



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: 3003831
Applicant Name: Vijay Ratan, Owner
Address of Proposal: 4656 South Willow Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 5,499 sq. ft.; B) 6,306 sq. ft. and C) 5,856 sq. ft. Existing structures to remain.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05, SMC.

Short Subdivision - To subdivide one existing parcel into three parcels.
(Per Seattle Municipal Code Chapter 23.24)

BACKGROUND DATA

Zoning: SF 5000.
Date of Site Visit: July 3, 2007.
Uses on Site: One existing single family residence with accessory structures.

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 and area description

The 17,661 square foot site is located in a Lowrise SF 5000 zone on South Willow Street between Rainier Avenue South and 46th Avenue South. The site is located on the top of the hill with a slope buffer located at the northwest corner and steep slopes of 40% and above located in the northeast corner. The site is a mapped Environmentally Critical Area (ECA) due to the presence of potential slide areas on the northern half of the parcel. Brighton Housing is downhill from this site and it is their rockery which is called out on the plan as it supports the hill abutting its parking lot.

Properties along South Willow are zoned SF 500. To the north the zoning is L-3 which includes Brighton Housing. To the east is the Commercial 1 zone of Rainier Avenue. The site is currently occupied by one detached single family residence which will remain, and an accessory structure, which will be demolished.

Proposal Description

The applicant proposes to subdivide the parcel into three separate parcels of which Parcel A to the west will be 5,499 square feet; Parcel B in the middle will be 6,306 square feet and contains the existing single family structure; and Parcel C to the east will be 5,856 square feet.

Public Comments

The public notice was issued on June 14, 2007. Within the two week period ending June 28, 2007 there were no comment letters.

ANALYSIS - SEPA

Due to the presence of potential slide environmentally critical areas, the application is subject to SEPA review. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be 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 included 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 dated June 7, 2007. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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: "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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased noise from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Earth/Soils

The ECA Ordinance and Director's Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions. The applicant provided the Geotechnical Engineering Study of Geotech Consultants, Inc. of November 9, 2007 as part of the request for the ECA Exemption & Modifications to Submittal Requirements Requests. An exemption from steep slope development standards was approved August 6, 2008.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

ANALYSIS- 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;*

The subject property's zone (SF 5,000) is intended for single-family residential uses with a minimum lot size of 5,000 square feet. The lots created by this proposed division of land would conform to all applicable development standards of the SF 5000 zoning district. The proposed parcels would provide adequate buildable area to meet applicable yards, lot coverage requirements, and other applicable Land Use Code development standards.

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

The three parcels have the required access for vehicles. Seattle City Light approves the application and does not require property rights for this short plat. The Fire Department approves this proposal.

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

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. Seattle Public Utilities approved the short plat application. City of Seattle Department of Planning and Development Drainage Review approved the short plat with no conditions.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed short subdivision would meet applicable Land Use Code provisions: the proposal has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

The public use and interest would be served by this proposal because additional opportunities for owner-occupied housing would be provided within the City limits as a result of this subdivision. Furthermore, upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.

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

The site is located in a mapped or observed environmentally critical area as defined in SMC Chapter 25.09. Therefore, this section is applicable to the short plat application.

Approval of an ECA steep slope waiver requires submittal of “A Geotechnical Engineering Study” by Geotech Consultants, Inc. of November 9, 2007 (JN 07343) provided to DPD on 7-10-08. The scope of the study consisted of exploring site surface and subsurface conditions, providing recommendations for general earthwork, setbacks from slopes, and design criteria for foundations and retaining walls.

With the issuance of the ECA Waiver August 6, 2008 the issues of construction practices will be addressed during the construction permit process of DPD.

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

On Parcel A one 24” cedar may be removed as it is in the proposed building envelope. The remaining vegetation is proposed to remain. The plat layout maximizes the retention of existing trees.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, and Parks and review by the Land Use Planners, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lot to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards, subject to the conditions listed below. 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 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**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval 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 land surveyor licensed in Washington State. 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. Add the conditions of approval to the face of the plat.

