



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: 3016938
Applicant Name: Robert Humble
Address of Proposal: 4849 21st Ave SW

SUMMARY OF PROPOSAL

Land Use Application to subdivide one parcel into eight parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 13,438 sf. ft.; B) 5,052 sq. ft.; C) 5,065 sq. ft.; D) 5,077 sq. ft.; E) 7,222 sq. ft.; F) 7,041 sq. ft.; G) 7,037 sq. ft.; and H) 9,002 sq. ft. Existing structures to be demolished.

The following approval is required:

Short Subdivision - to create eight parcels. (Seattle Municipal Code (SMC) Chapter 23.24)

SEPA Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-Significance (DNS)

BACKGROUND INFORMATION

Site Zone: Residential, Single Family 5000 (SF 5000)

Nearby Zones: SF 5000 (North)
SF 5000 (South)
Residential, Single Family 7200 (SF 7200) (East)
SF 5000 (West)



Structures on Site: The remnant portions of a single family structure foundation remain onsite. Existing foundation structure to be demolished.

Site Description: The subject property consists of one parcel containing approximately 60,614 square feet (sq. ft.). The property is located in a single family residential zone with a minimum lot size of 5,000 sq. ft. The parcel is a through lot with frontages on both Puget Blvd SW and 21st Ave SW. There is no alley adjacent to the parcel.

The entire site slopes from east down to west and contains two ECA Steep Slope areas, one on the eastern portion of the parcel and the other along the western edge of the parcel. The northern portion of the parcel is also mapped as an ECA Potential Slide Area.

The site contains a significant amount of vegetation including several mature trees. During review of this application, an Arborist Report submitted by the applicant identified ninety-nine (99) Significant trees (measured at six inches and greater) on site, twenty (20) of which qualify as Exceptional Trees. This is discussed in more detail below.

Access to seven of the eight proposed parcels will be from a shared easement from Puget Blvd SW. Access to the remaining easternmost parcel is proposed from a private driveway from 21st Ave SW.

Environmentally Critical Areas (ECA): A portion of the site is mapped Environmentally Critical Area – Steep Slope Area and Environmentally Critical Area – Potential Slide Area. The applicant applied for and received a Limited Steep Slope Exemption for the entire western steep slope area and a steep slope buffer reduction at the top of eastern steep slope area in areas of previous development under permit # 6420112, as follows:

“SMC 25.09. ECA review is required for all subsequent building permit applications for this project. Based on a review of the submitted information and the City GIS system, DPD has concluded that the western steep slope area, designated Area 2 on the topographic survey dated June 18, 2014, qualifies for the criteria established in the Critical Areas Regulations (CARs), SMC 25.09.180.B2b. Specifically, the City GIS system and the submitted information for the steep slope developmental allowance application demonstrated that Area 2 appeared to have been created by previous legal grading activities associated with street improvement of 23 Avenue SW. However, the eastern steep slope area, designated Area 1 on the same topographic survey, does not qualify for criteria established in the CAR and is not exempted. Please note that portions of the Area 1 buffer has been previously developed (existing structures) and DPD will grant a steep slope buffer reduction at the top of Area 1 in areas of previous development as shown on the topographic survey within the easternmost portion of the site. A 15-foot buffer zone must be added at the toe of Area 1. The proposed 9-parcel development that was submitted under DPD No. 3016938 impinges upon portions of Area 1 as well as associated buffer and it appears that this development will affect Area 1 and toe buffer zone. For these reasons, an ECA Steep Slope Exemption cannot be approved at this time. For development permits as shown on the submitted plans that encroach into Area 1 and buffer, an ECA Steep Slope Area Variance or Exception will be required. Please make an appointment with a DPD Land Use Planner regarding the Steep Slope Area Variance or ECA Exception for development at the site. Please note that this exemption review only considers the proposed 9-parcel development and any development scope change will require additional ECA exemption applications for ECA exemption considerations. Further note that the subject site is also mapped as potential landslide due to geologic conditions and within an area of Seattle that is mapped by University of Washington as a mass wastage area (old slide debris).”

Public Comment: The Notice of Application comment period ended on October 26, 2014. Multiple comments were received. Issues identified include the following: need for adequate on-site parking, need for construction access and activities to be onsite, adequacy of drainage and potential for flooding, concerns with potential landslides and slope stability during and after construction, destruction of habitat, loss of open space and vegetation, concerns with construction related noise and traffic, and transportation and parking impacts to existing residences.

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, as modified by this chapter;

The project site abuts on 21st Avenue SW to the east and 23rd Avenue SW (also known as Puget Boulevard SW) to the west. The portion of 21st Avenue SW abutting the site is an arterial street. Per SMC 23.53.015, when an arterial street abuts a proposal where more than two additional lots are proposed to be created, the street shall be improved except as provided in SMC 23.53.015.D. The following street improvements are required to be installed on the portion of the 21st Avenue SW right-of-way abutting Parcel A prior to issuance of final building permits: a) Roadway pavement, b) Curb installation, c) Planting strip, d) Drainage, e) Grading, f) Design of structures to meet the future right-of-way grade, g) No protest agreements, and h) Planting of street trees and other landscaping. Additionally, pursuant to the Street Improvement Manual, the required ROW width is 66 ft. The existing ROW width is 50 feet therefore a dedication of 8 feet is required to be provided on the side of the property abutting the 21st Avenue SW right-of-way.

The site also abuts on 23rd Avenue SW (Puget Boulevard SW), which is a non-arterial street. The existing ROW width is 70 feet, which is greater than 66 feet required by the Street Improvement Manual. Per SMC 23.53.015.D.1.a, full street improvements are not required but the proposed eight (8) lots short plat must still meet the following requirements: 1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvement; and 2) A no protest agreement to future street improvement is required. All improvements in the right-of-way will require Seattle Department of Transportation (SDOT) review and approval.

The lots created by this proposed division of land will provide adequate buildable areas to meet applicable yards, lot coverage requirements, and will conform to all other applicable development standards, with the exception of the required street improvements per SMC 23.53.015, which will be installed prior to issuance of final building permits.

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;

Access to Parcel A will be provided via a private driveway from 21st Avenue SW. As provided in Section 23.53.006, Pedestrian access and circulation, sidewalks are required for the portion of the lot that abuts 21st Avenue SW, an arterial street.

Access to Parcel B, Parcel C, Parcel D, Parcel E, Parcel F, Parcel G, and Parcel H will be provided via a private easement connecting from 23rd Avenue SW. A no-protest agreement to future street improvements to 23rd Avenue SW is required and shall be recorded with the King County Recorder. All structures on the lot shall be designed and built to accommodate the grade of the future street improvement. All improvements in the right-of-way will require Seattle Department of Transportation (SDOT) review and approval.

The proposed lots will have adequate access for vehicles, utilities and fire protection consistent with the provisions of the Code.

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

This area is served with domestic water and sanitary sewer 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 (WAC 20141477) was issued. A main extension is required to provide adequate water supply.

The Short Plat application has been reviewed by the City of Seattle Drainage experts. The elements of the approved drainage plan, as found in the drainage report stamped and signed by Han Phan, PE, of the Concept Group, dated June 2015, shall be installed and operational before the construction of any permanent hard surfacing. The report shall be part of all future single family permit application plan sets. Plan review requirements regarding storm water are made at time of building permit application and will be subject to the Stormwater Code (SMC 22.800-808).

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 Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

The parent parcel to this short plat proposal contains the following Environmentally Critical Areas: steep slope and potential landslide areas. There are two ECA steep slopes areas on the parent parcel. One is located on the eastern portion of the site and the other is located along the western edge of the parcel. The northern portion of the parcel is mapped as an ECA Potential Slide Area. As noted above, the subject site received a Limited Steep Slope Exemption for the entire western steep slope area and a steep slope buffer reduction at the top of eastern steep slope area under permit # 6420112.

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 recorded ECA Covenant. 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.

Pursuant to SMC 25.09.240, a notice that non-disturbance areas (non-exempt steep slope areas and buffers) are located on the lots, including the definition of "non-disturbance area," shall be recorded in the King County Office of Records and Elections no later than the recording of the final short plat. At the same time, a covenant protecting non-disturbance areas shall be recorded as set out in Section 25.09.335.

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

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

An arborist report dated August 13, 2014 (Tree Solutions, Inc.) was submitted by the applicant. Ninety-nine (99) significant trees were identified on-site, twenty (20) of which are Exceptional. Thirty-five (35) of the trees were identified as either in poor health or having poor structure. A number of these trees can be preserved depending upon the location of future construction, the extent of the root systems, and the overall health of the trees. The proposed lots are designed to maximize the retention of existing trees consistent with the provisions of the Code.

Future construction will be reviewed for compliance during the Building Permit phase of review and will be subject to the provisions of SMC 23.44, which sets forth development standards for single family zones and tree ordinance regulations of SMC 25.11.

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 townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

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 or more lots from one lot with more than one existing single-family dwelling unit.

This criterion is not applicable to this short plat proposal.

9. Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:

- a. If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*

Parcel A, Parcel F, Parcel G, and Parcel H have street frontage. All lots with street frontage have one lot line that abuts the street for at least 10 feet, therefore the proposed short plat meets this criterion.

- b. No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*

No lot is less than 10 feet wide for a distance of more than 10 feet as measured at any point, therefore the proposed short plat meets this criterion.

- c. No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*

All proposed lots have less than six separate lot lines and all lot lines are straight, therefore the proposed short plat meets this criterion.

- d. If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

The property proposed for subdivision is not adjacent to an alley, therefore this criterion is not applicable.

Conclusion – Short Subdivision

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be 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 all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

The proposed short subdivision and associated Environmentally Critical Area exemption comply with SMC 25.09.240. Future construction will be subject to the provisions of SMC 23.44, which sets forth development standards for single family zones and tree ordinance regulations of SMC 25.11.

DECISION –SHORT SUBDIVISION

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

ANALYSIS - SEPA

The proposed site lies within in an environmentally critical area (ECA), as noted above. However, the subject site received a limited exemption from the standards for steep slope development on September 2, 2014 (under permit number #6404826). The property is still subject to all other ECA standards and is regulated as a potential landslide site. Thus, the application is not exempt from SEPA review. However, SMC 25.05.908 provides the scope of environmental review of projects within these critical areas is 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.

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 dated September 15, 2014 submitted by the applicant. An arborist report (Tree Solutions, Inc., dated August 13, 2014), a geotechnical report (Ages, LLC, dated September 17, 2013), and a drainage report (The Concept Group, dated November 2014, revised March 2015 and June 2015) were also submitted. The information in the checklist, arborist report, geotechnical report, drainage report, supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the plat documents and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, "Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered.

Short-term Impacts

While this review is restricted to the division of land only, the following temporary or construction related impacts are expected at a future date as a result of this proposal: temporary soil erosion, increased vibration from construction operations and equipment and an increase in carbon dioxide and other greenhouse gas emissions. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Future construction plans including shoring of excavations as needed and erosion control techniques will be reviewed by DPD at time of building permit application. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. The following warrants further discussion.

Earth / Soils - The ECA Ordinance and Directors Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical report (Ages, LLC dated September 17, 2013). The geotechnical study has been reviewed by DPD's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review.

No additional mitigation is warranted pursuant to SEPA policies.

Long -term Impacts

While this review is restricted to the division of land only, the following long term or use-related impacts on the Environmentally Critical Area are also anticipated at a future date 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. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. However, the following warrants further analysis.

Drainage – Pursuant to SMC 25.05.675.C, additional mitigation beyond that already required by the Stormwater, Grading and Drainage Control Code, Chapter 22.800 of the Seattle Municipal Code, may be required to mitigate adverse impacts. The applicant submitted a drainage plan (The Concept Group, dated June 2015). The drainage plan has been reviewed by DPD’s drainage experts who determined the approved drainage plan (stamped and signed by Han Phan, PE, of the Concept Group, dated June 2015) as required by the Stormwater, Grading and Drainage Control Code (SMC 22.800), would adequately mitigate drainage for the site, therefore no additional mitigation is warranted pursuant to SEPA policies.

Plants and Animals – The existing vegetation consists of grass, shrubs, and a large number of mature trees on the site. During review of this application, an arborist report dated August 13, 2014 (Tree Solutions, Inc.) submitted by the applicant identified ninety-nine (99) significant (measured at six inches and greater) trees on site, twenty (20) of which are Exceptional. The arborist report was reviewed by DPD’s Arborist. A number, specifically the cedars (*Thuja plicata*) on-site, have potential for long term retention depending upon the location of future construction, the extent of the root systems, and the overall health of the trees.

Future construction will be reviewed for compliance during the Building Permit phase of review and will be subject to the provisions of SMC 23.44, which sets forth development standards for single family zones and tree ordinance regulations of SMC 25.11.

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 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the Optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS OF APPROVAL – SEPA

None.

CONDITIONS OF APPROVAL – SHORT SUBDIVISION

Prior to Recording

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

1. Add all conditions of approval to the face of the short plat, or on a separate page if needed. If the conditions are on a separate page, insert on the plat:

“For conditions of approval after recording, see Page ___ of ___.” (If necessary, renumber the pages).
2. Complete and record an 8’ Street Dedication on 21st Avenue SW with the Seattle Department of Transportation (SDOT).
3. Complete and record with the King County Recorder a no-protest agreement to future street improvements on 23rd Ave SW.
4. Record an ECA covenant protecting non-disturbance areas as set out in Section 25.09.335.
5. Add the following note to the plat: All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.
6. Add the following note on the plat: Water main extension required (per WAC 20141477).
7. Add the following note to the plat: “The elements of the approved drainage plan, as found in the drainage report stamped and signed by Han Phan, PE, of the Concept Group, dated June 2015, shall be installed and operational before the construction of any permanent hard surfacing. The report shall be part of all future single family permit application plan sets.”

Prior to Issuance of Building Permit

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

8. Obtain a site work (grading) permit that includes installation of elements of the approved drainage plan, as found in the drainage report stamped and signed by Han Phan, PE, of the Concept Group, dated June 2015, to ensure adequate drainage is provided (to be verified by DPD). All elements of the drainage plan shall be installed and operational prior to the construction of any permanent hard surfacing. The plan shall be part of all future single family permit application plan sets.

Prior to sale or finalized Building Permit

9. Install all required right-of-way and pedestrian circulation improvements on 21st Avenue SW.

Signature: retagonzales-cunneutabby for _____ Date: October 8, 2015
BreAnne McConkie, Land Use Planner
Department of Planning and Development

BM:rgc
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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.