the Land Use Code, including exceptions to lot size (SMC 23.44.010 B.1.b). The existing house straddles the lot line; a note on the short plat that, “Existing structures are to be legally removed prior to separate sale and/or transfer of ownership” allows the existing house to remain until plans are in place for new development on the site. Parking is required to be provided for each new lot.

**2. Adequacy for access for pedestrians, vehicles, utilities, and fire protection as provided in Sections 23.53.005 and 23.53.006;**

As both houses have street frontage, vehicular and emergency will not be an issue. While sidewalks are not currently in place on these streets, for the creation of one additional lot in a single family zone, addition of sidewalks is not considered necessary if the street is not an arterial, and if the lots are outside an urban center, which is the case with this development. A new development can not be required to correct an existing substandard condition in a neighborhood. For the addition of one new house, the pedestrian access provided by the shoulder of the road past the development, and provided by any proposed driveway or pedestrian walkway from the street to each new house is considered adequate.

**3. Adequacy of drainage, water supply, and sanitary sewage disposal.**

**Sanitary Sewer.** The existing property is connected via a side sewer to an 8-inch public sanitary sewer main located in NE 92<sup>nd</sup> Street. There is also an 8-inch public sanitary sewer in 38<sup>th</sup> Ave NE.

**Drainage.** The existing drainage system in the area is reported to back up during heavy rains. The topographic contours are such that water flows toward the back of each of the two lots on 38<sup>th</sup> Avenue NE. A pipe carries water from the west side of 38<sup>th</sup> Ave NE to the east side, where it is discharged. A surface drainage system along 38<sup>th</sup> Ave NE does not provide for easy drainage across the back of the lots heading east toward the ravine and tributary to Thornton Creek. It is possible that without adequate attention to these conditions, new houses built at this location could further impede water flow toward the ravine, and experience and contribute to existing drainage issues.

Normally, the drainage requirements would be for storm water detention to be required where there is more than 2,000 sq. ft. of new or impervious surface per lot. At the time of the building permit this would be applied to each new lot. If the proposal includes greater than 5,000 sq. ft. of new or replaced impervious surface, a civil-engineering drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020 may be required.

While it is likely that each new lot would contain 2,000 sq. ft. of impervious surface, including driveways and building footprints, to ensure that the drainage issues are adequately addressed in the design, a geotechnical study shall be prepared to evaluate the level of the water table and determine what specific building techniques and drainage requirements will be necessary to ensure that drainage is possible across the lots toward the ravine and to ensure that drainage issues are not experienced by the new houses, and not exacerbated in the neighborhood.

**4. Whether public use and interest are served by permitting the proposed division of land;**

The creation of new urban lots that are served by City services (water, sewer, garbage, fire and emergency services) is in the public interest. Conditions have been placed on the project, as noted above, to ensure that existing drainage issues are not exacerbated and may be improved. While the size of the lots is slightly under 5,000 sq. ft., this meets the requirements of the zone, and is consistent with the platting pattern in the area that includes some smaller lots. The public use and interest are served by permitting the proposed division of land.

5. *Conformance to the applicable provision of SMC Section 25.09.240, short subdivision and subdivision in environmentally critical areas;*

The proposal site is not located in an environmentally critical area.

6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*

The site is divided in a rational fashion mid-lot, and creates two rectangular parcels. The lot lines do not create the necessity to remove any trees. The existing trees on site include an 8 inch flowering plum, a 3" cedar and a 4" cedar. The largest tree, the flowering plum is located at the front of the lot, adjacent to the existing driveway, and is in an excellent location to remain and enhance the property.

7. *Conformance to the provision 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.*

Not applicable.

**DECISION-SHORT SUBDIVISION**

The short plat is **CONDITIONALLY GRANTED.**

**CONDITIONS – SHORT SUBDIVISION**

*Prior to Recording*

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

1. Add the conditions of approval, "For the Life of the Permit" on the face of the plat. If the conditions are on a separate page, insert on the plat "For conditions of approval for the life of the permit, see page \_\_\_ of \_\_\_."
2. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each parcel, lot, 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 yards easements, fences or structures shall be shown.
3. Submit final short plat for approval along with any necessary fees.

Prior to Issuance of any Building Permit

4. A geotechnical study shall be prepared to evaluate the level of the water table and determine what specific building techniques and drainage requirements will be necessary to ensure that drainage is possible across the lots toward the ravine and to ensure that drainage issues are not experienced by the new houses, and not exacerbated in the neighborhood.

For the Life of the Project

5. Include a copy of the recorded short subdivision with an application for future development on the site.

Signature: \_\_\_\_\_ (signature on file)  
Holly E. Anderson, Land Use Planner  
Department of Planning & Development

Date: July 21, 2008