



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: 2200656
Applicant Name: Steve Crane
Address of Proposal: 2339 Northeast 91st Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land in an Environmentally Critical Area (ECA) (Steep Slope). Proposed parcel sizes are: A) 8,309.4 square feet and B) 7,581.9 square feet. The existing single-family residence is to be removed. At the time of this decision there was no related project to this short plat application.¹

The following approvals are required:

Short Subdivision - to create two parcels.
(Chapter 23.24, Seattle Municipal Code)

SEPA Environmental Determination
(Chapter 25.05 SMC).

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

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

¹ This short subdivision was originally noticed on January 6, 2003, as a proposal to subdivide one parcel into two (2) parcels of land. The application was revised in May 2004 to propose a subdivision of one parcel into three (3) parcels of land, and a revised Notice of Application was published on May 27, 2004. The application was revised again to propose a subdivision of one parcel into two (2) parcels of land on December 5, 2005.

BACKGROUND DATA

Site & Area Description

The 15,891 square foot project site is located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the north east sector of Seattle. The parcel is located between 23rd and 25th Ave NE with approximately 109 feet of street frontage on NE 91st St. NE 91st St is classified as a non-arterial street, pursuant to SMC Chapter 23.53, and is paved but unimproved with respect to curbs, gutters, and sidewalks. There is an existing house on the site which is proposed to be removed. The majority of the subject lot is flat, while the south west portion bears the steep slope area, which slopes downward away from lot. The steep slope system continues southward as it bisects the block and continues through NE 90th St.

Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of a variety one and two-story single-family houses of varying age and architectural style on a variety of lot sizes.

Proposal

The proposal is to subdivide one parcel of land into two (2) parcels of land. Proposed parcel sizes are as follows: Parcel A) 8309.4 square feet and Parcel B) 7,581.9 square feet.

Both proposed parcels will have direct vehicular access to NE 91st Street: proposed Parcel A will have 56.93 feet of street frontage and proposed Parcel B will have 52 feet of street frontage. The existing single family residence will be removed prior to sale and/or transfer of ownership of any of the proposed parcels.

The subject of this analysis and decision is only the proposed subdivision of land.

Public Comment

The application was originally submitted as a proposal to subdivide one parcel of land into two parcels of land. The public comment for that proposal ended on January 29, 2003. During that comment period, the Department received seven written comment letters related to parking, privacy, natural preservation, habitat destruction, and impacts to the character of the neighborhood.

On May 18, 2004, the application was revised to propose a subdivision of one parcel of land into three (3) parcels of land. A new public comment period was run for the revised application; this comment period ended on June 23, 2004. During the second comment period, the Department received 10 written comment letters. The comments related to concerns about parking, traffic, water pressure, neighborhood character, soils stability, placement of mailboxes, wildlife habitat destruction, potential

tree removal, increased stormwater runoff, and ECA compliance. On December 5th, 2005, the application was revised again to a two lot short plat.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

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, Access to lots;*
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 subdivisions 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; and*
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; comments received from the public; referral comments from the Drainage Section, the Fire Department, City Light, and Seattle Public Utilities; and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for single-family residences and requires a minimum lot size of 5,000 square feet. The allowed use in a single-family zone is one dwelling unit per lot. Maximum lot coverage is 35%. Front yard requirements are an average of the neighboring abutting lots, or twenty (20) feet, whichever is less. The minimum side yard is five (5) feet. Minimum rear yard is twenty-five (25) feet, or 20 of lot depth if lot depth is less than one hundred twenty-five feet (125'). The lots created by this proposed division of land would conform to applicable development standards of the SF 5000 zoning district. The proposed parcels would provide adequate buildable area to meet applicable yard and lot coverage requirements and other Land Use Code development standards.

2. Both proposed parcels would have direct vehicle access to NE 91st Street. The Seattle Fire Department approved the layout of the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat and does not require an easement to provide for electrical facilities and service to the proposed parcels. Therefore, this short plat would provide adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application was reviewed by Seattle Public Utilities; a Water Availability Certificate was issued on February 9, 2006 (Water Availability Certificate number 20060267).

The existing structure located upon the proposed short plat is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PS) located in NE 91st St. This area is served by what the City has termed an “informal drainage system” by means of a ditch and culvert on the near side of NE 91st Street; the area is within the Thornton Creek Drainage Sub-basin.

New construction with discharge to the sanitary sewer will require a sidesewer permit. Stormwater detention, with controlled release to either of the PSS, is likely to be required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements regarding stormwater would be made at time of building permit application. If the project includes greater than 5,000 square feet of 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.

4. One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing needs. In addition, the proposed short subdivision should meet applicable Land Use Code provisions: the proposed development should have adequate access for vehicles, utilities and fire protection as well as adequate drainage, water supply and sanitary sewage disposal. The public use and interest would be served by this short subdivision because additional opportunities for housing would be provided within the City limits as a result of this subdivision. Furthermore, the proposal would meet the applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. Based on the submitted documents, the ‘steep slope’ areas along the southwestern portions of the subject site appeared to be less than 20 feet in height, limited in length, and appeared to have been created by previous grading and construction activities. Further, the submitted geotechnical reports by Soil & Environmental Engineers, Inc., dated June 7, 2002 and October 26, 2005, demonstrated that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, a Limited ECA exemption has been granted for the aforementioned ‘steep slope’ areas, and the ECA Steep Slope Development Standards (i.e.,

the threshold disturbance level of 30 percent of the Steep Slope Critical Areas) are waived for development associated with DPD Application No 2200656. All other ECA Submittal, General, and Landslide-Hazard, and development standards will apply for this development.

New construction on the parcels containing the Steep Slope ECA will be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures would be reviewed during the construction permit review stage and would be examined for conformance with all applicable requirements of the Land Use Code and Environmentally Critical Areas Ordinance. Therefore this proposed short subdivision is in conformance with City of Seattle regulations for subdivisions in Environmentally Critical Areas.

6. There are approximately twenty (20) trees located on the site; most of the trees are located along the site's east property line. The trees range from 6 inches to 36 inches in diameter at 4.5 feet above grade. Most or all of the trees could be preserved depending upon the location of any future construction, the extent of the root systems, and the overall health of the trees. Some of the trees would likely be removed because they are located on or near probable access and building footprint locations for future construction on proposed Parcels A and B. Therefore, the proposal has been designed to maximize the retention of existing trees on the property. Future construction would be subject to the provisions of SMC 23.44.008 which sets forth tree planting and preservation requirements on single-family zoned lots.
7. This short subdivision is not a unit subdivision; therefore, this subsection is not applicable to this short plat proposal.
8. This short subdivision is not being reviewed under Section 23.24.046; therefore, this subsection is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

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

SEPA DETERMINATION

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 Charlie Cowan and dated December 13, 2002. The information in the environmental checklist; a Geotechnical Report prepared Soil & Environmental Engineers, Inc. dated June 7, 2002; public comment; and the experience of the lead agency with review of similar projects form the basis for

this analysis and decision. Pursuant to SMC 25.05.908(B), the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed and considered the environmental checklist submitted by the project applicant; the survey drawings, soils report, and other documentation in the file; and the public and agency comments which were received regarding this proposed action.

Based on the location of the ECA area and buffers outside of the proposed parcels' buildable areas; the applicant's geotechnical information; and the recording of ECA covenants, the proposed configuration would subdivide the project site such that no adverse impact on the Environmentally Critical Areas is likely to occur. 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 43.21.030(2) (c).

CONDITIONS - SEPA

None.

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.

2. Submit the final recording forms for approval and any necessary fees.
3. Tree removal or tree topping of regulated trees on this property is prohibited pursuant to SMC 25.11.040. Exemptions to this restriction pursuant to SMC 25.11.030 may apply. Tree preservation and planting options and landscaping requirements of Seattle, Municipal Code 23.44.008 require trees for new single-family development. This shall be noted on the face of the plat.
4. Add the conditions of approval to the face of the plat.
5. Submit a completed no protest agreement.

At building permit application

5. A copy of the recorded short subdivision shall be attached to all building permit sets of plans for future construction on the proposed parcels.

Signature: _____ (Signature on file) Date: April 27, 2006
Lori Swallow, Land Use Planner

LS:bg

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