



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 Numbers: 3005745

Applicant Name: Steven Hall

Address of Proposal: 6060 Upland Terrace South.

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area (Steep Slope). Proposed parcel sizes are: A) 19,290 sq. ft. and B) 11,284 sq. ft. The existing structures are to remain.

The following approvals are required:

Short Subdivision - to create two parcels of land. (Seattle Municipal Code Chapter 23.24).

SEPA - Environmental Determination (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

A. Site Description

The site is approximately 30,574 square foot in total lot area and is located in a single-family residential zone in the Seward Park neighborhood of South Seattle. The Single-Family zone has a required minimum lot size of 9,600 sq. ft. (SF9600). The subject site is on the east side of the block of Upland Terrace S., approximately five parcels north of S. Graham St. The site is a through lot which has 50 feet of street frontage on Upland Terrace S., and 35 feet of street frontage on Chatham Drive S. The property is 309.88 feet deep. The site is currently has a single family residence with a covered carport and a built in swimming pool. A single-family residence remains on the site. An asphalt driveway runs along the west part of the site, leading to the single-family

residence and the garage. A rockery is near the rear of the residence. The built-in swimming pool is to the rear of the residence east of the rockery. Vegetation on-site includes grass, weeds, scattered shrubs and 7 deciduous trees. The proposal site is considered environmentally sensitive because it is mapped as Steep Slope. Upland Terrace S. is a 50-foot wide partially improved asphalt right-of-way without curbs, gutters or sidewalks on either side of the street. Chatham Dr. S. is also an unimproved right-of-way that is 35-feet wide. The part of Chatham Dr. S. that is adjacent to the east property line of the subject site is completely covered with.

The subject site, bounded by S. Juneau St. to the north and S. Graham St. to the south, is in a heavily developed residential area. The site lies on the upper portion of a moderate to very steep, southeasterly declining slope. A geotechnical report by ABPB Consulting, LLC and dated May 30th, 2006 was submitted to DPD. Based on submitted document, the slope on the east part of the site is at an inclination varying from 28 to 33 percent. The existing structures on site are to remain. This proposal must meet all development standards for ECA Steep Slope. This proposal is subject to review under SEPA.

Area Development

Zoning and development in the vicinity of the proposal site is predominately Single-family Residential with minimum lot size of 9600 sq. ft. (SF9600). Single-family zoning, with a minimum lot size of 7,200 sq. ft. (SF7200) is located to the east of Chatham Dr. S.

Proposal Description

The applicant proposes to subdivide one parcel into two parcels of land in an environmentally critical area. Both parcels are proposed to be in excess of the minimum lot area requirement of 9,600 square feet. Parcel A is proposed to have a site area of 19,290 square feet and Parcel B is proposed to have a site area of 11,284 square feet. The residential structure with attached carport, built-in swimming pool and rockery is to remain. Vehicle access for the existing residence will be from Upland Terrace S. The new proposed residence on the environmentally critical area parcel will have access from Chatham Dr. S. There are 7 deciduous trees on site. The trees range in size from 9 inches to 20 inches and are outside of the ECA. All trees on Lot A are to remain.

Public Comments

Two comment letters were received during the comment period that ended May 21st, 2007.

- The comments expressed drainage and traffic concerns.

ANALYSIS -SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. 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 parcels created by this proposed subdivision of land would conform to all development standards of the SF 7200 zone. Parcel A would have a lot area of approximately 19,290 sq. ft. and Parcel B would have a lot area of approximately 11,284 sq. ft. Each lot will have adequate buildable lot area to meet applicable parking, yards and lot coverage requirements.

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

Each of the proposed parcels will have adequate access for vehicles, utilities and fire protection from the street. Seattle City Light has reviewed and approved this application and requires property rights for this short plat. The Seattle Fire Department reviewed and approved this proposal with conditions.

Vehicular access to the site with the existing residence on Lot A will be from Upland Terrace, S. which is a 50-foot wide partially improved asphalt right-of-way without sidewalks, curbs and gutters on either side of the street. Access to Lot B will be from Chatham Dr. S. which is an unimproved right-of-way. Street improvements for Chatham Dr. S. will be required prior to the issuance of a building permit.

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

Sanitary Sewer: The existing house currently discharges it's sanitary waste to the public combined (sanitary & stormwater) sewer located along the north property line. New construction may use the public combined sewer for sanitary discharge.

Drainage: The existing house currently discharges it's stormwater drainage to the public combined sewer located along the north property line. For new construction detention will be required and may discharge to the public combined sewer.

Seattle Public Utilities reviewed the short subdivision application and approved a **Water Availability Certificate ID, No. 20071152 on June 25th, 2007**. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short plat meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. 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;*

The site is situated on the upper portion of a moderate to very steep, southeasterly declining slope. A geotechnical report by ABPB Consulting, LLC and dated May 30th, 2006 was submitted to DPD. Based on submitted document the slope on the east part of the site is at an inclination varying from 28 to 33 percent. The existing structures on site are to remain. This proposal shall meet all development standards for ECA Steep Slope. This proposal is subject to review under SEPA.

Based on submitted documents, the steep slope area near the north property line is less than 20 feet in height and is separated from the southeastern steep slope by more than 30 feet. The southeastern steep slope appears to have been created by previous legal grading for Chatham Dr. South and the house to the southeast of this site. "Therefore, a limited ECA exemption was granted and the ECA Steep Slope Development standards (i.e., the threshold disturbance level of 30 percent of the steep slope Critical Area Variance) are waived. All other ECA Submittal, General, Landslide Hazard, and development standards still apply for this property." This proposal requires SEPA.

Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer area. The ECA Covenant, to be recorded with the final survey, showing the location of the ECA markers for the Steep Slope Buffer. The covenant shall be in the form given to the applicant by DPD.

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information required to show conformance with applicable ordinances and codes (ECA ordinance, the SGDCC, DR 3-93, and 3-94) will be required of the applicant prior to issuance of building permits. Construction in compliance with these conclusions and recommendations, as well as applicable provisions of the ECA Ordinance and DR 3-93, will adequately mitigate expected earth impacts; therefore, no further mitigation in this regard pursuant to SEPA is warranted.

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

There are 7 trees on proposed Lot A where the existing residence is to remain. No trees are proposed to be removed for this development. Therefore, this proposal 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.*

Section 23.24.045 is not applicable because the proposed short subdivision is not for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision 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 submitted by the applicant dated January 31st, 2007. The information in the checklist, the supplemental information submitted by the applicant, field inspection, public comments and the experience of the lead agency with 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 an additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The Department of Planning and Development has analyzed the environmental checklist submitted by the 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).

The SEPA Overview Policy (SMC 25.05.665 D) 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, that "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 D1-7) mitigation can be considered.

Summary

Based on submitted documents, the steep slope area near the north property line is less than 20 feet in height and is separated from the southeastern steep slope by more than 30 feet. The southeastern steep slope appears to have been created by previous legal grading for Chatham Dr. South and the house to the southeast of this site. "Therefore, a limited ECA exemption was granted and the ECA Steep Slope Development standards (i.e., the threshold disturbance level of 30 percent of the steep slope Critical Area Variance) are waived. All other ECA Submittal, General, Landslide Hazard, and development standards still apply for this property. This proposal shall meet all development standards for ECA Steep Slope." Existing City regulations appropriately address environmental impacts of this proposal. No SEPA conditioning is 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 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.

CONDITIONS - UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and 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 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. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Add the "Conditions of Approval upon Application for Construction Permits, "noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page. If the conditions are on a separate page, insert on the face of the plat "For Conditions of Approval upon Application for Construction Permit, see page ___ of ___."
3. Submit the final recording forms and fee for approval.
4. Permanent visible markers along the top of the steep slope area to delineate the edge of the steep slope critical area buffer must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the top of the steep slope buffer line where it changes direction from a straight line. Markers must be in place before issuance of this short subdivision permit.

After Recording and Prior to Issuance of a Building Permit

5. Attach copy of the recorded short plat with the plan upon application for a construction permit.
6. Provide a Comprehensive Drainage Control Plan, prepared per SMC 22.802.020{B} 2 & 4, for review and approval with the building permit.
7. Provide an ECA Covenant, to be recorded with the final survey, showing the location of the ECA markers for the Steep Slope Buffer. Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer area. The covenant shall be in the form given to the applicant by DPD.
8. All required Street Improvements for Chatham Dr. S. are required prior to the issuance of the building permit (16 foot crushed rock minimum).

Signature: _____ (signature on file) Date: September 10, 2007
Joan S. Carson, Land Use Planner II
Department of Planning and Development

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