



City of Seattle

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: 3010802
Applicant Name: Terry Wilson
Address of Proposal: 9405 Leroy Place 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: Parcel Y) 5,761 sq. ft. and Parcel Z) 7,607 sq. ft. Existing structures on proposed parcels are to remain.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(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

Zoning: Single Family 7200 (SF 7200).

Uses on Site: The property is developed with one existing single family residence and one detached garage. There is also a Seattle Public Utilities pump station located within the vacated rights-of way of portions of South Ronald Drive and Leroy Place South within the site. Development within the vacated rights-of-way is restricted by Ordinance 113236.

Site and Area Description:

The 13,368 square-foot site is located in a Single Family (SF 7200) zone with a 7,200 square foot minimum lot size. It is irregularly shaped, and abuts Interstate 5 on the west, the intersection of South Ronald Drive and Leroy Place South on the east, and single-family zoned properties on the north and south.

The site includes slopes greater than 40%, but the proposal has received an exemption from the steep slope development standards under DPD No. 3005174, as follows:

“Based on the submitted information, the steep slope areas on the site are less than 20 feet in height and are separated from each other by 30 feet or more horizontally. The ECA Steep Slope Development Standards (i.e., threshold disturbance level of 30 percent of the Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) are waived for the development associated with DPD Application No 3005174. All other ECA Submittal, General, and Landslide-Hazard, and development standards will apply for this development.”

The project was revised after the original application to reflect a Lot Boundary Adjustment (DPD Project No. 3011671, recorded July 2011) that increased the lot area of proposed Parcel Z from 5,761 sq. ft. to 7,607 sq. ft. The property is also still subject to conditions of approval of a prior short plat (DPD No. 3005955).

There is a tree identified on the survey as a 36 inch Pacific Ponderosa Pine on the neighboring property to the north, near the northern property line of Proposed Parcel Z, that is designated as an exceptional tree per Director’s Rule 16-2008. There are a few other trees on-site (primarily alders and big leaf maples) but none of these trees are considered exceptional under the Director’s Rule.

As noted, above, the property includes portions of South Ronald Drive and Leroy Place South that were vacated by Ordinance 113236 in 1986. That ordinance reserved to the City of Seattle an easement and included the following language:

“Reserving to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above described property in the reasonable original grading of any rights of way abutting upon said property after said vacation; and

Reserving to the City of Seattle an easement for the construction, maintenance, and operation of future storm drains and sanitary sewers and appurtenances in said streets; provided that the City shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon said property for the purposes herein described, without incurring any legal obligation or liability therefore, and provided that no building or buildings or other permanent structures shall be constructed or permitted to remain within the boundaries of said easement without written permission of the City, its successors or assigns.”

Public Comment:

Notice of the proposal was originally issued on December 7, 2009. The project was revised and additional notice was provided in August 2011. One person requested to be added to the mailing list for the project.

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 7200) is generally intended for single family residential development. The lots created by this proposed division of land would conform to this

requirement and all applicable development standards of the SF 7200 zoning district. The proposed lots meet the requirement for at least 7,200 square feet in size, or one of the exceptions from minimum lot area found in the Land Use Code at SMC 23.44.010.B. Proposed Parcel Z, at 7,607 sq. ft., exceeds the minimum lot area for the zone. Proposed Parcel Y meets the exception from minimum lot area commonly known as the '75/80Rule' as codified at SMC 23.44.010.B.1.b.

Future development of those portions of vacated rights-of-way within proposed Parcel Z is restricted by Ordinance 113236, as described above. However, the lot boundary adjustment approved under DPD No. 3011671 increased the area of Proposed Parcel Z lying north of the vacated rights-of-way sufficient to accommodate a building footprint without encroaching into the easement area. The proposal meets this criterion.

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

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. Seattle City Light does not require an easement in order to provide service. The proposal meets this criterion.

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 # 20110686 was issued on 8/10/2011. The proposal meets this criterion.

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. The proposal meets this criterion.

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

The site is not located in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, wetland buffer, as demonstrated through surveys and reports. The proposal is not subject to steep slope development standards of SMC 25.09.180 because the small 'steep slope' areas appear to be less than 20 feet in height and limited in length. With respect to the 'steep slope'; the proposal is compliant with 25.09.240 by virtue of the waiver of the standards of 25.09.180, applicable to the short plat application. The proposal meets this criterion.

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

The survey indicates that there are several mature trees on site. The survey also shows a 36-inch diameter Ponderosa Pine (indicated as "T9" on the plat) on the neighboring property to the north, near the northern property line of Parcel Z. This tree is designated as an "Exceptional Tree" per DPD Director's Rule 16-2008. Although the tree is on the neighboring property, there is the potential for it to be damaged during future construction on Parcel Z. A note will be required to be placed on the plat to require protection of this exceptional tree during future construction on Parcel Z. The proposal meets this short plat criterion.

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 Planner, the above-cited criteria have been met. 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 **GRANTED**.

ANALYSIS - SEPA

Due to the presence of landslide prone 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 November 24, 2009. The information in the checklist, supplemental information provided by the applicant 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.

Codes and development regulations including the Land Use Code and Environmentally Critical Area Ordinance applicable to this proposed short subdivision will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or 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 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

None.

CONDITIONS - SEPA

None.

Signature: _____ (signature on file)
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

Date: November 17, 2011