



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: 3010178
Applicant Name: MaryAnn Keiffer
Address of Proposal: 10003 Ravenna Avenue NE

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 approximately: A) 7,090 square feet and B) 6,095 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.

** Early Notice DNS published September 24, 2009.

BACKGROUND DATA

Site & Area Description

The 13,140 square foot project site is located in a Single Family 7200 (SF 7200) residential zone in the north area of Seattle. The site has frontage on and is located between Ravenna Avenue NE and NE 100th Street. It is rectangular in shape measuring approximately 200 feet long east/west and 65 feet wide north/south. The site is nearly flat along the east edge, sloping gradually to the west.

Willow Creek, a tributary to the south fork of Thornton Creek, flows just west of the western edge of the site west property line through a culvert under NE 100th Street. The existing development on the site consists of two single family residences. The east portion of the site is occupied by one single family residence, while another residence is located to the west along the north property line. The entire subject block and surrounding blocks are also zoned SF 7200. 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 the 13,140 square feet lot into two parcels in the SF-7200 zone. Proposed parcel sizes are: Parcel A-7090 sq. ft. and Parcel B-6095 sq. ft. SMC 23.24.046 allows undersized lots to be created under limited circumstances as described in the analysis below. Direct pedestrian access is available to each proposed parcel via Ravenna Avenue NE and NE 100st Street. Vehicular access to each parcel is available through separate existing driveways via NE 100th street and from Ravenna Avenue NE. Parking is currently available on each parcel. Both existing single family residences are to remain.

DPD has historical documentation that establishes the existing two single family residences on the subject property. The two existing residences were established “for the record” under DPD permit number 6213006. These structures are non-conforming with respect to current land use code development standards. The subject of this analysis and decision is limited to the subdivision of land.

Public Comment

During the public comment period which ended October 7, 2009. 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 with a minimum lot size of 7200 square feet. 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. This provision allows for the creation of lots which are smaller than the minimum lot area required in the zone, as described below. Maximum lot coverage is 35% for lots 5000 square feet or more, but for lots less than 5000 square feet, maximum lot coverage is 1000 square feet plus 15% of lot area. 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 20-feet and the front yard for the structure located on proposed Parcel B is also approximately 20-feet. The minimum side yard setbacks are five (5) feet, except as modified by SMC 23.24.046-B.5. 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 SMC 23.24.046-B.5. 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 A has an attached garage that extends into the required rear yard of the lot, thus the existing single family structure is therefore nonconforming as part of the principal structure extends into the required rear yard. Access to parking on Parcel A is from an existing curb cut on Ravenna Avenue NE. In addition, a second curb cut on NE 100th Street provides access to an unmarked surface parking space abutting the rear yard on westerly portion of the lot. On proposed Parcel B, the single family residence is also nonconforming as most of the structure is located within the required rear yard. Proposed parcel B has no parking but vehicle access is available via a curb cut on NE 100th Street south of the lot.

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 NE 100th Street and Ravenna Avenue NE and proposed Parcel B to NE 100th Street. 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 may not 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 and sanitary sewer, facilities by the City of Seattle. According to DPD Drainage Reviewer, there are no records of current methods of storm water control. 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 31st, 2009 (WAC ID No. 20090367). Service for both parcels shall be from the existing main in NE 100th St.

The existing houses on both parcels currently discharge their sanitary waste to the public sanitary-only sewer (PSS) in NE 100th Street. The house addressed as 10011 Ravenna Avenue NE also discharges to this PSS by way of side sewer crossing beneath the proposed short plat site. DPD Drainage Reviewer recommended to revise the short plat legal description to include, the side sewer easement for 10011 Ravenna Avenue NE, recorded as 5289972, to both proposed parcels' legal descriptions as "subject to". If the applicant chooses to locate the exact alignment of the side sewer serving 10011 Ravenna Avenue NE and if the related easements fall only on one of the proposed parcels, then the "subject to" provision only needs to be added to the proposed parcel.

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;*

As indicated in DPD GIS Maps, Willow Creek, a tributary to the south fork of Thornton Creek, flows just west of western edge of the side property line of proposed Parcel B. The west half of proposed Parcel B, is within the riparian corridor of Willow Creek Stream. The west half of proposed Parcel B is also within ECA 100 feet Riparian Management Areas as defined in SMC 25.09.020.D.5. Pursuant to SMC 25.09.240-B.1, the proposal includes two existing lawful principal structures that are to remain unchanged with no construction or alterations proposed. The applicant has indicated in the SEPA checklist that no new units will be constructed as part of this short plat. In Addition, the applicant must record a permanent ECA covenant with King County per SMC 25.09.240 and 25.09.335 that designates a 75-foot non-disturbance riparian buffer from the top of the bank of the adjacent creek and that this non-disturbance area be designated and shown on the final plat. Permanent markers will be placed on the property to delineate this non-disturbance buffer per SMC 25.09.335 and these must be shown in the permanent covenant as a condition of the short plat.

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 built in 1931 and were established by permit (No. 6213006) on the site and addressed as 10003 Ravenna Avenue NE.

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 King County Department of Assessments, the structures were built in 1931 (northern structure) and 1931 (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 has a parking garage to provide on-site parking for the lot. Access to the existing garage is available via Ravenna Avenue NE. In addition, a second driveway to the lot is available on NE 100th Street south of the lot. Surface parking adjacent to the garage south wall is available.

On Parcel B there is no garage is available. The existing drive way provides vehicular access to the lot. Applicant must provide on Parcel B a designated and dimensioned area on the site survey plan for parking on the lot and this must be shown as a condition of the short plat.

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 conformance with the above criteria (23.24.046-B5 (a) (b)). The single-family dwelling and attached garage located on proposed Parcel A is proposed to be approximately 6 feet at the closest point to the proposed common lot line which is also the rear property line. The single-family dwelling located on proposed Parcel B is proposed to be approximately 48 feet at the closest point to the proposed common lot line. Both lots will conform to lot coverage standards (35% of any lot 5000 sq. ft or more. 15% of any less than 5000 sq. ft. plus 1000 sq. ft.). Proposed parcel A is 7,090 square feet while proposed parcel B is 6,095 square feet. 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 Parcels A and Parcel B will further the public interest.

Analysis of Required Yards

| | Street Facing Yard (East) | Side Yard (South) | Side Yard (North) | Rear Yard (West) |
|--|---|------------------------------|-----------------------------------|------------------------------------|
| <i>Proposed Parcel A East Structure</i> | Conforming at 20’ (proposed) | Conforming at 17’ (existing) | Non-Conforming at 4.41’(existing) | Non-Conforming 6.31’ (existing) |
| | Street Facing Setback (Yard) South | Side Yard (East) | Side Yard (west) | Rear Yard (North) |
| <i>Proposed Parcel B West Structure</i> | conforming at 20’ (proposed) | Conforming 48’ (existing) | Conforming at 24.74’ (existing) | Non-Conforming at 3.13’ (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 March 10, 2009. 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 a 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. A condition has been added as part of the short plat approval which requires a copy of the recorded subdivision to be attached to future building permit application.

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 an 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. No additional mitigation is required.

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. Provide permanent ECA covenant recorded with King County per SMC 25.09.240 and 25.09.335 that designates a 75-foot non-disturbance riparian buffer from the top of the bank of the adjacent creek and that this non-disturbance area be designated and shown on the final plat.
3. Permanent markers shall be placed on the property to delineate this non-disturbance buffer per SMC 25.09.335 and these must be shown in the permanent covenant.
4. A designated parking space that meets the requirements of SMC 23.54.030.A, must be provided on proposed Parcel B and shown on the site survey prior to recording.
5. Include reference to an existing easement for side sewer crossing beneath the proposed short plat site recorded as 5289972, to both proposed parcels' legal descriptions as "subject to". If the applicant chooses to locate the exact alignment of the side sewer serving 10011 Ravenna Avenue NE and if the related easements fall only on one of the proposed parcels, then the "subject to" provision only needs to be added to the proposed parcel.
6. Submit the final recording forms for approval and any necessary fees.

Prior to Intake of any Building Permit

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

CONDITIONS SEPA

None required.

Signature: (signature on file)
Christopher A. Ndifon, Land Use Planner II
Department of Planning and Development

Date: October 26, 2009