



City of Seattle
Edward B. Murray, 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: 3011094
Applicant Name: Jan Kofranek
Address of Proposal: 5603 30th Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a second single-family structure on a parcel in an environmentally critical area. Parking for two vehicles to be provided within the new structure. Existing single family residence and detached garage to remain. Project includes environmental review of future unit lot subdivision (#3011116).

Environmentally Critical Areas Administrative Conditional Use – to allow more than one house on a lot. (SMC 25.09.260);

SEPA - Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION: [] Exempt [X] DNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The subject property is an 11,502-square foot lot. It is zoned SF 5,000 (Single Family, with a required minimum lot size of 5,000 square feet). The property is located in West Seattle. The parcel is a rectangular corner lot with frontage along SW Findlay St (unopened) and 30th Ave SW. The site generally slopes down to the north. The north half of the lot is relatively flat, while the south portion is steeper and contains a mapped landslide-prone area and steep slope area, as defined under SMC 25.09.020.A. There is an approximately 6-foot tall block retaining wall just north of the north property line in the SW Findley St right-of-way. A single-family home constructed in 1930 is situated in the northeast portion of the parcel. There is also a detached accessory dwelling unit in the southeast corner of the lot.

The property is surrounded in all directions by developed residential parcels, also zoned SF 5000. With an area of 11,502 square feet, this lot is one of the larger properties in the immediate vicinity.

Description of Proposal

The applicant proposes to retain the existing single-family residence and construct one new single-family residence on an undeveloped portion of the lot. A future application for a unit lot subdivision of the property, in order to allow separate fee-simple ownership for each house and its associated parcel of land, is anticipated.

The new residence with is proposed to have a ground-level footprint of 1,133 square feet with three levels and an attached two-car carport to provide parking. The height of the proposed house is below the maximum of 30 feet allowed in single-family (SF) zoning. The house will be sited to the west of the existing house and share its access off of 30th Ave SW. The position of the house will not result in any disturbance to the steep slope environmentally critical area or the steep slope buffer that are in the southwest corner of the lot. Removal of one “exceptional” tree, as defined by the City of Seattle’s Tree Protection Ordinance (SMC 25.11), is necessary to construct the house. The removal is in accordance with the allowances for removal of exceptional trees in the Tree Protection Ordinance. The applicant has provided a landscape plan that proposes addition of native trees and shrubs to the steep slope, steep slope buffer and unopened street right-of-way along the west side of the lot.

The applicant describes the design of the proposed second house as “Northwest Contemporary.” It will have a flat roof and incorporate both wood and stucco siding. The surrounding neighborhood represents a variety of housing styles from the 1920s to present. The applicant has incorporated features and treatments from the more contemporary designs of the homes to the immediate east and west.

The total area of the subject property is 11,502 square feet. Under a traditional short plat (SMC 23.24), this is enough area for two lots meeting the lot area standards of the SF 5000 zone. The applicant is applying for an Environmentally Critical Areas (ECA) Administrative Conditional Use (ACU) per SMC 25.09.260 to allow the second house on the existing lot and create two “Unit Lots” (SMC 23.24.045). The ECA ACU allows DPD to modify setback requirements allow development to avoid impacts to environmentally critical areas. The lot sizes will be 5,598 square feet for proposed Unit Lot A which will contain the new house, and 5,904 square feet for Unit Lot B, which will contain the existing house. As a unit lot subdivision, the “parent lot” meets required yards (20’ front yard, 5 foot side yards, and 15’ rear yard). The separation between the two houses is 16 feet and four inches at its closest point. Total lot coverage would be 23% for the parent lot, which is within the 35% maximum allowed within single family zones.

A portion of the existing parcel contains a slope exceeding 40 % and is protected from development pursuant to the development standards for steep slope areas under SMC 25.09.180. The undeveloped steep slope area contains native and non-native natural vegetation with several larger western red cedars. A vegetation management plan to enhance this vegetation has been provided, as required by the ECA code. A 15-foot protective buffer will be maintained from the edge of this slope. Both the steep slope and buffer will be preserved in perpetuity though an environmentally critical areas covenant.

Public Comment

Notice of the proposal was issued on March 29, 2010, and ended April 11, 2010. Two comments were received.

Environmentally Critical Areas Regulations

The proposal must comply with specific requirements in the Environmentally Critical Areas (ECA) regulations for development in landslide-prone areas with landslide potential areas (Section 25.09.080), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). Additionally, approved projects must comply with general requirements (Section 25.09.060), which include specific construction methods and procedures, best management practices, and recording of identified ECA areas in a permanent covenant. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

SMC Section 25.09.260 provides for an Environmentally Critical Areas Conditional Use Permit (ECA ACU) that allows more than one house on a lot and certain other modifications to Land Use Code development standards. To be granted, development proposals seeking an ECA ACU must be located primarily outside of the ECA areas, protect and improve existing habitat, and be compatible with the existing neighborhood. Relevant criteria are discussed below.

SEPA Review

The development of a second house on a lot with an ECA and the subdivision of land within an ECA (future unit lot subdivision) trigger evaluation of potential environmental impacts per the State Environmental Policy Act (SEPA).

ECA Administrative Conditional Use (ACU) decisions, Unit Lot Subdivision decisions, and SEPA determinations are appealable to the City Hearing Examiner.

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS (ECA) ADMINISTRATIVE CONDITIONAL USE (ACU)

Section 23.42.042 of the Seattle Land Use Code authorizes review of conditional use permits according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits. Section 25.09.260 of the ECA ordinance sets forth the review criteria for Administrative Conditional Use Permits (ACU) to create development with smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot. Applicable review criteria and analysis follows:

SMC 25.09.260. Environmentally Critical Areas Administrative Conditional Use.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental Impacts on Critical Areas.

a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.

There are no riparian corridors, shoreline habitat, shoreline habitat buffer, wetlands, or wetland buffers on the site. The proposal meets this criterion.

b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.

There are no riparian corridors, shoreline habitat, shoreline habitat buffer, wetlands, or wetland buffers on the site. The proposal meets this criterion.

c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180.B2a, b or c.

1) The preference is to cluster units away from steep slope areas and buffers.

The applicant has provided a survey and geotechnical report that documented the location of the steep slope area boundary and its buffer. These materials have been reviewed and verified by a DPD geotechnical reviewer. The proposed single family residence is situated outside of the steep slope area its buffer areas. Therefore, the proposal meets this criterion.

2) The Director shall require clear and convincing evidence that the provisions of this subsection B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:

a) A wetland over fifteen hundred (1,500) square feet in size or a watercourse designated part of a riparian corridor; or

b) An undeveloped area over five (5) acres characterized by steep slopes; or

c) Areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.

The proposal does not cluster the units on un-exempted steep slope or steep slope buffers. Further, the area proposed for construction does not contain wetlands, riparian corridors, or an undeveloped area over five acres. The area proposed for development does not contain any designated urban natural open space. The proposal meets this criterion.

d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.

The site does not contain any priority habitat species or habitat. The proposal meets this criterion.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

No open water areas are present on the subject lot. The proposal meets this criterion.

f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.

A geotechnical investigation (Geotech Consultants, LLC, February 11, 2010) was submitted with the proposal, which identifies the location of the steep slope area and its buffer. The proposed house is positioned outside of the steep slope area and its buffer. This layout was reviewed and verified by DPD's geotechnical engineer and found to provide sufficient stability based on the soil conditions. Detailed plans and drawings will be required as part of subsequent construction plans. This criterion is met by preventing any disturbance of the steep slope area and its buffer, adding additional vegetation to these areas, and complying with the standards for development required by the Stormwater Code (SMC 22.800-808) and the Grading Code (22.170). The proposal meets this criterion.

g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.

The applicant proposes to keep the single-family residence outside the natural steep slope and its buffer. These areas will be enhanced by adding native trees and shrubs pursuant to a landscaping plan provided with the application. The proposal meets this criterion.

2. *General Environmental Impacts and Site Characteristics.*

a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.

The proposal stays out of the undeveloped steep slope and its buffer, minimizing potential negative impacts to this area. The structure will be 15 feet away from the edge of the undeveloped steep slope in a relatively flat portion of the lot. The structure will not have a below-ground basement and significant grading volumes will not be required for construction. Vehicle access to the proposed home will use a shared driveway access to significantly reduce the volume of grading that would be necessary for a secondary driveway access. Two trees will need to be removed to allow the house construction. However, removal of these trees will allow the steep slope area and its buffer to remain undisturbed. Potential negative effects have been minimized. Therefore, the proposal meets this criterion, subject to the conditions listed below.

b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.

The proposal retains and protects all vegetation on designated nondisturbance areas. Two trees will need to be removed from the site to allow a moderately-sized single-family residence to avoid the steep slope area and buffer. Removal of these trees will allow several other large conifers in the steep slope to be retained and maintain the integrity of a larger stand of trees south of the proposed house. After construction areas around the new dwelling will be replanted with native vegetation. ECA areas will be designated as nondisturbance areas on the final plans and preserved in perpetuity by a covenant. The proposal meets this criterion.

3. *Neighborhood Compatibility.*

a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.

The subject property is 11,502 square feet in size and the zoning of SF 5000 requires minimum lot sizes of 5,000 square feet. The underlying single family zone permits two lots, which is the number of lots proposed for development and unit lot subdivision under this review. The proposal meets this criterion.

b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (L-1) zone.

There are no proposed attached dwelling units with this application. The criterion does not apply.

- c. *The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.*

Neighborhood Character and land use:

Existing: The neighborhood character of the surrounding area includes a variety of sizes and types of single family houses, ranging from larger recently constructed homes to smaller more traditional homes constructed from the early 1900s through 1960s. Recently, several narrow (approximately 12 feet wide) three-story homes were constructed on now-substandard platted lots to the south. Examples of more contemporary designed homes with flat roofs are found immediately to the northeast and west. The land use of the immediate neighborhood is exclusively single family homes.

Proposed: The proposed development would add one single-family house of about 1900 square feet in size westward of the existing house. Street frontage development would retain existing paving and stormwater infrastructure. The development would share driveway access with the existing residence.

Design:

Existing: Existing development consists of a range of single-family home architectural styles, consistent with the eras in which they were built. Development of single-family homes in the neighborhood began in the early 1900s. Construction of new homes and remodels is ongoing. Homes in the immediate vicinity include two- and three-story contemporary residences with attached garages, mid-century rambler-style residences with attached and detached garages and carports, and earlier two-story craftsman-style residences. One block to the south is High Point, a large Seattle Housing Authority community, which when completed will contain 1,681 housing units. The buildings in this development largely use design elements from traditional craftsman-style homes.

Proposed: The proposed residence has a modern style with a flat roof to minimize height while maximizing living space within the three stories. The applicant describes the design as Northwest Contemporary. Similarly-styled houses currently exist kitty-corner to the northeast and on the property directly to the east. Siding will be wood and stucco, materials used on other houses in the vicinity. The view from the street would not change significantly, as the proposed house will be nestled behind the existing house on the lot and below the toe of a treed slope, which will provide some screening.

Height: Height limits (SMC 23.44.012) are maximum 30' plus 5' for a 3:12 minimum sloped roof (35' total height), per Land Use Code requirements.

Existing: Typical houses in the area are from 1.5 to 3 stories.

Proposed: The height of the new residence would be two stories on the uphill side, and three stories on the downhill side. The proposed home meets the maximum height limit of 30 feet for Single Family (SF) zoning.

Bulk and Scale:

Existing: Typical houses in the area range from small bungalows on modest lots to large homes on spacious lots.

Proposed: The bulk and scale of the proposed structure are modest with a footprint of 1,133 square feet with three levels of interior living space, a rooftop deck, and attached carport. The interior space includes three bedrooms, three bathrooms, a living room, a recreation room, and a kitchen. The proposed home combined with the existing home would cover 23 % of the parent lot out of the 35 % coverage allowed in the single-family zoning.

Yards: The Land Use Code includes specifies front, rear, and side yard setbacks for single-family structures in single-family residential zones in SMC 23.44.014.

Existing: The front yard of the existing home on the parent lot is 24 feet, the side yard is 11 feet, and the rear yard is 53.9 feet. Setbacks for other homes vary depending on the setback requirements in effect when the homes were built.

Proposed: The proposal is being analyzed as a future Unit Lot Subdivision, which means that the parent lot must meet the front, rear and side yards, but that the interior lot line that creates the two unit lots may allow smaller yards between the two houses. The setbacks for the proposed house are 9.5 feet for the front yard, 2 feet for the west side yard, 16.4 feet for the east side yard, and 50.52 feet for the rear yard. All proposed yards would exceed those required for the zoning. The front, rear and side yards are within the range found in the neighborhood.

Pedestrian Environment:

Existing: Sidewalks in the area are variable. There is a new sidewalk along 30th Ave SW, but most other streets in the vicinity have none. In most cases the streets without sidewalks have graveled shoulders. Pedestrians can share the paved street with vehicles or use shoulders when available. The development site is within a residential neighborhood with relatively low traffics volumes.

Proposed: The proposed development will not change the existing pedestrian environment pattern which offers limited sidewalks. No additional sidewalks are proposed.

Preservation of Tree Canopy and Vegetation:

Existing: The existing tree canopy is described in the response to SMC 25.09.260.B.2.b above.

Proposed: Removal of existing ground cover and two trees along with revegetation with native trees and shrubs is described in the response to SMC 25.09.260.B.2.b. The vegetation removed will not change the character of the area.

Summary for SMC 25.09.260.B.3.c 'Neighborhood Character':

The proposed residence conforms to all required development standards. The creation of two unit lots with two separate homes with the preserved environmentally critical area in the south portion of the lot results in less lot coverage than is permitted in single family zones under the Land Use Code. The proposed tree removal has been kept to a minimum, and the applicant has proposed planting additional trees and shrubs. The pedestrian environment will not be altered.

The proposal is found to be reasonably compatible with the existing neighborhood character and minimizes impacts to neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of tree canopy and vegetation.

C. Conditions.

- 1. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.**

Code requirements addressing the protection of steep slope areas and their buffers and other properties in the vicinity are listed below. These requirements are found in various sections of the Environmentally Critical Areas code (SMC 25.09) and are not exclusively applicable to the ECA ACU review. No ACU conditions are imposed as the ECA regulations adequately mitigate potential impacts on the critical area. Further, the proposal will not result in neighborhood compatibility impacts to properties in the vicinity.

- 2. In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:**
 - a. Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.**

No native vegetation or vegetation within the steep slope or buffer is being removed. A landscaping plan on sheet A-5 of the plans has been provided to enhance the steep slope buffer with the addition of native trees and shrubs. The proposal meets this criterion.

- b. Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.**

The applicant has shown a proposed configuration for a future unit lot subdivision.

The criteria for a Unit Lot Subdivision under SMC 23.24.045 provides that the development as a whole must meet zoning standards but that individual unit lots may be nonconforming to some or all of the standards based on analysis of the individual unit lot. Unit lots are specifically required to execute access easements and joint use and maintenance agreements for use of common garage or parking areas and other similar features. A specific provision allows that within the parent lot, required parking for a dwelling may be on a different unit lot than the lot with the dwelling, as long as the right to use the parking is formalized by an easement on the plat. The conceptual unit lot plan designates pedestrian and vehicular access easements within the front unit lot to benefit the rear unit lot.

Based on review of the conceptual plan unit lot plan, this criterion is met. The actual application for Unit Lot Subdivision is being review under Master Use Permit number 3011116.

DECISION – Administrative Conditional Use

The proposal is **GRANTED. No conditions required.**

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 17, 2009. The information in that checklist, associated plans and reports, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The project site is located in an environmentally critical area (landslide-prone area) and, therefore, the application is not exempt from SEPA review. However, SMC 25.05.908.B 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 of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and 2) Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including any additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The Department of Planning and Development has reviewed and analyzed the environmental checklist submitted by the project applicant, the accompanying project plans, and geotechnical reports, and determined that this action will not result in significant adverse impacts to the environment. 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 following summarizes anticipated short and long term impacts and identifies regulations in place that will mitigate these impacts.

Short-term Impacts

Site grading and preparation for the foundation of the proposed structures will expose soil, leading to increased potential for soil erosion during construction until the site is permanently stabilized by establishment of new vegetation and landscaping. Several adopted codes and/or ordinances provide mitigation for the identified impact. The Grading Code (SMC Chapter 22.170) requires that soil erosion control techniques be in place for the duration of the land disturbing activities. The Regulations for Environmentally Critical Areas (SMC Chapter 25.09), with a stated purpose of avoiding adverse environmental impacts, regulate all activities on sites with ECAs. A geotechnical investigation (Geotech Consultants, LLC, February 11, 2010) was provided by the applicant. The geotechnical report and the construction plans for the proposal have been reviewed by the DPD geotechnical reviewer and found to be in compliance with the City's standards for development on sites with geologic hazard areas. While typical temporary construction-related impacts are expected, these impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Therefore, no further conditioning pursuant to SEPA policies is warranted.

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.

Future unit lot subdivision of the parcel will have no effect on short-term impacts.

Long-term Impacts

Long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Future unit lot subdivision of the parcel into four parcels, each with a single-family residence, will have no effect on long-term impacts.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Environmentally Critical Areas Regulations; the Stormwater Code, Grading Code; the City Energy Code; and the Land Use Code, which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts. Therefore, no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project, and the project's 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.

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 43.21.030(2) (c).

CONDITIONS

None required.

CODE REQUIREMENTS - ENVIRONMENTALLY CRITICAL AREAS

Prior to Issuance of a Master Use Permit

1. Submit a notarized copy of the ECA Covenant for recording with the King County Recorder to the Land Use Planner, pursuant to 25.09.335.

Signature: (signature on file) Date: April 3, 2014
Seth Amrhein, Senior Environment Analyst
Department of Planning and Development