



City of Seattle

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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:** 2304666  
**Applicant Name:** James E. Hadley for David Livingston  
**Address of Proposal:** 5636 Beach Drive Southwest

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into nine parcels of land in Environmentally Critical Areas (ECA) – 40% Steep Slope, Potential landside, and Fish and Wildlife Habitat. The existing house and the detached garage will remain on proposed Parcel “C” and the existing detached garage will be converted into residential use on proposed Parcel “B.” The proposed parcel sizes are approximately: Parcel A: 17,941 square feet; Parcel B: 15,198 square feet; Parcel C: 18,152 square feet; Parcel D: 7,458 square feet; Parcel E: 11,621 square feet; Parcel F: 15,538 square feet; Parcel G: 9,958 square feet; Parcel H: 19,576 square feet; and Parcel I: 84,641 square feet.

The following approvals are required:

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

**SEPA for an Environmentally Critical Area** (Chapter 25.09 SMC)

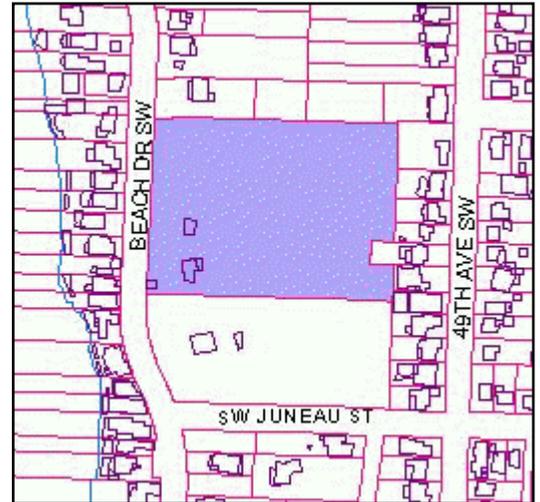
**SEPA DETERMINATION:**       Exempt    DNS    MDNS    EIS  
  
    DNS with conditions  
  
    DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction

\*\* Early Notice DNS published April 8, 2004

## **BACKGROUND DATA**

### Site & Area Description

The subject site is located on the east side of Beach Drive Southwest in the fifty-six hundred Block near the Pudget Sound waterway in West Seattle. The site is located in a Single Family residential zone with a standard lot size of 7,200 square feet (SF 7200), that comprises a lot area of approximately 213,625 square feet. The site is irregular in shape that dramatically slopes upward from the Beach Drive frontage along the west property line to the east property line. The site features an existing single family structure (built in 1929) and two detached accessory structures. A one-car garage is located adjacent to Beach Drive just below the existing single family structure. The second accessory structure features a parking garage at grade with work and storage space on the second level across the driveway to the north of the single family home. Located near the center of the subject site remnants of another structure is present. The site is heavily vegetated with mature trees, shrubs and underbrush located throughout the subject lot.



The development site abuts and has approximately 395 lineal feet of street frontage along the east side of Beach Drive Southwest, a 60-foot wide right-of-way with curbs, sidewalks, and gutters. Vehicle access is provided in two locations, one directly serves the street level garage and the other provides means for ingress/egress to a gravel and asphalt driveway serving the site's interior. Approximately 160 feet north of curb cut serving the garage (adjacent to Beach Drive) an asphalt driveway provides vehicular access to the single family structure and detached garage. The 12 foot wide (minimum) gravel driveway continues past the end of the asphalt drive, then loops up and around towards the north property line and then connects back down to Beach Drive Southwest just north of the asphalt drive abutting Beach Drive .

A narrow portion of the subject lot is within 200 feet of the Urban Residential shoreline within the site's southwest corner. The site is also in an Environmentally Critical Area, per Seattle Municipal Code (SMC) 25.09 due to the presence of a mapped 40% Steep Slope, Potential Landslide, and Fish and Wildlife Habitat Environmental Critical Areas. Topographically, the subject lot features a stepped terrace and benches. Additional grading occurred in the past to provide a driveway and yard area serving a single family use and fruit orchard. The terrace features located in the rear half occurs naturally that follows a larger slope system.

### Area Development

The surrounding residential structures along the block front are setback a distance from the right-of-way, creating a suburban-like feel to the streetscape. This particular area in West Seattle has a number of trees and under brush that has significant visual impacts in this particular area, giving it a park like feel. The Beach Drive roadway appears to be less than moderately traveled connecting this residential neighborhood along the shoreline's edge of West Seattle to commercial areas. The immediate vicinity is zoned residential Single Family (SF 5000) and

Single Family 7200 (SF 7200). Across the centerline of Beach Drive Southwest the waterfront lots are zoned for denser residential use within a SF 5000 zoning designation. One distinguishable characteristic found around the development site is the steep slope moving eastward along the east side of Beach Drive Southwest. This area is heavily vegetated with single family uses scattered upon the face of the hillside. The neighborhood consists of single family residences, primarily multiple story structures.

### Proposal

The proposal is to subdivide one parcel of land into nine parcels of land. Proposed parcel areas are indicated in the summary above. Proposed parcels will have direct access to Beach Drive Southwest.

### Public Comment:

Date of Notice of Application:	April 8, 2004
Date End of Comment Period:	April 21, 2004
# Letters	4

### Issues:

The four public response comments centered on environmental concerns. The development site is located on the west side of a hill that has been left in a natural state expect for areas of limited residential development and historic orchard uses. The areas that have been left in an undisturbed condition host different species of wildlife that at times include among other creatures bald eagles, woodpeckers, and possums. To allow development in this area would undermine the natural environmental viability in this urban wildlife sanctuary. By removing mature trees and other plant life would not only prove a loss of wildlife habitat but could undermine soil stability in an area know for slide activity. Also, there were concerns raised regarding possible natural wetland areas on the subject site. The applicant submitted a Geological Soils Report, Wildlife Assessment, Tree Condition Evaluation Report, and Wetland's Reconnaissance Report to enable DPD to evaluate and mitigate impacts at and around the development site.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

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.*
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, cottage housing, clustered housing, or single-family housings;*
8. *Conformance to the provisions of Section 23.24.046, Multi single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

***1. Conformance to the applicable Land Use Code provisions;***

The subject property is zoned for single-family residential with a minimum lot size of 7,200 square feet. The allowed use in a single family zone is one dwelling per lot. Maximum lot coverage is 35 percent. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, which ever is less. The minimum side yard setback is five feet. Minimum rear yard setback is twenty-five (25) feet or 20% of lot depth. The configuration of the proposed parcels created by this proposed division of land will conform to all development standards applicable to the SF 7200 zoning district. With the creation of proposed Parcels "A, B & C" the front yards will be along the west property line abutting Beach Drive and the remaining lots may choose an orientation to utilize available development potential. Proposed Parcel "I" will establish a front and rear yard orientation along the north south axis to accommodate development on the west side of 40% steep slope system, to maximize development coverage. It is anticipated any future development will conform to land use code requirements at the time of application.

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

The proposed lots will have vehicular access to Beach Drive Southwest, consistent with the provisions of the Code. The Seattle Fire Department has no objection to the proposed short plat provided adherence to Administrative Rule (AR) 9.1, or if modified, approved by the Chief. In

particular, the proposal will feature a one-way loop road not less than 12 feet in width and surfaced with asphalt, and when constructed fully sprinkled new homes, thus surpassing AR 9.1 standards. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed parcels. This short plat provides for adequate access for vehicles, utilities, and fire protection.

**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 (#2004-0455) was approved and issued on April 30, 2004. The development site, proposed for short plat, has adequate water service, including an 8-inch CIP CLD water main located in Beach Drive Southwest to support future development.

A recorded easement will be required to secure private service lines under or along, a minimum 10 foot wide access road, to allow underground water service lines from Beach Drive Southwest to all Proposed Parcels. New construction with discharge to the sanitary sewer will require a side-sewer permit.

Drainage review indicates there is adequate access for sewer and storm water drainage and that a Comprehensive Drainage Control Plan may be required for any future building permits. If the combined project includes greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015D and 22.802.020{B}2 will be required. Plan review requirements regarding storm water are made at time of building permit application. The stormwater drainage system to be incorporated into the building sites will be reviewed for compliance with the applicable provision of the Stormwater, Grading and Drainage Control Code by the DPD Access and Drainage Review Section upon application for building permits.

**4. *Whether the public use and interests are served by permitting the proposed division of land;***

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing needs. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

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

The development site contains mapped Steep Slope, Potential Landside, and Fish and Wildlife Habitat Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09.020. During a DPD site visit several plant species at the development site indicated the potential presence of a Wetland Area and the applicant was instructed to provide a wetland analysis. Short subdivisions in Environmentally Critical Areas must meet the requirements of SMC 25.09.240.A through E, Short Subdivisions and Subdivisions in Environmentally Critical Areas. Subsection A of SMC 25.09.240, that requires access to the development site be outside of the Identified Environmentally Critical Area. Proposed Parcels A, B and C, as configured will have access (which in turn will serve proposed Parcels D – I) from Beach Drive Southwest across an ECA Steep Slope. The development site contains an existing 12 foot wide (minimum) gravel and asphalt driveway that requires an exemption to subsection A of SMC 25.09.240, requiring access outside of the Identified Environmentally Critical Area. The creation of proposed Parcels A, B and C satisfies the requirements of subsections A through E as applicable due to pre-existing conditions at the development site. As mentioned previously, the single family structure was built around 1929 and it is assumed that the driveway was graded at a time when the ECA Ordinance was not in place. To abandon the existing driveway would serve no purpose than to deprive the owner of the right to continue use of a nonconformity that would otherwise be allowed to be maintained on their property. Therefore, DPD has granted an exemption to subsection A of SMC 25.09.240, allowing the continued use of the 12 foot wide driveway access through the development site. The driveway will be improved with underground utilities and asphalt surface, but will be restricted from widening beyond 12 feet in the ECA.

The revised Subsurface Exploration, Geological Hazard and Preliminary Geotechnical Engineering Report (dated, 2/3/05), recommended the 15-foot buffer may be eliminated at the toe of the upper steep slope, (effecting proposed Parcels “F, G, and I”) if landslide hazard mitigation measures are incorporated into the design, including walls at the backs of the residential structures to provide catchment for potential landslide debris. The applicant has indicated that their intention is to design and construct structures meeting the strict standards to mitigate potential risk of damage due to landslide activity. Therefore, DPD has accepted the elimination of the buffer area at the toe of the slope on Proposed Parcels “F, G, and I.” Additionally, based on analysis of submitted documents DPD has determined that the buffer areas can be removed on proposed Parcel “B” and access driveways through proposed Parcels “A and H” if they are designed to protect stability of the slope.

The applicant submitted several reports including a wildlife assessment, wetland reconnaissance, tree condition evaluation, and (subsurface exploration, geologic hazard) preliminary geotechnical engineering report. The conclusion from consulting firm, Adolfsen Associates, Inc., determined that based on the presence of upland vegetation and a lack of indicators of wetland hydrology, no areas on the 5 acre site appeared to support wetland conditions, therefore ECA Wetland evaluations were removed from site analysis.

Prior to, or with the recording of this short plat and pursuant to SMC 25.09.240.A, the final short plat must include a covenant that restricts development to the areas specified on the approved site plan (those areas within the steep slope and revised buffer areas as depicted on face of plat). Essentially, if the proposed structures and driveways are designed to protect stability of slope then the buffer areas shall be removed on the west side of the upper level slope for Proposed

Parcels “F, G, and I” and on “A, B and H” on the slope area. Additionally, pursuant to SMC 25.09.060.B.3, Application Submittal Requirements, General Requirements and Development Standards, permanent visible markers shall be placed along the top of the steep-slope buffer to delineate the buffer no build area and must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before issuance of this short subdivision permit.

Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas.

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

As referenced previously the site is heavily vegetated with trees and shrubbery. There are approximately 116 coniferous and deciduous trees located west of the east edge of the upper level steep slope terrace at the development site, where development impact occurs. This short plat, as configured, will require the removal of trees for the construction of new residential structures. The number of trees to be removed will minimally impact the development site and will not impact identified exceptional trees.

As analyzed in the Tree Condition Evaluation Report (dated 11/1/04), one non-native tree (#AC11; Copper Beech) located near the northwest corner has been determined exceptional, receiving AFA state champion rating of 79% for the state champion designation. An existing driveway gravel roadway is slated for minor grading improvements to accommodate an asphalt resurface within the tree’s dripline. The determination of the Tree Condition Evaluation Report Addendum and Tree Protection Plan (dated, 1/4/06), stated that (pavement) resurfacing of the existing driveway will occur within the Inner Root Zone, but shall not have adverse impacts on the health of the tree. Additionally, trenching within the existing driveway to install utilities will be located approximately 16 feet from the tree base, outside the Inner Root Zone, beyond half the distance of the dripline. Thus, resulting in minimal impacts to the Cooper Beech and therefore, should be allowed with two conditions:

- Any roots severed during excavation of the utility trench that are two inches in diameter or greater should be hand cut beyond the point of torn bark just prior to back filling the trench.
- In all locations, including around AC11, any English ivy growing up the trunks of the trees should be cut and removed from the trees.

Three native trees meet the threshold diameter requirement by the City of Seattle to be considered candidates for exception tree (#AC25, AC42, and AC69). The tree identified as

AC25 (Big-leaf maple) received a condition rating of 4 (very poor) and was recommended not to retain due in part to extensive decay in the trunk area near the base which makes it susceptible to unpredictable failure. Similarly, the tree identified as AC69 (Douglas Fir) received a poor condition rating due in part to the loss of its terminal leader in the past which has been replaced by several co-dominant leaders. This condition creates pressure between the co-leaders and will result in tree failure, therefore this tree was not recommended for retention. Two of the four identified exceptional trees (#AC11 and AC42) will be identified and protected. The tree identified as AC42 is located within a steep slope and will be protected through the ECA covenant. The platting action will not have significant impact on existing vegetation.

Pursuant to SMC 23.44.008 (I), trees shall be required when single-family dwelling units are constructed. The minimum number of caliper inches of trees required per lot may be met through either tree preservation or planting, or a combination of preservation and planting. For lots over 3,000 square feet, at least two (2) caliper inches of existing tree per 1000 SF of lot area must be preserved or planted consistent with the requirements for tree measurement provided in SMC 23.44.008.2. When the preservation option is selected, a Tree Preservation Plan must be prepared. Whichever option is chosen, a Tree Preservation/Planting Plan will be required prior to the issuance of any building permit for a single family dwelling unit on proposed Parcels "A – I". The plan shall conform to all applicable tree preservation and planting provisions of the Land Use Code. Further, notification of applicable Code provisions regarding trees shall be made to future owners of all parcels.

Therefore, as conditioned, the proposed subdivision provides adequate provisions to maximize the preservation of existing trees.

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 townhouses, cottage housing, clustered housing, or single-family housing.***

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, Multi single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.***

This Short subdivision does not contain Multi single-family dwelling units. Thus, this section is not applicable to this short plat proposal.

### **SUMMARY - SHORT SUBDIVISION**

The lots to be created by this short-plat will meet all standards of the Single-Family Residential 7200 (SF-7200) zone set forth in the Land Use Code, and are consistent with applicable Single-Family policy guidelines. This short subdivision can be provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for

water supply, drainage control, and sanitary sewage disposal have been provided for each parcel and service is assured, subject to standard conditions governing utility extensions. Adequate provisions to protect the Identified Environmentally Critical Area-Steep Slope, its vegetation and to maximize the preservation of existing trees will be provided prior to issuance of building permits.

### **DECISION - SHORT SUBDIVISION**

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

### **SEPA ANALYSIS**

The proposal site is located in a mapped 40% Steep Slope, Potential Landside, and Fish and Wildlife Habitat Environmental Critical Areas, 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 areas 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 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 April 29, 2004) and annotated by the Land Use Planner. The information in the checklist, the 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 SEPA Overview Policy (SMC 25.05.665) 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 such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

### **Short-Term Construction Related Impacts**

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and

pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, drainage and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

The short-term, construction related impacts anticipated from future development on the parcels created by the proposal include impacts upon the earth, plants, and potential treats to the wildlife at the development site. These impacts are limited in scope and are temporary in nature. Pursuant to SMC 25.05.794, they are not significant. Although limited, these impacts merit further discussion and possible conditioning.

### ***Earth***

According to the geotechnical report submitted by Associated Earth Sciences, Inc. with the application, several areas of steep slope were identified generally slopping downward towards the west. The site contains substantial quantities of silt and fine sand and will be susceptible to erosion and instability during construction, particularly in the sloping areas. The analysis included eight exploration borings to examine soil composition and integrity. They concluded that at least two deep-seated landslide events occurred in the distant past which resulted in further analysis of the underlying slope stability. A factor of safety test was conducted (expressed as a ratio between the forces that resist sliding to the forces that drive sliding) and revealed that the site fell within the minimum acceptable values for stability under static and seismic conditions. Among a number of mitigating measures the report recommends that homes constructed on proposed Parcels "F, G, H, and I" be founded on augercast piles and that catchment walls be constructed at the backs of the structures. Proposes Parcels "A, B, C, D, and E" will require augercast pile foundations or other deep foundations. Otherwise, any other potential short-term, construction related impacts anticipated from future construction will be addressed by adopted City regulations regarding grading, erosion control and noise. Therefore, no further conditioning for grading and earthwork activities is warranted pursuant to SEPA policies.

### ***Plants***

As previously discussed 116 significant trees (6" diameter measured 4.5 feet above grade) were catalogued within the developable site area west of the top of the upper level Steep Slope. Three trees have been identified as meeting the Exceptional Tree criterion on the west third of the development site and warrant protection. Of the three Exceptional trees identified, tree #AC11 (as identified in the Tree Condition Evaluation Report, Arboricultural Consulting) is the most vulnerable to construction development impacts due in part to the proximity of the existing gravel driveway which will be improved with underground utilities and paved over. SMC 25.11,

Tree Protection, requires provisions to minimize adverse impacts on the tree root system in consultation with a tree care professional. Prior to recording each exceptional tree (AC11 & AC42) will have its protection zone identified. Additionally, prior to construction a protective fence shall be erected around each exceptional tree to delineate its protective zone. After construction activity has concluded a permanent marker shall be installed to identify that the trees in question are protected. Provided the requirements of this section and other applicable Code sections are followed, no additional conditioning is warranted pursuant to SEPA policies.

### *Animals*

Due to the presence of a mapped ECA - Wildlife Habitat Conservation Area as defined in SMC 25.09.020.B.5 running (north/south axis) along the length of the upper level Steep Slope area a determination of the presence of wildlife was requested from the applicant. A Wildlife Assessment was conducted by Adolphson Associates, Inc. (Environmental Solutions) to determine presence of existing wildlife and habitat conditions at the development site. In an August 29, 2003 report, a team of two biologists submitted their analysis to the owner of the subject site. Though several large trees located at the development site would be suitable perches for bald eagles or other birds of prey no bald eagle nests or great blue heron rookeries were found. The report noted that current residents have witnessed bald eagles, great blue heron, crows, and mammals at the subject lot. Densely vegetated areas at the subject site provide conditions favorable species of mammals and birds. With the proximity of Puget Sound to the west and two parks along the north south axis the site is seemingly part of wildlife corridor. During the field visit two biologist observed a number of wildlife that included: band-tailed pigeon, American crow, Bewick's wren, Steller's jay, and eastern gray squirrel. Provided that applicable Code sections are followed, no additional conditioning is warranted pursuant to SEPA policies.

### Long Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by increased impervious surfaces; increased bulk and scale on the site; increased traffic and parking demand due to residents and visitors; minor increase in airborne emissions resulting from additional traffic; increases in ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not expected to be significant.

Except as discussed in the Short Subdivision ECA Section (SMC 23.24.040.A.5) use analysis above, the expected long-term impacts are typical of a single family residential development and are expected to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of other City Department requirements). Specifically these are: the Stormwater, Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); the Land Use Code (height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption). Specific impacts to the steep slope, potential landside, and wildlife habitat areas would be mitigated by compliance with conditions set forth in accordance with the ECAs Ordinance analyses and conditions imposed above. Non-typical

impacts associated with the proposed parcel configuration have been adequately mitigated pursuant to the ECA authority.

While the site has been clearly delineated in terms of where new development is to be located in relation to slopes that can or cannot be disturbed, there has been no extensive analysis of the ECA that will not be disturbed. This area of 'non-disturbance' should be evaluated to determine the health of the plant stock in relation to these areas and any methods to employ that will ensure the viability of the vegetation in these areas. The long term viability of the vegetation and wildlife on these slopes is especially important given the degree and number of Limited Exemptions granted to the project and how the long term health of the vegetation on the non-disturbed areas contributes to the slopes long-term stability. Accordingly, a SEPA condition is stated below.

Other impacts not noted here as mitigated by codes or conditions (earth/soils, increased ambient noise, increased traffic, increased demand on public services and utilities, increased airborne emissions, increased light and glare, loss of vegetation) are not sufficiently adverse to warrant further mitigation by condition.

### ***Earth***

The proposed short-plat is designated an Environmentally Critical Area due to the presence of a steep slope areas that exists at a number of locations at the development site. Every proposed parcel will contain at least one area within a mapped steep slope, potential landslide, and wildlife area, some will contain all three. A geotechnical report was prepared by Associated Earth Sciences containing an assessment and recommendations concerning the platting of the parcel and any future development.

The geotechnical report determines that the property is suitable for creation of nine (9) parcels of land with possible demolition of existing structures and construction of nine new houses and new looped driveway. The report set forth conditions for future development and made a number of recommendations documented in the report dated December 16, 2003. At the time plans are submitted for this work they will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will make any additional requirements as necessary prior to issuance of the grading and building permits. Therefore, no conditioning for grading activities in the steep slope area is warranted pursuant to SEPA policies.

### ***Plants***

The Identified Environmentally Critical Areas – Steep Slope, Potential landside, and Fish and Wildlife Habitat contains approximately 116 significant trees approximately 6 inches or greater diameter inches measured 4.5 feet above grade. The ECA is also covered with a mix of shrub/bramble/grasses that serve to stabilize the slope by preventing surface erosion and ground movement. SMC 25.09.060.C.1, General Development Standards for Environmentally Critical Areas, requires that no vegetation be removed either during or after construction, except in limited circumstances provided by this chapter. Extensive grading and site work will be required outside the steep slope with moderate grading in the ECA buffer across that portion of the steep slope where the driveway will be reconstructed that has been granted a limited exemption from the requirements for Identified Environmentally Critical Areas. SMC 25.09.060.C provides

extensive guidance for limited clearing, proper erosion control and re-vegetation of steep slope and buffer areas, such as in this area. The two (2) Exceptional Trees and other vegetation except noxious ground cover outside of the area granted Limited Exemption shall not be removed. A comprehensive tree preservation and/or replacement plan will be required to maximize retention of trees in the development site area. Provided the requirements of this section and other applicable Code sections are followed, no additional conditioning is warranted pursuant to SEPA policies.

### **DECISION - SEPA**

This decision is made after review by the responsible official on behalf of the lead agency, in addition to a completed environmental checklist and other information on file with DPD. 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 of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(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 - SHORT SUBDIVISION**

#### *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.
2. Submit the final recording forms for approval and any necessary fees.
3. Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer area as modified by DPD. The covenant shall be in the form given to the applicant by DPD.
4. On the final plat, provide an easement to allow for the proper posting of addresses visible from Beach Dr. SW.

5. Place a note on the plat stating: "No removal of vegetation shall be permitted within the steep slope and buffer, except as otherwise permitted by Chapter 25.09 (SMC)".
6. Note on the face of the plat that all trees shall remain on Parcels A through I until such time as future construction on the parcel is approved subject to the provisions of SMC 23.44.008 which sets forth tree preservation and/or replacement requirements.
7. Add the 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).

After Recording during Building Permit Intake Appointment

8. Submit comprehensive tree protection and restoration plan for all initial building permits on proposed parcels.

After Recording and Prior to Issuance of future Building Permit

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

9. Attach a copy of the recorded short plat to all building permit plan sets.
10. Submit a comprehensive drainage control plan for all initial building permits on proposed parcels.

After Recording and during construction activity of future Building Permit

11. Any roots severed during excavation of the utility trench that are two inches in diameter or greater should be hand cut beyond the point of torn bark just prior to back filling the trench. In all locations, including around AC11, any English ivy growing up the trunks of the trees should be cut and removed from the trees.

For life of Building Permits

12. Install a visible permanent marker near exceptional trees AC11 and AC42 to identify that the trees in question are protected.

**CONDITIONS – SEPA**

None.

Signature: \_\_\_\_\_ (signature on file)  
Bradley Wilburn, Land Use Planner  
Department of Planning and Development

Date: February 16, 2006