



City of Seattle

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: 3006512
Applicant Name: Bob Winters
Address of Proposal: 3512 NE 105th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in and environmentally critical area (Wetland). Proposed parcel sizes are: A) 7,067 sq. ft. and B) 6,614 sq. ft. Existing structures to remain.

The following approvals are required:

Short Subdivision - to divide one parcel of land into two parcels.
(Seattle Municipal Code (SMC) Chapter 23.24)

SEPA – Environmental Determination – Review of development proposals in areas mapped as Environmentally Critical Areas, Chapter 25.05, Seattle Municipal Code.

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 and Vicinity Descriptions

The subject site is located on a short residential “block” between vast City of Seattle properties, the one to the west being a community center immediately south of Nathan Hale High School, and the one to the east being the award-winning lagoons created by Seattle Public Utilities for stormwater management. The site is zoned SF7200, as are all surrounding properties for a substantial distance. The site is designated as environmentally critical due to presence of a small Class IV wetland on site, which has been thoroughly evaluated by DPD’s wetland biologist and deemed not to warrant any special provision under this application. No stream was detected on site by DPD’s wetland biologist. There are several native trees on the site, none reaching the criterion of “exceptional.” The adjacent street is paved, but lacks the remainder of street improvements. The area is characterized by large lots developed with single family residences.



Proposal

The proposal is to short plat the property into two, ultimately demolishing the existing structures and redeveloping the site(s).

Public Comments

Five comment letters were received, all expressing concern about the proposed platting. All noted the presence of high water table and drainage issues. Mention is also made of a “stream” on the east edge of the property.

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, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection, as provided in Section 23.53.005, Access to Lots, and Section 23.53.006, pedestrian access and circulation;*
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 23.24.046, Multiple single-family dwelling units on a single family lot, when the short subdivision is 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 2 or more lots from 1 lot with more than 1 existing single-family dwelling unit.*

Summary

Based on information provided by the applicant, referral comments as appropriate from DPD (drainage and zoning), Water (SPU) and Fire Department (SFD), Seattle City Light, 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 will meet all minimum standards or applicable exceptions as set forth in the Land Use Code and other applicable codes, and are consistent with applicable development standards. 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 proposal site is located in a mapped environmentally critical area, but the applicable criteria of SMC 25.09.240 are satisfied. Development of the separate lots created by the plat would not require removal of any of the existing trees; this is consistent with DPD's interpretation of the platting "tree preservation criterion." 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**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Please do not show conditions of approval prior to recording on the plat to be recorded.)

CONDITIONS - SHORT SUBDIVISION

Following SEPA decision and conditions.

ANALYSIS - SEPA

The proposal site contains an *Environmentally Critical Area*, thus 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).

SMC 25.05.908 requires 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 environmental checklist submitted by the applicant. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action will not result in adverse impacts to the environment.

The proposed short plat will divide an existing large lot with minor *Environmentally Critical Areas* into two lots. The in-depth investigation of the wetland area by DPD's wetland biologist firmly concluded that the proposed configuration will divide the lot in such a way that is unlikely to have any adverse impact on the *Environmentally Critical Areas*, therefore no mitigation of this proposal under SEPA is warranted. However, it is a requirement under the *ECA Ordinance* that an *ECA* covenant be recorded. The draft covenant is attached to this decision.

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

Conditions of Approval Prior to Recording

1. The owner(s) and/or responsible party(s) shall: Provide final signed ECA Covenant or install DPD approved mitigation for removed wetland per SMC 25.09.160C3.

Prior to Issuance of any Building Permit on either lot

2. 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.

Signature: _____ (Signature on file)
Holly Godard, Land Use Planner
Department of Planning and Development

Date: July 26, 2010