



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: 2409599
Applicant Name: Chris Trujillo for JRJ Development
Address of Proposal: 6105 - 36th Avenue NW

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into seven parcels of land in an Environmentally Critical Area. Proposed parcel sizes are: A) 4,399.9 sq. ft., B) 4,406.3 sq. ft., C) 3,750.2 sq. ft., D) 3,750.3 sq. ft., E) 3,750.6 sq. ft., F) 3,750.4 sq. ft.; and G) 3,750.0 sq. ft. Two existing single family residences are to be demolished under separate permits.

The following approval is required:

Short Subdivision - To subdivide two existing parcels into seven parcels of land.
(Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination – 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

BACKGROUND DATA

Site Description

This approximately 27,557 sq. ft. site is zoned SF 5000: Single Family residential with a minimum lot area requirement of 5,000 square feet. The property is bounded by a property line and single family development to the north, 36th Ave. NW to the east, NW 61st St. to the south and 37th Ave. NW to the west. Both 36th Ave. NW and NW 61st St. are improved with curbs and sidewalks. Thirty-

seventh Ave. NW is only partially improved adjacent to the site and does not go through to NW 61st St. Access to the site is provided via an improved alley.

A portion of the site is mapped as an environmentally critical area due to steep slopes, which slope down from the site towards NW 61st St. to the south and 36th Ave. NW to the east. The property received a limited exemption from requirements of the Environmentally Critical Areas Ordinance, under Exemption Number 2406821 (dated September 7, 2004). The exemption determined that the steep slopes were created through previous development on the site and were not part of a larger steep slope system. Although exempted from ECA Steep Slope Development Standards (i.e., the threshold disturbance level of 30 percent of the steep slope area), other ECA general standards and those for landslide-hazard areas will still apply to future development of the site.

The site is located approximately two blocks east of the Salmon Bay Waterway. The property is developed with two single family residences to be demolished under separate permits.

Area Development

Development in the vicinity consists primarily of single family residences on lots of varying shapes and sizes, to the north, east, and south, where properties are also zoned Single Family 5000. Immediately west of the project site the zoning changes to Lowrise One multifamily residential and development consists of small-scale multifamily residential structures including duplexes and triplexes. Seaview Ave. NW and the Salmon Bay Waterway are located approximately two blocks west of the site. The zoning along Seaview is commercial, and development includes a mix of residential and commercial structures including restaurant uses such as Ray's Boathouse Restaurant, which is located about two blocks west of the site.

Proposal

The proposal is to short subdivide two parcels into seven. Each lot would have the following lot areas: Parcel A) 4,399.9 sq. ft., Parcel B) 4,406.3 sq. ft., Parcel C) 3,750.2 sq. ft., Parcel D) 3,750.3, Parcel E) 3,750.6 sq. ft., Parcel F) 3,750.4 sq ft.; and Parcel G) 3,750.0 sq. ft. Two existing single family residences are to be demolished under separate permits. The demolition and new construction are not part of this review. Vehicular access to all seven parcels will be off the alley.

Comment

Approximately 35 comment letters were received during the comment period which ended March 16, 2005. In response to requests from the public, a public meeting was held on July 11, 2005. Approximately 20 to 30 people attended the meeting. Issues discussed at the public meeting included general information about the proposal, the scope of DPD's review of the short plat application, the previously granted limited exemption from the Environmentally Critical Areas Ordinance, and the application of the minimum lot area exception known as the "75/80 Rule," among other issues.

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 DPD Drainage Section, Water, and Fire Departments, Seattle City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The applicant is using an exception from the minimum lot area requirement in single family zones, which is provided at SMC 23.44.010.B.1. Under this exception (known as the '75/80 Rule'), a lot may be created if it has an area that is equal to at least seventy-five (75) percent of the minimum required lot area and at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone. The applicant has provided calculations which show that all seven of the proposed parcels qualify for this exception, as explained below.

The lot areas provided for the neighboring properties (for the 80 percent average) are stamped by a licensed surveyor. Parcels A and B have frontage on 37th Ave. NW and must use the average lot size of other four lots in the same block, which also have frontage on 37th Ave. NW, for comparison. Parcels C, D, E, F and G all have frontage on 36th Ave. NW and must use the average of the other two lots with frontage on 36th Ave. NW for comparison. Eighty percent of the average lot area of the four lots on 37th Ave. NW is 4,396.4 sq. ft. Eighty percent of the average lot area of the two lots 36th Ave. NW is 3,547 sq. ft. Seventy-five percent of the SF 5000 sq. ft. minimum required lot area is 3,750 sq. ft. All seven of the proposed lots meet or slightly exceed both the 75 percent and the applicable 80 percent requirements. Each parcel would provide adequate buildable lot area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards.

2. All seven proposed parcels would have vehicular access off of the paved alley. Both NW 61st St. and 36th Ave. NW are improved and have curbs and sidewalks. The Fire Department has

conditionally approved the proposed short subdivision, subject to a requirement that the project meets the applicable sections of the Seattle Fire Code. In particular, the project must provide an approved fire access road to within 150 feet of all portions of the exterior walls of the structures, or the buildings must be equipped with sprinkler systems. A standard fire hydrant is located approximately 420 feet east of the property on the east side of Seaview Ave NW, and meets standards (according to the Seattle Public Utilities). Seattle City Light, which provides electrical service to the property, has approved the proposal subject to an easement across Parcels A, B, and C.

3. Regarding drainage, the existing house located upon the property currently addressed as 6028 – 37th Ave. NW (shown on the survey as house # 6100) is connected by means of a single side sewer to an 8-inch public sanitary sewer (PSS) located in 37th Ave. NW. The existing house addressed as 6105 – 36th Ave. NW is connected by means of a shared side sewer, also serving the property addressed as 6116 – 37th Ave. NW, to an 8-inch PSS located in the alley to the north of the proposed Short Plat. Both of these mainlines were originally constructed as combined sewers, and as such, there are likely to be downspouts and area drains still connected to what are now considered to be sanitary sewers.

This area has been separated with the construction of separated public storm drains in 36th Ave. NW (10-inch diameter) and NW 61st St (12-inch diameter). This system discharges to a Designated Receiving Water.

Prior to the issuance of building permits, the applicant will need to contact DPD's Sidesewer and Drainage Counter at 684-5362, for sidesewer permit requirements.

Plan review requirements will be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project is greater than 5000 sq. ft. new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020, may be required.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels (Water Available Certificate # 20050213).

4. The proposed subdivision is consistent with the relevant land use code provisions for residential single-family zones. These provisions are intended to provide opportunities for the creation of additional housing units within the City while protecting existing neighborhood character, the natural environment, and the public health and safety. Thus, the public use and interests are served by permitting the proposed division of land.
5. The proposed subdivision is mapped as an environmentally critical area due to a 40 percent steep slope. However, the applicant applied for and received a Limited Exemption from the ECA Ordinance, per SMC 25.09.180.D.4 (ECA exemption number 2406821). Based on information submitted by the applicant (which included a Geotechnical Engineering Study prepared by Geo Group Northwest, Inc., dated February 22, 2000), DPD's geotechnical

engineer determined: “. . .’steep slopes’ on these properties appeared to have been created by previously (sic) developments at these sites, and not part of a larger ‘steep slope’ system.” Further, DPD’s geotechnical engineer concluded that granting the exemption, “. . . will not result in adverse impacts on this site and adjacent sites.” The ECA steep slope development standards (i.e., the threshold disturbance level of 30 percent of the steep slope ECAs) are waived. All other ECA submittal, general and landslide-hazard, and other applicable development standards will apply to future development of the site. .

6. Neighbors have provided information regarding the removal of a large tree on the property prior to the time application for this short plat was made. Because the tree was removed prior to permit application, the removal is beyond the scope of review for this short plat application. The trees on the existing site do not meet the criteria for exceptional trees, and are primarily located along the south and east perimeters of the site. Reconfiguration of the internal property lines would likely not further impact the issue of tree retention on site.
7. A unit lot subdivision is not proposed so the criterion relating to unit lot subdivisions is not applicable to this short plat.

DECISION - SHORT SUBDIVISION

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

ANALYSIS - SEPA

The proposal site contains areas mapped as Environmentally Critical Areas due to steep slopes. As discussed above, the applicant received a limited exemption from steep slope standards, however, general standards and landslide hazard standards still apply. Therefore, 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).

SMC 25.05.908 requires 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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated February 8, 2005 and revised May 12, 2005. 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. As indicated in the checklist, this action will not result in adverse impacts to the environment.

The proposed short plat will divide two existing parcels with Environmentally Critical Areas into seven parcels. The ECA areas are approximately on the southern and eastern perimeters of the site.

However, as discussed above, the applicant received a Limited Exemption from the ECA Ordinance, based on information which included a geotechnical engineering study. DPD's geotechnical engineer concluded that granting the exemption would not result in adverse impacts on this site and adjacent sites. The ECA steep slope development standards are waived for this proposal, but all other ECA submittal, general and landslide-hazard, and other applicable development standards will apply to future development of the site. Based on this information, the proposed short subdivision will divide the property in such a way that is unlikely to have any adverse impact on the Environmentally Critical Areas, therefore no mitigation of this proposal under SEPA is warranted.

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 43.21C.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.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Submit the recording fee and final recording forms for approval.
2. Add the conditions of approval after recording 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 ___." If necessary, renumber the pages.
3. 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, or labeled "to be demolished."

4. Provide the required easements for electrical facilities to the satisfaction of Seattle City Light to the plat, with the following statement: "An easement is granted to Seattle City Light as shown on page __ of __".

Conditions of Approval upon Application for Construction Permits

12. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to the construction permit plans.

Signature: _____ (signature on file) Date: September 1, 2005

Molly Hurley
Senior Land Use Planner

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