



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 2403679
Applicant Name: Robert Taylor
Address of Proposal: 1021 NE 130th St

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into five parcels of land in an environmentally critical area (Steep Slope). Proposed parcel sizes are: A) 8,423 sq. ft., B) 7,204 sq. ft., C) 7,295 sq. ft., D) 7,211 sq. ft. and E) 7,213 sq. ft. The existing single family residence located on proposed parcel A will remain.

The following approvals are required:

Short Subdivision - to subdivide two parcels into five parcels pursuant to Seattle Municipal Code (SMC) 23.24.

SEPA Threshold Determination - pursuant to SMC 25.05.

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS

[X] DNS with conditions

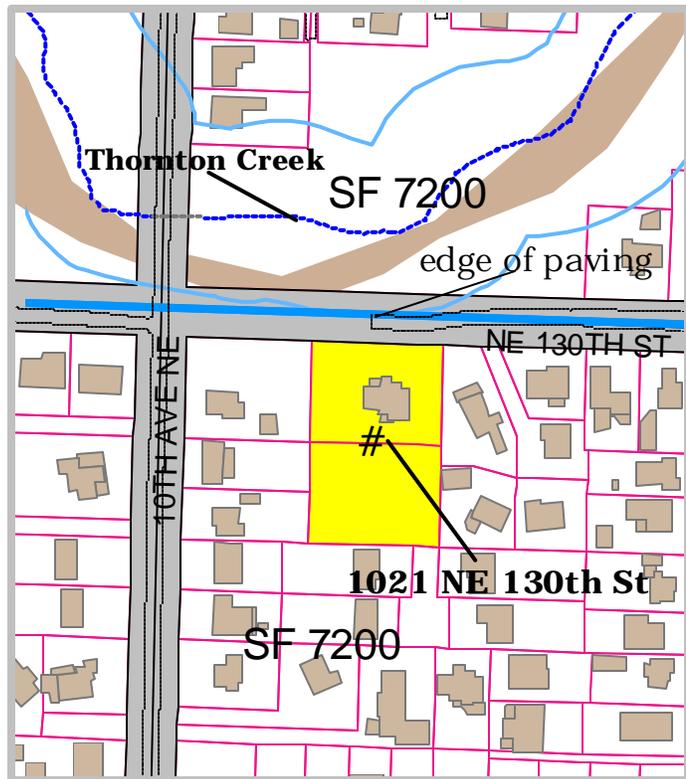
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The approximately 37,344 square foot site is located in the northeast area of Seattle, in a Single Family 7200 (SF 7200) zone with a minimum lot size of 7,200 sq. ft. The site abuts and is accessed by NE 130th St which is platted but dead ends along north side of the site. The site is located between 15th Ave NE and Roosevelt Way NE. The site currently has a paved vehicle access easement located along the east side of the property which serves several properties to the south.

The subject parcel slopes down from the southwest corner to the northeast with approximately 30' of elevation change. A portion of the property is within two identified Environmentally Critical Area (ECA) – Steep Slope and Liquefaction zones. An ECA exemption was requested by the applicant under the presumption that the ECA was mapped in error and the request was granted for the ECA liquefaction designation. The exemption request and geotechnical report was reviewed by DPD geotechnical staff and it was determined that the soils were not likely liquefaction. During the review, it was determined that steep slope although not mapped, does exist in the northwest corner of the site. A limited exemption was granted which waives the 30% disturbance level of SMC 25.09.180-A.3.a (DPD Proj. # 2502107). The exemption is located in the project file. Also, Thornton Creek is located north of the site, approximately 140' away and across NE 130th St.



NE 130th St, the only abutting street, is a non-arterial and is gravel where it abutts the site. Properties within a few blocks on all directions are also zoned SF 7200.

Proposal

The proposal is to subdivide two parcels into five. Proposed lot sizes are as indicated in the summary above. The existing house located on proposed Parcel A is to remain. Parcel A has existing access to NE 130th St that will remain and proposed parcel B is proposed to have direct vehicular access to NE 130th St. Parcels C, D, and E are proposed to be accessed from the existing vehicle easement along the east side of the site. The subject of this analysis and decision is related to the proposed division of land.

Public Comment

During the public comment period which ended on September 7, 2005, DPD received several written comments and some phone calls regarding the project. The comments expressed concerns over impacts to Thornton Creek Watershed, impacts to wildlife, tree retention, and the vehicle access easement.

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;*
 2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
 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 subdivision and subdivisions, in environmentally critical areas (Ord. 116253 – 1992);*
 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.*
 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.*
- B. If the short subdivision contains a proposed dedication, the Director shall refer the matter to the Director of Transportation for report and recommendation. The short plat or dedication instrument shall be transmitted to the City Council for acceptance of the dedication by ordinance.*

Based on information provided by the applicant, reviews by the Zoning Plans Examiner (DPD), the Drainage Section (DPD), Geotechnical Review (DPD), Ordinance & Structural Review, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner (DPD), the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned single-family residential. One dwelling unit per lot is permitted in single family zones. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setback is 5 feet. Minimum rear yard setback is 25 feet or if the lot is less than 125' in depth, 20% of the lot depth. The zoning reviewer approved the short plat and during the review process approved the removal of one exceptional tree (#25); the other two exceptional trees on site will be retained (#7 and #24) (ref. SMC 25.11). The applicant has submitted a concept building and siting plans for proposed parcels B, C, D and E. There are two versions of the concept plan located in the project file and conditioning is appropriate to add this information to the short plat. Further analysis will be provided based on these documents and criterion six below regarding tree retention. The lots created by this proposed division of land will conform to all development standards and/or exceptions of the SF 7200 zoning and applicable Land Use Code provisions. The proposed

parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. Undeveloped Parcel B will have access directly from NE 130th St. The other undeveloped proposed parcels (C, D, E) will have vehicular access to NE 130th St. by way of a paved vehicle access easement. Improvements will be required for NE 130th St. The Seattle Fire Department has granted conditional approval for the proposed short plat. As a result conditioning is warranted. Fire approval is contingent upon meeting applicable non-appealable conditions (fire code requirements) during construction, which will be tied to any associated future building or grading permits. The applicant has agreed to re-construct a portion of the existing paved easement on the east side of the site in order to meet the conditions. After consultation with the fire reviewer, the fire access will not need to exceed 150' for the proposed plat, as any structure located on proposed Parcel C will be reachable from the end of the 150' fire access road. As a result creation of a turnaround is not required. The Fire comments/conditions are located in the project file. 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 requires an easement to provide for electrical facilities and service to the proposed lots. The required SCL easement is located in the MUP file. With appropriate conditioning this short plat provides for 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 has been reviewed by Seattle Public Utilities and Water Availability Certificate No. 20061921 was issued on October 4th, 2006. An eight-inch water main is available in 10th Ave NE to serve the proposed short plat. The Water Availability Certificate is located in the project file.

SANITARY SEWER; The existing house located upon proposed Parcel A is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located within an easement paralleling the easterly property line, as shown on the provided survey. There is also an 8-inch PSS located in NE 130th St ROW.

DRAINAGE; The existing house located upon proposed Parcel A is using infiltration pits to manage stormwater runoff. There is a 24-inch public storm drain (PSD) in NE 130th St which discharges directly to the north branch of Thornton Creek.

DRAINAGE; Pursuant to SMC 23.24.040{A}3, the downstream conveyance capacity of Thornton Creek is inadequate to convey un-attenuated stormwater runoff from the scale of redevelopment proposed for these parcels. In accordance with SMC 22.802.020{B}2, and as a condition of the Director's decision, a Comprehensive Drainage Control Plan shall be prepared for review and approval with this application. This plan should show proposed stormwater treatment (if there will be in excess of 5000sf of area subject to vehicular traffic), 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 as a condition of the Short Plat.

Prior to issuance of building permit;

SANITARY SEWER; Contact DPD Sidesewer and Drainage Counter, 684-5362, for sidesewer permit requirements.

Drainage; As noted above, a copy of the drainage plan, as a condition of the Short Plat, shall accompany all future building permits.

As a result of SEPA corrections and the Drainage Review, the applicant prepared a comprehensive drainage plan for the site and proposed parcels. This plan was given preliminary approval by the Drainage Reviewer and will be reviewed again during any grading or building permit review, before any work happens on the site. The drainage system will use a flow control structure with a detention pipe. A temporary erosion and sedimentation control plan is part of the comprehensive drainage plan and conditioning is warranted to ensure the plan is part of the recorded plat and any future grading or building permit applications for any of the parcels.

4. The proposal provides additional housing units within the city limits and meets or will meet, with conditioning, all applicable criteria for approval of a short plat as discussed in this analysis. Thus the public uses and interests are served by permitting the proposed subdivision of land.
5. The proposed property has a small amount of environmentally critical area (Steep Slope) located in the northwest corner of the site. There is an ECA exemption for the site reviewed under project number 2502107 which waives the 30% Steep Slope maximum disturbance level of SMC 25.09.180-A.3.a. The ECA exemption also determined that the property will not be designated as a Liquefaction Potential Site based on the submitted geotechnical report (The Galli Group dated March 26, 2004). Future construction will be subject to the provisions of the Critical Areas Ordinance. All other ECA Submittal, General, Landslide-Hazard and applicable development standards will still apply for future developments at this site. The limited exemption permits the small Steep Slope area in the northwest corner of the site to be credited towards minimum lot area and with respect to SMC 25.09.240. As a result the proposal is compliant with SMC 25.09.240.

Also, Thornton Creek is located north of the site approximately 140' northward. No Riparian Corridor or Riparian Corridor Buffer exists on the site.

6. There are twenty-seven (27) trees located on the entire site. DPD has determined that the proposed plat is designed to maximize the retention of existing trees. Due to the location of the existing vehicle access along the east side of the property, the proposed east/west orientation of parcels C, D and E allows use of the existing easement to avoid additional grading for a new access easement. Proposed parcel B will likely have access from NE 130th St. Considering yard requirements and code permitted building envelopes, several iterations of alternate lot layouts were analyzed by DPD and it was determined that no other lot layout could preserve more trees than the proposed layout. The alternate layouts are located in the project file.

Many of the trees may be preserved, depending upon the location of the root systems and the overall health of the trees. Future construction on the proposed parcels is subject to the provisions of SMC 23.44.008 which sets forth tree replacement/planting requirements on single family lots. It has been determined that three of the trees are considered exceptional trees by City of Seattle

standards (ref. Director's Rule 6-2001). The proposed plat contains a tree identification table with corresponding tree reference numbers. The following are the exceptional trees (E) from the table as listed below: #7 - 36" Douglas Fir (*Pseudotsuga Mensiesii*); #24 - 36" Douglas Fir (*Pseudotsuga Mensiesii*); and #25 Western Hemlock (*Tsuga Heterophylla*). The zoning plans examiner determined that tree #25 can be removed pursuant to Director's discretion of SMC 25.11.060-A.

Further, the applicant has submitted a site plan showing future building locations for the proposed parcels. Conditioning is necessary to ensure that tree preservation is carried through construction. The applicant's tree preservation and building layout plan shows that by staggering building locations many trees may be saved. The table below shows all of the trees on site and DPD's analysis regarding preservation of specific trees. On the final plat and on any building or grading permit, a new column must be added to the existing tree identification table showing the "PRESERVATION NOTE DPD" as written below. Trees noted as "MAY BE RETAINED or TO REMAIN," must either be retained or if removal is necessary for any reason, it shall be reviewed and decided upon by the assigned zoning reviewer during the building grading permit reviews. The two exceptional trees to be retained (7 and 24) must be retained and accompanied with a report and recommendation prepared by a tree care professional (licensed arborist or landscape architect) for retention of the trees prior to, during and after construction. Any building or grading permit must reflect the report's recommendations and requirements.

Tree Retention Table

I.D. #	DIAMETER	TREE NAME	BOTANICAL NAME	PRESERVATION NOTE DPD
1	48"	COTTONWOOD	POPULUS BALSAMIFERA SSP. TRICHOCARPA	LIKELY TO BE REMOVED
2	12"	BITTER CHERRY	PRUNUS EMARGINATA VAR. MOLLIS	TO REMAIN
3	12"	BITTER CHERRY	PRUNUS EMARGINATA VAR. MOLLIS	MAY BE RETAINED
4	26"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	TO REMAIN
5	20"	EUROPEAN WHITE BIRCH	BETULA PENDULA	TO REMAIN
6	12"	EUROPEAN WHITE BIRCH	BETULA PENDULA	TO REMAIN
7 (E)	36"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	EXCEPTIONAL TREE TO REMAIN
8	20"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	MAY BE RETAINED
9	18"	WESTERN RED CEDAR	THUJA PLICATA	MAY BE RETAINED
10	18"	HEMLOCK	TSUGA HETEROPHYLLA	TO BE REMOVED
11	18"	HEMLOCK	TSUGA HETEROPHYLLA	TO BE REMOVED
12	18"	HEMLOCK	TSUGA HETEROPHYLLA	TO BE REMOVED
13	24"	RED ALDER	ALNUS RUBRA	TO BE REMOVED
14	18"	HEMLOCK	TSUGA HETEROPHYLLA	LIKELY TO BE REMOVED
15	14"	WESTERN RED CEDAR	THUJA PLICATA	LIKELY TO BE REMOVED

I.D. #	DIAMETER	TREE NAME	BOTANICAL NAME	PRESERVATION NOTE DPD
16	18"	HEMLOCK	TSUGA HETEROPHYLLA	TO BE REMOVED
17	18"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	MAY BE RETAINED
18	18"	HEMLOCK	TSUGA HETEROPHYLLA	MAY BE RETAINED
19	18"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	MAY BE RETAINED
20	12"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	MAY BE RETAINED
21	18"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	LIKELY TO BE REMOVED
22	24"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	TO BE REMOVED
23	26"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	LIKELY TO BE REMOVED
24 (E)	36"	DOUGLAS FIR	PSEUDOTSUGA MENSIESII	EXCEPTIONAL TREE TO REMAIN
25 (E)	26"	HEMLOCK	TSUGA HETEROPHYLLA	EXCEPTIONAL TREE TO BE REMOVED
26	20"	HEMLOCK	TSUGA HETEROPHYLLA	TO BE REMOVED
27	26"	RED ALDER	ALNUS RUBRA	TO REMAIN

Pursuant to the above analysis, the applicant's structure siting and tree retention plan, the proposal has been designed to maximize the retention of existing trees.

7. This short subdivision is not a unit subdivision. Thus, this section is not applicable to this proposal.
8. This short subdivision does not propose two single family units on one lot and thus this section does not apply to the 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 the applicant dated April 15, 2005. The information in the checklist, a Geotechnical Report prepared by The Galli Group, dated March 26, 2004, 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 Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, reviewed the proposed plat and the additional information in the file, and any comments which may have been received regarding this proposed action have been considered. A majority of the impacts to the environmentally critical area will be temporary and of limited effects; thus, the impacts are not expected to be significant. Some analysis is appropriate considering the adjacency of Thornton Creek.

As noted above, Per SMC 25.09.060, DPD requested impact analysis and the applicant responded by creating a comprehensive drainage plan (by Litchfield Engineering) for the entire site. The drainage system will use a flow control structure with a detention pipe. The detention system will mimic natural drainage flow with the detention pipe which obstructs direct runoff to Thornton Creek which could cause erosion. A temporary erosion and sedimentation control plan is part of the comprehensive drainage plan. Conditioning is warranted to ensure the comprehensive plan is part of the recorded plat and any future grading or building permit applications for the parent site. The drainage plan and detention will provide sufficient mitigation for storm drainage runoff into Thornton Creek.

Codes and development regulations applicable to this proposed project, specifically the Grading and Drainage Ordinance and Environmentally Critical Areas Ordinance will provide additional mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

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

Prior to any Building or Grading Permit Application

1. Attach a copy of the comprehensive drainage and temporary erosion and sedimentation control plans to any future building or grading permits

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

2. Attach a copy of the comprehensive drainage to the final plat.
3. 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. 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.
4. Submit the final recording forms for approval and any necessary fees.
5. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final Short Subdivision.
6. Add to the tree identification table in the plat the column labeled "PRESERVATION NOTE DPD," with the notations as noted above to the final plat. Note on the final plat that tree numbers 7, 24, and 25 are exceptional trees by City of Seattle standards and only #25 can be removed.

Upon Application for any Building or Grading Permit Application

7. Attach the final plat, meeting all conditions, to any building or grading permit prior to submittal to DPD. Add notes to each tree on the site plans for every building and grading permit, which states the corresponding "Preservation Note DPD" noted above in the Tree Retention Table. The site plans must also clearly state that tree numbers 7 and 24 are exceptional and are to be retained. Add the building siting plan with tree locations sent to the Land Use Planner by pdf on 11/3/06 to the final plat. This plan is located in the project file and stamped as received 11/3/06.
8. Submit the required tree preservation report and recommendation prepared by a tree care professional (licensed arborist or landscape architect) for retention of the two exceptional trees (#7 and #24). Any building or grading permit must reflect the tree preservation report's recommendations and requirements.

Non-appealable conditions

9. Add a note to the final plat stating that street improvements are required along NE 130th St. per SMC 23.53.015-D.2.b(1)(2)&(3). Submit the required no protest agreement prior to or with the final plat and recording documents.
10. Add a note to the final plat stating that the existing vehicle easement will be reconstructed per Fire Code requirements. Meet the following Fire review conditions of approval:

2003 SFC Appendix D Section D101

"Scope. Fire apparatus access roads other than public streets shall be in accordance with this appendix..."

Section D102.1

The access road shall be constructed “with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus. See AASHTO Highway Standard 20.”

Section D103.34 Dead Ends.

“Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4”, (2003 SFC Appendix D).

2003 SFC Sect. 503.2.1 Dimensions.

“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.”

Signature: (signature on file) Date: December 14, 2006

Lucas DeHerrera, Land Use Planner
Department of Planning and Development

LJD:rgc

I:\DeherrL\doc\LucasWrittenDecisions\Short.Plat.wSEPA\2403679.Short.plat.2-5.ECA\2403679.SF.SP.2.to.5.ECA.SEPA.doc