



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: 3003045
Applicant Name: Dan Duffus
Address of Proposal: 4739 35th Ave S

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into nine parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 218,673 sq.ft., B) 53,187 sq.ft., C) 6,264 sq.ft., D) 5,927 sq.ft., E) 5,951 sq.ft., F) 5,952 sq.ft., G) 5,952 sq.ft., H) 5,952 sq.ft., I) 5,953 sq.ft. Project includes demolition of 4,995 sq.ft. of the easterly portion of an existing administration building. The applicant has stated that they also intend to demolish the 1,824 sq.ft. garage metal building on the northeast portion of the site. No development or construction activities are associated with the current proposal; the subject of this analysis and decision is restricted to the proposed division of land.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into nine parcels.
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or
 involving another agency with jurisdiction.

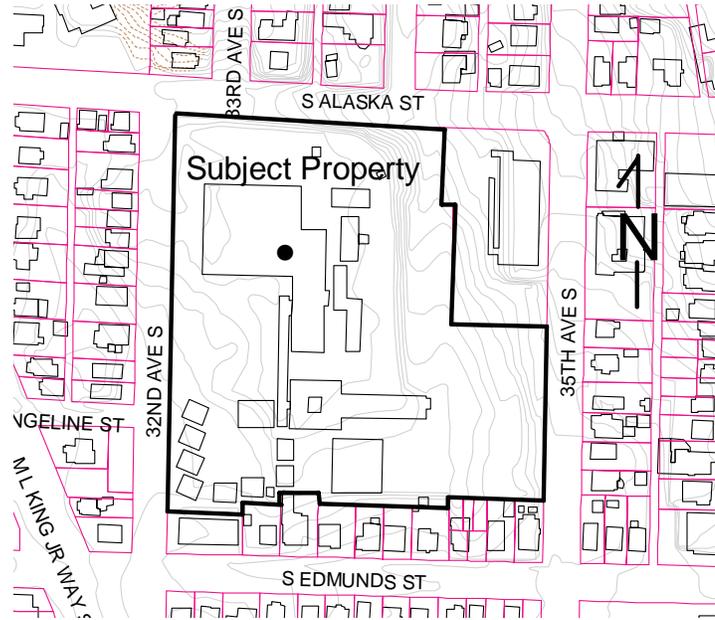
BACKGROUND DATA

Zoning: L3
Date of Site Visit: February 16, 2006
Uses on Site: Institutional development with multiple structures.

Substantive Site Characteristics:

The 313,811-square foot site occupies the majority of a block bounded by S. Alaska St to the north, 32nd Ave S. to the west, and 35th Ave S. to the east.

The site has 396.56 feet of street frontage along S. Alaska St, which has a 60-foot right-of-way with paved roadways that range from 30-40 feet wide. The site has 634.18 feet of street frontage along 32nd Ave S, which has a 70-foot right-of-way with 35-foot paved roadways. The site has 275 feet of street frontage on 35th Ave S, which has a 60-foot wide right of way with 25-foot paved roadways. The site is bordered on the south by existing multi-family development.



S. Alaska St and 32nd Ave S. have curb, gutter, and sidewalks. 35th Ave S. has some sidewalks separated from the street by a gravel parking area, with no curb or gutter.

The site is zoned Lowrise 3 (L3). The site is developed with multiple buildings, including the following:

- primary administration building which will be partially demolished
- metal play area canopy which will be relocated
- nine small buildings comprising a daycare, to remain
- shed, to remain
- private school building for Zion Prep, to remain
- garage metal building, to be demolished
- Portable buildings A and AB, to remain
- Parking areas, to remain

The subject site slopes slightly from the west to the east, with mapped steep slope Environmentally Critical Areas (ECA) on the northern and eastern portions of the site.

Properties to the west and east are also zoned L3. Single Family 5000 zones are located to the north and south across S. Alaska St and S. Edmunds St. L2 zones are located to the east across 35th Ave S and further to the west. Development in the area consists primarily of single-family and multi-family residences of varying age and architectural styles. Another institution (Services for the Blind) is adjacent to the northeast portion of the site.

Public Comment:

Notice of the proposal was issued on February 22, 2006. Five public comment letters from four individuals were received.

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 (L3) is intended for multi-family residential uses. Lots A and B would remain in the ownership of Zion Prep Academy and would continue to be subject to the conditions of past Administrative Conditional Use Permits for an institution in a multi-family zone. Future development on Lots C through I would be subject to the requirements of L3 zoning.

The lots created by this proposed division of land would conform to all applicable development standards of the L3 zoning district. The proposed parcels would provide adequate buildable area to meet applicable setback, structure width and depth, lot coverage requirements, and other applicable Land Use Code development standards, subject to the conditions listed at the end of this document.

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

All proposed parcels would continue to have street frontage. 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.

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 #20060102 was issued on January 27, 2006.

The existing buildings on proposed Parcel A are served by a 24-inch sanitary-only sewer in S. Alaska St and an 8-inch and 27-inch sanitary-only sewer in 35th Ave S. The drainage on site is served by a 54-inch public storm (PSD) in 35th Ave S, a 36-inch PSD in S. Alaska St, and also a 12-inch PSD located within Parcel B in the Driveway and Parking Easement for the Benefit of Parcel A.

The applicant may contact DPD Sidesewer and Drainage Counter for sidesewer permit requirements.

An existing service drain serving proposed Parcel B is crossing proposed Parcel C. A sidesewer easement "along-the-line as constructed" should be provided across proposed Parcel B to the benefit of proposed Parcel B.

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 owner-occupied housing 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 in a mapped environmentally critical area for steep slopes as defined in SMC Chapter 25.09. There is no proposed development at this time in the steep slope areas.

Three environmentally critical steep slope areas along the central portion of the north property boundary, the central portion of the east boundary, and the western portion of the east parking area, are shown on the City Environmentally Critical Areas (ECA) Maps, thus requiring ECA review for this proposal. The applicants applied for an Exemption from the Steep Slope requirements of SMC 25.09.180, Development Standards for Steep Slopes, based on a submitted survey and geotechnical report. A Limited Exemption was granted, stating,

“‘steep slope areas’ at this site appeared to be less than 20 feet in height and/or have been created by previous grading and construction activities. Further, the geotechnical report by Dennis M. Bruce, P.E. dated December 30, 2005, demonstrated that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, a Limited ECA exemption is granted and the ECA Steep Slope Development Standards (i.e. the threshold disturbance level of 30 percent of the Steep Slope Critical Areas) are waived for the short plat application associated with DPD Application Number 3003045. All other ECA Submittal, General, and Landslide-Hazard, and development standards will apply for this development.”

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

The survey indicates that the site contains several (6”-28” diameter) deciduous and evergreen trees are located on proposed Parcels A through I. Most of these trees are located on proposed Parcels A and B, which will experience limited development as a result of the short plat. The applicant has noted that the trees surrounding the portion of the administration building to be demolished on Parcel B will be relocated or replanted at the southern border of the site in conformance with Administrative Conditional Use conditions in Permit #9304319. There are no proposed building pads at this time that would necessitate removal of any 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 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 or applicable exceptions of the 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 for steep slopes and has been reviewed by geotechnical engineers and the planner for compliance with SMC 25.09.240 and conditioned accordingly below. The proposed subdivision maximizes the retention of 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

The proposal site is mapped as containing steep slope Environmentally Critical Areas, thus environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

SMC 25.05.908 requires 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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 6, 2006. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action will not result in probable significant adverse impacts to the environment.

The applicant has applied for an Exemption from the Steep Slope requirements of SMC 25.09.180, Development Standards for Steep Slopes, based on a submitted survey and geotechnical report. As outlined in the short plat criteria above, a Limited Exemption was granted based on the limited extent and previously modified nature of the steep slopes.

Based on the experience of the geotechnical reviewer at DPD and the aforementioned geotechnical report and information, short plat conditions listed in the decision, and the required future review of all development proposals on affected ECA lots under (SMC 25.09.180), Steep Slopes, no mitigation under SEPA is warranted.

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 43.21C.030 (2)(C).
- [] 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(2)(C).

CONDITIONS - SEPA

None.

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. Add the following condition to the face of the plat if the existing “garage metal building” on the northeast area of Parcel A and the “administrative building” on the south area of Parcels A and B will not be demolished: “Prior to separate sale of any parcels, the owner and/or responsible party shall apply for and be issued a permit establishing a use which is permitted in the zone on said parcel. The existing garage and administrative building may be preserved for the new use, if it meets applicable Land use Code development standards.”

