



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**

|                             |                      |
|-----------------------------|----------------------|
| <b>Application Number:</b>  | 3005237              |
| <b>Applicant Name:</b>      | Luis Borrero         |
| <b>Address of Proposal:</b> | 3218 SW Hinds Street |

**SUMMARY OF PROPOSED ACTION**

Land Use Application to recover development credit for proposed clustered housing in an environmentally critical area and allows two new single family residences.

The following approvals are required:

**Environmentally Critical Areas Administrative Conditional Use.** (SMC 25.09.260).

**SEPA - Environmental Determination** (SMC Chapter 25.05) Grading in an ECA.

**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**

Site and Vicinity Description

The property is located at 3218 SW Hinds Street within a Single Family zone (SF 5000). The site has been subject to landslides in the past and has been covered with rock spall to help stabilize the slope. The site slopes down to the northeast.

Proposal Description

The proposal is to site two single family homes on the 10,000 square foot site.

Public Comment

Several comment letters were received during the official public comment period, which ended February 14, 2007. Most comment letters focused on alerting the city to the land slides that have occurred on the site and nearby in the past.

**ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS ADMINISTRATIVE  
CONDITIONAL USE (SMC 25.09.260)**

*A. When the applicant demonstrates it is not practicable to comply with the requirements of Section 25.09.240 B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this section to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under Section 25.09.240E.*

*B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:*

*1. Environmental Impacts on Critical Areas.*

*a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.*

There is no development proposed in the above areas.

*b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.*

There is no reduction of the above.

*c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180 B2a, b or c.*

*(1) The preference is to cluster units away from steep slope areas and buffers.*

The clustering is away from the steepest part of the slope.

*(2) The Director shall require clear and convincing evidence that the provisions of this subsection B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:*

*(a) a wetland over fifteen hundred (1,500) square feet in size or a watercourse designated part of a riparian corridor; or*

*(b) an undeveloped area over five (5) acres characterized by steep slopes; or*

*(c) areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.*

*d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.*

*e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.*

*f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.*

*g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.*

The proposal does not meet the above characteristics.

## *2. General Environmental Impacts and Site Characteristics.*

*a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.*

*b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.*

The proposal meets these requirements by siting the houses on the upper and most accessible area of the site and preserves the topographic features as much as possible. The site is dominated by rock spall and the small vegetated areas on the lower slope are scrub trees that have taken root. These trees will remain.

## *3. Neighborhood Compatibility.*

*a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.*

*b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (L-1) zone.*

*c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.*

The proposal is for two homes located on 10,000 square feet. This meets the zoning in place which is one house per 5,000 square feet. The homes will not be attached. The development is for single family homes which is the local use across both streets at this intersection. The neighboring homes have been built at different times and are of different styles. The homes will have yards and driveways as the neighbors do.

## *C. Conditions.*

*1. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.*

The project proposal has been reviewed by city geotechnical reviewers who have required code complying design and technical studies for their review. No adverse impacts are anticipated on the property by this proposal.

2. In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:

a. Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.

b. Where new lots are created, the provisions of Section 23.22.062 Unit lot subdivisions, or Section 23.24.045 Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.

These conditions will be noted under the conditions heading at the end of this document.

D. The Director shall issue written findings of fact and conclusions to support the Director's decision. The process and procedures for notice of decision and appeal of this administrative conditional use shall be as prescribed for Type II land use decisions in Chapter 23.76.

This decision will serve as the written finds of fact and conclusions.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **CONDITIONALLY GRANTED**.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the revised and annotated environmental checklist dated December 29, 2006 and supplemental information in the project file. This information, along with the experience of the lead agency in similar situations, form the basis for this analysis and decision. No long-term impacts are anticipated from this proposal. Short-term impacts are discussed below.

The SEPA Overview Policy (SMC 25.05.665.D) states "*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 limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Storm Water, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

