



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: 3008841
Applicant Name: Mark Putzke
Address of Proposal: 2222 Broadway East

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 3,867 sq. ft. and B) 3,853 sq. ft. Existing single family residence to be removed.

The following approval is required:

Short Subdivision - to subdivide a property. (Seattle Municipal Code Chapter 23.24)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 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 and Area Description

The subject site is a 7,740 square foot midblock property on the east side of Broadway E. between E. Lynn and Boston Streets, backing on its east side into the Bertschi School properties along 10th Avenue E. It is zoned Single Family 5000 (SF 5000), as are all the surrounding properties, except those of Bertschi, which are zoned L2. The property slopes to the west, and is designated environmentally critical for steep slopes in its northwest quadrant, though a limited exemption dated 17 March 2008 has been granted (also under the subject project number) from steep slope development constraints. There is a house set to the east of the property. There are also two

substantial sugar maple trunk groupings on the site, just east of the midpoint of the property, one near the north property line and the other near the south. The property is also served by extensive retaining walls built for well over half the property frontage in the street right-of-way, together with a bunker garage partially in the street right of way at the south property line.

Based on direction from the Landmarks Preservation Board staff, the house on the site was nominated by the owner for Landmark status. In a decision dated 5 February 2009, the Landmarks Preservation Board denied the nomination. No other historic designation issues attach to the site.

The subject block face is developed with single family residences on lots of various sizes and orientations, all but the most southerly lot facing Broadway; the latter face E. Boston Street. All of these lots are smaller than the subject lot, some considerably smaller. Three of them slightly exceed the 5,000 foot lot size; three are considerably smaller (3,564 sq. ft and 2 at 4,050 sq. ft.). On the opposite side of the street, all of the lots are the same size (4,000 sq. ft.) and orientation, with front yards facing Broadway. Most of the lots tend to be 40 feet wide, and they mostly accommodate driveways off of Broadway.

Proposal

The proposal is to demolish the existing house, short plat the parcels into two nearly-equal, basically 30-foot wide lots running east-to-west, like the majority of lots facing Broadway, and ultimately to develop two single family residences, retaining the bunker garage as parking for one of them. The other house, presumably, would have a new driveway and parking beneath a new structure. A very rough schema for development of two houses is included in the project file; however, the schema is clearly deficient with respect to Land Use Code compliance, and no evaluation or approval of development is implied or suggested by the following analysis or by this permit when issued.

Public Comment

There were essentially 2 comment letters, signed by a total of 4 persons. Two were signed by a single individual representing the "Friends of the North Broadway District." The comments submitted by the Friends of the North Broadway District included a thick notebook of documentation, very thoroughly considered and documented, though not necessarily correct. There were also one written request to be kept advised of project progress, and one written request to extend the comment period, and one request for further information.

In brief, the concerns stated by the public included:

- Exacerbation of parking shortage due to creation of another driveway;
- Reduce attractiveness of available land by compressing more structures onto already congested land;
- Further eroding existing landscape and hillside with a new bunker garage;
- Failure to comport with 75/80 exception to minimum lot size;
- Concerns about propriety of the approved limited steep slope ECA exemption;
- Concerns about the potential disruption of scale and character of the neighborhood engendered by the platting; and

- Additional concerns about potential new single family residences – which are not evaluated under this application other than for general consistency with SEPA. (See below.)

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;*

The subject property's zone (SF 5000) is intended for single family residential development. The lots created by this proposed division of land would conform to this requirement and all applicable development standards of the SF 5000 zoning district. The proposed lots meet a codified exception to minimum lot size (5,000 square feet). The proposed parcels could provide adequate buildable area to meet applicable Land Use Code development standards.

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

Seattle Fire Department required the applicant to demonstrate that sufficient water pressure exists in fire hydrants to provide adequate fire-fighting capacity to the site. Unfortunately, such pressure does not exist at the present time. As a result, the future buildings on these lots will need fire sprinklers. Project approval is conditioned upon adding the following note to the face of the plat: Prior to issuance of any permit to construct on either site, Fire Department approval shall be documented for installation of sprinklers in any new principal structure.

The proposal implies construction of a new house with a new bunker garage on the proposed north parcel. Neighbors have expressed concerns about loss of parking attendant upon this proposal. Certainly a double-width curb-cut together with another single-width one along the same 60-foot frontage would seem excessive; most of the nearby properties contain only single-width curb-cuts. However, there would be nothing particularly aberrant about having another curb-cut at the north end of the subject site to serve a one-car bunker garage. Almost all of the properties on both sides of the street have curb-cuts for parking. The subject site has a single-wide curb-cut at its south end, and the adjacent property to the north has a double-curb-cut near its north property line. Thus the distance between existing curbcuts along the property frontage and the frontage to the north is considerable. One new single-wide cut in that frontage would be not be more aesthetically impactful than any of the multitudinous existing cuts, nor would it present any greater hazard to pedestrian or vehicular safety in the right of way. However, it is important both that the existing parking width not be widened, and that any new cut be limited to serving one standard vehicle – no more. Accordingly, project approval is conditioned upon adding the following note to the face of the plat: “Any parking in the required front yard of the either parcel shall be limited to the minimum necessary to serve the standard width of one automobile.”

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

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Seattle Public Utilities approved provision of water to the proposed lots. Drainage has also been approved by a DPD expert.

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

The proposal entails a difference in lot width between the two proposed parcels, one being proposed at 29.95 feet wide, and the other at 30.05 feet wide. The implications of this difference would be to allow the base height of a house on the “wider” lot to be 5 feet higher than the other. The subject site is particularly impactful with respect to height because the houses neighboring on each side are built on cuts ranging from 3-5 feet below the existing grade of the subject site. In other words, the subject site represents an unusually high pile of dirt vs. its adjacent neighbors. The grade difference alone will ensure that any house built to 25 feet (the limit for 30-foot lots) would be comparable in height to or higher than the neighboring houses. A 30-foot house wall set 5 feet in grade higher than the houses on either side would certainly tower above the neighbors and greatly disrupt the character of the area, all the more because the width of a new house would be limited to 20 feet. A 25-foot base height limit is appropriate for both sites, and approval is accordingly conditioned upon adding a note to the plat stating, “For the life of the project, the base height for any house on either lot shall be limited to 25 feet. Special features and height limit exemptions shall be available as stated in the Land Use Code.” This condition has been agreed to by the applicant.

Otherwise, the public use and interest would be served by this proposal because additional opportunities for single family residences would be provided within the City limits as a result of this subdivision.

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

With respect to the steep slope, having obtained a limited steep slope exemption, the proposal is compliant with 25.09.240.B. Compliance with applicable codes and ordinances at the time of building permit issuance will ensure that the houses implied by the plat will also comport with the ECA Ordinance.

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

There are two mature and very nicely shaped sugar maples set 5-10 feet off the north and south property lines, slightly more than ½-way back from the street. These trees are attractive and worth preserving. Because of the narrowness of the two proposed lots, it is likely that any proposal to build a standard house on either lot will require cutting of the tree on that lot, particularly the south one, which is located much farther in from the south property line (nearly 10 feet). The question arises whether DPD should require reconfiguration of the proposed lots to be divided north-to-south. In DPD’s judgment, neither tree rises to the level warranting going to such lengths to preserve.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), and Seattle City Light, and review by the Land Use Planners, 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 set forth in the Land Use Code, and are consistent with applicable development standards. 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 is compliant with SMC 25.09.240. 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

Due to the presence of steep slope environmentally critical areas, the application is subject to SEPA review. 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 included 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. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion, 2) increased vibration from construction operations and equipment.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. These requirements will all be satisfied during review of any proposed building permits. The Building Code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Greenhouse gases would be emitted in minor degree as a consequence of the platting. There is no threshold for regulation of these emissions. SEPA review at this time extends only to acknowledging that they would occur.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Greenhouse gases would be emitted in minor degree as a consequence of development of the property. A worksheet provided by the applicant asserts that total lifespan project emissions would be 3124 MT of carbon dioxide equivalents. There is no threshold for regulation of these emissions. SEPA review at this time extends only to acknowledging that they would occur.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 2c.
- 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 2c.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Add the following notes to the face of the plat:
 - A. "For the life of the project, the base height for any house on either lot shall be limited to 25 feet. Special features and height limit exemptions shall be available as stated in the Land Use Code."
 - B. "For the life of the project, any new parking in the required front yard of the either parcel shall be limited to the minimum necessary to serve the standard width of one automobile."
 - C. "Prior to issuance of any permit to construct on either site, Fire Department approval shall be documented for installation of sprinklers in any new principal structure."

Prior to Issuance of any Building Permit

2. Attach a copy of the recorded short subdivision to any sets of building permit application plans, if applicable.

For the Life of the Project

3. Base height and parking shall be maintained per condition.

CONDITIONS – SEPA

None.

Signature: _____
Paul Janos, Land Use Planner
Department of Planning and Development

Date: December 24, 2009