



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Project Number: 2505367
Applicant Name: Klaus Kerl
Address of Proposal: 10059 Densmore Avenue N

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: Parcel A) 6,611 sq. ft. and Parcel B) 6,609 sq. ft. Existing structures are to remain but existing canopy to be demolished and removed from site.

The following approval is required:

Short Subdivision: - to divide one existing parcel into two parcels of land.
(Seattle Municipal Code Chapter 23.24)

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

BACKGROUND DATA

Site and Vicinity

The subject property is located in a Single-Family 7200 (SF-7200) zone on the corner of N 103rd Street and Densmore Avenue N. The rectangular shaped, 13,217-sq. ft. site has approximately 131 ft. frontage on N 103rd Street and approximately 100 feet lot depth. Densmore Avenue N and N 103rd Street at the project location are paved but are not developed with concrete sidewalks, curbs and gutters.

The subject site is currently developed with a single-family residence with an attached garage. There is no alley. Vehicular access is available from N 103rd Street through a concrete driveway located on the northeast corner and across the vacant portion of the lot to the attached garage located at the rear of the house. The driveway also connects to concrete turnaround area located immediately east of the garage along the rear portion of the lot. There are several small to medium sized trees located on the lot. The topography of the site slopes from west to east. The site is located within a steep slope Environmentally

Critical (ECA) Area. Properties to the north, east, west and south are zoned SF 7200 and development in the vicinity is predominantly single family residential.

Proposal

The applicant proposes to subdivide an existing 13,217-square foot lot into two parcels of land. Proposed parcel sizes would be as follows: Parcel A) 6,611 square feet and Parcel B) 6,609 square feet. The existing single-family residence, a deck and attached garage would remain but the existing canopy would be demolished and removed from site. Proposed Parcels A and B would have street frontage on N 103rd Street.

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 Comments

Notice of the proposed project was published on August 4, 2005. The public comment period ended on August 17, 2005. No comment letter was received.

ANALYSIS - SHORT SUBDIVISION

Based on information provided by the applicant, referral comments from DPD's Drainage Section, Seattle Fire Departments, and Seattle Public Utilities (Seattle City Light and Water Department); and review by the Land Use Planner, the following findings are made with respect to the applicable criteria:

Pursuant to SMC 23.24.040, The Director shall, after conferring with appropriate officials, use the following (applicable) 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 Single Family 7200 zone (SF-7200). This proposal will divide the subject lot into parcels of land as follows:

- Parcel A: 6,611 square feet
- Parcel B: 16,609 square feet.

The proposed Parcel A and Parcel B would meet the requirements for the code allowed exceptions to lot size. Both Parcel A and B would satisfy the "75/80 rule", established in SMC 23.44.010 and therefore, may have less than the required lot area. Each lot will have adequate buildable lot area to meet applicable setbacks and lot coverage requirements and other Land Use Code development standards. Any new developments must conform to Land Use Code requirements at the time of application of the building permit.

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

Proposed Parcel A would have adequate vehicular and utility access from an existing driveway to N 103rd Street located to the northeast corner of the site. Proposed Parcel B would have vehicular and utility access to N 103rd Street from a proposed access easement located on Parcel A for the benefit of Parcel B. The Seattle Fire Department would provide emergency vehicle access to the site, and after review of the application, the Fire Department has approved the proposed short plat for emergency vehicle access. 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 house located on proposed Parcel B is connected by means of a single side sewer to an 8-inch public sanitary sewer (PSS) located in 103rd Street to the north of the site. There is also an 8-inch PSS located in Densmore Avenue N to the east of the site. The DPD Drainage reviewer recommends that a side sewer easement “along the line as constructed” should be given to the benefit of proposed Parcel B where it runs across proposed Parcel A.

There is no public infrastructure conveying storm water runoff in the vicinity. Storm water will be required to be mitigated on site, through use of infiltration or surface disposal. Storm water detention is likely to be required for construction in excess of 2,000 square feet of development coverage. Plan review requirements would be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project proposes more than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015(D) and 22.802.020, may be required.

The short plat application was reviewed by Seattle Public Utilities, and Water Availability Certificate #200-51303 was approved and issued on August 26, 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 site is within an identified designated Environmentally Critical 40% steep slope area. However, under project #6063704 based on geotechnical information provided by Geotech Consultants, Inc., April 19, 2006 and May 20, a limited exemption from ECA Steep Slope Development Standards was approved by DPD for this site on the basis that the on-site slopes are created by legal grading activities

New construction on proposed Parcel A is not 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. As a result of ECA exemption, the short subdivision is exempt from SMC 25.09.240.

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

There are approximately 11 trees (Fir, Cherry and Cedar, strawberry, Maple, holly, Lawson Cypress, Common Hawthorne) and hedges and shrubs located upon the development site. Most of these trees are located along the site's perimeter along N 103rd Street and Densmore Avenue N. The applicant has indicated that all the trees along the perimeter of the site would be preserved, although potential building footprint and the proposed access easement would necessitate the removal of some trees located within the development area. Future construction would be subject to the provisions of SMC 23.44.008, which sets forth the tree planting requirements on single-family lots.

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 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 or more lots from one lot with more than one 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 shot plat proposal.

DECISION - SHORT SUBDIVISION

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

ANALYSIS - SEPA

The proposal site is located in a 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.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated October 17, 2006, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

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

(SMC 25.05.665 D) 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.

Short - Term Impacts

The following temporary impacts on the critical areas are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Drainage and Grading Code (temporary soil erosion); and 3) Regulations for Environmentally Critical Areas. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a landslide-prone environmentally critical area. Therefore, additional discussion of earth/soils impacts is warranted.

Earth

Due to the anticipated impacts on the critical areas such as soil erosion and soil instability, the ECA Ordinance and Directors Rule (DR) 3-93 require 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 Geotech Consultants, Inc. April 19, 2006. The report evaluates the soil and site conditions and provides recommendations for future construction.

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

The long-term impacts such as soil erosion and soil stability, are typical of single-family 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. There are no long-term significant impacts from the proposed short subdivision.

Summary

The City's adopted codes and/or ordinances will adequately provide mitigation for any possible short-term and long-term impacts. Additional mitigation pursuant to SEPA conditioning authority is not 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.

- 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

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

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. Show the side yard setback for the existing house from the new lot line. The property corners set shall be identified on the plat and encroachments such as 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. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Add the conditions noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page.
3. Submit the final recording forms and fee for approval.

After Recording and Prior to Issuance of a Building Permit

4. Attach copy of the recorded short plat with the plans upon application for a construction permit.

Signature: (signature on file) Date: November 16, 2006
Christopher A. Ndifon, Land Use Planner