



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: 3008662
Applicant Name: Julian Prosser
Address of Proposal: 6739 25th Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of in an environmentally critical area. Proposed parcel sizes are: A) 7,927 sq. ft., B) 6,117 sq. ft.; and C) 6,338 sq. ft. Existing structures on proposed Parcel A to remain.

The following approvals are required:

Short Subdivision - to divide one parcel of land into three parcels.
(Seattle Municipal Code 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 [X] DNS [] MDNS [] EIS

[] DNS with conditions

[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

Site and Vicinity Descriptions

The project site is located on 25th Avenue SW just north of SW Willow Avenue and immediately east of Forest Lawn Cemetery. The parent parcel is approximately 20,282 square feet and surrounded on all sides by parcels owned by the City of Seattle Department of Parks and Recreation. The site contains mapped Environmentally Critical Areas (ECA's): *steep slopes, known and potential slide, and wildlife habitat conservation areas*. The steep slopes and potential slide areas are located on the

western one-third of the site and there is a riparian corridor buffer and wetland buffer located in approximately the northern one-third of the site. The riparian corridor is an unnamed tributary flowing east to Longfellow Creek which is approximately 500 feet to the east of the site. Proposed Parcel A contains an existing single family residence which will remain.

This site contains numerous large trees, approximately 30 of various species, mostly alder, cedar and Pacific Madrone. Among the trees on proposed Parcels B and C are four (4) Pacific Madrone (*Arbutus Menziesii*) that meet the dimension requirements to be classified as *exceptional* trees, and therefore shall be required to be preserved. However, these trees are all located within the required “no disturbance” areas.

There remain 15-20 lots along this stretch of 25th Avenue SW not owned by the Parks Department. Most are developed with modest single family residences while a few remain vacant. There are no curbs, gutters or sidewalks. Zoning for the site and the surrounding area is Single Family 5000 (SF5000).



Proposal

The proposal is to short subdivide one platted lot into three lots. Proposed Parcel A will contain 7,927 sq. ft.; proposed Parcel B will contain 6,117 sq. ft. and proposed Parcel C will contain 6,338 sq. ft. The existing single family residence on proposed Parcel A will remain. The site contains Environmentally Critical Areas, *steep slopes, known and potential slide, and wildlife areas* as outlined above. Proposed Parcels B and C show proposed building footprints outside of all required Environmentally Critical Areas and their associated buffers.

Vehicular access to all parcels will be provided by a single existing driveway from 25th Avenue SW.

The applicant has applied for and received a Limited Exemption from Steep Slope Development Standards for a small area of steep slope at the northeast corner of the site. However, this area lies within the Riparian corridor and wetland buffer as well. All other ECA *submittals, general, steep slope, wildlife, and landslide-hazard* and other applicable development standards still apply for this proposal.

Public Comments

The two-week comment periods for this proposal ended February 20, 2008 during which three comment letter were received. The issues raised in the letters expressed concerns about the following: traffic access and flow impacts on the narrow streets that serves the site; groundwater impacts, parking impacts, noise impacts from construction; drainage impacts on the surrounding neighborhood, potential landslide hazard fro the steep slope; and loss of wildlife habitat.

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 lots created by the proposed short subdivision will conform to all development standards of the SF5000 zone. Proposed Parcels A, B and C meet the required minimum lot area of this zone. The lot configurations provide adequate buildable area to meet applicable yard and lot coverage requirements and other land use code development standards. Any new development will be reviewed for and 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;*

Each of the proposed lots will have adequate access for vehicles, utilities, and fire protection from 25th Avenue SW via the existing driveway that currently serves the existing residence on proposed Parcel A and will serve Proposed Parcels B and C as well. This driveway, with the exception of the portion serving only the residence on proposed Parcel A, will remain a part of proposed Parcel A, but will be available by easement for the benefit of proposed Parcels B and C for utilities and access.

This proposal was reviewed by the Fire Department for emergency vehicle and personnel access and has been approved. Seattle City Light does not require an easement for electrical facilities to serve the proposed parcels.

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 26, 2008 (WAC ID No. 20080260).

Sanitary Sewer: The existing property is connected with a side sewer to an 8-inch public sanitary sewer main located in 25th Ave. SW.

Drainage: The existing property is served by the existing public storm system located in 25th Ave. SW.

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

The proposed subdivision is consistent with the relevant land use policies for residential single-family zones and meets the minimum provisions of the Seattle Land Use Code for SF5000 zones. These policies and provisions are intended to provide opportunities for the creation of additional housing units within the City while protecting existing neighborhood character, the natural environment, and the public health and safety.

The proposal will meet all applicable criteria for approval of a short plat as discussed in this analysis and decision upon completion of the conditions of this 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 parent parcel to this short plat proposal contains the following Environmentally Critical Areas: *steep slope, known and potential landslide areas*, and a *wildlife habitat conservation area*. The steep slopes and potential slide areas are located on the western one-third of the site and there is a riparian corridor buffer and wetland buffer located in approximately the northern one-third of the site. The riparian corridor is an unnamed tributary flowing east to Longfellow Creek approximately 500 feet to the east of the site. .

A Subsurface Exploration and Geotechnical Engineering Recommendation Report by Bergquist Engineering Services (dated January 22, 2008) and supplemented on April 24, 2008, were submitted with this short plat application. The Geotechnical Evaluation discussed the Geotechnical Report findings and recommendations in light of the current short plat proposal. In summary, the report found that “subdividing the property would not increase the potential for slope instability on the site or on adjacent properties”, and noted that “the geotechnical engineering recommendations and comments outlined in the Geotechnical Report would also be valid for the construction of the residence” on proposed Lot B. Further geotechnical review will be required at building permit.

The ECA Regulations restrict development in the above listed environmentally critical areas. Review of the proposal indicates that all of the requirements and restrictions of the ECA Regulations for short subdivisions (SMC 25.90.240) have been met, with the exception of the submission of the ECA Covenant per SMC 25.09.240.A. All building sites and access to the sites have been located outside the identified ECA’s and their required buffers. All lots are configured to preserve the identified ECA’s and their buffers. A minimum 15 foot buffer easement is required to be recorded with this short plat as a condition of approval. A larger buffer may be required based on ECA review of future building plans.

The ECA areas received no development credit for use in calculating the number of lots permitted.

Pursuant to SMC 25.09.240.A, the final short plat must include covenants that restrict development to the areas specified on the approved site plan (those areas outside of the steep slope and its buffer and the areas outside of the riparian corridor and its buffer). These covenants must be submitted for review. After review and approval, the covenant must be recorded no later than the recording of the final short plat. Additionally, pursuant to SMC 25.09.060.B.3, Application Submittal Requirements, General Requirements and Development Standards, permanent visible markers shall be placed along the edge of the steep-slope buffer and the riparian corridor buffer to delineate the no-disturbance areas and must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the buffer delineations where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before issuance of this short subdivision permit.

Based on the above findings and condition, this short plat conforms to the applicable provisions of SMC 25.09

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

There are approximately thirty trees of a variety of species on the area of proposed Parcels B and C and are located within the ECA buffer areas, both steep slope and riparian corridor. According to the submitted plans these include four (4) Pacific Madrone (*Arbutus Menziesii*) trees sometimes to be considered *exceptional* and therefore potentially requiring protection (Directors Rule 6-2001).

Based on the site constraints (ECAs and their respective buffers) and the anticipated retention of the majority of the existing trees on the buildable portion of the lot, this proposed short plat meets the intention of this criterion.

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.*

This criterion is not applicable to this short subdivision.

DECISION - SHORT SUBDIVISION

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

ANALYSIS - SEPA

The proposal site contains the following types of Environmentally Critical Areas: *steep slope, known and potential slide, and wildlife habitat conservation*, 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 dated January 15, 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. 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 extensive Environmentally Critical Areas into three lots. The ECA areas are on the western one-third and northern one-third of the parent lot, and are overlapping. There are adequate buildable areas on each of the vacant proposed lots outside of all ECA's and their required minimum buffers. The submitted geotechnical report and evaluation indicate that these non-ECA areas are geotechnically viable for the construction of a single-family residence.

Based on the location of all ECA areas outside of the of buildable area of proposed Lot B and C, the aforementioned geotechnical information and the wetland report, the proposed configuration will

divide the lot in such a way that are not likely to have any adverse impact on the Environmentally Critical Areas, therefore no mitigation of this proposal under SEPA is 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.

- 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

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

1. Submit the final recording forms for approval and any necessary fees.
2. A minimum 15-foot buffer at the toe of the steep slope area is to be shown on the face of the plat to be recorded. A larger buffer may later be required based on ECA review of future building plans and will be determined at time of building permit application.
3. A minimum 100-foot riparian corridor buffer shall be shown on the face of the plat to be recorded. Install visible markers along the corridor buffer to delineate the buffer no build area. Markers must be in place before issuance of this short plat permit.
4. Install permanent visible markers along the toe of the steep-slope buffer to delineate the buffer no build area. Show and describe these on the face of the plat. Markers must be in place before issuance of this short subdivision permit.
5. Submit ECA Covenants (Steep Slope and Riparian Corridor) per SMC 25.09.240.A to the land use planner for review and approval prior to recording.

Signature: _____ (signature on file) Date: December 4, 2008
Marti Stave, Land Use Planner
Department of Planning and Development

MS:bg