



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

Project Number: 3003048
Applicant: Gingi Cabot
Address: 6308 26th Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: Y) 8,942 sq.ft. and Z) 8,925 sq.ft. Existing structures on proposed Parcel Y to remain, except carport and shed which is to be removed.

The following approvals are required:

Short Subdivision - to create two lots. (Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination (Chapter 25.05, Seattle Municipal Code).

DPD SEPA DETERMINATION:

Determination of Non-significance

X	No mitigating conditions of approval are imposed.
	Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND INFORMATION

The applicant originally proposed to create three lots, but revised the proposal to two lots in May 2012.

Zoning: Single Family 5000. The site is designated as a landslide prone critical area pursuant to SMC 25.09.

Public Comment: No comments were received.

ANALYSIS – SUBDIVISION

General short subdivision standards: 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, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
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 Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land 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 townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

Conclusion

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions.

DPD's drainage reviewer identified an eight inch diameter sanitary sewer main in SW Graham St. There is a drainage ditch on the west side of 26th Ave. SW. An existing side sewer serving Parcel Y crosses Parcel Z – a 10ft. wide storm and sewer easement is proposed to benefit Parcel Y. The applicant has provided a comprehensive drainage control plan stamped by a licensed engineer which shows how future development on Parcel Z will meet the requirements of the storm water code. This plan has been reviewed and approved by DPD.

SCL approves this short plat under the condition that the owner or applicant relocates the existing electrical service line to Parcel Y (existing SFR #6308 26th Ave SW) to avoid crossing the new proposed Parcel Z. Relocation costs are at the owner's expense. The applicant has acknowledged and agreed to this, and noted it on page 1 of the survey. The proposal maximized retention of trees as the existing residence will be retained and Parcel Z can be developed with a new structure and access with minimal removal of trees.

The proposal site is designated as a potential slide area pursuant to SMC 25.09 and a small area meeting the definition of 'steep slope' was identified at the southeast corner of proposed Parcel Y. A condition of the short plat will require that the plat provide a note that no development is allowed in the steep slope portion of the site. DPD's Geotechnical engineer reviewed the proposal and requires the following, which have been shown on the draft plat document:

- Identify on the plans a system to collect stormwater and groundwater seepage and convey the collected water to an appropriate discharge location. The system can be described in notes placed on the short plat plans, and needs to include water collected from Parcels Y and Z.
- The collected water cannot be dispersed onto the ground surface due to stability concerns.
- Show and identify on the short plat documents the discharge point of the collected water. The short plat plan indicates that proposed storm line discharge point is the ditch in the SW Graham Street right-of-way. This discharge point needs to be approved by the geotechnical engineer if it is to be included on the short plat. Make sure that the point of discharge as established in the requested geotechnical engineering addendum is consistent with what is shown on the short plat plans.

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.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09).

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, and 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 and 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 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area may be expected to result from future development of a new single family residence on Parcel Z: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Earth / Soils

The ECA Ordinance and Director's Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study. The study has been reviewed and approved by DPD's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. Geotechnical issues will be reviewed in detail with the building permit applications and any design changes or conditions can be required under the authority of the ECA Ordinance. No additional SEPA mitigation is warranted.

Long Term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No additional conditioning is warranted pursuant to SEPA policies.

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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

None required.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS – SHORT SUBDIVISION

Prior to Recording

1. Provide a note on the face of the plat that no development is allowed in the steep slope portion of Parcel Y.

Signature: _____ (signature on file) Date: July 19th, 2012
Cheryl Waldman
Land Use Planner Technical Supervisor
Department of Planning and Development

CTW:drm

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