



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: 3008354
Applicant Name: Brittani Ard, Ard Consulting
Address of Proposal: 12036 25th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are 7,274 sq. ft. and 13,334 sq. ft. Existing structures are to remain.

The following approvals are required:

SEPA – Environmental Determination - (SMC Chapter 25.05)

Short Subdivision – to subdivide one parcel into two parcels (SMC Chapter 23.24)

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

Zoning: Single family 7200 (SF7200)

Uses on Site: One single family house to remain

Substantive Site Characteristics:

This 20,608 square foot subject site is a rectangular lot that fronts on 25th Avenue NE to the west and measures approximately 76 feet wide along 25th Avenue NE, by approximately 274 feet deep. It is located mid-block between NE 120th Street and NE 123rd Street. Access is from 25th Avenue



NE, a 60 foot wide platted street that is paved, though not fully improved, lacking curbs, gutters, and sidewalks. On-street parking exists in the form of gravel and dirt shoulders.

The site is developed with a single family residence and detached building in the rear portion of the lot, and a paved driveway. It has a gradual slope to the east for the first 175 feet and then drops steeply down to Thornton Creek. The lot is landscaped with large trees, shrubs and ground cover. An additional house is proposed between the existing house and the street.

The surrounding area is also zoned SF for several blocks in all directions. The lots to the north and south of the site have previously been subdivided and developed with additional houses.

The western section of the site where the additional house is proposed is outside of the steep slope, riparian corridor and flood-prone ECA and buffers along the eastern half of the site. Though the proposed development activities would be entirely outside of the ECAs and buffers the project was not determined to qualify for an exemption from Steep Slope Development Standards under project 6153545, SMC 25.09.045 D. SEPA review is triggered by the presence of the ECAs and an analysis follows the short subdivision analysis.

Proposal Description:

The applicant proposes to subdivide one 20,608 square foot parcel into two parcels with the following areas:

Lot A – 7,274 square feet

Lot B – 13,334 square feet

Access to Lot A is from its street frontage on 25th Avenue. Access to Lot B will be from a 5 foot wide strip along the southern property line combined with an adjacent irregularly shaped easement across Lot A. The existing single family house will remain on Lot B.

Note that any proposed structures will be reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate application. The subject of this analysis and decision is only the proposed division of land.

Public Comment:

The comment period for this proposal ended on January 16, 2008. During this period two written comment letters related to this project were received, one expressing opposition to the increased development adjacent to Thornton Creek and one simply wanting to be notified of the decision.

ANALYSIS - SHORT SUBDIVISION

The Director shall, after conferring with appropriate officials, use the criteria at SMC 23.24.040 to determine whether to grant, condition, or deny a short plat. The applicable criteria are listed below in italics. Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the criteria.

1. *Conformance to the applicable Land Use Code provisions;*

The lot lines for the proposed parcels have been drawn to allow the existing house to meet the minimum lot size requirement of the zone and meet applicable yards, lot coverage requirements, and other Land Use Code development standards. The proposed house will be reviewed for compliance at the time the building permit is submitted.

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

Parcels A and B will take direct vehicular access from 25th Avenue NE at the south sides of the existing lot. Parcel B will be accessed via a combination of panhandle lot and easement over Parcel A. The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code Requirements. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat and may require an easement to provide for electrical facilities and service to the proposed lots.

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

The adequacy of the provisions for drainage control, water supply, and sanitary sewage disposal for each lot have been reviewed and approved by appropriate City staff. The existing property has water and sewer service and additional connections will be made for the additional house during the building permit process. Water Availability Certificate number 20072273 was issued for the project on January 4, 2008. New construction with discharge to the sanitary sewer requires a side sewer permit. Storm drainage is also available to the property and plan review requirements regarding stormwater will be made at the time of building permit application.

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

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The public interest is expressed by the zoning designation of the site and compliance by the application with applicable development regulations. The SF7200 zone is intended for single family development at a density of one house per 7,200 square feet of lot area. This project will result in two lots that are larger than the minimum size in the zone. This project would increase the number of single family houses on the site from one to two. The proposal meets the platting criteria and will provide for additional housing opportunities; thus, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The subject property is zoned for single family residential use with a minimum lot size of 7,200 square feet. Per SMC 25.09.240 B the area of certain ECAs and their buffers shall be excluded from the number of lots a parcel may contain unless all required and proposed improvements can be located outside of such critical areas. Shared vehicular access easements required under SMC 23.53.005 may not be counted in computing the number of lots permitted. The proposed house and additional access drive will be located to the west side of the lot and outside of the riparian corridor and steep slope buffers so critical areas may be counted toward the 7,200 sq. ft. minimum lot size. Exclusion of the area of the access easement for parcel B still provides for adequate square footage to create 2 parcels meeting minimum lots size in the SF 7200 zone from this 20,608 sq. ft. site. Therefore the proposed parcels meet the minimum lot size requirement of the zone and provide adequate buildable area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards.

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

Future construction will be subject to the provisions of SMC 23.44.008 and SMC 25.11 which set forth tree planting requirements and tree preservation regulations on single family lots. Any new house constructed on Lot A will be required to plant or preserve 2 caliper inches of tree per 1000 square feet of lot area, for a total of approximately 14 caliper inches of tree. The applicant proposes to retain the Douglas fir, Grand fir, and Box Elder along the front property line. In addition, the vegetation within the ECA at the rear of the lot may not be removed.

CONCLUSIONS – SHORT SUBDIVISION

The lots to be created by this short subdivision are consistent with applicable development standards set forth in the Land Use Code. 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 public use and interest are served by the proposal since the zoning standards will be met and the proposal creates the potential for new single family housing opportunities in the City.

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the short subdivision decision criteria have been met subject to the conditions imposed at the end of this decision.

DECISION – SHORT SUBDIVISION

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

ANALYSIS – SEPA

The development site is located within several Environmentally Critical Areas (ECAs), 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 ECA regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resource, in this case Thornton Creek, 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). Environmental impacts of the project that may affect the creek include an increased rate of stormwater runoff, loss of vegetation and increased water pollution.

The initial disclosure of the potential environmental impacts on this project was made in the environmental checklist prepared by Brian Barker on December 20, 2007. The information in the checklist, the supplemental information submitted in the application, field inspection and the experience of the lead agency with similar projects form the basis for this analysis and decision.

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/circumstances (SMC 25.05.665 D1-7) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts are expected: risk of erosion during periods of earth disturbance, the possibility of siltation within the creek and temporary loss of vegetation. Several adopted codes and Director's Rules provide mitigation for some of the identified impacts. Under SMC 25.09.060 G grading in environmentally critical areas is limited to a window between April 1st and October 31st.

Additionally the Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Clean Agency regulations require control of fugitive dust to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the ECA and no further conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include decreased vegetation, habitat opportunity and increased stormwater runoff. This long-term impact is not considered significant because the area west of the existing house offered little riparian habitat and drainage requirements will be considered under the regulations in effect at the time a building permit is submitted. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

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 decision 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.303 (2) (C).

CONDITIONS - SEPA

None.

CONDITIONS – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected lots.
2. Provide an easement for the existing side sewer (and storm drain if separate) serving the house on Lot B as it crosses over Lot A.
3. Add the following note to the face of the plat:

All facilities, buildings or portions of buildings hereafter constructed or moved onto either of these proposed parcels must comply with the then current Seattle Fire Code Chapter 5 and referenced appendices.

Depending on the location of future structures on the lots, these provisions may require approved fire department vehicle access roads, turnarounds, water supplies for fire protection, and other possible fire protection related items.

4. Add the following tree information to the plat map:
 - 1) Location
 - 2) Caliper inches
 - 3) Common and scientific names

5. Add the following note to the face of the plat:

All new structures must be set back a minimum of 15 feet from the top of the eastern steep slope areas.

6. Add the location of the 100 ft. riparian corridor buffer to the proposed parcel plan, Sheet 5 of 5, as well as a note indicating that it is a non-disturbance area per SMC 25.09.20. It is currently shown only on the existing condition site plan, Sheet 4 of 5.
7. A notice that these non-disturbance ECA areas are located on the lots, including the definition of "non-disturbance area," shall be recorded in the King County Office of Records and Elections along with the final plat in a form approved by the Director. At the same time, a covenant protecting non-disturbance areas shall be recorded as set out in SMC 25.09.335. DPD will provide template language, to be completed by the applicant and approved by DPD.
8. Add the following condition to the face of the plat:

For the life of the project the owner(s) and/or responsible party(s) shall attach a copy of this recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

9. 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 side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
10. Submit the recording fee and final recording forms for approval.

For the Life of the Project

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

11. 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) Date: May 22, 2008
Nora Gierloff, Land Use Planner
Department of Planning and Development

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