



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: 3005624
Applicant Name: Brittani Ard for Richard Bennett
Address of Proposal: 11812 8th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 14,750.2 square feet and B) 11,892.9 square feet. Existing single family structure and accessory structures to be removed.

The following approvals are required:

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

SEPA – Environmental Determination – Review of development proposals in areas mapped as Environmentally Critical Areas. (Seattle Municipal Code Chapter 25.09)

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

BACKGROUND DATA

Zoning: SF 9600
Date of Site Visit: December 20, 2006
Uses on Site: One existing single family residence with accessory structures.

Substantive Site Characteristics:

The 26,643 square foot parcel is located on 8th Avenue Northwest between Northwest 118th Street and Northwest 120th Street in Seattle’s Broadview neighborhood. The site is approximately 150 feet wide and 160 feet deep. A 142 foot long driveway access leads uphill from 8th Avenue Northwest to the site. The driveway access is 20 feet wide along 8th Avenue Northwest. Eighth Avenue Northwest is a 60 foot right-of-way with approximately 20 feet of paved roadway. The residential access street has no sidewalk, curb, or gutter. Development on-site consists of a single family residence, accessory structures such as a carport and a small lap pool, and a circular drive in the west portion of the property, all of which would be removed.



The site is zoned Single Family with a minimum lot size of 9,600 square feet (SF 9600). Properties surrounding the site are also zoned SF 9600. Further north approximately one block the zoning changes to SF 7200. Development in the vicinity consists entirely of single family residential structures of varying age and architectural style.



The site sits on a relatively flat rise except for the south-eastern and eastern portions of the property. A small area (188 square feet) of steep slope environmentally critical area (ECA) exists in the southeast corner of the property. This corner abuts a steep slope that drops 72 feet in elevation into the Venema Tributary of Piper’s Creek. The tributary is approximately 115 feet from the southeastern property line. There are a number of mature evergreen trees lining the east and south property lines, including several 26 inches in diameter Western Red Cedars (*Thuja plicata*), and a 28 inch in diameter Douglas Fir (*Pseudotsuga menziesii*).

Public Comment:

The public comment period for this application ended December 13, 2006. DPD received four comment letters from surrounding residents, including one letter of support for the short subdivision. Residents proffered a number of concerns, such as:

- Stormwater drainage and runoff;
- Protection of the environmentally critical area and surrounding wildlife habitat;
- Visual impacts of future development on nearby properties;

- Protection and preservation of existing evergreen trees.

Comment letters, application documents, and associated project materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

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 subject property's zone (SF 9600) is intended for single-family residential uses with a minimum lot size of 9,600 square feet. The lots created by this proposed division of land would conform to all applicable development standards of the SF 9600 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;

Parcels A and B will maintain direct vehicular access to 8th Avenue Northwest via a shared 20 foot wide driveway access. The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code requirements as conditioned below.

Pursuant to SMC 23.53.015, a no-protest agreement to future street improvements shall be required as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

Seattle City Light does not require any easement for this project at this time.

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 #20062332 was issued on December 5, 2006.

The existing house currently discharges its sanitary waste to the public sanitary-only sewer (PSS) in 8th Avenue Northwest. Two new homes may use this sidesewer provided that the sidesewer is 6 inches in diameter below the point of connection.

DPD has no records of the current method of stormwater control. The site lacks an apparent method of discharging stormwater off-site and the proximity of the ECA precludes on-site infiltration unless the stormwater control system is designed by a geotechnical engineer. As a

condition of approval of this short plat and SEPA application, the applicant shall submit to DPD's Drainage Review Engineer, Kevin Donnelly, a permanent stormwater control plan, stamped and signed by a civil or geotechnical engineer. Full approval of the plan will be required prior to short plat approval and recording. Additionally, the approved plan shall be noted in the short plat documents, and future construction shall use the approved plan for stormwater control.

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 additional 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 environmentally critical area for steep slopes and potential slide areas as defined in SMC Chapter 25.09. There is no proposed development at this time in the steep slope or potential slide areas. The potential slide areas along the east property boundary are shown on the City's Environmentally Critical Areas (ECA) Maps. The steep slope areas at the southeast property boundary were shown through surveys. For these reasons, ECA review of this proposal is required. A Limited Exemption from the Steep Slope requirements of SMC 25.09.180, Development Standards for Steep Slopes, was denied.

The applicant submitted a geotechnical report titled "Geotechnical Evaluation – Foundation Recommendations" conducted by Dennis M. Bruce, P.E., dated October 11, 2006. The steep slope critical area and steep slope buffer have been delineated on the site plan. As a condition of approval of this short plat and SEPA application, the applicant shall be required to provide additional investigation and specific foundation design should the applicant wish to construct new residences up to 20 horizontal feet from the top-of-steep slope delineation.

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

The survey indicates that the site contains numerous mature evergreen trees located along the east and south property lines, including several 26 inches in diameter Western Red Cedars (*Thuja plicata*), and a 28 inch in diameter Douglas Fir (*Pseudotsuga menziesii*). The applicant submitted a tree preservation plan to preserve the health of the existing trees during demolition and construction. There are no proposed building pads at this time that would necessitate removal of any existing trees; therefore the proposed short plat 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 review by the Land Use Planner(s), 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 subject property contains Steep Slope and Potential Slide ECAs, and future construction will be reviewed under Steep Slope and Potential Slide ECA code requirements. 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

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 (SMC Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 13, 2006. 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 clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665 D). 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 mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Anticipated short-term or construction-related impacts on the identified critical area include temporary soil erosion. This impact is not considered significant because it is for a short duration 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 Director's Rules 33-2006 and 3-2007 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 short-term impacts to the environmentally critical area and no further conditioning pursuant to SEPA policies is warranted.

Earth/Soils

The ECA Ordinance and Director's Rule 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant has submitted "Geotechnical Evaluation – Foundation Recommendations" prepared by Dennis M. Bruce, P.E, dated October 11th, 2006. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, DR 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

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.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 2C.
- [] 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 2C.

CONDITIONS - SEPA

None required.

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 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. Revise the final plat documents to reflect the requirements of DPD's Geotechnical Engineer:
 - Show on plans permanent visible markers at the edge of the steep slope buffer. Indicate on the plans that the markers should be surface mounted monuments similar to survey monuments, in accordance with Director's Rule [3-2007].
 - The referenced [geotechnical] report had recommended that 'the new residences may be constructed up to 20 horizontal feet from the top-of-steep slope delineation' with a condition that 'closer setback distance is geotechnically possible with additional investigation and specific foundation design'. This shall be noted on the recorded short plat.
3. A permanent stormwater control plan, stamped and signed by a civil or geotechnical engineer, shall be submitted to DPD's Drainage Engineer, Kevin Donnelly, and one copy submitted to this Land Use Planner (below). The approved plan shall be noted in the short plat documents; future construction shall use the approved plan for stormwater control. This shall be noted on the recorded short plat.

4. Revise the tree preservation plan submitted by Northern Arboriculture, submitted July 7, 2007, to include a map of the trees listed for protection/preservation. Alternatively, update the plan set to include those trees the arborist lists in the tree preservation plan, as numbered and written. Submit one or the other, the map or the updated plan set, for approval.
5. Submit the final recording forms for approval and remit any applicable fees.
6. Add all conditions of approval applicable after recording to the face of the plat.

Prior to Issuance of any Building Permit

7. Attach a copy of the recorded short subdivision to any sets of building permit application plans, if applicable.

Signature: _____ (signature on file) _____ Date: September 27, 2007
Catherine McCoy, Land Use Planner
Department of Planning and Development

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