



City of Seattle

Department of Planning and Development
Diane. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3007790
Applicant Name: Cramer NW for Sam Vong
Address of Proposal: 8621 42nd Avenue South

SUMMARY OF PROPOSED ACTIONS

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area (Potential Slide). Proposed parcel sizes are: A). 5,284 sq. ft. and B). 5,001 sq. ft. The existing garage on proposed Parcel “B” is to be removed.

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

Site Description

The approximately 10,285 square foot project site is located in a single family residential zone with a required minimum lot size of 5,000 sq. ft. (SF5000), in the Beacon Hill neighborhood of the City of Seattle. The subject site is on 42nd Avenue S. which is an undeveloped dirt road. The site is just a block or so away from Mount Baker Beach. The site is rectangular in shape and is approximately 187-feet deep and has 55-feet of street frontage on 42nd Avenue S. The property is currently developed with a single family residence and a detached garage. Vegetation on-site

includes grass, weeds, scattered shrubs, and a few young to mature, Juniper trees (Five Juniper trees; four-8-inch Junipers and one-10-inch Juniper tree). The proposal site is considered environmentally sensitive because of Potential Slide Area.

The subject property is a heavily developed residential area, with Mount Baker Beach a block or so away and Lake Washington just down the hill. The site is situated on the upper portion of a moderate to very steep slope that descends easterly. A geotechnical report by Soils & Environmental Engineers, Inc. dated November 14th, 2007 was submitted to DPD. The existing detached garage structure to be removed is located on the upper flat western portion of the property. The existing residence on the eastern portion of the property will remain and a 10 ft. by 16 ft. surface parking space will be created in the front of the residence, outside of the front yard. This proposal was granted an ECA Exemption and is also subject to review under SEPA.

Area Development

Zoning and development in the vicinity of the proposal site is predominately single-family. The project site and surrounding area is zoned Single-family 5,000 (SF5000). The immediate and surrounding areas are predominately single-family and multi-family use.

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 5000 square feet. Parcel A is proposed to have a site area of 5,284 square feet and Parcel B is proposed to have a site area of 5,001 square feet. The detached garage structure is to be removed and the single-family residence is to remain. Vehicle access for both parcels will be from 42nd Avenue S. A 10 ft. by 16 ft. surface parking space is proposed on Parcel "A".

Public Comments

One written comment letter was received during the comment period that ended April 9th, 2008

- The letter commented on use and drainage 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 5000 zone. Parcel A would have a lot area of approximately 5,284 sq. ft. and Parcel B would have a lot area of approximately 5,001 sq. ft. Both lots 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;*

Both 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 under the 2006 Seattle Fire Code.

Vehicular access to the site will be from 42nd Avenue South, which is an unimproved right-of-way with no sidewalks, curbs and gutters on either side of the street.

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

Sanitary Sewer: The existing house located upon proposed Parcel A is connected by means of a shard side-sewer, also serving the properties addressed as 8617 42nd Ave. S. & 8627 42nd Ave. S., to a 60-inch Metro combined sewer.

Drainage: The Metro combined sewer is the appropriate point for storm-water discharge.

Seattle Public Utilities reviewed the short subdivision application and approved a Water Availability Certificate ID, No. 20090647 on December 30th, 2009. 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 slope that descends easterly from the west property line. A geotechnical report by Soils & Environmental Engineers, Inc. dated November 14th, 2007 was submitted to DPD. The existing structures to be removed are located on the upper relatively flat portion of the site. This proposal was granted an ECA Exemption. This proposal is also subject to review under SEPA.

ECA Review Required

3007790; 8621 42nd Avenue South; ECA review is required. The site correctly designated as Environmentally Critical Area due to Steep Slope, as Potential Landslide due to Geologic Conditions. Based on submitted geotechnical engineering report by S&EE dated November 4, 2005, and limited height of the Steep Slope less than 20 feet, the ECA Steep Slope Development Standards are waived, and no ECA Steep Slope Variance is required. This decision can be applied to a short plat. All other applicable ECA Standards and requirements apply. November 27, 2007; dbg

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information showing 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 five existing Juniper trees on site, (four-8-inch Junipers and one-10-inch Juniper tree). This proposal allows for minimal removal of trees, considering, there does not appear to be any alternate plat design which would better minimize retention of trees. 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 February 28th, 2008. 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.

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

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).

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.

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 - SHORT 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.

After Recording and Prior to Issuance of a Building Permit

4. Attach copy of the recorded short plat with the plan sets upon application for a construction permit.

Signature: _____ (signature on file) _____ Date: June 7, 2010
Joan S. Carson, Land Use Planner II
Department of Planning and Development

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