



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

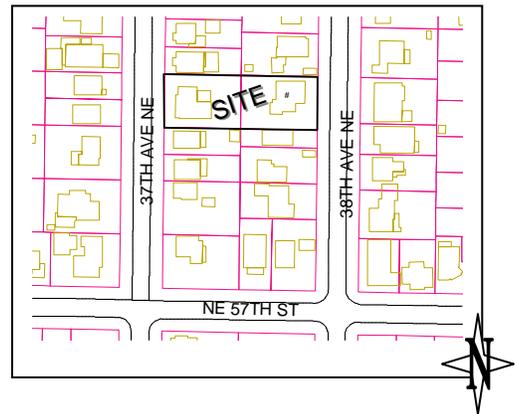
D. M. Sugimura, Director

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

Application Number: 3004733

Applicant Name: Bob Kackman

Address of Proposal: 5727 38th Avenue NE



SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide two parcels into three parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 4,188.8 sq. ft., B) 4,188.5 sq. ft., and C) 7,676.5 sq. ft. The existing structure at 5727 38th Ave NE will be demolished.

The following approvals are required:

Short Subdivision - to subdivide two existing parcel into three parcels.
(Chapter 23.24, Seattle Municipal Code)

SEPA Threshold Determination (Chapter 25.05 SMC).

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 Description

The proposal area consists of two parcels zoned Single-Family 5000 (SF5000). The site slopes down from west to east. The westerly parcel (5724 37th Avenue NE) and easterly parcel (5727 38th Avenue NE) are each developed with a home. Three Douglas Fir trees are located along the southerly property line and a Western red cedar is located towards the back of the lot on proposed Parcel "B".

The development site contains a mapped steep slope. The applicant was granted a limited exemption on February 9, 2007. DPD concluded the steep slope was created by previous legal grading activities.

Surrounding Area Description

The surrounding area is zoned SF 5000 and developed with a variety of single-family structures.

Public Comment:

The application was deemed to be complete on January 26, 2007 and notice of application was sent on March 1, 2007. The public comment period ended on March 28, 2007. Several public comments were received through the public notice process.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC [23.24.040](#), the Director shall, after conferring with appropriate officials, use the following criteria (#7 and #8 do not apply) 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.*
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, 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.*

Analysis

Based on information provided by the applicant, referral comments as appropriate from DPD, Fire Department (SFD), 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. Seattle City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed parcels. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. The proposed parcels meet the lot area requirement by utilizing the provision found in SMC 23.44.010B.1.b which allows the creation of lots through short subdivision when the lots are at least seventy-five percent of the minimum required lot area

and is at least eighty percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone. The 75/80 block analysis can be found in the MUP file. 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 (Water Availability Certificate #20070176 issued January 31, 2007), and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The development site contains mapped Steep Slope Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The applicant sought and was granted an ECA limited exemption from steep slope development standards. It was determined that the critical area at the subject site was a result of legal grading activities. The environmentally critical areas general and submittal standards, as well as the specific standards for geologic hazard areas and other related development standards are still applicable.

New construction on the parcels containing the Geological Hazard Areas will also be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas. Based upon the arborist report from Northern Arboriculture, the Western red cedar shows good health and appears free from significant defects. Successful retention depends on limiting damage to the tree during the construction phase. The short plat will be conditioned to minimize impacts to the Western red cedar through the construction process. No trees are being unnecessarily removed as a result of this short subdivision. 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 plat 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 prepared by Bob Kackman and prepared on February 22, 2007. The information in the checklist, a Geotechnical Consideration for Potential Steep Slope Exemption prepared by Geotech Consultants, INC., dated January 31, 2007, public comment, and the experience of the lead agency with review of 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 in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project 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).

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 - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Comply with all applicable standard recording requirements and instructions.
2. Show a 16-foot area around the Western red cedar on the plat, clearly identifying the area as the critical root zone and a no build area.

Ink the following conditions on the face of the plat:

3. The Western red cedar identified as WR36 on Parcel "B" shall be protected and preserved during any future ground disturbance activity. Any construction activity taking place on Proposed Parcel "A" or "B" shall abide by the following restrictions:
 - a. Step 1 is to spread mulch by hand or by blower at least 4" inches deep over the entire critical root zone area. The critical root zone is the area on the ground that is within the drip line or the spread of tree crown. No construction activity or heavy equipment should be used within the critical root zone.
 - b. Step 2 is to install temporary fencing around the critical root zone during construction. This temporary fencing should be chain-link type and a minimum of 6' tall and should not be moved during construction. The fencing should be inspected by a certified arborist after installation and prior to post construction.
 - c. If grade changes have to be made within 10% of the outer boundary of the critical root zone, mycorrhizal inoculation and stress formula application may be required. After the grade changes is made, additional root pruning by hand needs to occur to remove any fractured sections of the roots. Clean cuts are to be made and clean burlap is to then be placed over the ends of the roots. These roots need to be kept moist until the area has been backfilled.

Prior to Issuance of any Building Permit

4. 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.
5. Submit a standard drainage control plan for all initial building permits on proposed parcels.

Ink the following conditions on the site plan for Proposed Parcel "B":

6. Show a 16-foot area around the Western red cedar on the site plan, clearly identifying the area as the critical root zone and a no build area.
7. The Western red cedar identified as WR36 on Parcel "B" shall be protected and preserved during any future ground disturbance activity. Any construction activity taking place on Proposed Parcel "A" or "B" shall abide by the following restrictions:
 - a. Step 1 is to spread mulch by hand or by blower at least 4" inches deep over the entire critical root zone area. The critical root zone is the area on the ground that is within the drip line or the spread of tree crown. No construction activity or heavy equipment should be used within the critical root zone.
 - b. Step 2 is to install temporary fencing around the critical root zone during construction. This temporary fencing should be chain-link type and a minimum of 6' tall and should not be moved during construction. The fencing should be inspected by a certified arborist after installation and prior to post construction.

- c. If grade changes have to be made within 10% of the outer boundary of the critical root zone, mycorrhizal inoculation and stress formula application may be required. After the grade changes is made, additional root pruning by hand needs to occur to remove any fractured sections of the roots. Clean cuts are to be made and clean burlap is to then be placed over the ends of the roots. These roots need to be kept moist until the area has been backfilled.

Non-Appealable Zoning Requirement

Prior to recording, the owner(s) and/or responsible party(s) shall meet all zoning requirements as determined by the zoning reviewer, and revise legals as requested by DPD's addressing reviewer.

Signature: (signature on file)
Mark Taylor, Land Use Planner
Department of Planning and Development

Date: September 24, 2007