



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 Number: 3006746
Applicant Name: Jeffrey Alan
Address of Proposal: 7734 Seward Park Avenue S

SUMMARY OF PROPOSED ACTION

Land Use Permit to subdivide two parcels into 3 parcels of land. Proposed parcel sizes are: X) 35,784 sq. ft., Y) 9,600 sq. ft. and Z) 34,050 sq. ft. Existing single-family residence on Parcel Z to remain.

The following approval is required:

Short Subdivision – To subdivide two parcels into three lots.
(Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination –Chapter 25.05 Seattle Municipal Code

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 visit: June 28, 2007
Zoning: Single Family Residential 9600 (SF 9600)
Uses on Site: One single-family residence

Substantive Site Characteristics:

This 79,434 square foot subject site (the “parent lot”) is located on Lake Washington east of Seward Park Avenue S. The site and surrounding parcels are zoned Single Family

Residential 9600 (SF 9600). The western portion of the site is level with the eastern portion sloping down to Lake Washington. The site is located in a mapped critical area for a steep slope area located within proposed Parcel X. The site contains shoreline habitat due to its location within 200 feet of Lake Washington. There is an existing single family home on site that will remain on Parcel Z. On proposed Parcel X is the remains of a demolished single family home. There is a bulkhead at the Lake Washington shoreline. Seward Park Avenue S is a two-lane road. There is shared driveway serving the site.

Area Development:

Development in the vicinity consists of single-family residences on lots of varying shapes and sizes. The lots adjacent to Lake Washington tend to be larger with docks on the lake.

Proposal Description:

The applicant proposes to subdivide two parcels with a total area of 79,434 square feet, into three parcels of 35,784 sq. ft., 9,600 sq. ft. and 34,050 sq. ft. Parcel X will be created on the eastern portion of the site, with Parcel Z on the western portion and Parcel Y in the middle. The site does not have frontage on a public street. Access to the site is provided by a shared driveway from Seward Park Avenue S.

Public Comment:

The comment period for this proposal ended on May 30, 2007. During this period, there was one comment letter received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

- 1. Conformance to the applicable Land Use Code provisions;*
- 2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
- 3. Adequacy of drainage, water supply, and sanitary sewage disposal;*
- 4. Whether 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;*
- 6. Is designed to maximize the retention of existing trees; and*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles).

Adequate provisions for drainage control, water supply, and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is located in an environmentally critical area; therefore SMC 25.09.240 is applicable. The site contains shoreline habitat; therefore SMC 23.60 is applicable. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on May 1, 2007 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) 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, “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/circumstances (SMC 25.05.665) mitigation can be considered. A more detailed discussion of the potential impacts from this short plat follows.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion of steep slopes, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Critical Areas Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning is needed.

The demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. There is no parking along Seward Park Avenue S, and although the scale of the project is moderate in size, the duration of construction is expected to extend for several months. However, the large size of the site offers opportunities for off-street parking. Therefore the temporary demand for on street parking due to construction workers' vehicles is expected to be minimal.

The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary to mitigate impacts that would result from the proposal on surrounding properties, because the existing City ordinance adequately mitigates noise impacts.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 A SMC). No unusual circumstances exist which warrant additional mitigating, per the SEPA Overview Policy.

There is the potential for erosion during construction. However, temporary erosion control is regulated through Director's Rule 26-2000 regarding Best Management Practices for Construction Erosion and Sedimentation Control Plans and is sufficient to mitigate any short-term construction impacts to the earth. Thus, no mitigation pursuant to SEPA is warranted.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single family residences and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (Stormwater runoff from additional site coverage by impervious surface); Land Use Code (minimum lot area, vehicle access to parking); and the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

Earth

A geotechnical survey was conducted on November 18, 2000 and the report dated December 12, 2000 was submitted with this application. The report was prepared for a previous development proposal involving the site. This site was the subject of a short plat that created five lots, recorded in 2005. In 2002, a Limited ECA Exemption was granted relating to the steep slope area on the eastern portion of the site. The report notes that the eastern portion of the site slopes down to the east at a grade of about 20%, with one portion having a slope of about 40%. The 40 % slope is mapped as an Environmentally Critical Area. The site is underlain by dense glacial till, described as a

hard, unsorted mixture of clay, silt, sand and gravel. The report did not observe any indications of instability on site.

The report makes recommendations regarding: site preparation and structural fill, foundation support, slab support, drainage, lateral earth pressures, temporary and permanent excavations, the impact of future building on the stability of onsite steep slopes and seismic considerations. The consultant engineer's report was reviewed and approved by DPD's geotechnical engineer.

The Environmentally Critical Area (ECA) Steep Slope Development Standards contained in SMC 25.09 are waived because the Steep Slope Critical Area is less than 20 feet in height, are not part of a larger steep slope system and appear to have been created or impacted through previous grading activities. At the time a building permit is submitted for development in this area, the plans will be reviewed for slope stability.

Plants and Animals

The eastern part of the site contains shoreline habitat as it is located within 200 feet of Lake Washington. Shoreline habitat requires a 100-foot buffer from the ordinary high water mark (SMC 25.09.200.B.4.a). However, per SMC 25.09.240.B.4, development may encroach into this buffer provided that:

- a. a condition is recorded on the plat restricting the development in the buffer to water dependent or water related uses or to single family residential uses; and*
- b. for single family residential uses the condition requires each residence to be no further waterward than twenty-five feet (25') from the ordinary high water mark; and*
- c. a condition is recorded on the plat (1) requiring mitigation at the time of development for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and (2) setting out on the plat the mitigation standards in subsection 25.09.200.B4e.*

A condition to this effect is noted below.

Summary

In conclusion, several adverse effects on the environment are anticipated from the proposal. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. A non-appealable condition is warranted to ensure that future development subsequent to this plat complies with the standards contained in SMC 25.09.240.B4 as noted above. No additional SEPA conditions have been imposed on this short plat.

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 43.21C), 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 (2) (C).

[] 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 (2) (C).

CONDITIONS – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. On the final plat:
 - a) A condition shall be recorded on the plat restricting development in the 100' shoreline habitat buffer to water dependent or water related uses or to single family residential uses; and
 - b) For single family residential uses the condition shall require each residence to be no further waterward than twenty-five feet (25') from the ordinary high water mark; and
 - c) A condition shall be recorded on the plat (1) requiring mitigation at the time of development within the 100' shoreline habitat buffer for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and (2) setting out on the plat the mitigation standards in subsection 25.09.200.B4e.
 - d) Show the 100 foot Shoreline habitat buffer on the plat.
 - e) A condition shall be recorded on the plat that residential construction must comply with setbacks and other development standards of the Shoreline Master Program and other codes.
2. Include the required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected lots.
3. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ___ of ___."
4. 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. The lot areas of each parcel shall be shown on the recording documents.
5. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

6. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (Signature on file) Date: August 2, 2007
Geoff Appel, Land Use Planner
Department of Planning and Development

GA:lc

I:\SUDER\Consults\3006746 unitlot 7734 Seward Park Av S