

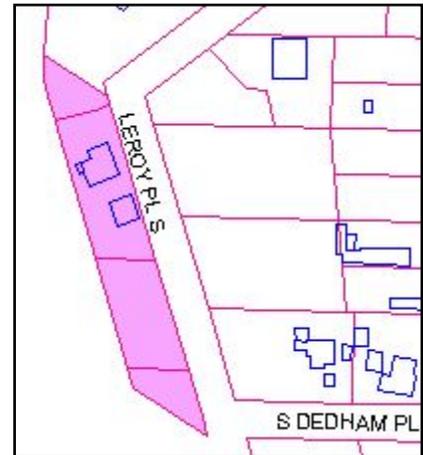


## **BACKGROUND DATA**

### Site & Area Description

The subject site is an irregular shaped lot with frontage along Leroy Place South in this south end Rainier Valley neighborhood. The development site encompasses a land area of approximately 23,707 square feet, and is located in the residential Single-Family 7,200 (SF 7200) zone.

The site abuts and has approximately 385 lineal feet of street frontage along the west side of Leroy Place South, a partially improved 40-foot wide right-of-way. The right-of-way improvements include (approximately) a 16-foot wide gravel surface roadway surface that extends approximately 150 feet south from the intersection of South Ronald Drive. The remaining area of Leroy Place is unimproved with vegetation. There are no curbs, gutters, or sidewalks within Leroy Place South. Access to the site is limited to the north through South Ronald Drive to 37<sup>th</sup> Avenue South.



The site is improved with three structures; a single-story structure with daylight basement, detached garage, and an accessory storage shed. Presently, the subject lot is heavily vegetated with mature deciduous trees, including Black Cottonwood, Red Alders, Big Leaf Maples, and ground cover. The subject property moderately slopes downward from the east to the west, with a cross slope north to south, and south to north from the high point at the location of the residential structure.

The development site contains a mapped Fish and Wildlife Habitat Conservation Areas and 40% Steep Slope Areas. The applicant submitted an Environmental Critical Areas Exemption Request (Project #3005174) from steep sloped standards and was granted a limited exemption on July 20, 2006. DPD concluded that the sloped areas on the site are less than 20 feet in height and are separated from each other by approximately 30 feet or more horizontally, coupled with findings from the geotechnical report that stated no adverse impacts would be encountered supported the determination to grant the exemption request. However, all other ECA submittal, general, and landslide-hazard, and development standards are still applicable.

### Area Development

The subject site is zoned SF 7200, which extends in each direction around the proposal site. The vicinity is populated with a mix of modern and older one and two-story residential structures. The area is marked by large tracts of land with dense mature vegetation. Zoning in the area includes a lower density residential, Single Family 5000 to the east of the development site, and a higher industrial zone, General Industrial Two with a height limit of eighty-five feet (IG2-U/85) across the Interstate Five (I-5) to the west.

Proposal

The proposal is to subdivide one parcel of land into three parcels of land. Proposed parcel areas are indicated in the summary above. The storage shed will be removed prior to new development of proposed parcels. Each proposed parcels will have direct access to Leroy Place South.

Public Comment:

Date of Notice of Application:	January 4, 2007
Date End of Comment Period:	January 17, 2007
# Letters	1
Issues:	Ambient noise from freeway and airport

One letter was received during the public comment period which ended on January 17, 2007. The development site currently acts as a green belt, buffering noise and visual intrusion on neighboring properties to the east. With the removal of trees to make way for new construction noise impacts from the airport and freeways will negatively impact surrounding properties to the east.

**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 on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

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

The subject property is zoned for single-family residential with a minimum lot size of 7,200 square feet. The allowed use in a single family zone is one dwelling unit per lot. Maximum lot coverage is 35 percent. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, which ever is less. The minimum side yard setback is five feet. Minimum rear yard setback is twenty-five (25) feet or 20% of lot depth. The proposed parcel configurations created by this proposed division of land will conform to all development standards of the SF 7200 zoning district. With the creation of proposed Parcels "A, B, & C" the front yard will be along the east property line adjacent to the Leroy Place South frontage which will require a twenty (20) foot setback from the property boundary line, if front yard averaging is not employed. Any future development must conform to land use code requirements at the time of application. The existing house (addressed, 9405 Leroy Place South) is currently nonconforming to yard standards.

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

The proposed parcels will have direct vehicular access to Leroy Place South through a private driveway, consistent with the provisions of the Code. The Seattle Fire Department (SFD) has no objection to the proposed short plat provided adherence to conditions identified in an e-mail exchange dated 5/23/07, or if modified, approved by the Chief. Access to the development site through South Ronald Drive is substandard to meet fire vehicle access requirements; therefore SFD is requiring roadway surface widening within South Ronald. The paved roadway surface within South Ronald Drive is currently 10 feet wide, on a slope in excess of twenty percent (20%). Fire access requirements dictate a hard surface roadway width of 20 feet. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and will not require an easement to provide for electrical facilities and service to the proposed parcels. This short plat provides for adequate access for vehicles, utilities, and fire protection.

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

This area is served with domestic water and sanitary sewer facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#2006-2455) was approved and issued on December 29, 2006. The development site, proposed for short plat, has adequate water service, including an 8-inch public sanitary sewer (PSS) and water main located in South Leroy Place to support future development.

New construction with discharge to the sanitary sewer will require a side-sewer permit. There is a ditch and culvert system collecting street runoff from the Leroy Place South vicinity that runs towards the Interstate Five (I-5) corridor, through the vacated portion of South Ronald Drive. The natural drainage course in vacated South Ronald Drive is protected by the vacation ordinance 113236 (incorrectly labeled upon the survey as VO 113326), which states in part: “no building or buildings or other permanent structures shall be constructed or permitted to remain within the boundaries of said easement without written permission of the City.” If the project includes greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan shall be prepared in accordance with SMC 22.802.015D and 22.802.020{B}2. Plan review requirements regarding storm water are made at time of building permit application.

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 needs. An equally important objective is to ensure that new development is compatible with neighborhood character. 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. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

The development site contains mapped Steep Slope Environmentally Critical Areas and Fish and Wildlife Habitat Conservation Areas as defined in Seattle Municipal Code Chapter 25.09. The applicant sought and was granted an ECA limited exemption (Project #3005174) from Steep Slope Critical Areas. It was determined that the steep slope areas are less than 20 feet in height and are separated from each other by 30 feet or more horizontally. The environmentally critical areas general and submittal standards, as well as the specific standards for geologic hazard areas and other related development standards are still applicable.

The applicant submitted several reports including a wildlife and vegetation assessment, tree mitigation plan, and (subsurface exploration, geologic hazard impacts) preliminary geotechnical engineering report. The conclusion from geotechnical engineering study consulting firm, Liu & Associates, Inc., determined that based on the soil conditions encountered from subsurface explorations, the site is suitable for the proposed development as long as recommendations contained within the report are fully implemented and observed during construction. After evaluation of the wildlife and vegetation assessment and tree mitigation plan DPD has determined the types of vegetation and location to a major transportation corridor has limited types of wildlife supported at the development site. The consultant, Norman Wildlife Consulting, on two occasions visited the site and found little evidence of wildlife or areas for wildlife seeking refuge. During the two visits several species of birds were observed in and around the development site; Dark-eyed Juncos, song sparrows, Towhees, a White throated Sparrow, Downy Woodpeckers.

New construction on the parcels containing the Geological Hazard Areas will also be 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 and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas.

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

The applicant submitted a Revegetation Mitigation Plan which provided a detailed analysis of existing vegetation, removal, replacement, creation of wildlife refuge at the development site. The area is overrun with evasive species that will be removed to allow for replanting of draught and water tolerant vegetation. Ten Black Cottonwood and one Red Alder trees are earmarked to be removed to allow for construction activity and replaced with a number of different tree species, (including 38 conifers) and numerous ground cover shrubs. Sixteen trees are slated to be protected and preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. Future construction will be subject to the provisions of SMC 23.44.008 which sets forth tree planting requirements on single family lots. DPD approved the Revegetation Mitigation Plan with no further mitigation.

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.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

### **DECISION - SHORT SUBDIVISION**

The proposed short plat 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 prepared by Marion Nielson and submitted on November 27, 2006. The information in the checklist, a Geotechnical Report prepared by Liu & Associates, Inc, dated April 17, 2006, public comment, and the experience of the lead agency with review of 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 in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project 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).

## **DECISION**

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 43.21.030(2)(C).

## **CONDITIONS - SEPA**

None.

## **CONDITIONS - SHORT SUBDIVISION**

### *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. 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. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Insert on the face of the short plat: The property shall be required to connect to the City sewer system, and associated special sewer connection charges to be paid to the City. The natural drainage course in vacated South Ronald Drive is protected by the vacation ordinance 113236 (incorrectly labeled upon the survey as VO 113326), which states in part: “no building or buildings or other permanent structures shall be constructed or permitted to remain within the boundaries of said easement without written permission of the City.”
4. Revise street vacation number on face of plate to read VO 113236.
5. Add the conditions of approval to the face of the short plat, or on a separate page if needed. If the conditions are on a separate page, insert on the plat:

“For conditions of approval after recording, see Page \_\_\_ of \_\_\_.” (If necessary, renumber the pages).

