



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: 3006440
Applicant Name: Joanna Spaulding
Address of Proposal: 8612 Ravenna Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide two parcels into four parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 5,191.7 sq. ft.; B) 5,159.5 sq. ft.; C) 5,091.9 sq. ft.; and D) 5,031.6 sq. ft. Existing structures on proposed Parcel C and D to be demolished.*

*Note: Project description has been revised from the original notice of application.

The following approvals are required:

Short Subdivision: To subdivide two existing parcels into four parcels of land.
(Chapter 23.24, Seattle Municipal Code)

SEPA - Environmental 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 subject property is located in a Single Family 5000 (SF 5000) zone, between Ravenna Avenue NE on the west and 25th Avenue NE on the east, approximately one-quarter mile south of the intersection of Ravenna Avenue NE and Lake City Way NE. The approximately 20,475 square foot irregular-shaped site is a through lot fronting on two streets, 25th Avenue NE to the east and Ravenna



Avenue NE to the west. The entire site has approximately 162 feet linear frontage on 25th Avenue NE and approximately 175 feet linear frontage on Ravenna Avenue NE. There are no curbs, gutters or sidewalks (that meet current standards) on the abutting streets.

The subject property is developed with a single family residence at 8618 Ravenna Avenue NE which will remain; and a single family residence, 2-car garage and shed at 8612 Ravenna Avenue NE which will be demolished. Vehicular and pedestrian access to the site is available to Ravenna Avenue NE to the west.

The site contains an identified environmentally critical area as defined in SMC 25.09.180: Steep Slope. The steep slopes are identified along the southern eastern portion of the site, while the northern portion slopes gently to the west and is landscaped. A Geotechnical letter submitted by Otto Rosenau & Associates, Inc., dated April 13, 2006, demonstrated that granting a limited exemption would not result in adverse impacts on the this site and adjacent sites. Therefore, under Project #3004720 a limited exemption from ECA Steep Slope Development Standards was approved on April 13, 2006 for this site on the basis that the on-site slopes are less than 20-feet in height and appear to be created by legal grading activities. Potential vehicular and pedestrian access to proposed Parcel C and D would be from Ravenna Avenue NE to the west of the site. Most of the undeveloped portion of the site consists of moderately dense undergrowth with several medium sized deciduous and evergreen trees.

Surrounding zoning is Single Family 5000 (SF-5000) for several blocks in each direction. Development in the vicinity is predominantly single family residential uses.

Proposal

The applicant proposes to subdivide one 20,475 square foot lot into four (4) parcels of land in a Steep Slope Environmentally Critical Area. Proposed parcel areas are: A) 5,191.7 sq. ft.; B) 5,159.5 sq. ft.; C) 5,091.9 sq. ft.; and D) 5,031.6 sq. ft. The existing single family residence on proposed Parcel A located on the northern portion of the site will remain and has direct vehicular and pedestrian access from Ravenna Avenue N.E to the west. The proposed Parcel B is undeveloped. Proposed parcels C and D contain a single family residence, a 2-car garage, and a shed, all of which will be removed.

Public Comment

The comment period began on March 8, 2007 and ended on March 21, 2007. Three public comment letters were received. One comment expressed concerns about the drainage problems that may occur as a result of proposed development. The respondents assert that the proposed development of the site would result in the removal of trees thus increasing the chance of excessive run-off on the property and possibly impacting the properties on the west side of Ravenna Avenue NE and other properties below the slope. Two other comments requested that the proponents be required to install sidewalks along the property frontage.

ANALYSIS - SHORT SUBDIVISION

Based on information provided by the applicant, referral comments from DPD's Drainage Section, Seattle Fire Departments, and Seattle Public Utilities (Seattle City Light and Water Department); and review by the Land Use Planner, the following findings are made with respect to the applicable criteria:

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 site is located within the Single Family 5000 zone (SF-5000).

This proposal will divide the subject lot into parcels of land as follows: Proposed parcel areas are: A) 5,191.7 sq. ft.; B) 5,159.5 sq. ft.; C) 5,091.9 sq. ft.; and D) 5,031.6 sq. ft.

The resulting lot areas exceed the 5000 square foot minimum lot size for each of the proposed lots. The existing residence on Parcel A will comply with Land Use Code development standards. Therefore, the parcels created by the proposed subdivision of land satisfy the minimum lot area requirement of the underlying zone.

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone and the Environmentally Critical Area Ordinance. The lot configuration provides an adequate buildable area to meet applicable yards, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

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

DPD has circulated this proposed Short Subdivision to all city agencies with jurisdiction for review of utilities, access, and fire protection. All utilities are presently extended to Parcel A, and any changes in services would require approval of the respective utility.

All proposed parcels are through lots and have street frontage on 25th Avenue NE to the east and Ravenna Avenue NE to the west. All proposed parcels will have adequate vehicle, pedestrian, utility and fire protection access from Ravenna Avenue NE. The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access. The applicant would have to sign a no protest agreement to allow future street improvement in this area. Seattle City Light does not require any additional easements to provide electricity.

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. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on February 16, 2007 (WAC ID No. 20070274).

There is an eight inch sanitary sewer main in Ravenna Avenue NE. There is an existing City maintained drainage culvert in Ravenna Avenue NE. There is also a City maintained drainage culvert cross this property located on proposed parcel D. The culvert conveys street drainage from 25th Avenue NE across the property to Ravenna Avenue NE. Flows in this culvert must be maintained across the property in the event of any future development. Therefore, this plat will include a condition that any future development on the proposed parcels must maintain the drainage flows across parcel D from 25th Ave. NE to Ravenna Avenue NE. The existing drainage culvert must remain or be relocated on the property under a permit issued by DPD.

This property is located in the Thornton Creek drainage Basin. All projects in this drainage basin which include more than 2,000 square feet of impervious surface are required to provide water detention. This short plat creates four lots and under current rules the 2,000 square foot threshold applies to each parcel. Therefore, this plat will include a condition that for any future development or redevelopment on any of the parcels, storm water detention will be required.

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

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas.*

The site contains an identified environmentally critical area as defined in SMC 25.09.180: Steep Slope. The steep slopes are identified along the southern eastern portion of the site (on proposed parcel D), while the northern portion slopes gently to the west and is landscaped. A Geotechnical letter submitted by Otto Rosenau & Associates, Inc., dated April 13, 2006, demonstrated that granting a limited exemption would not result in adverse impacts on the this site and adjacent sites. Therefore, under Project #3004720 a limited exemption from ECA Steep Slope Development Standards was approved on April 13, 2006 for this site on the basis that the on-site slopes are less than 20-feet in height and appear to be created by legal grading activities. Therefore, this short subdivision is exempt from the provisions of SMC 25.09.240.

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. Therefore, this proposed short subdivision is exempt from City of Seattle Regulations for development in Environmentally Critical Areas.

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

The site several medium sized deciduous fruit trees and evergreen trees with thick underbrush of blackberry vines. The proposal has been designed to maximize the retention of existing trees on the property.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivision, when the subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, cluster housing, or single family housing:*

This Short Subdivision is not a unit lot subdivision. Thus, this section is not applicable to this short plat application.

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:*

This Short Subdivision is not a multiple single family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposal site is located in a Steep Slope Environmentally Critical Area, 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 February 7, 2007, 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. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Otto Rosenau & Associates, Inc., dated April 13, 2006. The report evaluates the soil and site conditions and provides recommendations for future construction.

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. Additional conditioning on the plat to require storm water detention for all future development and redevelopment will mitigate any future storm water impacts. 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.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

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

1. Provide final recording forms and fees. Have the 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 the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Include the following on the face of the plat: "Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008.I.Tree Requirements. All future construction is subject to the applicable code provisions of SMC 25.09, Tree Protection. All trees shall remain on site until such time that building permit is approved and issued which allows for removal of trees on site."

3. Any future development on the proposed parcels must maintain the drainage flows across parcel D from 25th Ave. NE to Ravenna Avenue NE. The existing drainage culvert must remain or be relocated on the property under a permit issued by DPD.
4. Include the following on the face of the plat: "Any future development or redevelopment will require storm water detention facilities."
5. Complete, sign and notarize a Covenant Consenting to Formation of a Local Improvement District and return to me for recording.
6. Provide final recording forms and fees.
7. Add a note to the plat indicating whether the garage on Proposed Parcel D is to be demolished or maintained accessory to a single family structure established under permit.

After Recording and Prior to Issuance of a Building Permit

8. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

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

Date: September 24, 2007