



**Project Address:** 6940 25<sup>th</sup> Ave SW

**Applicant Name:** Ted Dimof, PE

**Department of Construction and Inspections Project Number:** 003027-19PA

**References:**

1) Storm Drainage Extension Exception Request - 6940 25th Ave SW - Preliminary Assessment Report 003027-19PA, Bush, Roed & Hitchings, Inc. August 24, 2020

**SUMMARY:**

An exception request to the requirement of the Stormwater Code to extend the public drainage system across the full frontage of the property.

The request is denied.

**REQUEST:** The Storm Drainage Extension Exception Request 6940 25th Ave SW - Preliminary Assessment Report 003027-19PA dated August 24, 2020, states in part: *This letter is written to request an exception to the storm drainage extension listed as required per SMC 22.800.080 I in the Preliminary Assessment Report (PAR) 003027-19PA dated 8/5/2019. The PAR requires that a 12” diameter storm drainage main be extended from an existing 18” storm drainage main in SW Myrtle St north along 25th Avenue SW approximately 300 feet to the north boundary of the property our client is looking to purchase for a short plat project to construct 3 single family homes.*

*We are requesting an exception from the requirement to extend the storm drainage main due to this requirement causing a severe and unexpected financial hardship that outweighs the requirement’s benefit.*

**BACKGROUND AND PROPOSAL:**

The applicant for this request, Ted Dimof, PE, represents an interested buyer who would purchase this land for the purpose of short platting and constructing three new homes.

The site is a 22,400sf lot in an area zoned single family residential 5000sf. There is approximately 25-feet of vertical relief across the site in an east-facing slope. The entirety of the property is mapped as a Potential Landslide Environmentally Critical Area (ECA) due to underlying geologic conditions. The easterly portion has slopes exceeding 40% and is accordingly mapped as Steep Slope ECA.

SMC 22.800.080.I states: “*Unless an adjustment pursuant to subsection 22.800.040.B or an exception pursuant to subsection 22.800.040.C is approved by the Director, **an owner or occupant who is required to connect** [emphasis added], or who chooses to connect, to a public drainage system shall be required to extend the public drainage system if a public drainage system is not accessible within an abutting public area across the full frontage of the site.*”

The applicant has requested an exception to this code requirement under the criterion in subsection 22.800.040.C:

- a. The requirement would cause a severe and unexpected financial hardship that outweighs the requirement's benefits, and the criteria for an adjustment cannot be met; or*
- b. The requirement would cause harm or a significant threat of harm to public health, safety and welfare, the environment, or public and private property, and the criteria for an adjustment cannot be met; or*
- c. The requirement is not technically feasible, and the criteria for an adjustment cannot be met; or*
- d. An emergency situation exists that necessitates approval of the exception.*

**Public Comment:**

1. I do, individually, want to submit comment related to the serious concerns my neighbors and I have with the overall proposed project to build four dwellings in an area designated as a Salmon Watershed (Longfellow Creek) and Critical Slope, not to mention construction occurring along a single-lane dead end. The developer's request for an Exemption to Stormwater Code, claiming "severe and unexpected hardship" to connect to a public drainage system appears to be merely a cost saving measure on the part of the developer, not a "severe and unexpected hardship".

Per King County website: "Study concluding that "approximately 10 percent effective impervious area in a watershed typically yields demonstrable, and probably irreversible, loss of aquatic-system function."

2. I am submitting my comment and opposition related to the overall proposed project to build four dwellings in an environmentally sensitive area and specifically the request for Exemption to Stormwater Project #003027-19PA. : The proposed development is within an area designated a Critical Slope, a salmon watershed, a one lane dead end, and along the Longfellow Creek Greenway.

The developer's request for an Exemption to Stormwater Code, Project #003027-19PA , claiming "severe and unexpected hardship" to connect to a public drainage system appears to be an attempt to mitigate the developers overall costs of the construction plans, NOT a "severe and unexpected hardship". A build of this scale on environmentally sensitive land, with limited road access requires costly and specific inspections before permits would be approved. It is the responsibility of the developer to factor in these costs when developing construction plans designed to result in profit.

The developer's request for an exemption cannot be considered either "severe" or an "unexpected hardship". It is the cost of doing business and getting properly permitted in a zone designated at Critical Slope and Watershed. If the developer is unable to meet these safety requirements and permitting/inspection costs, the developer may need to either rethink the proposed construction plans or scrap plans altogether and to move on.

NOAA has included Longfellow Creek as a part of a study ""Coho Pre-Spawn Mortality" in urban streams of the Puget Sound Basin. Currently there are only 1 in 5 salmon bearing streams left in Seattle and drains into one of the largest watersheds in Seattle. (Per King Co. Report)

Also, the City of Seattle State of the Waters includes King Co. Stream Report related to Longfellow Creek J370.

Per King County website: Study concluding that "approximately 10 percent effective impervious area in a watershed typically yields demonstrable, and probably irreversible, loss of aquatic-system function."

It is imperative that stormwater be managed properly and in accordance with the restrictions already in place.

3. I own a home there. It is a one car dead end street and would be impossible to traverse with multiple vehicles, which this new proposed construction would entail. Also, and more importantly, and as a native Seattleite, WE are sensitive to our environment (some of which used to be "protected green spaces") and particularly our protected salmon habitat water (of which I think the Longfellow Creek is) and in any case our Longfellow Creek would be radically and negatively impacted by these proposed multiple construction's obstructions of the smaller streams flowing down off the "critical slopes" feeding the Creek.  
WE: the neighborhood, are frightened by these proposed construction projects and their impending damage to the local environment. Let alone the Critical Slope dangers. I/WE complain and object.

### **ANALYSIS:**

Mr. Dimof states that requirement to extend the public storm drain is a severe and unexpected financial hardship for "*the property our client is looking to **purchase** [emphasis added] for a short plat.*"

Since this property has not even been purchased by Mr. Dimof's client, it cannot reasonably be claimed to meet the test of 22.800.040.C(a) as a severe financial hardship, and as the requirement was communicated to the applicant during the City's first notification of the proposed project on 8/5/2019 neither can it be considered unexpected.

There is no claim under 22.800.040.C(b) that the requirement would cause harm or a significant threat of harm to public health, safety and welfare, the environment, or public and private property.

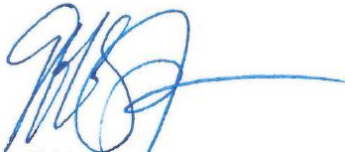
Under the provisions of 22.800.040.C(c), the applicant has not demonstrated through the use of engineering plans, that the requirement is not technically feasible, and the criteria for an adjustment cannot be met. The Director may grant an adjustment under subsection 22.800.040. B(a) if the request provides substantially equivalent protection. As was stated in the Manager Level Drainage and Wastewater Determination Response dated June 24, 2020, if the PSD extension is not constructible across the full length of the property, the length of the required extension may be reduced, subject to review and approval by Seattle Public Utilities review of the Street Improvement Permit.

There is no claim that an emergency situation, per 22.800.080.C(d) necessitates approval of the exception.

**Decision:**

The exception request is denied.

Information regarding this decision is available at SPU by contacting Michelle Lange at [michelle.lange@seattle.gov](mailto:michelle.lange@seattle.gov).



Signature

12/7/2020

Date

Jeff Bingaman - Director, SPU Development Services Office (DSO)

Printed Name