



**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:** 3008464  
**Applicant Name:** Jennifer Grant for C. D. Stimson Company  
**Address of Proposal:** 5301 Shilshole Avenue Northwest

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide two parcels into eight\* parcels of land in an environmentally critical area. Proposed parcel sizes range from 24,764 sq. ft. to 130,638 sq. ft. Existing structures are to remain.

\*Original application was for two parcels into nine parcels.

The following approvals are required:

**Short Subdivision** - to subdivide two parcels into eight parcels pursuant to Seattle Municipal Code (SMC) 23.24 and 25.09.

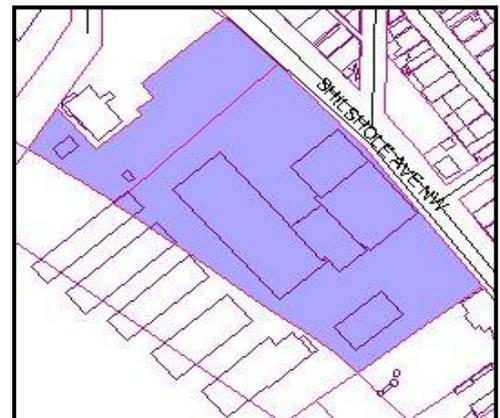
**SEPA Environmental Determination** pursuant to SMC 25.05.

**SEPA DETERMINATION:** [ ] Exempt [X] 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 482,995 square foot site (approximately 11.09 acres) is located adjacent to, and on the north side of Salmon Bay just east of the Hiram Chittenden locks. The two parent parcels are bounded by Shilshole Avenue NW on the northeast and the waters of Salmon Bay on the southwest. Shilshole Avenue NW in this area is paved but has no curb, gutters or sidewalks. There are railroad tracks running along the edge of the property



in the right-of-way between the property line and the pavement of Shilshole Avenue NW. Access to the site is from Shilshole Avenue NW via two, 20-foot curb cuts: one to the northwest parcel and one to the large southeast parcel. The northwest parcel is largely vacant with the exception of a 450 sq. ft. storage building. The southerly parcel contains 4 buildings, three of which are connected to each other and one standing alone. The three connected buildings measure 15,140 sq. ft., 45,614 sq. ft. and 59,942 sq. ft. The single building measures 12,293 sq. ft. Uses established by permit for these buildings include office, warehouse, shop/lab, wholesale sales and storage.

The subject parcel slopes slightly from the street downward to Salmon Bay to the southeast approximately 10 feet over a distance of approximately 500 feet. Portions of the property are also located within the Urban Industrial Shoreline Environment. The underlying zoning is Industrial General 2 for the portion of the parcels lying outside of the Shoreline environment and Industrial General 1 for the portion of the parcels lying within the Urban Industrial Shoreline environment.

The area along Salmon Bay surrounding the property is highly water-related industrial in nature with the exception of a restaurant (vacant) to the northwest.

Proposal

The proposal is to subdivide two parcels of land into eight (8) lots. Proposed lot sizes are listed below:

<b>Original Parcel</b>	<b>New parcel</b>	<b>Parcel Size (sq. ft.)</b>
A	R	79,350
A	Z	29,930
B	S	40,131
B	T	88,677
B	V	40,419
B	W	49,086
B	X	130,638 (48,452 sq. ft in IG2)
B	Y	24,764

At application, the applicants stated that the purpose of the short subdivision is the future development of five office buildings, each 100,000 sq. ft., on each of five parcels R, S, T, V and X to be located solely within the Industrial General 2 zone. It will be noted on the plat that these buildings are limited to a Floor Area Ratio of 2.5 up to a maximum of 100,000 sq. ft. (the size limit standard in effect for the IG2 zone at the time the application was deemed complete) and subject to compliance with all other development regulations in effect at the time of the proposal.

Public Comment

The public comment period ended on February 6, 2008. DPD received no written comments.

**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.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the 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 Industrial General 1 for that portion of the site within the 200-foot Shoreline environment and Industrial General 2 for the portion lying outside of the Shoreline. Slightly less than one-half of the site lies within the Urban Industrial shoreline environment. On the site, the Urban Industrial shoreline environment conforms exactly with the Industrial General 1 zoning designation. There are no density or lot coverage requirements in Industrial General Zones or in the Urban Industrial shoreline environment. There are also no minimum lot size requirements.

The applicant has stated on their application their intention to develop, at some future time, five of the parcels, R, S, T, V and the portion of parcel X outside of the Shoreline environment, with office buildings that are up to 2.5 Floor Area Ratio to a maximum of 100,000 square feet in size. This is consistent with development regulations for the Industrial General 2 zone in effect at the time the application was deemed complete on January 14, 2008. (New legislation, ordinance 122601, was passed and became effective on January 18, 2008 that limits the size of office uses in Industrial General 2 zones to 25,000 square feet.) The proposed office development will be permitted subject to compliance with all other development standards for the Industrial General 2 zone in effect at the time of the proposed development. Further, any future development proposed in the IG 1 zone will also be subject to the requirements of SMC 23.60 generally and SMC 23.60.840-882 specifically which regulates development in the Urban Industrial shoreline environment. The future proposed office buildings are not being reviewed for compliance with any development standards. This permit is limited to the review of the subdivision of land only.

The short subdivision proposes new property lines that divide the three connected buildings along a common wall such that the 59,942 sq. ft. building will be on one parcel (Parcel X) and the other two buildings will be on another (Parcel T). At this time the short subdivision is being reviewed as one development site. A condition of approval of the plat will be that, as individual parcels are proposed for redevelopment or there is a transfer of ownership, it will be required that it be shown that the remainder of the parcels meet development and any other standards in effect at the time of the proposal.

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

The proposed parcels have vehicular access to Shilshole Avenue NW via an access easement. There are existing two-way curb cuts through proposed parcel R on the North and through proposed parcel V on the south. However, at the time of future redevelopment of parcels abutting Shilshole Avenue NW, complete street improvements will be required that comply with standards in effect at the time of redevelopment.

The Seattle Fire Department has approved the proposed fire department vehicle access for the short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. Seattle City Light has reviewed the proposal and requires easements to connect to existing electrical facilities and service to the proposed lots in addition to the easement identified on the proposed short plat. This short plat provides for adequate access for vehicles, utilities and fire protection at this time but may be subject to additional requirements as parcels are proposed for redevelopment.

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 Water Availability Certificate No. 20080847 was issued on July 11, 2008. All existing structures located on the site are served by the public sanitary-only sewer (PSS) located in Shilshole Avenue NW via a network of common sewers and sewer force lines. Most, if not all, structures and parking areas are served by a network of service drains, discharging to Salmon Bay and /or to the public storm drain in Shilshole Avenue NW. The drainage reviewer is requiring sewer easements and/or connection agreements be added to the plat to ensure that the owners of the newly created parcels are able to access for the maintenance and repair of those sewers and service drains serving their respective new parcels but which may be within another newly created parcel.

New construction will require plan review for sanitary sewer and drainage. Building permit issuance would be in accordance with any applicable ordinance in effect at that time. If the future proposed project includes greater than 5,000 sq. ft. of new or replacement impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015D and 22.802.020 may be required.

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

The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis. An area for address signage shall be provided such that addresses for all parcels are visible from Shilshole Avenue NW and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. Thus the public uses and interests are served by permitting the proposed subdivision of land.

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

The proposed subdivision is located in an environmentally critical area (Shoreline Habitat Buffer Area), thus future construction is subject to the provisions of the Shoreline Master Program (SMC 23.60) and the Critical Areas Ordinance (SMC 25.09). A condition will be added to the final plat 1) requiring mitigation of development for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and 2) setting out on the plat the mitigation standards of SMC 25.09.200B4e.

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

There are several trees of various sizes located on the two parent parcels. Many of these trees may be preserved, depending upon the location of the root systems and the overall health of the trees. Future construction on the proposed parcels is subject to the provisions of SMC 23.50.016 which sets forth street tree requirements and landscape and screening standards in industrial zones.

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.

## **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED.**

## **SEPA - ENVIRONMENTAL 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 January 2, 2008. The information in the checklist 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 project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. 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 43.21.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 - SEPA**

None.

### **CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording (delete any related Notes accordingly)*

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

1. Have 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. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. 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.
4. Provide sidesewer easements and/or connection agreements on the plat to ensure that the owners of the newly created parcels are able to access for the maintenance and repair of those sewers and service drains serving their respective new parcels but which may be within another newly created parcel.
5. Include the following on the face of the plat: "Proposed office buildings on Parcels R, S, T, V and that portion of Parcel X located in the IG2 zone are limited to a Floor Area Ratio of 2.5 up to a maximum of 100,000 sq. ft. per parcel (the size limit standard in effect for the IG2 zone at the time the application was deemed complete) and are subject to compliance with all other development regulations in effect at the time of the proposal. Any future development proposed on Parcels in the IG1 zone will also be subject to the requirements of SMC23.60, generally, and SMC23.60.840-882, specifically, which regulates development in the Urban Industrial shoreline environment."
6. Include the following on the face of the plat: "The area within 100 feet of Ordinary High Water Mark is considered Shoreline Habitat Buffer per SMC25.09.200B. Future development in the Shoreline Habitat Buffer is limited to water-dependant and water-related uses and mitigation of development will be required for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development. Mitigation will be required in accordance with SMC25.09.200B4e."

After Recording and Prior to Issuance of a Building Permit

7. Attach a copy of the recorded subdivision to all future building permit application plans.
8. Any future development proposal which includes greater than 5,000 sq. ft. of new or replacement impervious surface will require the preparation of a comprehensive drainage control plan in accordance with SMC22.80.015D and 22.802.020.
9. Any future development on parcels abutting the Shilshole Avenue NW right-of-way will be required to complete street improvements per code requirements in effect at the time of the development proposal.

Prior to Sale, Transfer or Issuance of any Permit for Redevelopment

10. As individual parcels are proposed for redevelopment or there is a sale or transfer of ownership, it will be required to be shown that the remainder of the parcels meets development and any other standards in effect at the time of the proposal.

Signature: \_\_\_\_\_ (signature on file) Date: April 6, 2009  
Marti Stave, Land Use Planner  
Department of Planning and Development

MS:bg