



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: 3004817
Applicant Name: James McNeal
Address of Proposal: 1908 34th Avenue S.

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into three parcels of land in an environmentally critical area (Steep Slope). Proposed parcel sizes are: A) 8,701 sq. ft., B) 8,702 sq. ft. and C) 29,010 sq. ft. The existing swimming pool is to be removed and structure to remain.

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 43,552 square foot in total lot area and is located in a single-family residential zone in the Mount Baker neighborhood of Seattle. The Single-family zone has a required minimum lot size of 5,000 sq. ft. (SF5000). The subject site is on the north of 34th Avenue South where it intersects with S. Plum St. and as 34th Avenue S. dead ends. The site is rectangular in shape and has street frontage on both 34th Avenue S. and S. Plum St. The subject site is 143.50-feet wide and has a property depth of 303.58-feet. The site is currently developed

with a single-family residence with attached garage and a swimming pool. An asphalt driveway runs along the west portion of the site, leading to the single-family residence and the garage. A rockery is present along the south side of the driveway, and the swimming pool. Some low rockeries are present in a variety of areas on the site. Vegetation on-site includes grass, weeds, scattered shrubs and trees. The proposal site is considered environmentally sensitive because of Steep Slope. 34th Avenue S. is a 45-foot wide street with sidewalks, curbs and gutters on both sides of the street. S. Plum St. is a 56.89-foot wide street without sidewalks, curbs and gutters on either side of the street.

The subject site is in a heavily developed residential area. The site is situated on the lower portion of a moderate to very steep, southwesterly declining slope. A geotechnical report by Earth Consultants Inc. and dated May 5th, 2006 was submitted to DPD. Based on submitted document the slope on the north part of the site that descends toward Lake Washington Boulevard South is in excess of 40 %. Topography in the vicinity of the existing residence and the proposed residences consists of a series of rockeries. Most of the rockeries have been constructed in the eastern half of the site and extend the length of the site. Based on the site plan, the individual rockeries range from approximately 4-feet to 13-feet in height and the three-tier rockery located east of the pool is approximately 22-feet to 25-feet in height. The existing structures to be removed are located on the upper flat part of the site. A Limited ECA exemption was granted for this 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. The project site and surrounding area to the north, south, east and west is zoned Single-family 5,000 (SF5000).

Proposal Description

The applicant proposes to subdivide one parcel into three parcels of land in an environmentally critical area. All three parcels are proposed to be in excess of the minimum lot area requirement of 5000 square feet. Parcel A is proposed to have a site area of 8,701 square feet, Parcel B is proposed to have a site area of 8,702 square feet and Parcel C is proposed to have a site area of 29,010 sq. ft. The residential structure with attached garage on Parcel C is to remain. Vehicle access will be from 34th Avenue S. and S. Plum St.

Public Comments

One comment letter was received during the comment period that ended June 7th, 2006.

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 5000 zone. Parcel A would have a lot area of approximately 8,701 sq. ft., Parcel B would have a lot area of approximately 8,702 sq. ft. and Parcel C would have a lot area of approximately 29,010 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. Vehicular access to the site will be from 34th Avenue S. which is a 45-foot wide improved street with sidewalks, curbs and gutters on both sides of the street and S. Plum St. which is a 56.89-foot wide street without sidewalks, curbs and gutters on both sides of the street. The existing single-family residence with attached garage on Parcel C is to remain. The existing swimming pool is to be removed.

Seattle City Light has reviewed this application and requires an overhead/underground easement. **(See file for Exhibit "A" P.M. #240410-2-005)** The Seattle Fire Department reviewed and approved this proposal.

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

Sanitary Sewer: The existing house located upon proposed short plat is connected by means of single sidesewer to a 16-inch public sanitary sewer (PSS) located in Mount Baker Beach Park. There is a 8-inch public sanitary sewer (PSS) located in 34th Ave. S.

Drainage: There is a 12-inch public storm drain in 34th Ave. S. This mainline discharges to a Designated Receiving Water.

Seattle Public Utilities reviewed the short subdivision application and approved a **Water Availability Certificate ID, No. 20070036 on January 9th, 2007**. 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 subject site is in a heavily developed residential area. The site is situated on the lower portion of a moderate to very steep, southwesterly declining slope. A geotechnical report by Earth Consultants Inc. and dated May 5th, 2006 was submitted to DPD. Based on submitted document the slope on the north part of the site that descends toward Lake Washington Boulevard South is in excess of 40 %. Topography in the vicinity of the existing residence and the proposed residences consists of a series of rockeries. Most of the rockeries have been

constructed in the eastern half of the site and extend the length of the site. Based on the site plan, the individual rockeries range from approximately 4-feet to 13-feet in height and the three-tier rockery located east of the pool is approximately 22-feet to 25-feet in height. The benches created by the rockeries range from 20 to 80 feet wide and are generally level. The swimming pool to be removed is located on the lower southern part of the site. This proposal shall meet all development standards for ECA Steep Slope.

The site is bordered to the north and east by greenbelt slopes within Coleman Park and to the south and west by single-family residential lots. The subject site is currently developed with a residential structure, out-buildings, an in-ground swimming pool, and several rockeries.

“ECA review is required. Based on the submitted documents, the “steep slope” areas mapped on the central and eastern portions of proposed Lots 1,2,3,4, and southeast corner of Lot 5 appeared to be less than 20 feet in height and appeared to have been created by previous grading and construction activities. Further, the submitted geotechnical letter by Earth Consultants, Inc. dated April 28, revised on May 2, 2006, demonstrated that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, a Limited ECA exemption is granted for the aforementioned “steep slope” areas, and the ECA Steep Slope Development Standards (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Areas) are waived for this short plat application associated with DPD Application No 3004817. The “steep slope” areas along the west property line and at the northwest corner of this lot are **not** exempted. The subject property is also designated as a “Potential Landslide Area” due to geologic condition. In this respect, all other ECA Submittal, General, and Landslide-Hazard, and development. May 3, 2006; wb”

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 40 trees on site. The trees range from 2-inches to 33-inches in diameter with the average trees being 6-inches to 12-inches in diameter. The majority of the trees on the property are deciduous trees with the rest of them being coniferous trees. 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 May 5th, 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.

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 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.
5. 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.

After Recording and Prior to Issuance of a Building Permit

6. Attach copy of the recorded short plat with the plan upon application for a construction permit.
7. Provide a Comprehensive Drainage Control Plan, prepared per SMC 22.802.020{B} 2 & 4, for review and approval with the building permit.
8. Please complete, sign and notarize a No Protest Agreement for S. Plum Street, prior to recording.
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 (i.e., swimming pool, out-buildings, rockeries) are to be removed legally prior to sale and/or transfer of ownership and this information is to be written on the face of the plat prior to recording.

Signature: (signature on file) Date: April 23, 2007
Joan S. Carson, Land Use Planner II
Department of Planning and Development