



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:** 3003868  
**Applicant Name:** Tyler Abbott  
**Address of Proposal:** 14343 15<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 12,945 sq. ft., and B) 31,801 sq. ft. Existing commercial structure on proposed Parcel A would be demolished and removed from site.

The following approval is required:

**Short Subdivision** - to subdivide one parcel into two parcels of land.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal

**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 April 6, 2006

**BACKGROUND DATA**

**Site Description**

The 44,746 sq. ft. proposal site is located on the west side of 15<sup>th</sup> Avenue NE approximately 154 feet from the intersection of NE 145<sup>th</sup> Street and 15<sup>th</sup> Avenue NE. The site has approximately 154 lineal ft. of frontage on 15<sup>th</sup> Avenue NE and has approximately 306 feet lot depth. At the project location, 15<sup>th</sup> Avenue NE is developed to current standards, with concrete curbs, gutters and sidewalks on both sides of the street. The site is split zoned with a large interior portion

situated primarily in a Midrise zone, while the eastern 104 feet of the site is in a C1-65 zone abutting on 15<sup>th</sup> Avenue NE. There is an existing commercial building located on the C1-65 zone with accessory parking located on the MR zone section of the site. There is no alley. Access to the site is available through existing curb cuts located on both the northern and southern portion of the site on 15<sup>th</sup> Avenue NE. The topography of the site is relatively flat from the street to the rear property line except for the 40% steep slope on the southwestern edge of the site. Existing vegetation on the property consist of large trees which include European White Birch, Madrona, True Ash and shrubs on the northern and southern perimeter of the site. According to DPD GIS maps, the site is designated as environmentally critical pursuant to the Environmental Critical Area Ordinance, SMC 25.09 due to 40% Steep Slope. Jackson Park golf course is located on the next block west of the site. Development in the vicinity is predominantly a mixture of residential, commercial and recreational uses.

### Proposal

The applicant proposes to subdivide an existing 44,746-square feet lot into two parcels of land. The site is split zoned with approximately 195 feet of the interior portion of the lot in Midrise (MR) zone and approximately 104 feet of the lot abutting 15<sup>th</sup> Avenue NE in Commercial 1 with a sixty five height limit (C1-65) zone. Proposed parcel sizes are: Parcel A) 12,945 sq. ft. and Parcel B) 31,801 sq. ft. Proposed Parcels A and B will have frontage, vehicle and pedestrian access to 15<sup>th</sup> Avenue NE. The existing commercial structure on proposed Parcel A will be demolished under a separate permit.

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.

### Public Comment

Notice of the proposed project was published on April 6, 2006. The public comment period ended on April 19, 2006. No comment letter was 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.

*1. Conformance to the applicable Land Use Code provisions;*

The site is located within the split lot MR/C1-65' zone.

This proposal will divide the existing 44,746 square feet lot into two parcels of land as follows:

- Parcel A: 12,945 square feet, and
- Parcel B: 31,801 square feet

The lot configuration provides an adequate buildable area to meet applicable setbacks, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

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

DPD has circulated this proposed short subdivision to all city agencies with jurisdiction for review of utilities, access, and fire protection. All utilities would be extended to Parcels A and B and any changes in services would require approval of the respective utility. Proposed Parcels A and B have street frontage on 15<sup>th</sup> Avenue NE and each would have adequate vehicular and utility access to adequately improved streets. The Seattle Fire Department would provide emergency vehicle access to the site; the Fire Department has approved the proposed short plat for emergency vehicle access. However, in order to ensure that adequate access for fire protection is provided, conditioning is necessary. No street improvements are required. Seattle City Light does not require any additional easements to provide electricity.

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, and availability of service is assured subject to standard conditions of utility extension. The existing structure on proposed Parcel A connects its side sewer to a public sanitary side sewer (PSS) that runs west to east beneath the north property line to proposed Parcel B. The plat notes a "Sanitary sewer easement 2' wide" for the PSS. According to DPD records, the drainage from the existing parking lot flows into a catch basin on site which in turn discharges to the public storm drain (PSD) in 15<sup>th</sup> Avenue NE. Future construction on Parcel A and B will require detention with controlled release of storm water runoff to the PSD in 15<sup>th</sup> Avenue NE.

In addition, as a condition of the short plat, revision of the short plat application should include: 1) the easement for the PSS in the legal description and 2) adding easement language to the legal description of proposed Parcel B for the existing side sewer that serves the structure on proposed Parcel A. Plan review requirements would be made at the time of building permit application in accordance with any applicable storm water ordinances in effect at that time.

The short plat application was reviewed by Seattle Public Utilities, and Water Availability Certificate #200-518-30 was approved and issued on November 28, 2005.

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

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 need. 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 public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas.*

The proposed Parcel B contains steep slope environmentally critical area and steep slope buffer area as defined in the Seattle Municipal Code Chapter 25.09.240. The environmentally critical area and the buffer are located along the southern portions of the lot. This environmentally critical area is approximately 4,675 square feet. After review by DPD's geotechnical engineer, a steep slope exemption was granted pursuant to SMC 23.09.040 for the subject Parcel B. The exemption states that based on the submitted documents, the 'steep slope areas and its buffer' along the southern portion of Parcel B appear to have been created by previous grading and construction activities. Further, the submitted geotechnical report prepared by Alkai Consultants, LLC, dated July 26, 2005, inferred that no adverse impact will result from this exemption on the site and adjacent sites. As a result of these findings and information, the ECA Steep Slope Development Standards were waived (i.e., the threshold disturbance level of thirty (30%) percent of the Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) are waived for future development at this site. The ECA General, Submittal and Landslide Hazard standards, and other related development standards still apply for this development on this site. The said 4,675 square feet of steep slope and of the steep slope buffer on Parcel B can be used to meet the development potential of the lot.

New construction on Parcel B containing the steep slope and steep slope buffer will also be subject to the provision of SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance will all applicable requirements of the Land Use Code and the Environmentally Critical Areas Ordinance, as stated in the ECA exemption detail above. Therefore, this proposed short subdivision is in conformance with applicable City of Seattle Regulations for development in Environmentally Critical Areas.

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

There are approximately eleven (11) medium to large trees which include (5 European White Birch, one Madrona, 3 True Ash) trees and shrubs located on the north and southwest perimeter of the site. The potential building footprint on Parcels A and B may necessitate the removal of these trees and shrubs. But majority of the trees located closer to north and west property lines and on the 15-foot steep slope buffer can be preserved by the proposed design of the plat. The existing 12" Madrona tree located on the west property line of proposed Parcel B may qualify as an exceptional tree per Director's Rule 6-2001 and SMC 25.05.675N and should be preserved as a condition of the short Plat.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivision, when the subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, cluster housing, or single family housing:*

This short subdivision is not a unit lot subdivision. Thus, this section is not applicable to this short plat application.

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:*

This short subdivision is not a multiple single family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

### **DECISION - SHORT SUBDIVISION**

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

### **ANALYSIS - SEPA**

The proposal site is located in a 40% Steep Slope Environmentally Critical Area, thus the short subdivision 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 environmental impacts on this project was made in the environmental checklist prepared by the applicant dated March 31, 2006. The information in the checklist, the supplemental information submitted by the applicant, field inspection, and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the applicant and; reviewed the project plans and any additional information in the file. As indicated in the checklist, 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "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. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Several adopted City codes and/or ordinances provide mitigation for identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion): Building Codes (construction standards): and ECA Ordinance. Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

#### Short-term Impacts

The following short-term demolition or excavation-related impact to the environmentally critical area is anticipated: potential erosion during excavation and general site work. Due to the limited scope and short duration, this is not considered significant.

#### Earth

The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by ALKAI CONSULTANTS, LLC, dated July 26, 2005. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permit.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Long-term Impacts

Potential long-term impacts on the environmentally critical area that may occur as a result of this project include: increased surface water runoff from greater site coverage by impervious surfaces. This long-term impacts is not considered significant because the impact is minor in scope.

The long-term impacts are typical of multifamily development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface) and the Regulations for Environmentally Critical Areas.

### **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**

#### *Prior to Recording*

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

1. Provide final recording forms and fees. Have the 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 the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Add notation to the final plat: "Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or removed into or within the site per the Seattle Fire Code".

3. Add the "Conditions of Approval Upon Application for Construction Permits," noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page. If the conditions are on a separate page, insert on the face of the plat "For Conditions of Approval Upon Application for Construction Permits see page \_\_\_\_ of \_\_\_\_".
4. Provide final recording forms and fees.
5. Revise the short plat to include easement for the PSS in the legal description and 2) an easement to the legal description of proposed Parcel B for the existing side sewer that serves the structure on proposed Parcel A.
6. The one Madrona tree on Parcel B shall be retained. This shall be noted on the final recording documents. Any subsequent removal or replacement is subject to the requirements of SMC 23.45.057 and Director' Rule 6-2001. This shall be noted on the final recording documents.

*After Recording and Prior to Issuance of a Building Permit*

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

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

Date: July 13, 2006