



**City of Seattle**

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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 Numbers:** 3003785 and 3003827

**Applicant Name:** Daniel Duffus

**Address of Proposal:** 3036 31<sup>st</sup> Ave W

**SUMMARY OF PROPOSED ACTIONS**

Land use approval to allow a three-story, two-unit duplex townhouse with parking located beneath the structure in an environmentally critical area. Two surface parking spaces to be provided for the existing duplex. (See Master Use Permit file #3003785).

Land use approval to subdivide one parcel into four unit lots in an environmentally critical area. The construction of townhouses is being reviewed under Project # 6074613. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. (See Master Use Permit file #3003827).

The following approvals are required:

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

**Short Subdivision** – to create four unit lots pursuant to Seattle Municipal Code (SMC) 23.24.045.

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

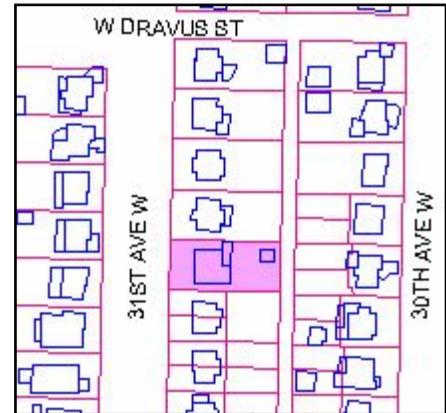
[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

## **BACKGROUND DATA**

### **Site Description and Area Development**

The subject site is on the eastern block front of the 3000 block of 31<sup>st</sup> Ave W, in the Magnolia Neighborhood. The rectangular shaped site is 55' wide and has a depth of 120'. The site encompasses a land area of approximately 6,600 square feet, located in a Multifamily Lowrise One zone (L-1) with a density limit of one unit per 1,600 square feet of lot area. Thirty-first Ave W is a fully improved right-of-way with curbs, sidewalk, and gutters. East of the existing structure is a mapped steep slope area (over forty percent) subject to the regulations for Environmentally Critical Areas.



### **Future Construction Proposal**

The development site currently contains an existing duplex on the western portion of the site that will be retained. Proposed on the eastern portion of the site is a three-story, two-unit townhouse with parking located within the structure for two vehicles and two surface parking spaces to be provided for the existing duplex, east of the two structures.

### **Unit Lot Subdivision Proposal**

The applicant proposes to short subdivide one parcel into four unit lots. Proposed unit lot parcel sizes are: A) 1,897.1 square feet, B) 1,803.7 square feet, C) 1,447.3 square feet, and D) 1,451.9 square feet. Pedestrian access for unit lots A, B, C, and D is proposed from 31<sup>st</sup> Ave W. Vehicle access for unit lots A, B, C, and D is proposed from an abutting alley to the east.

Note that the proposed structure was reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate project (Project No. 6074613).

### **Public Notice and Comment Periods**

Public notice of the project applications were given on December 15, 2005 and the comment periods ended on December 28, 2005. DPD received no comments on these applications.

## **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 November 29, 2005 and annotated by the Land Use Planner. The information in the checklist, pertinent 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 project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

#### Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable 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.

[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 required.

## **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 SMC 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 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 SMC 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 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. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L1 zone. The density standard stated in SMC 23.45.008, which permits no more than 1 unit for each 1,600 square feet, is met for the development as a whole. The proposal conforms to applicable development standards. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. The lots are provided vehicular access from an alley, consistent with the requirements of the Land Use Code.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. The easement as required by Seattle City Light shall be included on the final plat prior to recording.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of water service is subject to conditions as imposed by Seattle Public Utilities and Water Availability Certificate No. 20051579, issued October 12, 2005, and No. 20052012, issued December 22, 2005.

New construction with discharge to the sanitary sewer will require a side sewer permit. Plan review requirements regarding stormwater were made at the time of building permit application.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed 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. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. The proposed eastern lot is mapped as an environmentally critical area (Potential landslide Area with a steep slope of forty percent average or greater), thus future construction is subject to the provisions of the Critical Areas Ordinance 25.09. The proposed short subdivision has been granted a Limited Exemption pursuant to SMC 25.09.180D.4, thus it is not subject to the specific provisions of SMC 25.09.240<sup>1</sup>.
6. The Screening and Landscaping Requirements of SMC 23.45.015 require trees for new development in Lowrise zones and was reviewed for consistency under Project #6074613.
7. SMC 23.24.045 provides that sites developed or proposed to be developed with townhouses, cottage housing developments; residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

*“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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, Chapter 23 of the Seattle Municipal Code.”*

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<sup>1</sup> Refer to Permit 6074613, by DBG on 2/8/06.

The conformance of the proposed development as a whole with the applicable Land Use Code provisions has been approved under a separate project (Project 6074613). Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of SMC 23.24.045 for Unit Lot Subdivisions.

### **SUMMARY - SHORT SUBDIVISION**

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 1 zoning development standards such as setbacks, density, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions. An adequate provision for drainage control has also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. As noted below.

### **CONDITIONS - SHORT SUBDIVISION**

#### *Conditions of Approval Prior to Recording*

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. Added to the plat shall be the following statement. "*An easement is granted to Seattle City Light as shown on page \_\_\_ of \_\_\_.*"
4. Insert the following on the face of the plat: "*The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this 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, Chapter 23 of the Seattle Municipal Code.*"

5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility and pedestrian easements.
6. Provide a covenant or easement on proposed Parcels A and B for the benefit of proposed Parcels C and D for the posting of the address of these lots in a manner such that the address will be visible from the 31<sup>st</sup> Ave W right-of way. Provide a joint maintenance and responsibility agreement for maintenance and use of this area. Update the proposed legal descriptions accordingly.

Signature: (signature on file)  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

Date: February 20, 2006

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