



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:** 3008574  
**Applicant Name:** Joanna Spaulding, Goodmanson Group  
**Address of Proposal:** 10700 24<sup>th</sup> Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into five (5) unit lots in an environmentally critical area. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Associated applications for construction of the townhouse structures include Project Nos.: 6097269, 6097239, and 2307553.

The following approvals are required:

**Short Subdivision** – to create five (5) unit lots, SMC Chapter 23.24;

**SEPA Environmental Determination** – Review of development proposal in areas mapped as Environmentally Critical Areas, SMC 25.09.

**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**

Zoning: Lowrise 3 (L-3)  
Uses on Site: Construction of five (5) townhouse units approved under Project Nos. 6097269 and 6097239

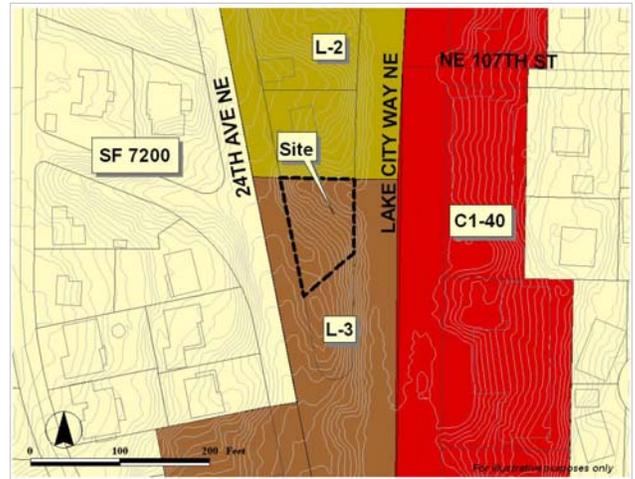
**Substantive Site Characteristics:**

The subject site, the “parent lot”, is a 7,575 square foot irregular shaped lot located in a Multi-family Lowrise 3



zone (L3). The site is situated between 24<sup>th</sup> Avenue Northeast and Lake City Way Northeast, north of the intersection of the two streets. The subject site has approximately 132.78 lineal feet of street frontage on 24<sup>th</sup> Ave Northeast and 80.91 lineal feet of frontage on Lake City Way Northeast. Both abutting streets are paved streets with no curbs, planting strips, or sidewalks. The site has no abutting alley.

Zoning in the immediate vicinity is Multi-Family Residential Lowrise 2 and 3 to the north and south along 24<sup>th</sup> Ave Northeast; Commercial (C1) zoning is east of the site along Lake City Way Northeast. Single-Family zoning is the dominant zone north and west of 24<sup>th</sup> Avenue Northeast and Lake City Way Northeast (SF 5000 and 7200). Area development reflects zoning insofar as uses are a mixture of single and multifamily residential development, and commercial uses along the east side of Lake City Way Northeast.



The site contains a steep slope environmentally critical area (ECA). The topography of the site generally slopes down from the west to the east, with its northern 60 feet sloping down northeasterly to a flat area at the northeast corner of the site. The western half of the site is moderately sloped at about 30 percent grade, except near the northwestern corner of the site where the grade steepens to 38 percent with local slope as steep as 50 percent. The eastern half descends steeply down to Lake City Way Northeast at 35 percent grade, with local slope steeper than 75 percent. The highest point of the site is at the northern one third point of its western boundary at elevation 198.0 feet; the lowest point is near the northeastern corner of the site at elevation 175.0 feet.<sup>1</sup>

### Proposal Description

The applicant proposes to subdivide one 7,575 square foot parcel, the “parent lot”, into five unit lots with the following lot areas:

- Unit Lot A: 1,680 square feet
- Unit Lot B: 1,181 square feet
- Unit Lot C: 1,346 square feet
- Unit Lot D: 1,323.1 square feet
- Unit Lot E: 2,041.8 square feet

Vehicle access for the new development is proposed off of 24<sup>th</sup> Ave Northeast. Parking will be provided beneath units A through D and on the surface for unit E. Construction of five (5) townhouse units has been approved under Permit Nos. 6097269 and 6097239. A limited steep slope exemption was granted for the site on January 25, 2002. Steep slope development standards are waived for the site, however ECA review is required and ECA standards such as the General, Submittal, and Landslide Hazard area standards apply.

<sup>1</sup> *Geotechnical Engineering Study: 16-Unit Apartment Complex, 10700 24<sup>th</sup> Avenue Northeast, Seattle WA*. Liu & Associates, Seattle WA 98155. 1996.

### Public Comment

The public comment period for this proposal ended April 9, 2008. DPD received one comment letter regarding this land use application. The comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

### **ANALYSIS – SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) 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.*

### **Summary - Short Subdivision**

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Department (SFD), Seattle City Light (SCL), 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. A more detailed discussion of Criterion No. 7 follows.

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, and 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 site is located in an environmentally critical area, therefore SEPA review is required (below). SMC 25.09.240 is not applicable to unit lot subdivisions. Trees and other landscaping requirements were reviewed with the building permit application. The public use and interests are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

### **ANALYSIS –UNIT LOT SUBDIVISION (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.

- A. *The unit lot subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- F. *The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

#### Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed development is for five (5) townhouse units. The structures, as reviewed under their separate building permits, conform to the development standards at the time the permit applications were vested. Access and utility easements and joint use and maintenance easements have been executed for use of common areas and open space, and shall be recorded with the final plat documents.

To assure that future owners have constructive notice that additional development may be limited the applicant will be required to add a note to the face of the plat that reads as follows: *“The unit lots created by unit subdivision are not separate buildable lots. Additional development on any individual unit lot in this unit lot subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”* A joint use and maintenance agreement is required.

#### ANAYSIS- SEPA

The subject site is located in a steep slope environmentally critical area and pursuant to Seattle Municipal Code 25.05.908 C3 the proposed unit lot subdivision 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.

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 annotated environmental checklist submitted to the Department March 4, 2008, and supplemental information in the project file submitted by the applicant. Additionally, a SEPA environmental review was conducted based on construction of the five townhouse units (Project No. 2307553). Geotechnical analysis of development of the townhouses was made during this period resulting in a determination that the site was suitable for said construction and development. The information in the checklists (May and June, 2004 - 2307553; March, 2008), the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665). 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under such limitations or circumstances mitigation can be considered (SMC 25.05.665 D). Thus, a more detailed discussion of some of the impacts is appropriate. Some short-term adverse impacts are anticipated from the proposal.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Critical Areas. These ECAs are subject to additional environmental review to determine impacts and, if warranted, to provide further mitigation beyond the development standards required by all City codes. Thus, a more detailed discussion of some of the impacts is appropriate.

The property received a limited ECA Steep Slope Exemption as follows "ECA review is required. Based on the submitted information, steep slopes along the east side of the project site were created by right-of-way improvements for Lake City Way Northeast. There [is] inconclusive evidence that steep slopes located at the northwest corner of the site were created by right-of-way grading. However, a Limited Exemption may be granted as these steep slopes are less than 20 feet in height and not part of a steep slope system. In this respect, the ECA Steep Slope Development Standards are waived for the site. The other applicable ECA standards remain, such as the General, Submittal, and Landslide Hazard area."

### Summary

The Department finds that there are no adverse short or long-term impacts to the ECA resulting from the proposed unit lot subdivision. City codes and ordinances adequately regulate and provide extensive conditioning authority to mitigate potential impacts. No conditioning is warranted per SEPA policies.

**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.

- 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).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**CONDITIONS – SEPA**

None.

**DECISION – UNIT LOT SUBDIVISION**

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED**.

**CONDITIONS – UNIT LOT SUBDIVISION**

*Conditions of Approval Prior to Recording*

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

1. On the cover sheet, sheet 1 of 5, add the following Reference Nos.: 6097269 and 2307553.
2. Include the Joint Use/Maintenance Agreement on the final plans which shall include, if needed, the common side sewer and storm drainage facilities that will serve the proposed unit lots.
3. Include the following on the face of the plat: *“The unit lots created by unit lot subdivision are not separate buildable lots. Additional development on any individual unit lot in this unit lot subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*
4. 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.

5. Add the conditions of approval on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page \_\_\_ of \_\_\_."
6. Include on the final plat the required Seattle City Light easement for electrical facilities and service to the proposed lots.
7. Submit the final recording forms for approval, and any necessary fees.

*For the Life of the Project*

8. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: \_\_\_\_\_ (signature on file) Date: May 22, 2008

Catherine McCoy, Land Use Planner  
Department of Planning and Development  
Land Use Services

CRM:lc

I:\McCoyCA\DOC\Decisions\Unit Lot Short Plat\3008574+SEPA\_1070024thAveNE\3008574\_1070024thAveNE.doc