



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: 3008349
Applicant Name: Earl G. Smalls
Address of Proposal: 9630 Beacon Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide two parcels into three parcels of land. Proposed parcel sizes are: A) 8960 sq. ft., B) 7,230 sq. ft.; and C) 7,267 sq. ft. Existing residential structure to remain & existing shed & concrete pad to be removed.

The following approvals are required:

Short Subdivision – to subdivide two parcels in three parcels of land.
(Chapter SMC 23.24)

SEPA Environmental Determination- (Chapter SMC 25.05)

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 7200
Date of Site Visit: January 22, 2008
Uses on Site: Existing single family structure

The proposed site appears to be two lots in the vicinity of Roxbury Street, City of Seattle Transmission Line of Way, South Bond Street and Beacon Avenue South. The proposal is north of the platted Bradner’s Tracts. This portion of Beacon Avenue South is east of Martin Luther King Way running south to southeast towards the City of Tukwila.

The proposal includes two lots, one of which is improved by a residence built in 1953 and proposed to remain, and the second which is unimproved. The combined area of these lots is 23,457 square feet. A variety of single family structures defines this neighborhood. Due east of the site is acreage currently used as horse pasture. There is no existing curb and gutter.

Substantive Site Characteristics:

The site slopes towards the southeast with significant slopes located mostly on proposed lot 1 which includes the single family structure. The majority of existing trees is located in the slope and designated buffer areas. The lot of the existing building has a limited building envelope due to the presence of the Environmentally Critical Area (ECA) and its buffer. Fencing runs along the perimeter of the development and in the right of way except for the current driveway access.

Public Comment:

The site was posted till January 24, 2007. The issue concerning continued use of a driveway improvement for the neighbor to the immediate north is addressed in the recording of an ingress/egress easement on February 15, 2008.

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;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
The existing single family structure is served by an existing driveway. Currently an access exists to the unimproved lot. There is adequate frontage to provide necessary access to Beacon Avenue South. The recorded easement for ingress/egress for the adjacent northern lot (Tax Lot No. 032304-9217) allows continued access.
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
A mitigated plan to address the issue of recommended drainage systems that prevent the adverse impacts relative to stormwater drainage and slope stability was approved by the DPD Drainage Engineer(July 10th, 2008)and by the Geo-Technical Engineer(April 22, 2008).
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;*
The revised preliminary plat delineates the area of the environmentally critical area. This area is protected from development through the ECA Covenant for the platted area. This area requires legal description on the plat and the covenant will be recorded with the plat.
6. *Is designed to maximize the retention of existing trees;*
The majority of existing trees are located in the ECA Steep Slope and its buffer. They are not to be removed prior to the issuance of the building permit.

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; and Not applicable to this proposal.*
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. Not applicable to this proposal.*

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, 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 of the 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 proposal site is located in an environmentally critical area; therefore SMC 25.09.240 is applicable. The proposed plat maximizes the retention of existing trees. 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.

ANALYSIS - SEPA

The proposal site is located in a steep slope critical area, thus the application 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.

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 4, 2008. 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.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any 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 will result in adverse 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) 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 or construction-related impacts are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. 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) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). 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.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 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. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

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

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces, and 2) increased demand on public services and utilities. These long-term impacts are not considered significant because the impacts are minor in scope.

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.

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).

DECISION - SHORT SUBDIVISION

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

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

1. Have final recording documents prepared by or under the supervision of a land surveyor licensed in Washington State. 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. (P)

2. Submit the final recording forms for approval and remit any applicable fees. (P)
3. The Covenant for the Environmental Critical Area (ECA) will be recorded and the plat will provide easement language delineating the designated area.
 - a. The DPD Planner will field approve the location of small permanent visible markers such as surface mounted survey marker to delineate the ECA as per location of corners and/or point when the ECA and its buffer crosses property lines. (will provide site plan for markers).
 - b. The markers will be identified and shown on the final plat (per SMC 25.09.335 Posting, covenants, and recording conditions the Department requires). (P)
4. A note will added: "New or expanded structures will be set back at least 20 feet from the top of the steep slope unless the structure is supported by piling or other alternative design as approved by DPD (P)
5. A note will be added: "The "Stormwater Drainage Plan stamped by Anthony Coyne P.E. of March 5, 2008 will be utilized for the Lot 2 and Lot 3 and/or other alternative design as approved by DPD (P)

SEPA CONDITIONS

None

Signature: _____ (signature on file) _____ Date: August 11, 2008
Carreen N. Rubenkonig, Land Use Planner
Department of Planning and Development

CNR:lc

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