



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: 2503971
Applicant Name: Richard Loo, for Lorig Associates
Address of Proposal: 301 NE 103rd Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into three parcels of land in an environmentally critical area. The proposed parcel sizes are: Parcel X) 216,613 square feet; Parcel Y) 117,988 square feet; and Parcel Z) 42,436 square feet.

The following approval is required:

Short Subdivision – to divide two parcels into three parcels of land
(SMC Chapter 23.24)

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 and Vicinity Description

The proposal site is located on a paved asphalt lot, south of Northgate Mall. The site is bounded by NE 103rd Street on the north, 5th Avenue NE on the east, and NE 100th Street on the south. To the west, the property borders the King County – Metro Northgate park-and-ride lot. Currently the site consists of two parcels: Parcel A on the western portion of the site is 259,429 square feet, and Parcel B on the eastern portion of the site is 117,608 square feet.

The project site is in the core area of the Northgate Urban Center. Development adjacent to the site is a mixture of retail to the north (including Northgate Mall), offices and multifamily residential to the east, and offices to the south. The King County Northgate park-and-ride lot is located to the west of the site. Land north, south, and west of the site is zoned NC3 with varying height limits; property on the east side of 5th Avenue NE is zoned NC3-40 and L-3.

Proposal Description

The site itself is split zoned, with NC3-125 zoning on the western portion of the site and NC3-65 zoning on the eastern portion. The eastern portion of the site is proposed for a contract rezone, to increase the height limit to 85'. DPD's analysis and recommendation for approval of this rezone is included in MUP #2401519, which also would establish the use for future construction of a multi-use development on proposed Parcel X, with 13 buildings including a theater, retail, restaurants, and multi-family housing, and a senior housing complex on proposed Parcel Z. Parcel Y is proposed as the site of Seattle Public Utility's future Thornton Creek Water Quality Channel (MUP #3003803). No development or construction activities are associated with the current proposal; the subject of this analysis and decision is restricted to the proposed division of land.

The site currently is an asphalt lot, and generally is empty. It occasionally is used for RV shows and other temporary sales, and also functions as overflow parking for Northgate Mall at peak times of the year. Steep slopes are located on the southern and eastern edges of the site. A Critical Areas Exemption (MUP #2501947) has been issued due to the steep slope areas having been created by improvements to the rights-of-way along NE 100th Street and 5th Avenue NE.

Public Comments

The comment period for this proposal ended on July 27, 2005. No comment letters were received.

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. The findings which follow are based upon information provided by the applicant; review of access, drainage, and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department, and Seattle City Light; and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The subject property is a split-zoned lot, with Neighborhood Commercial 3 (NC3) zoning applying to the entire site. As noted above, the western portion of the project site has a 125' height limit, while the eastern portion has a 65' height limit, which would increase to 85' under the proposed contract rezone. The lots that would be created by this proposed division of property would conform to all applicable development standards of the NC3 zoning district.

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

All three new parcels would have street frontage onto at least one of the surrounding roadways. Parcel X would have frontage onto NE 103rd Street, Parcel Y onto NE 103rd Street, 5th Avenue NE, and NE 100th Street, and Parcel Z onto 5th Avenue NE and NE 100th Street. In addition, a new segment of 3rd Avenue NE is proposed for construction between NE 100th Street and NE 103rd Street. When this roadway segment is built, it will provide additional access to parcels X and Y.

The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access with the following conditions

1. Approved fire access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The fire code official is authorized to increase the dimension of 150 feet where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.3.
2. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet.
3. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (see 2003 SFC Appendix D Table D103.4).
4. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed. Plans submitted will include provisions for appropriate fire flow and hydrant systems per 2003 SFC Sections 508.3 and 508.5.

All private utilities are available in this area. Seattle City Light (SCL) would provide electrical service to the proposed short plat. SCL reviewed the proposals and determined that no easement is required at this time.

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. Availability of service is assured subject to standard conditions of utility extension.

Seattle Public Utilities reviewed the short plat application, and Water Availability Certificate #20051065 was issued on July 15, 2005.

Stormwater detention and treatment is likely to be required for construction in excess of 2000 square feet developmental coverage. Plan review requirements will be made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project is greater than 5,000 square feet new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.202, may be required.

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

The proposed division of land would result in three parcels; two owned by private developers and one owned by the City of Seattle. The City's parcel is expected to be the site of the future Thornton Creek Water Quality Channel project. This project is intended to increase the water quality of stormwater discharging to Thornton Creek, and to provide a large area of open space in the midst of a developing Urban Center. Both of these objectives serve the public use and interest. The privately owned parcels are expected to be developed with a range of uses, including multifamily and senior housing. These projects would further City objectives to provide increased housing in Urban Centers.

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

Steep slopes are located on the southern and eastern edges of the site. A Critical Areas Exemption (MUP #2501947) has been issued due to the steep slope areas having been created by previous legal grading. Pursuant to SMC 25.09.240 A, each proposed lot contains adequate building area and access outside of the identified environmentally critical area and required buffer.

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

The proposed relocation of property lines would not require the removal of any existing trees on the site.

7. *Conformance to the provisions of Section 23.24045, 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 criterion is not applicable to the proposed short subdivision because no unit lots are proposed.

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 Planner, 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 or applicable exceptions of the 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, 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 proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met, the proposal creates the potential for additional housing opportunities in the City, and the proposal will facilitate the development of additional open space and improved treatment of stormwater discharging into Thornton Creek.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - SHORT SUBDIVISION

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. Add the conditions of approval to the face of the plat.
2. Submit the final recording forms for approval and remit any applicable fees.
3. Approved fire access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The fire code official is authorized to increase the dimension of 150 feet where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.3.

4. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet.
5. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (see 2003 SFC Appendix D Table D103.4).
6. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed. Plans submitted will include provisions for appropriate fire flow and hydrant systems per 2003 SFC Sections 508.3 and 508.5.
7. Add all conditions of approval to the face of the plat.

Prior to Issuance of any Building Permit

8. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

Signature: (signature on file)
John Shaw, Land Use Planner
Department of Planning and Development

Date: February 9, 2006