



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane. M. Sugimura, Director

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

**Application Numbers:** 3006524  
**Applicant Name:** Kristy Barnes  
**Address of Proposal:** 4332 S. Bennett St.

**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) 6,276 sq. ft. B) 7,504 sq. ft. and C) 5,234 sq. ft. The existing structures are to be demolished.

The following approvals are required:

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

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

**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 Description

The site is approximately 19,014 square foot in total lot area and is located in a single-family residential zone in the Columbia Heights neighborhood in South Seattle. The Single-family zone has a required minimum lot size of 5,000 sq. ft. (SF5000). The subject site is at the end of S Bennett St. The site is rectangular in shape and is approximately 150-feet wide and approximately 126.75-feet deep and has 20-feet of street frontage on S Bennett St. The site is currently developed with a single family residence and detached shed. Vegetation on-site includes grass, weeds, scattered shrubs, blackberries and a few young deciduous trees.

The proposal site is considered environmentally sensitive because of Steep Slope. S Bennett St. is a 40-foot wide partially improved right of way without curbs, gutters or sidewalks on either side of the street.

The block is bounded by S Dawson St to the north, S Brandon St to the to the south, 42<sup>nd</sup> Avenue S. to the west, 45<sup>th</sup> Avenue S to the east, Rainier Avenue S along the southwest and 46<sup>th</sup> Ave S to the east. The subject property in a heavily developed residential area, with Whitworth Elementary School a block away. Group Health Cooperative and Kin On Health Center are adjacent properties that border Rainier Avenue S. The site is situated on the upper portion of a moderate to very steep slope that descends southwesterly at a declination of about 45 percent. A geotechnical report by The Galli Group, dated February 21<sup>st</sup>, 2007, was submitted to DPD. 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. The project site and surrounding area to the north, east and southeast is zoned Single-family 5,000 (SF5000). Lowrise-three (L-3), multi-family zoning is located to the south. The area to the west is zoned Neighborhood Commercial (NC2-40') with a height limit of forty feet.

### Proposal Description

The applicant proposes to subdivide one parcel into three parcels of land in an environmentally critical area. All 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 6,276 square feet, Parcel B is proposed to have a site area of 7,504 square feet and Parcel C is proposed to have a site area of 5,234 square feet. The single-family residence with attached garage and accessory shed are to be removed. Vehicle access will be from South. Bennett St.

There are 12 deciduous trees on site. Per the Tree Plan submitted by the applicant and prepared by True North Land Surveying Inc., the trees range in size from 5 inches to 28 inches. There are 6 Maple, 5 Madrona and 1 Willow tree on site. The Willow will have potential root damage from development. The applicant proposes to remove 2 trees in the west half of the property. The Willow and a 14 inch Maple will be removed, leaving 10 trees on site. The 14 inch Maple is in the Environmentally Critical Area of Non Disturbance.

### Public Comments

Three comment letters were received during the comment period that ended March 21<sup>st</sup>, 2007.

- The comments expressed concerns over drainage, traffic, environmentally critical area and natural habitat for birds and animals.

### **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 6,276 sq. ft.; Parcel B would have a lot area of approximately 7,504 sq. ft.; and Parcel C would have a lot area of approximately 5,234 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 requires property rights for this short plat. The Seattle Fire Department reviewed and approved this proposal under the 2003 Seattle Fire Code.

Vehicular access to the site will be from S. Bennett Street. Which is a 40-foot wide partially improved right-of-way 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 the proposed Short Plat is connected by means of a single sidesewer to a 8-inch public combined sewer (PS) located in S. Bennett Street.

Drainage: The PS is the appropriate point for stormwater discharge.

Seattle Public Utilities reviewed the short subdivision application and approved a **Water Availability Certificate ID, No. 20070476 on March 21<sup>st</sup>, 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 site is situated on the upper portion of a moderate to very steep slope that descends southwesterly at a declination of about 45 percent slope. A geotechnical report by The Galli Group, dated February 21<sup>st</sup>, 2007, was submitted to DPD. 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

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 12 deciduous trees on site. The trees range in size from 5 inches to 28 inches. There are 6 Maple, 5 Madrona and 1 Willow tree on site. The Willow will have potential root damage from development. The applicant proposes to remove 2 trees in the west half of the property. The Willow and a 14 inch Maple will be removed, leaving 10 trees on site. The 14 inch Maple is in the Environmentally Critical Area of Non Disturbance. 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 February 22<sup>nd</sup>, 2007. 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.

[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**

