



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

Application Number: 3004601

Applicant Name: Debora Goodman

Address of Proposal: 3820 46th Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 5,264 sq. ft. and B) 5,003 sq. ft. The existing single-family residence and detached garage are proposed to be demolished.

The following approval is required:

Short Subdivision – To subdivide one parcel into two lots. (Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination – Chapter 25.05 Seattle Municipal Code

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 visit: May 8, 2007

Zoning: Single Family Residential 5000 (SF 5000)

Uses on Site: One single-family residence and detached garage

Substantive Site Characteristics:

This 10,267 square foot subject site (the “parent lot”) is a rectangular lot that is located on the east side of 46th Avenue SW, south of SW Charlestown Street. The surrounding zoning is Single Family Residential 5000 (SF 5000). The majority of the site slopes gently down towards the southwest, with a steep slope located on the western 10-12 feet of the site and within the eastern portion of the 46th Avenue right-of-way. There is an approximately 3.5-foot high retaining wall separating the property from the sidewalk. A small portion of the site is located in a mapped critical area due to the steep slope. The 46th Avenue SW right-of-way is a residential street with one travel lane and two parking lanes, curbs and detached sidewalks. The sidewalk on the east side of 46th Avenue SW is located more than halfway up the steep slope, just to the west of the retaining wall. A concrete alley abuts the site to the east and provides vehicular access to the detached garage.

Area Development:

Development in the vicinity consists primarily of single-family residences on lots of varying sizes. The street system in the vicinity is laid out in a grid with alley access to the rear of lots.

Proposal Description:

The applicant proposes to subdivide one parcel, the “parent lot,” with a total area of 10,267 square feet into two parcels of 5,264 sq. ft. and 5,003 sq. ft. Parcel A will be created on the northern portion of the original lot and Parcel B will be created on the southern portion of the original lot. Both parcels will have street frontage on 46th Avenue SW as well as alley access.

Public Comment:

The comment period for this proposal ended on April 25, 2007. During this period, there was one comment letter 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;*
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;*
6. *Is designed to maximize the retention of existing trees; and*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply, and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. A small portion of the site is located in an environmentally critical area, for which SMC 25.09.240 is applicable. However, the applicant was granted a steep slope exemption per SMC 25.09.180.B because the steep slope is the result of legal grading activities. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is CONDITIONALLY GRANTED.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on March 21, 2007 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form 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, 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/circumstances (SMC 25.05.665) mitigation can be considered. A more detailed discussion of the potential impacts from this short plat follows.

Short-Term Impacts

Future construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion of steep slopes, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Critical Areas Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from potential future construction, which include increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts would not be considered significant because the impacts are likely to be minor in scope.

The long-term impacts would be typical of the construction of single family residences and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (minimum lot area, vehicle access to parking); and the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

Earth

A geotechnical survey was conducted in February, 2007 and the report dated February 24, 2007 was submitted with this application. The report notes that the western portion of the lot has been designated as an environmentally critical area due to its steep slope greater than 40%. The report finds that the steep slope is the result of grading activities within and adjacent to the 46th Avenue SW right-of-way related to the construction of that street. The natural slopes in the vicinity have slopes of approximately 25%, with no natural slopes exceeding 40%.

The report concludes that the property is presently stable and that the property is suitable for single family residential development provided that appropriate site development procedures are followed. The report notes that the slope is subject to erosion or shallow debris slides involving loose surficial soils or fill if disturbed during construction activities. The report recommends that if new structures are proposed within 15 feet of the top of the steep slope, further geotechnical review and specific recommendations will be warranted.

The Environmentally Critical Area (ECA) Steep Slope Development Standards are waived because the Steep Slope Critical Area is less than 20 feet in height and is not part of a larger steep slope system and because the slope was created as a result of legal grading activities.

Plants and Animals

There are three fir trees located within the 46th Avenue right-of-way to the west of the site, which provide habitat for birds and urban wildlife such as raccoons, squirrels, and other small animals. Vegetation on site is more limited and consists of grass, shrubs and typical landscaping. Therefore, it is expected that most of the existing bird and wildlife habitat would be preserved on this site and that no mitigation of plant and animal impacts will be required.

Summary

In conclusion, several adverse effects on the environment are anticipated from the proposal. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. Therefore, no additional SEPA conditions have been imposed on this short plat.

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 43.21C), 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

Conditions of Approval Prior to Recording

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

1. Include the required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected lots.

2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ___ of ___."
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. 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. The lot areas of each parcel shall be shown on the recording documents.
4. Submit the recording fee and final recording forms for approval.
5. Note on the face of the final plat for all existing structures: "to be removed legally prior to sale and/or transfer of ownership of any parcel."

Prior to Issuance of any Building Permit

6. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: (signature on file) Date: May 17, 2007
Janet L. Wright, Land Use Planner
Department of Planning and Development