



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: 3003808
Applicant Name: Paul Thienes
Address of Proposal: 2040 - 34th Avenue S.

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area (Steep Slope). Proposed parcel sizes are: A). 8,152 sq. ft. and B). 5,646 sq. ft. The existing single-family residence is to remain.

The following approvals are required:

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

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

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 Description

The site is approximately 13,798 square foot in total lot area and is located in a single-family residential zone in the Mount Baker neighborhood of South Seattle. The Single-family zone has a required minimum lot size of 5,000 sq. ft. (SF5000). The subject site is on the corner of 34th Avenue S. and S. Dose Ter. The site is just a block or so away from Mount Baker Beach. The site is rectangular in shape and is approximately 137.95-feet wide and approximately 100-feet deep and has 45-feet of street frontage on both 34th Avenue S. and S. Dose Ter. The property is currently developed with a single family residence. Vegetation on-site includes grass, weeds,

scattered shrubs, blackberries and ivy, and a few young to mature deciduous trees. The proposal site is considered environmentally sensitive because of Steep Slope. 34th Avenue S. is an improved right of way with sidewalks, curbs, and gutters on either side of the street.

The subject property is a heavily developed residential area, with Mount Baker Beach a block or so away and Lake Washington just down the hill. The site is situated on the upper portion of a moderate to very steep slope that descends easterly. A geotechnical report by Nelson Geotechnical Associates, Inc. dated June 11th, 2006 and July 27th, 2007 was submitted to DPD. The existing structures to be removed are located on the upper flat part of the site. This proposal was granted an ECA Exemption. 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 is zoned Single-family 5,000 (SF5000). The immediate and surrounding areas are predominately single-family and multi-family use.

Proposal Description

The applicant proposes to subdivide one parcel into two parcels of land in an environmentally critical area. Both 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 8,132 square feet and Parcel B is proposed to have a site area of 5,666 square feet. The single-family residence is to remain. Vehicle access for both parcels will be from 34th Avenue South.

There are 6 deciduous trees on site. The trees range in size from 8 inches to 20 inches. The applicant proposes to remove 1 tree on parcel B in the west portion of the property. This will leave 4 trees on parcel A and 1 tree on parcel B. The tree to be removed is not in the environmentally critical non-disturbance area.

Public Comments

No written comment letters were received during the comment period that ended December 5th, 2007.

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 8,132 sq. ft. and Parcel B would have a lot area of approximately 5,666 sq. ft. Both lots 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;

Both 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 2006 Seattle Fire Code.

Vehicular access to the site will be from 34th Avenue South. Which is a 45-foot wide improved right-of-way with sidewalks, curbs and gutters on either side of the street.

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

Sanitary Sewer: The existing property is connected with a side sewer to an 8-inch sanitary sewer main located in 34th Avenue South.

Drainage: The existing property is served by a 12-inch public storm drainage system in 34th Avenue South.

Seattle Public Utilities reviewed the short subdivision application and approved a **Water Availability Certificate ID, No. 20072118 on December 3rd, 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 easterly from the west property line. The declination is gentle to moderate from the west property line to the east property line. A geotechnical report by Nelson Geotechnical Associates, Inc. dated June 11th, 2006 and July 27th, 2007 was submitted to DPD. The existing structures to be removed are located on the upper relatively flat portion of the site. **This proposal was granted an ECA Exemption.** This proposal is subject to review under SEPA.

ECA Review Required

“Based on submitted documents, “steep slope” areas along the north and east side of this property appeared to be less than 20 feet in height, and appeared to have been created by previous grading and/or construction activities at this site and adjacent properties. Further, the submitted geotechnical documents by Nelson Geotechnical Associates, Inc. dated June 11, 2006 and July 27, 2007 had implied that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, the Eca Steep Slope Development Standards (i.e., threshold disturbance level of 30 percent of the Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) are waived for future development associated with DPD .

The subject site is also designated as a Potential Landslide Area due to Geologic Conditions, and contains a known Landslide-Hazard, and development standards will apply for this development.” W.B., Geotechnical Engineer 9/7/07

“The project received the ECA Exemption decision which eliminates the need for a Steep Slope Variance and ECA Steep Slope development restriction at this time. The subdivided lots will be subject to ECA Review for future construction permit applications.” W.B. 9/7/07

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 6 deciduous trees on site. The trees range in size from 8 inches to 20 inches. The Willow will have potential root damage from development. The applicant proposes to remove 1 tree on parcel B in the west portion of the property. This will leave 4 trees on parcel A and 1 tree on parcel B. The tree to be removed is not in the environmentally critical area non-disturbance area. 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 22nd, 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 - SHORT SUBDIVISION

Prior to Recording

The owner(s) and 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 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. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Add the "Conditions of Approval upon Application for Construction Permits, "noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page. If the conditions are on a separate page, insert on the face of the plat "For Conditions of Approval upon Application for Construction Permit, see page ___ of ___."
3. Submit the final recording forms and fee for approval.
4. Add a note to the face of the plat to provide a Comprehensive Drainage Control Plan, prepared per SMC 22.802.020 (B) 2 & 4, for review and approval with the building permit.

After Recording and Prior to Issuance of a Building Permit

5. Attach copy of the recorded short plat with the plan upon application for a construction permit.

Signature: _____ (signature on file) Date: June 16, 2008
Joan S. Carson, Land Use Planner II
Department of Planning and Development