



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Application Number: 3004138
Applicant Name: Art Ward for Thomas Payne
Address of Proposal: 112051 Hiram Place NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel containing two existing single family residences into two parcels with one single family residence on each in an environmentally critical area. Proposed parcel sizes are: A) 3,461 sq. ft. and B) 6,648 sq. ft.

The following approval is required:

Short Subdivision - to create two parcels of land.
(SMC Chapter 23.24)

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

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: SF 7200

Uses on Site: Two single family residences. SMC Section 23.24.040 allows the subdivision of one lot into two lots if two existing houses are located on the site.

Public Comment: Two comment letters were received during the comment period which ended April 4, 2007. Concerns were expressed about protection of the riparian corridor.

Geotechnical Report

A 40 percent steep slope is located on the western portion of the property. A geotechnical report prepared by HWA Geosciences Inc. dated February 9, 2007 was submitted with the short plat application. The report indicated that a subsurface investigation indicates that the soils at the site consist of recessional outwash underlain by glacial till. It is the opinion of the geotechnical engineers that site geometry and geologic conditions are such that development of proposed lot A and B is feasible with limited impact to surrounding properties and critical areas. The existing slope is stable with respect to global stability and should remain so as long as the critical area buffers are observed and responsible construction techniques are followed for all future development. Continued movement of the loose surface soils along the slope can be expected and may result in minor land loss over time. Future development of proposed Parcel B should be concentrated near the eastern property line to the extent practical to provide maximum protection of the critical area. A geotechnical engineering study, addressing development-specific issues such as structure location, seismic parameters, grading plan, foundation recommendations, and erosion control, should be performed in support of future development on either of the proposed lots and is critical to the success of any future development.

The department's geotechnical engineer reviewed the soils report and noted that the following conditions referenced in the soils report will be required for future development on the site: a steep slope area buffer of 15 feet is maintained for any new development, future development of proposed Parcel B shall be concentrated near the eastern property line to the extent practical to provide the maximum protection of the critical area, and an addendum soils report will be required in support of future projects at this site. He also noted that the subdivided lots shall be subject to environmentally critical areas (ECA) review for future construction permit applications on both Parcels A and B.

Wetland Assessment

A riparian corridor is located on the western edge of the property at the base of the 40 percent steep slope. The site is also mapped as a flood prone area and a wildlife habitat. A wetland assessment prepared by Wakrobin LLC dated June 18, 2007 was submitted for this short plat application. The property boundary is between 5.5 feet and 9.75 feet from the surveyed edge of the creek. The site analysis results indicated that the subject property near the North Fork of Thornton Creek does not include a wetland and only marginally met one of the three criteria for wetlands. The report said that site work indicates that the western boundary of the property contains a moist forest buffer. Dominant plants identified on the site are not hydrophytic. There are no indications of the hydrology necessary to develop a wetland on the property despite its adjacency to the Creek. Only one, out of four, horizons in the soil had a chroma low enough to be considered wetland soil. The DPD wetland biologist reviewed the wetland report and plans and will require that the short plat final recording forms show the 100 foot riparian management area buffer from the top of the bank of the watercourse per Section 25.09.020D5 of the ECA Ordinance as well as an ECA covenant to be recorded with the short plat.

Parking

The two existing houses on the site were constructed before the property was annexed to the City of Seattle. The existing surface parking in the required front yard of Parcel A does not meet code requirements and a tree obstructs vehicle access to parking in the rear yard. It is anticipated that code complying parking will be provided for new houses on both Parcels A and B when the lots are redeveloped. Therefore, parking for Parcel A will be waived to maximize the retention of trees for the purposes of this short plat. However, a code complying surface parking space can be provided on Parcel B with vehicle access along an easement across Parcel A without affecting trees on the site. For this reason, a surface parking space will be required on Parcel B for this short plat.

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;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and Parks 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 and the requirements of SMC 25.09.240 have been met. 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 PLAT

The proposed short plat is **CONDITIONALLY GRANTED**.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, 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 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)m 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 May 21, 2006. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects for the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 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). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

DECISION

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 43.21.030(2)(C).

CONDITIONS – SHORT PLAT

Conditions of Approval Prior to Recording

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

1. Provide on the plat a joint use and maintenance agreement.
2. 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 ___.”
3. Provide on the plat the required Seattle City Light easement.
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. Provide an easement, covenant, or other legal agreement for an address sign to benefit Parcel B at a location visible from **Hiram Place NE** and to ensure that the address signage is maintained.
6. Submit the recording fee and final recording forms for approval.
7. Identify the 100 foot riparian management area buffer from the top of the bank of the watercourse.
8. Provide an Environmentally Critical Areas covenant for the riparian corridor to be recorded with the short plat.

Prior to Issuance of any Building Permit

9. 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.

CONDITIONS – SEPA

None.

Signature: _____ (signature on file) Date: March 24, 2008
Malli Anderson, Land Use Planner
Department of Planning and Development

MJA:bg

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