



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: 3009132
Applicant Name: Michelle Barnett for Nhi Cun
Address of Proposal: 8627 42nd Avenue South

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: A) 5,848 square feet and B) 5,211 square feet. The existing single family residence is proposed to remain.

The following approval is required:

Short Subdivision – To subdivide one parcel into two parcels. (Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination – 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

Zoning: Single Family 5000 (SF 5000) and Lowrise 1 (L1).

Site and Area Description

The 11,059 square-foot site is located in a Single Family 5000 zone (SF 5000) and a also in a Lowrise 1 zone (L1). The lot size minimum is 5,000 square feet. The mid-block site is located on 42nd Avenue South between South Cloverdale Street and South Trenton Street. The site slopes from the west property line to the east property line with approximately 20 feet of difference in grade. The site is located in an Environmentally Critical Area (ECA) due to the presence of a small steep slope and landslide prone area off the front southeast corner.

Properties surrounding the site are all zoned Single Family 5000 and Lowrise 1. The property to the south is part of the East Duwamish greenbelt. Currently there is one detached single family residence garage which will be retained. There is no alley adjacent to the site. The street frontage does not include curbs, gutters, sidewalks, or planting strips.

Public Comment:

No comment letters were received during the official two week comment period which began June 26, 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;

The subject property's zone (SF 5000 and L1) is intended for single family and multifamily residential development. The lots created by this proposed division of land would conform to this requirement and all applicable development standards of the zones. The proposed lots meet the requirement for size. The proposed parcels (5,848 and 5,211 square feet) would provide adequate buildable area to meet applicable Land Use Code development standards.

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;

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 and subject to conditions listed below. The Seattle City Light does not require an easement in order to provide service.

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.

Seattle Public Utilities reviewed the short plat application, and Water Availability Certificate # 20080758 was issued on 6/19/2008.

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 proposed short subdivision would meet applicable Land Use Code provisions: the proposal has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

The public use and interest would be served by this proposal because additional opportunities for single family residences would be provided within the City limits as a result of this subdivision. Furthermore, upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.

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

The site is located within a steep slope area, and the proposal is compliant with 25.09.240 by virtue of the waiver of the standards of 25.09.180 (see 25.09.240 B.2, D and E.2), applicable to the short plat application.

6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*

The survey indicates that there is a mature tree on the southeast corner of the site located on parcel B. The survey indicates that this tree is proposed to be retained. The proposal meets this short plat criterion, subject to the conditions listed below.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purposes 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*

This project proposal is not for a unit lot subdivision.

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.*

This criterion does not apply.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), and Seattle City Light, and review by the Land Use Planners, 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 set forth in the Land Use Code, and are consistent with applicable development standards. 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 is compliant with SMC 25.09.240. 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.

DECISION - SHORT SUBDIVISION

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

ANALYSIS - SEPA

Due to the presence of the small steep slope environmentally critical areas, the application is subject to SEPA review. 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 included 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 June 9, 2008. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of 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: "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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion, 2) increased vibration from construction operations and equipment; 3) Noise/construction impacts. Impacts 1, 2 and 3 are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. 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 ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Steep Slope Exemption (granted under #3008331) noted that a complete soils report will be required at the building permit intake appointment for either of the proposed parcels. The Building Code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Construction impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant has submitted a "Report of Geotechnical Investigation for 8627 42nd Avenue South" by S&EE, Inc. Geotechnical Consultants dated May 27, 2008. The construction plans, including shoring of excavations as needed and erosion control techniques will receive separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet. Compliance with these 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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or 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 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.
2. Submit the final recording forms for approval and remit any applicable fees.
3. Add the following conditions of approval to the face of the plat.
4. All facilities, buildings or portions of buildings hereafter constructed or moved onto any of these proposed parcels must comply with the then current Seattle Fire Code Chapter 5 and referenced appendices. Depending on 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 prior to approval of building permit.

Prior to Issuance of any Building Permit

5. Attach a copy of the recorded short subdivision to any sets of building permit application plans, if applicable.
6. Attach a copy of the approved drainage control plan.

CONDITIONS – SEPA

None.

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

Date: March 5, 2009