



Gregory J. Nickels, Mayor

Department of Planning and Development

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CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2307756
Applicant Name: Mark Travers for Paul LaBellarte
Address of Proposal: 3516A South Webster Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four parcels of land in an Environmentally Critical Area (ECA) – Geologic Hazard Areas. Proposed parcel sizes are: A) 5,462.9 square feet, B) 5,172.9 square feet, C) 6,368.7 square feet; and D) 7,159.7 square feet.

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into four parcels. (Chapter 23.24, Seattle Municipal Code).

SEPA Threshold Determination (Chapter 25.05 SMC)

- SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

* ECA Limited Exemption granted on February 9, 2006 (#3004112)
** Early Notice DNS published July 28, 2005

BACKGROUND DATA

Site & Area Description

The subject site is an irregular shaped lot with frontage along a City of Seattle Transmission Line Right-of-Way in the Beacon Hill neighborhood of South Seattle. The development site encompasses a land area of approximately 24,164 square feet, located in a Single-Family Residential 5,000 (SF 5000) zone.

The site is an interior lot bounded by private properties to the south, west, and north. As previously mentioned a City light ROW abuts the development site to the east. Vehicular access is obtained through a private access easement to the south that intersects with South Webster Street, approximately 200 feet from the development site. South Webster is a 50-foot wide right-of-way with a 20-foot roadway surface and with no curbs, gutters, or sidewalks at the site location.



One shed structure is present at the subject lot that is heavily vegetated with mature deciduous trees, including Pacific Madrone, Red Alders, Big Leaf Maples, and ground cover. The subject property

moderately slopes downward from its southwest corner to the northeast corner, providing an elevation change of approximately 26 feet over a distance of 210 feet. The elevation change is most dramatic within the rear 20 feet from the site's northeast corner

The development site contained a mapped 40% steep slope near the northeast corner. The applicant submitted an Environmental Critical Areas Exemption Request (project #3004112) from steep sloped standards and was granted an exemption on February 9, 2006. DPD concluded that the slope adjacent to the Seattle Light ROW frontage appeared to have been created by previous legal grading activities coupled with findings from the geotechnical report that stated no adverse impacts would be encountered supported the determination to grant the exemption request.

Area Development

The subject site's zone, SF 5000, extends in all directions surrounding the proposal site. The vicinity is populated with a mix of modern and older one and two-story residential structures. The area is marked by large tracts of land with dense mature vegetation. Zoning to the east includes a moderate residential density use, which includes Multifamily Lowrise Two and Four zones, with a residential commercial overlay (L2 & L4-RC), across the City Light ROW, in the New Holly Park development area.

Proposal

The proposal is to subdivide one parcel of land into four parcels of land. Proposed parcel areas are indicated in the summary above. The proposed parcels will have indirect access to South Webster Street through a shared access easement.

Public Comment:

Date of Notice of Application : July 28, 2005
Date End of Comment Period: August 10, 2005
Letters 1

Issues:

One letter was received during the public comment period. Of concern was the potential for surface water run-off on adjacent properties related to new construction activities. The letter provided a site profile that addressed existing topographic conditions and what appeared to be wetland areas.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

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;

The subject property is zoned for single-family residential with 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 percent. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, which ever is less. The minimum side yard setback is five feet. Minimum rear yard setback is twenty-five (25) feet or 20% of lot depth. The proposed parcel configurations created by this proposed division of land will conform to all development standards of the SF 5000 zoning district. The creation of each proposed

Parcel will be allowed to choose its front yard orientation because the parent lot is an internal lot with no street frontage. The proposed Parcels have been configured to maximize available development potential. Any future 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;*

The proposed parcels will have vehicular access to South Webster Street through a shared driveway access, consistent with the provisions of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed parcels. This short plat provides for adequate access vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water and sanitary sewer facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#2006-0474) was approved and issued on March 28, 2006. The development site, proposed for the short plat, has adequate water service, including an 8-inch public sanitary sewer (PSS) and water main located in South Webster Street to support future development.

There is no stormwater conveyance system in the vicinity of the proposed short plat. Stormwater runoff will have to be managed on-site, as there is no acceptable point for off-site discharge. The proposed ingress, egress and utilities easement (including the easement across the southerly properties) and structures on each proposed Parcel will be in excess of 5,000 square feet of combined new or replaced impervious surface. A comprehensive drainage control plan prepared in accordance with SMC 22.802.015.D and 22.802.020.B.2 will be required prior to issuance of this project. This plan shall show proposed stormwater treatment and flow control mitigation measures. This plan will be recorded with King County Assessor's office and a copy of the drainage plan shall accompany all future building permits as a condition of the short plat. Plan review requirements regarding stormwater are made at time of building permit application. New construction with discharge to the sanitary sewer will require a side-sewer permit.

Infiltration will be the primary means of stormwater control. Due to the proximity of steep slopes in the adjacent Seattle City Light Transmission Line right-of-way, and the BP – Olympic 12-inch petroleum pipeline, also located in the SCL ROW, a statement of minimum risk addressing the stability of these slopes & structure, prepared by a licensed geotechnical engineer, shall be submitted and recorded with the plat.

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 needs. An equally important objective is to ensure that new development is compatible with neighborhood character. 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. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

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

The development site contains mapped Steep Slope Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The applicant sought and was granted an ECA exemption (project #3004112) from Steep Slope Critical Areas. It was determined that the critical area at the subject site was a result of legal grading activities. The environmentally critical areas general and submittal standards, as well as the specific standards for geologic hazard areas and other related development standards are still applicable.

New construction on the parcels containing the Geological Hazard Areas will also be subject to the provisions 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 with all applicable requirements of the Land Use Code and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas.

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

The applicant submitted a revised Tree Condition Evaluation Report (dated November 7, 2006), prepared by Arboricultural Consulting, surveyed forty-six trees, one of which was located off-site in the City light ROW. No trees were found at the development site meeting the exceptional tree thresholds. In total, thirty-five (35) deciduous trees located upon the development site are slated to be removed to allow for construction activity that requires a turnaround for emergency vehicles and a drainage control system. Of the 35 trees that will be removed, 12 were found to be in poor condition or health and were recommended for removal. The remaining 23 trees are earmarked to be removed based on the extent of the development proposal. In total, 11 healthy trees (10 of which are located at the development site) are in locations where they will be unaffected by the layout of the proposed and will be protected and preserved. Future construction will be subject to the provisions of SMC 23.44.008 which sets forth tree planting requirements on single family lots.

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.*

This Short subdivision is not a unit subdivision. Thus, this section 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 prepared by Mark Travers and submitted on March 31, 2005. The information in the checklist, a Geotechnical Report prepared by RMI Associates, LLC, dated March 1, 2005, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that 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 the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in 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).

DECISION

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. Prepare and submit a Comprehensive Drainage Control Plan in accordance with SMC 22.802.020.B.2. This plan shall document stormwater treatment (if there will be more than 5,000 square feet of development and impervious coverage) and flow control mitigation measures. This plan will be recorded with the King County Assessor's office and a copy of the drainage plan shall accompany all future building permits.
4. Submit a statement of minimum risk addressing the stability of these slopes & structure, prepared by a licensed geotechnical engineer.
5. Provide an easement or covenant to allow for the placement of a visually accessible driveway address sign adjacent to South Webster Street, for the benefit of proposed Parcels A, B, C, and D.
6. Add the conditions of approval to the face of the short plat, or on a separate page if needed. 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).
7. Outline on the face of the short plat: the legal descriptions for the proposed parcels; the location of the existing utility lines on the face of the plat; all ingress and egress and utilities easements. If a utility easement is required by Seattle City Light, then the easement in its entirety (typically referred to as "Easement A") shall be shown on the face of the plat.
8. Update legal descriptions to reflect final easement configuration, and include language documenting 20-foot wide hard surface roadway for vehicle access easement.
9. Revise survey to remove 40% steep slope and buffer areas from face of plat. Additionally, revise proposed Parcel area calculations to reflect gross areas only.

After Recording and Prior to Issuance of future Building Permit

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

10. Attach a copy of the recorded short plat to all building permit plan sets.
11. Document five foot setback from access easement for each proposed single family structure on building permit plans (per SMC Section 23.53.025.C.2).
12. Submit comprehensive tree protection and restoration plan for all initial building permits on proposed parcels.
13. Submit a copy of the recorded drainage control plan for all initial building permits on proposed parcels.

Signature: (signature on file) Date: November 16, 2006
Bradley Wilburn, Land Use Planner
Department of Planning and Development