



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 Number: 3004250
Applicant Name: Mohammad Jalayar for Tony Phan
Address of Proposal: 7350 33rd Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 6,121 square feet, and B) 5,520. The existing structures to be removed.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into two parcels pursuant to Seattle Municipal Code Chapter 23.24

SEPA - Environmental Determination pursuant to Seattle Municipal Code Chapter 25.05

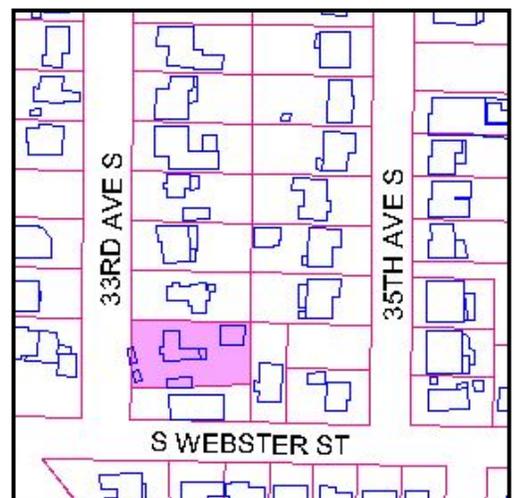
SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 11,641 square foot site is located on 33rd Avenue South one parcel north of South Webster Street and one block east of Beacon Avenue South. Neither 33rd Ave S nor S Webster are improved with curbs, gutters, or sidewalks.

The site is zoned Residential, Single-Family 5,000 (SF 5000). The site is developed with a single family residence and a detached garage both of which will be demolished.



The subject site itself is relatively flat, however, it is adjacent to a portion of 33rd Avenue South right-of-way that steeply slopes downward to the site. Therefore, a portion of the site lies within an Environmentally Critical Area (ECA) buffer (steep slope).

Properties to the north, south, east, and west are also zoned SF 5000. Development in the area consists exclusively of single-family residences of varying age and architectural styles.

Proposal

The applicant proposes to subdivide one parcel of land into two parcels of land. Proposed parcel sizes are as follows: A) 6,121 square feet, and B) 5,520 square feet. The applicant has chosen to delineate the steep slope buffer on the site and exclude that area from any future development proposal. No development or construction activities are associated with the current proposal; the subject of this analysis and decision is restricted to the proposed division of land.

Public Comment

Public notice of the Land Use Application was given on January 31, 2008. The public comment period ended February 13, 2008. DPD received no written comments during the public comment period.

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. 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 subject property's zone (SF 5000) 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;

Proposed Parcel A will have direct vehicular access to 33rd Avenue South and Proposed Parcel B will have access to 33rd Avenue South via easement across Proposed Parcel A.

The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access.

All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has required an overhead/underground electrical service easement for services to the proposed lots over the north 17 feet of Proposed Parcel A.

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 reviewed the short plat application, and Water Availability Certificate #20080066 was issued on January 18, 2008.

Sanitary Sewer: The existing property is connected with a side sewer to an 8-inch public sanitary sewer main located to the east of the subject property.

Drainage: The existing property is served by the public storm drainage system located in 33rd Avenue South.

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 not located adjacent to a mapped and observed environmentally critical area (steep slope) as defined in SMC Chapter 25.09. The applicant has chosen to delineate the required 15-foot steep slope buffer on Proposed Parcel A and exclude the area from any future development proposal. Parcel A is proposed to be 6,121 sq. ft.; the buffer area measures 613 sq. ft. leaving approximately 5,508 sq. ft. of buildable area.

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

The subject site contains several trees of varying maturity, both native and non-native. As configured, the proposed plat is designed to retain the maximum number of existing trees. A condition will be imposed requiring that any trees located in the steep slope buffer shall remain.

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.*

This criterion is not applicable to the proposed short subdivision because no unit lots are proposed.

ANALYSIS - SEPA

The proposal site is located adjacent to a Steep Slope Environmentally Critical Area and the required 15-foot buffer lies within the property boundaries, thus the short subdivision 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.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated January 20, 2008, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms 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, 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. 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 impacts are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Drainage and Grading Code (temporary soil erosion); and 3) Regulations for Environmentally Critical Areas. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a landslide-prone environmentally critical area. Therefore, additional discussion of earth/soils impacts is warranted.

Earth

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. However, as the site itself does not lie within the ECA and the applicant has chosen to provide the required 15-foot no-disturbance buffer on the site, a soils report is not required in this case.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long - Term Impacts

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); and the Regulations for Environmentally Critical Areas. There are no other long-term significant impacts from the proposed short subdivision.

Summary

The City's adopted codes and/or ordinances will adequately provide mitigation for short-term and long-term impacts. Additional mitigation pursuant to SEPA conditioning authority is not warranted.

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(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 - SEPA

None.

DECISION - SHORT SUBDIVISION

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

CONDITIONS - SHORT SUBDIVISION

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

Prior to Recording

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 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.

2. Seattle City Light requires an easement for electrical facilities and service over the north 17 feet of Proposed Parcel A. The final plat shall include the following statement: “An easement is granted to Seattle City Light as shown on page _ of _”.
3. Add “legally prior to sale and/or transfer of ownership” to structures shown to be removed on Sheet 2.
4. Prior to submission of the final copies of the short Plat survey site plans for recording, remove the building footprints on both Parcel A and Parcel B. In addition, remove all yard setback dimensions on both parcels.
5. Specify the location and description of all trees at least 6” in diameter measured 4.5’ above the ground, with correct species names, on the face of the plat. All trees and vegetation within the delineated steep slope buffer shall remain and the area shall be marked as “no-disturbance” on the plat.
6. Submit the final recording forms for approval and remit any applicable fees.

Prior to Issuance of Any Building Permits

7. The steep slope buffer “no-disturbance area shall be clearly marked on the construction plans.
8. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

Prior to Construction

9. The steep slope buffer area shall be protected from intrusion by construction fencing and signs erected indicating that it is a “no-disturbance” area.

Signature: _____ (signature on file) Date: March 20, 2008
Marti Stave, Land Use Planner
Department of Planning and Development

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