



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Numbers: 3004729
Applicant Name: Tyler Hesse
Address of Proposal: 9340 California Avenue S.W.

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area (Steep Slope). Proposed parcel sizes are: A) 10,776 sq. ft. and B) 10,779 sq. ft. The existing structures are to be demolished.

The following approvals are required:

Short Subdivision - to create two parcels of land. (Seattle Municipal Code Chapter 23.24).

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05).

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

BACKGROUND DATA

A. Site Description

The site is approximately 21,555 square foot in total lot area and is located in a single-family residential zone in the Fauntleroy neighborhood of West Seattle. The Single-family zone has a required minimum lot size of 7,200 sq. ft. (SF7200). The subject site is on the east side of the block of California Avenue S.W., approximately six parcels north of S.W. Roxbury St. The site is rectangular in shape and has street frontage on California Avenue that is 80-feet wide and has a property depth of 270-feet. The site is currently developed with three buildings: A single-family

residence on the north part of the site, and a second residential building and a detached garage on the south part of the site. An asphalt driveway runs along the west part of the north side of the site, leading to the single-family residence and the garage. A rockery is present along the south side of the driveway, and some low rockeries are present in the vicinity of the existing residential buildings. Vegetation on-site includes grass, weeds, scattered shrubs and trees. The proposal site is considered environmentally sensitive because of Steep Slope. California Avenue S.W. is a 30-foot wide partially improved right of way with a 16-foot wide paved roadway without curbs, gutters or sidewalks on either side of the street.

The subject site is bounded by S.W. Brace Point Dr. to the north and S.W. Roxbury St. to the south and is in a heavily developed residential area. The site is situated on the upper portion of a moderate to very steep, easterly declining slope. A geotechnical report by Geo Group Northwest, Inc. and dated August 8th, 2005 was submitted to DPD. Based on submitted document the slope on the west part of the site is about 10 feet high and up to approximately 36 percent. The slope on the east side of the site is about 24 feet high and has inclinations ranging between 34 and 67 percent grade on the north and south parts of the slope, respectively. The full height of the eastern slope is located within the site property. The existing structures to be removed are located on the upper flat part of the site. This proposal shall meet all development standards for ECA Steep Slope. This proposal is subject to review under SEPA.

Area Development

Zoning and development in the vicinity of the proposal site is predominately Single-family Residential with varied minimum lot sizes. The project site and surrounding area to the north, east and south is zoned Single-family 7,200 (SF7200). Single-family zoning, with a minimum lot size of 5,000 (SF5000) is located to the west. There is an area northwest of S.W. Brace Point Dr. where the zoning is Neighborhood Commercial (NC1-30').

Proposal Description

The applicant proposes to subdivide one parcel into two parcels of land in an environmentally critical area. Both parcels are proposed to be in excess of the minimum lot area requirement of 7200 square feet. Parcel A is proposed to have a site area of 10,776 square feet and Parcel B is proposed to have a site area of 10,779 square feet. The two residential structures and the detached garage are to be removed. Vehicle access will be from California Avenue S.W. There are 10 deciduous trees on site including a 24 inch Cedar tree. The trees range in size from 12 inches to 48 inches. The applicant proposes to remove 5 trees in the west half of the property. The deciduous trees to be removed range in size from 12 inches to 18 inches. The 24 inch Cedar tree will remain. The trees to be removed are not in the environmental critical area of the site.

Public Comments

One comment letter was received during the comment period that ended May 3rd, 2006.

- The comment expressed drainage concerns.

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 upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

The parcels created by this proposed subdivision of land would conform to all development standards of the SF 7200 zone. Parcel A would have a lot area of approximately 10,776 sq. ft. and Parcel B would have a lot area of approximately 10,779 sq. ft. Each lot will have adequate buildable lot area to meet applicable parking, yards and lot coverage requirements.

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

Each of the proposed parcels will have adequate access for vehicles, utilities and fire protection from the street. Seattle City Light has reviewed and approved this application and does not require property rights for this short plat. The Seattle Fire Department reviewed and approved this proposal with conditions.

Vehicular access to the site will be from California Avenue S.W. which is a 30-foot wide partially improved right-of-way with a 16-foot wide paved roadway without sidewalks, curbs and gutters on either side of the street.

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

Sanitary Sewer: The existing house located upon proposed Parcel "B" and the easterly unidentified structure located upon proposed Parcel "A", which the City's sewer-card records label as a guest louse, are connected by means of a shared side-sewer to a 8-inch public sanitary sewer (PSS) located in California Avenue S.W.

Drainage: Based upon the City's GIS records, it appears that there is draw in the easterly portion of the proposed Short Plat and that there natural watercourse flowing to a mapped but unnamed reach of Fauntleroy creek.

Seattle Public Utilities reviewed the short subdivision application and approved a **Water Availability Certificate ID, No. 20060722 on April 20th, 2006**. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short plat meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. 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;*

The site topography is a relatively flat upper area in its middle to western part, with a moderate to steep downward slope to the east. The slope to the west part of the site is about 10 feet high and up to approximately 36 percent. The slope on the east side of the site is about 24 feet high and ranges between 34 and 67 percent grade on the north and south parts of the slope. The full height of the eastern slope is located within the site property. The existing structures to be removed are located on the upper flat part of the site.

The site is situated on the upper portion of a moderate to very steep, easterly declining slope. A Geotechnical Report by Geo Group Northwest, Inc. and dated August 8th, 2005 was submitted to DPD with this project. Based on submitted document the site has a slope of approximately 34 to 67 percent and then continues to slope down westerly at about 37 percent toward the east boundary of the site. A concrete retaining wall starts from the north side of the existing house to the north-eastern corner of the property. The height of the retaining wall is 4 feet and decreases northeasterly to about one foot. A fifteen foot Steep Slope Buffer is proposed from the top of the slope. This proposal shall meet all development standards for ECA Steep Slope. This proposal requires SEPA.

Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer area. The ECA Covenant, to be recorded with the final survey, showing the location of the ECA markers for the Steep Slope Buffer. The covenant shall be in the form given to the applicant by DPD.

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information required to show conformance with applicable ordinances and codes (ECA ordinance, the SGDCC, DR 3-93, and 3-94) will be required of the applicant prior to issuance of building permits. Construction in compliance with these conclusions and recommendations, as well as applicable provisions of the ECA Ordinance and DR 3-93, will adequately mitigate expected earth impacts; therefore, no further mitigation in this regard pursuant to SEPA is warranted.

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

There are 10 trees on site. There are nine deciduous trees ranging from 12 inches to 48 inches and one 24 inch Cedar Tree on the property. Five deciduous trees, two 12 inch and three 18 inch, are expected to be removed as a result of this short subdivision. Five trees in the rear of the property are to be retained including the 24 inch Cedar. This proposal allows for minimal removal of trees, considering, there does not appear to be any alternate plat design which would better minimize retention of trees. Therefore, this proposal 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.*

Section 23.24.045 is not applicable because the proposed short subdivision is not for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision 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 4th, 2006. The information in the checklist, the supplemental information submitted by the applicant, field inspection, public comments and the experience of the lead agency with 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 an 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 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).

The SEPA Overview Policy (SMC 25.05.665 D) 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, that "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 D1-7) mitigation can be considered.

Summary

The site is situated on the upper portion of a moderate to very steep, easterly declining slope. A Geotechnical Report by Geo Group Northwest, Inc. and dated August 8th, 2005 was submitted to DPD with this project. Based on submitted document the site has a slope of approximately 34 to 67 percent and then continues to slope down westerly at about 37 percent toward the east boundary of the site. A concrete retaining wall starts from the north side of the existing house to the north-eastern corner of the property. The height of the retaining wall is 4 feet and decreases northeasterly to about one foot. A fifteen foot Steep Slope Buffer is proposed from the top of the slope. This proposal shall meet all development standards for ECA Steep Slope. Existing City regulations appropriately address environmental impacts of this proposal. No SEPA conditioning is 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.

- [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 2C.
- [] 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 2c.

CONDITIONS – SEPA

None.

CONDITIONS - UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and 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 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 of Approval upon Application for Construction Permits," noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page. If the conditions are on a separate page, insert on the face of the plat "For Conditions of Approval upon Application for Construction Permit, see page ___ of ___."
3. Submit the final recording forms and fee for approval.
4. Permanent visible markers along the top of the steep slope area to delineate the edge of the steep slope critical area buffer must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the top of the steep slope buffer line where it changes direction from a straight line. Markers must be in place before issuance of this short subdivision permit.

After Recording and Prior to Issuance of a Building Permit

5. Attach copy of the recorded short plat with the plan upon application for a construction permit.
6. Provide a Comprehensive Drainage Control Plan, prepared per SMC 22.802.020{B} 2 & 4, for review and approval with the building permit.
7. Please complete, sign and notarize a No Protest Agreement for California Avenue S.W., prior to recording.
8. Provide an ECA Covenant, to be recorded with the final survey, showing the location of the ECA markers for the Steep Slope Buffer. Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer area. The covenant shall be in the form given to the applicant by DPD.

9. Prior to recording, a sidesewer easement “along the line as-constructed” shall be provided for the existing sidesewer.

10. The existing structures on the property are to be removed legally prior to sale and/or transfer of ownership.

Signature: (signature on file)

Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services

Date: December 11, 2006