



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Application Number: 3005892
Applicant Name: Brittani Ard for JS & J Builders
Address of Proposal: 7040 36th Ave NE

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into seven lots. Proposed lot sizes are: A) 93,097 sq. ft., B) 5,477 sq. ft., C) 5,382 sq. ft., D) 5,286 sq. ft., E) 5,191 sq. ft., F) 5,096 sq. ft. and G) 5,001 sq. ft.

The following approvals are required:

Short Subdivision to divide one parcel of land into seven lots.
(Chapter [23.24](#), Seattle Municipal Code)

SEPA - Environmental Determination – SMC Chapter [25.05](#).

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

ASSOCIATED PERMITS AND REVIEWS:

ECA Exemption: (ECA review required, steep slope variance waived for short plat).

BACKGROUND DATA

Zoning: SF 5000.

Date of site visit: June 13, 2007.

Uses on site: Playground, accessory to a private school.

Site

The site is located in the Bryant neighborhood between 35th and 38th Avenues NE, and between NE 70th and 75th Streets. The site is occupied by the Concordia Lutheran School.

Single family homes surround the site to the east and south. To the north are several multifamily apartments. To the west is the Messiah Lutheran Church, flanked by low commercial structures along 35th Ave NE.

The site measures about 316' wide (N-S) by 397' long. The site is generally flat, with the exception of a steep slope located at the site's western edge. The City's Geographic Information System (GIS) indicates a portion of the site to be Environmentally Critical Area (ECA), due to slopes in excess of 40%. Topographic survey information confirms this.

37th Ave NE forms a dead end at the site's south property line. A portion of NE 73rd St along the site's north property line had been dedicated, subject to Ordinance [75844](#) (1947), then re-vacated, subject to Ordinance [92685](#) (1964). This area is now developed with parallel driveways divided by a cyclone fence, serving six residential apartment structures and the school, respectively.

DPD has issued an ECA exemption associated with the site. *Based on the submitted documents, the "steep slope" area located at the northwestern portion of this site appeared to be less than 20 feet in height, limited in length, and appeared to have been created by previous grading and construction activities on this parcel. Further, the submitted geotechnical report by PanGEO, Inc., dated February 9, 2007, had inferred that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, the ECA Steep Slope Development Standards ... are waived for this short plat application...*

Proposal

The proposal is to subdivide one parcel of land into seven parcels – six residential lots and the remaining school site. Proposed lot sizes are as indicated in the summary above. The proposed residential parcels are located at the western edge of the existing playground, abutting the backyards of six single family homes. Parcels B through G will have vehicular access to NE 73rd St via a shared easement.

The subject of this analysis and decision is the proposed division of land. Any building permits are subject to separate review, and no development or construction activities are associated with the subject proposal.

Public Comment

DPD received three letters and several calls from the public. The original proposal involved vehicular access to the south on 37th Ave NE. Neighbors accustomed to their dead-end street expressed concerns about potential through-traffic. A few neighbors also commented about saturated soils in the vicinity of the proposed residential lots.

The applicant conducted a community meeting, which DPD staff attended. Concerns raised were similar to written comment, and focused primarily on issues of vehicle access.

ANALYSIS – SHORT SUBDIVISION

SMC [23.24.040](#) Criteria for approval.

- A. 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;

The lots created by this proposed division of land will conform to all development standards of the SF 5000 zone. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
 2. Adequacy of access for vehicles, utilities and fire protection as provided in Section [23.53.005](#), Access to lots;

The proposed parcels have vehicular access to NE 73rd St. The Seattle Fire Department has commented and has approved its review of 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 has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots (see condition #2). As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.
 3. Adequacy of drainage, water supply and sanitary sewage disposal;

DPD reviewed the existing, proximate public sanitary sewer system with the building permit application, and determined that there are no issues regarding sanitary sewage discharge from this project.

DPD reviewed the existing drainage infrastructure as part of the building permit application, and approved the proposed project stormwater control. Necessary easements and connection documents are included with a Side Sewer Permit. The drainage reviewer has commented that the residential driveways and access easement drive are subject to drainage review and trigger water quality treatment requirements. This review is to be completed prior to issuance of the first single family building permit. DPD therefore conditions the project to require such review.

A Seattle Public Utilities official has reviewed the proposal and issued Water Availability Certificate [20071936](#). All SPU conditions of approval must be met.

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

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The public use and interest would be served by this proposal because additional opportunities for single family housing would be provided within the City limits as a result of this subdivision.

Upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.

5. Conformance to the applicable provisions of Section [25.09.240](#), Short subdivisions and subdivisions, in environmentally critical areas;

This criterion is not applicable because of the ECA exemption from steep slope standards.

6. Is designed to maximize the retention of existing trees;

The proposal would create new residential sites where a treeless schoolyard currently exists. The proposed short plat therefore meets this criterion.

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; and

N/A.

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.

N/A.

- B. 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.

N/A.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Department (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is located in an environmentally critical area; however the requirements of SMC 25.09.240 do not apply as the proposal was exempted from steep slope development standards. The proposed plat maximizes the retention of existing trees. 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.

DECISION – Short Subdivision

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

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to WAC [197-11](#) and the Seattle SEPA Ordinance (SMC [25.05](#)).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 2/27/2007. The information in the checklist, a Geotechnical Report prepared by Nelson Geotechnical Associates, Inc, dated 2/23/2007, and DPD experience 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 [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 [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.

DPD has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans and the additional information in the file, and considered received comments regarding this proposed action. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, 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 [43.21C](#)), 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 [43.21C.030\(2\)\(c\)](#).

Conditions – SEPA

None.

CONDITIONS – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Have the 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.

