



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: 3004986
Applicant Name: Kim Nguyen
Address of Proposal: 5029 A 32nd Avenue S

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide three parcels into five parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 6,000 sq. ft., B) 6,000 sq. ft., C) 6,000 sq. ft., D) 6,000 sq. ft.; and E) 5,871 sq. ft. Existing structures at 5033 32nd Avenue S to be demolished.

The following approval is required:

Short Subdivision – To subdivide three parcels into five lots.
(Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination –Chapter 25.05 Seattle Municipal Code

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 visit: 4/5/07

Zoning: Residential, Single-Family 5000 (SF5000)

Uses on Site: Vacant lots

Substantive Site Characteristics:

This 29,871 square foot subject site is comprised of three adjacent rectangular lots located to the east of 32nd Avenue S. These are interior lots which do not have street frontage, so access will be provided through adjacent lots to the south and east. Its general location is just south of S. Hudson Street. The site slopes up from the east to the west, with the steepest slope in the western region of the lots. There is an elevation change of approximately 16-20 along the 150 foot length of the lot, from the western to eastern boundary. The site is heavily vegetated with

brambles and deciduous trees. There are about eighteen trees with a 6" or greater diameter at breast height (dbh), which include primarily Black Cottonwood and a few Bigleaf Maple trees. The surrounding zoning is Residential, Single-Family 5000 (SF5000). The site is located in a mapped critical area due to the presence of steep slopes.

Proposal Description:

The applicant proposes to subdivide three parcels into five parcels. Proposed lot sizes are indicated in the summary above. Parcel A will be created on the northern portion of the original lots, Parcel E at the southern portion of the site, and Parcels B-D in the center. Pedestrian and vehicular access from 32nd Avenue S to all parcels will be provided through adjacent lots to the south and east. Any building permits are subject to separate review, and no development or construction activities are associated with the subject proposal.

Public Comment:

The comment period for this proposal was extended by written request until April 18, 2007. There were ten public comments received regarding this short subdivision proposal. Most of the comments expressed concerns about the drainage problems that exist in this area and the potential impact upon wildlife habitat. These issues are addressed in the following analysis.

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;

The lots created by this proposed division of land will conform to all development standards of the SF5000 zone. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

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

These three lots do not have street frontage, so pedestrian and vehicular access will be provided by the lots adjacent to the south and east of the site which are owned by the same owner. The shared easement will run south along Parcels B-E along the eastern boundary of the lots, then turn east just south of the southern boundary line, and run east to 32nd Avenue S. The existing single-family residence and detached garage at 5033 32nd Avenue S will be removed so that access can be provided.

Seattle City Light has reviewed this proposal and requires an easement for the provision of electrical facilities and service to the proposed lots. The Seattle Fire Department has approved the proposed short plat for adequacy of access. As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection;

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

The proposed ingress, egress, and utilities easement and structures on the proposed parcels will be in excess of 5,000 sq. ft. of combined new or replaced impervious surface, therefore, a Comprehensive Drainage Plan was required in accordance with SMC 22.802.020.(B)2. The drainage plan, dated August 2007, was prepared by Anna Nguyen, P.E. of the Concept Group and states that stormwater from the development will be collected in a system of catch basins and pipes and will then continue to discharge to the public storm drain at 31st Avenue S and S Hudson Street. This plan was reviewed and approved by DPD. This plan will be recorded with the King County Assessor's office and a copy of the drainage plan shall accompany all future building permits as a condition of this short plat.

Seattle Public Utilities (SPU) reviewed the proposal and issued a water availability certificate. All SPU conditions of approval must be met. For future building permits, a plan of proposed sanitary sewer connection which has been prepared by a licensed civil engineer will need to be submitted for review and approval.

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 public use and interest would be served by this proposal because additional opportunities for single family housing would be provided within the City limits as a result of this subdivision.

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;*

A geotechnical survey prepared by Liu & Associates on March 1, 2005 was submitted with this application. The report notes that the northwestern corner of the lot has steep slopes approximately 40%. The survey states that this hillside is composed of very stable, moderately cemented bedrock and thus appears unlikely to experience a landslide. Based upon the geotechnical report and previously submitted topographic survey, the steep slope appears to have been created by previous legal grading, thus, a limited environmentally critical area (ECA) exemption was approved 12/6/2005 (3003221 by rmm).

A wetland report dated April 20, 2005 was prepared by Raedeke Associates, Inc. to determine whether any jurisdictional wetlands were located within or adjacent to the property. The report concluded that the neither the subject site nor adjacent areas within 50 feet of the site met criteria to be considered a wetland. This report was reviewed by the DPD environmental biologist who concurred that there is no regulatory wetland at this site.

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

The applicant provided a survey documenting existing trees on the site. There are about eighteen trees with a 6" or greater diameter at breast height (dbh), which include primarily Black Cottonwood and a few Bigleaf Maple trees. None of the trees on the site

met the criteria for exceptional trees per Director's Rule 6-2001. The majority of the trees are located on the western portion of the lots, and the proposed vehicular easement is located on the western portion of the lots, thus, this short plat maximizes 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*

N/A

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 (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

N/A

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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 site is within a mapped 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.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on March 22, 2006 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form 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, 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/circumstances (SMC 25.05.665) mitigation can be considered. A more detailed discussion of the potential impacts from this short plat follows.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion of steep slopes, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Critical Areas Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning is needed. The demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Parking utilization along streets in the vicinity is moderate, and although the scale of the project is moderate in size, the duration of construction is expected to extend for several months. However, the temporary demand on the on-street parking in the vicinity due to construction workers’ vehicles is not expected to be significant.

The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department’s conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary to mitigate impacts that would result from the proposal on surrounding properties, because the existing City ordinance adequately mitigates noise impacts.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 A SMC). No unusual circumstances exist which warrant additional mitigating, per the SEPA Overview Policy.

There is the potential for erosion during construction. However, temporary erosion control is regulated through Director’s Rule 26-2000 regarding Best Management Practices for

Construction Erosion and Sedimentation Control Plans and is sufficient to mitigate any short-term construction impacts to the earth. Thus, no mitigation pursuant to SEPA is warranted.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single family residences and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (minimum lot area, vehicle access to parking); and the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

Earth

A geotechnical survey prepared by Liu & Associates on March 1, 2005 was submitted with this application. The report notes that the northwestern corner of the lot has steep slopes approximately 40%. The survey states that this hillside is composed of very stable, moderately cemented bedrock and thus appears unlikely to experience a landslide. Based upon the geotechnical report and previously submitted topographic survey, the steep slope appears to have been created by previous legal grading, thus, a limited environmentally critical area (ECA) exemption is approved.

The report made recommendations regarding: erosion control, site preparation and grading, temporary and permanent cut slopes, structural fill, building setbacks, foundations, seismic evaluation, retaining walls, and drainage. The consultant engineer's report was also reviewed and approved by DPD's geotechnical engineer.

Plants and Animals

There are trees and vegetation on the site, which provide a habitat for birds and urban wildlife such as raccoons, squirrels, and other rodents. Future development on the proposed lots would occur on the eastern portions of the site, so some of this vegetation and habitat could be retained. The environmental checklist submitted with this short plat application states that it is unknown what vegetation might be removed for development.

Traffic and Parking

The Land Use Code requires each house to have one offstreet parking space so the minimum number of parking spaces will be provided. The builders and homeowners have the option to provide more parking spaces. The Institute of Transportation Engineers (ITE) Manual estimates that a single-family residence generates approximately ten vehicle trips per day. The 50 trips per day that will be generated by the proposed five single family residences will not be a significant increase to the total number of vehicle trips along 32nd Avenue S. For these reasons, no mitigation of parking or traffic impacts is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated from the proposal. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. Therefore, no additional SEPA conditions have been imposed on this short plat.

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 43.21C), 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 – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Provide the documentation requested and comply with the conditions noted in the Drainage and Sewer Review Correction Notice dated October 12, 2007.
2. The Comprehensive Drainage Plan submitted with this short plat application is required to be recorded with the King County Assessor's office.
3. Include on the final plat the following notation regarding the existing structures located at 5033 32nd Avenue S: "to be legally removed prior to the sale/and or transfer of ownership of these lots."
4. Include the required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected lots.
5. 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 ___."
6. 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.
7. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

8. 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.
9. The Comprehensive Drainage Plan submitted with this short plat application is required to be recorded with the King County Assessor's office and a copy of the drainage plan shall accompany all future building permits as a condition of this short plat.

Signature: _____ (signature on file) _____ Date: December 13, 2007

Janet L. Wright, Land Use Planner
Department of Planning and Development

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