



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: 3006230
Applicant Name: Thomas Woldendorp
Address of Proposal: 719 N 61st St

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are approximately: A) 2,886 square feet and B) 2,039 square feet. Both existing single family structures are to remain. At the time of this decision there was no building permit related to this subdivision.

The following approval is required:

- **Short Subdivision** - Chapter 23.24, (23.24.046) 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 4,925 square foot project site is located in a Single Family 5000 (SF 5000) residential zone in the north area of Seattle. The existing development on the site consists of two single family residences. The site has frontage on and is located between Woodland Pl. N and N 61st Street, just west of Linden Ave N. The entire subject block and surrounding blocks are also zoned SF 5000. The architecture and development pattern is consistent with single family zoning.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two parcels. Proposed lot areas are indicated in the summary above. Proposed parcels A and B will have direct pedestrian access by way of Woodland Pl. N and N 61st Street. Currently no parking exists for either site. Both existing single family residences are to remain.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended July 18th, 2007, DPD did not receive any public comments on the application.

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;*
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.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

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

The subject property is zoned for single-family residential. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks

are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yard for the structure located on proposed Parcel A is 21.1' with projecting front deck and the front yard for the structure located on proposed Parcel B is nonconforming at approximately .5'. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5. The principal structures associated with this short plat will have some degree of non-conformity relevant to single family zone development yard standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 below on page 7 of this document outlines the extent of the non-conformities to the proposed parcels. Proposed Parcel B originally had a garage parking space off of Woodland Pl. N which was removed without a permit; therefore, conditioning is warranted to ensure the parking space is restored (see criterion #8 below, # 4). Parcel B has an existing curbcut that remains and provides adequate access. Proposed parcel A has no parking or vehicle access associated with it. As a result this criterion is satisfied.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcel A will have direct pedestrian access to Woodland Pl. N and proposed Parcel B to N 61st St. The Seattle Fire Department has no objection to 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 is reviewing the proposal and may require an easement to provide for electrical facilities and service to the proposed lots.

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

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 a Water Availability Certificate was issued on July 12th, 2007 (WAC ID No. 20071158). Approval of the WAC is conditional. Service for both parcels shall be from the existing main in N 61st St. If service for Parcel B is desired from Woodlawn Pl. N, installation of a water main will be required. The parcels are adequate for sanitary sewage disposal and drainage requirements.

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

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

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

This site is located in a steep slope environmentally critical area (ECA) as defined in SMC 25.09.240. Pursuant to SMC 25.09.240-B1, the proposal includes two existing lawful principal structures that are to remain unchanged with no construction or alterations proposed. As a result, this short plat will not further alter or increase the impact to the steep slope ECA and thus the proposal conforms to SMC 25.09.240 and this criterion is satisfied. Conditioning is warranted to add a note to the plat, stating that any future actions related to the proposed parcels are subject to the ECA ordinance, SMC 25.09.

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

At the time of this decision, no related building permits have been applied for. The structures are proposed to remain, and no construction is proposed, as a result the plat is designed to maximize the retention of the 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.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

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.*

SMC 23.24.046

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, establishing nonconforming status;*

Based on DPD records, the two single-family structures were established by permit and built in 1903 (Permit no 18235) on the site known and addressed as 719 N 61st St.

As a result, the two residences are legally established as a non-conforming development. Therefore the requirements of this provision are met.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

Per DPD records the structures were permitted in 1903, this documentation is located in the project file. Per King County Department of Assessments, the structures were built in 1916 (northern structure) and 1924 (southern structure). As a result this requirement is satisfied.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the proposed plat configuration showing separate structures on each proposed parcel. Therefore this requirement is met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*
 - a. *Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmentally critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or*
 - b. *The short subdivision cannot be configured to provide parking in compliance with Section 23.44.016;*

If the Director determines that at least one (1) of the foregoing conditions is present, the Director may waive or modify the parking requirements of Section 23.44.016 as long as the short subdivision does not reduce the number of off-street parking spaces existing prior to the short subdivision. In connection with such waiver or modification, the Director may require access and parking easements as conditions of approval of the short subdivision;

Proposed parcel A does not have, nor did it ever have associated on-site parking. The location of the house on the lot would preclude Parcel A from providing parking without significant work to the site and modification of the structure. As a result Parcel A is waived from providing parking.

Parking for Parcel B was provided as evidenced by the Assessor's photos located in the project file. Subsequently the garage and parking space were removed and converted to living space, a bedroom. No permit exists for this change and there is no evidence that indicates the alteration was done prior to zoning requirements for on-site parking spaces. As a result conditioning is warranted to have legal parking restored by permit on proposed Parcel B.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

- a. *Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
- b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwelling located on proposed Parcel A is proposed to be approximately 15’ feet at the closest point to the proposed common lot line with some stair projections in the 15’ setback. The single-family dwelling located on proposed Parcel B is proposed to be approximately 22’ feet at the closest point to the proposed common lot line. Both lots will conform to lot coverage standards (1,750 sq. ft. max). Proposed parcel A is 2,886 square feet while proposed parcel B is 2,039. As a result of the plat design and location of the appropriate separation common lot line, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B5. Below is a table that summarizes the development’s conforming and non-conforming yard standards, that if strictly applied would preclude the approval of this subdivision.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling unit to be divided in accordance with SMC 23.24.046-B5, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the waiver of the following non-conforming yard standards for proposed Parcel B will further the public interest.

Analysis of Required Yards

	Street Facing Setback (Yard)	Side Yard (east)	Side Yard (west)	Rear Yard
<i>Proposed Parcel A North Structure</i>	Conforming at 15’ (existing)	Conforming at 10’ (existing)	Conforming at 7.9 (existing)	Conforming at 15’ (existing)
<i>Proposed Parcel B South Structure</i>	Non-conforming at .5’ (existing)	Non-conforming at 1.5’ (existing)	Conforming at 5’ (existing)	Conforming at 22.1’ (existing)

The above yard waivers are granted, as a result the proposed subdivision is conditionally granted.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be 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 dated June 18th 2007. The information in the checklist, any public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the proposed plat and any additional information in the file. The proposal is for short plat of two existing single family residences with no development proposed. This action will not result in adverse impacts to the environment. Conditioning is justified to ensure future owners are aware that future actions on either parcel are subject to review under SMC 25.09, the ECA ordinance.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. No adverse short-term or long-term impacts on the environmentally critical area are anticipated.

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

Prior to Recording

1. Add a note to face of plat that states that “future actions on the proposed parcels are subject to the ECA ordinance, SMC 25.09.
2. Include an easement to provide for electrical facilities and service if required by Seattle City Light.
3. Submit the final recording forms for approval and any necessary fees.

Prior to Transfer of Sale or Parcel A or B

4. Restore the parking space on parcel B by permit and have the permit finalized.

Prior to Intake of any Building Permit

5. Attach a copy of the recorded subdivision to all future building permit application plans.

CONDITIONS SEPA

None required.

Signature: (signature on file)

Lucas DeHerrera, Land Use Planner
Department of Planning and Development

Date: September 10, 2007