



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning & Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2401095  
**Applicant Name:** Ruth Ann Pennell for Chuck and Gretchen Shively  
**Address of Proposal:** 11510 Lakeside Avenue NE

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 18,188 sq. ft. and B) 23,100 sq. ft. The existing structures will remain.

The following approval is required:

**Short Subdivision** - to create two parcels of land.  
(SMC Chapter 23.24)

**SEPA – Environmental Determination** – Chapter 25.05, Seattle Municipal Code.

**BACKGROUND DATA**

Zoning: Single Family 7200/Urban Residential shoreline environment

Uses on Site: One single family residence and a detached garage

Public Comment: Two comment letters were received during the comment period which ended April 28, 2004. Concerns were expressed about: view protection, adverse possession by the adjoining property, the history of springs and stormwater runoff, landfill activities, slides in the vicinity, current soil stability, dewatering the slope, clogged wells, removal of fill material, additional geotechnical review for the building permit, and retention of trees.

**Environmentally Critical Area Information**

The site is located in an environmentally critical area (ECA) due to slopes exceeding 40 percent, a potential landslide area, and a known slide area. A geotechnical report was submitted with the application by The Galli Group dated July 18, 2002 which indicated that the lot appears underlain by loose to dense sand and silt, blanketed by about 25 to 30 feet of undocumented fill.

The slope as it exists does not meet recommended safety factors against failure under seismic conditions. The report recommended three mitigation measures to safely develop the lot. The proposed residence should be supported on auger-cast piles embedded in the native clayey silt unit beneath the fill. The foundation should be sited at least 40 feet from the face of the slope. Fifteen feet of fill material should be removed from the outermost edge of the slope to reduce the risk of slope failure. The sandy zone should be dewatered by installing horizontal wells in order to further reduce the risk of seismic induced slope failures. The DPD geotechnical engineer reviewed the geotechnical engineering report. A topographic survey was submitted with the application which delineates the steep slope and buffer and proposed development complies with the ECA Ordinance. Compliance with conditions imposed by the geotechnical engineer and the requirements of the ECA Ordinance will be required prior to issuance of the building permit. Therefore, no mitigation of earth or drainage impacts will be required pursuant to Section 25.05.675 of the Seattle SEPA Ordinance.

### **Stormwater Discharge System Extension onto the Burke-Gilman Trail**

A memorandum from the Department of Parks and Recreation (DOPAR) dated November 3, 2005 indicated that DOPAR is unable to offer conceptual approval of the current design or any stormwater drainage plan that requires use of park land absent satisfaction of certain conditions and requirements which are listed in the memorandum. DOPAR recommended an alternative stormwater drainage system that does not require use of park land, does not add directly to the Burk-Gilman's already overburdened ditch capacity, is least invasive of the steep slope and existing vegetation, and restricts all construction/installation to the applicant's private property. However, the applicant can contact DOPAR regarding a lengthy and costly process for a Revocable Use Permit.

### **Maximizing the Retention of Trees**

Only three trees on Parcel A would be removed as part of this project, and none of these are exceptional trees. There are eight inch and ten inch big-leaf maple clumps along with a ten inch Honey Locust, all three of which tend to have unstable root structures. These trees could easily be replaced with new trees that are better suited for the sloping lot once construction is completed, and a note has been added to this effect on the plans. Therefore, the short plat maximizes the retention of trees.

### **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;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether 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;*
6. *Is designed to maximize the retention of existing trees;*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and Parks and review by the Land Use Planner, 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 or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, 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 site is located in an environmentally critical area and the requirements of SMC 25.09.240 have been met. 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 PLAT

The proposed short plat is **CONDITIONALLY GRANTED**.

### ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, 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 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 submitted by the applicant dated March 18, 2004. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. 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 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. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

#### Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

#### **DECISION**

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 43.21C.030(2)(C).

#### **CONDITIONS – SHORT PLAT**

##### Conditions of Approval Prior to Recording

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

1. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page \_\_\_ of \_\_\_.”
2. Provide on the plat the required Seattle City Light easement.
3. 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. The lot areas of each parcel shall be shown on the recording documents.

4. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

5. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: (signature on file)  
Malli Anderson, Land Use Planner  
Department of Planning and Development

Date: May 22, 2006