

BACKGROUND DATA

Site Description

The subject property, located in a Commercial 1 zone with a 40 foot height limit (C1-40), is approximately 32,591 sq. ft. The parcel to be subdivided has approximately 172.44 feet of street frontage and is approximately three quarters of a block west of Delridge Way SW. SW Orchard Street at this location is a four-lane paved street without curbs, gutters and sidewalks and turns into Sylvan Way SW (a two lane road) as it progresses to the west.

Proposed Parcel A contains a small area of slope that falls within the definition of a steep slope environmentally critical to the west of the existing residence and a small steep slope area abutting the front of the existing residence. The slopes have been determined to be less than 20' in height and not part of a larger steep slope system therefore, are exempt from the steep slope standards. Landslide prone and general application standards still apply. A geotechnical report, topographic survey, vegetation removal and revegetation plans will be required at the time of building permit submittal.

Area Development

The surrounding property is developed with commercial and residential uses along Delridge Way SW to the east and residential uses and a cemetery to the west.

Proposal Description

The applicant proposes to short subdivide two parcels of land into three parcels of land in an environmentally critical area that contains steep slope, wetland and is adjacent to a riparian corridor located in a culvert within 24th Avenue SW. Proposed parcel sizes are: Parcel A) 14,207 sq. ft., Parcel B) 6,731 sq. ft. and Parcel C) 24,440 sq. ft. The existing single-family residences on proposed Parcels A and B will remain.

Public Comments

No public comments were received during the comment period which ended on January 23, 2002.

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 upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

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

The lots created by the proposed short subdivision will conform to all development standards of the C1-40 zone. Any new development must conform to land use policies and code requirements at the time of application.

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

Proposed Parcels A, B and C will have adequate vehicle and utility access from SW Orchard Street. The Seattle Fire Department provides emergency vehicle access to the site. Seattle City Light provides electrical service to the subject property. An easement will be required on the east 22 feet of Parcel B and will be provided on the plat prior to its recording.

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

The existing structures located on proposed Parcels A and B are connected by means of a shared sidesewer to a 15-inch public sanitary sewer (PSS) located in 24th Avenue SW an unimproved right of way. There is a 60-inch public storm drain (PSD) located in the 24th Avenue SW unimproved right of way. This area is part of the Longfellow Creek Drainage Sub-basin.

Seattle Public Utilities reviewed the short subdivision application and approved a Water Availability Certificate, No. 2002-0003, on January 2, 2002 and updated on October 22, 2003. All conditions on the certificate must be met prior to receiving water service.

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

The proposed subdivision is consistent with the C1-40 zone and Seattle Land Use Code provisions.

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

The site is mapped as an Environmentally Critical Area. Small areas of steep slope are located on each proposed parcel. Proposed Parcels A and C are adjacent to Longfellow Creek which flows through a culvert along 24th Avenue SW (an unimproved right of way) which is approximately 145 feet from the west property line of proposed Parcel B. This culvert begins southwest of SW Webster Street between 24th Avenue SW and Sylvan Way SW and ends north of SW Myrtle Street just east of 24th Avenue SW. This information was obtained through the Stream Type and Fish Distribution Map of Longfellow Creek, Schmitz Creek and Fauntleroy Creek produced by Seattle Public Utilities (SPU). This mapped information is based on surveys conducted July 13, and 14 1999 by SPU.

Proposed Parcel C contains a small wetland in the northwestern portion of the site. A condition has been added to the end of this decision requiring that the wetland delineation and the required 50' buffer be provided on the survey prior to recording of the short subdivision.

A limited exemption was granted based on information submitted which shows that the steep slopes at the subject site are not more than 20 feet in height and are not part of a larger steep slope system. In this respect the ECA Steep Slope Development standards are waived for the short plat. The ECA Submittal, General and Landslide-Hazard and other applicable development standards still apply for any future development.

An exemption from the riparian corridor standards was also granted on 6/8/2000 but the drainage code changed prior to application so the applicant will be required to provide a vegetation removal and revegetation plan which will be used to evaluate the impacts of development on the adjacent riparian corridor. This plan shall be approved prior to issuance of any building permits on Proposed Parcel A.

A condition has been added to the end of this decision requiring the 50' riparian corridor buffer will be drawn on the survey prior to recording of the short subdivision.

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 Environmentally Critical Areas Ordinance. The applicant will be required to submit an ECA covenant that references required ECA markers at the riparian corridor buffer's edge and limitations on future land disturbance. Therefore, this proposed short subdivision is in conformance with City of Seattle Regulations for development in Environmentally Critical Areas.

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

The design of the plat will allow for retention of trees on the site. The applicant must note on the face of the plat that future construction on all parcels must comply with the tree regulations of SMC 23.44.008I.

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 criterion is not applicable to this short subdivision.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of the report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist (dated October 20, 2003), and supplemental information in the project file submitted by

the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms 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, 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. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short - Term Impacts

The following temporary impacts are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Drainage and Grading Code (temporary soil erosion); and 3) Regulations for Environmentally Critical Areas. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a steep slope environmentally critical area and within a riparian corridor buffer. Therefore, additional discussion of earth/soils and drainage impacts is warranted.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Dennis M. Bruce, P.E. dated October 5, 2002. The report evaluates the soil and site conditions and provides recommendations for future construction.

A limited exemption was granted based on information submitted which shows that the steep slopes at the subject site are not more than 20 feet in height and are not part of a larger steep slope system. In this respect the ECA Steep Slope Development standards are waived for the short plat. The ECA Submittal, General and Landslide-Hazard and other applicable development standards still apply for any future development.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where

grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning for impacts to earth or soils is warranted pursuant to SEPA policies.

Long-term Impacts

Drainage

Long-term impacts are anticipated as a result of approval of this proposal including increased surface water runoff due to greater site coverage by impervious surfaces. Three lots will be created out of two existing lots; Lot A will be 14,207 sq. ft.; Lot B will be 6,731 sq. ft. and Lot C will be 24,440 sq. ft. Each lot is allowed 100 percent development coverage; therefore, the potential amount of new impervious surface is 45,378. The runoff from this site would go to Longfellow Creek.

Pursuant to SMC 25.05.675C, 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 if run-off from a proposed project could have adverse impacts and if the proposed project is located in an environmentally critical area or if the project drains into streams identified by the State Department of Fish and Wildlife as bearing anadromous fish. As mentioned above, this project lies within the Longfellow Creek Drainage basin and runoff from this site will drain into Longfellow Creek, an anadromous bearing stream.

Longfellow Creek provides habitat for aquatic species including coho salmon. The past three years Seattle Public Utilities through their coho spawning surveys have found that a large number of coho salmon that return to Seattle creeks die before they spawn (prespawning mortality). In Longfellow Creek the prespawning mortality of coho has averaged 72% over the past three years. Stormwater runoff is believed to be contributing to these prespawning deaths. Pursuant to SEPA policy 25.05.675 C2c, and SMC 22.802.015 D treatment and flow control of stormwater will be required.

Summary

With exception to the drainage impacts, the long-term impacts are typical of development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code; and the Regulations for Environmentally Critical Areas. Any development on the site will also be subject to environmental review (SEPA review) because the site is in an environmentally critical area. Additional environmental review addressing impacts of the development, other than the impacts to the critical areas, will be required if the size of the proposal exceeds environmental review thresholds. The long-term drainage impacts as discussed above will be sufficiently mitigated with conditioning at the conclusion of this analysis and decision.

CONDITIONS SEPA

Prior to Building Permit Application

1. Provide a vegetation removal and revegetation plan to the Land Use Planner for approval prior to submittal of any building permit. Any vegetation removal shall be limited and reviewed for impacts of development to the adjacent riparian corridor.

Prior to Issuance of any Building Permit

2. Permanent flow control measures shall be required to mitigate the impacts of impervious surface that is created as a result of this short plat. The flow control measures proposed for any development on the site must be reviewed and approved by the Land Use Planner prior to issuance of any building permit.
3. Attach a copy of the approved vegetation removal and revegetation plan to the building plans.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

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

1. Provide final recording forms and fees. Have the 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 the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.

Add the conditions of approval after recording on the face of the plat, or on a separate page if needed. If necessary, renumber the pages.

Add to the face of the plat the language to grant the required Seattle City Light easement.

Add to the face of the plat the required 50' wide ECA buffers for the wetland on proposed Parcel C and the riparian corridor on proposed Parcels A and C.

2. On the face of the plat, clearly label the 50-foot wide ECA buffer area as a “no build” area.
3. Permanent visible markers along the fifty (50’) foot buffer to delineate the buffer no build area 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 clearly visible, weather resistant cap affixed to the top similar to survey monuments. The caps 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 recording of this short subdivision.
4. Place all ECA buffer markers on the site as shown on the short plat survey drawing.
5. Provide a completed ECA covenant restricting development on Parcels A and C.
6. Place a note on the face of the plat stating: “No removal of vegetation shall be permitted within the riparian corridor buffer or wetland buffer, except as otherwise permitted by SMC Chapter 25.09.”
7. Place a note on the face of the plat stating: “Tree removal shall be subject to the standards of SMC 23.44.008 and SMC Chapter 25.11.”
8. Provide on the survey a three foot dedication of the portion of proposed parcels A and B abutting the SW Sylvan Street and SW Orchard Street right of ways.
9. Provide a completed “Letter of Intent to Dedicate” along with an extra copy of the survey to the Land Use Planner.
10. A joint use and maintenance agreement for the access and utility easement and an address sign must be provided with the final recording documents.

At Building Permit Submittal

11. Submit a topographic survey that sufficiently extends onto the adjacent property to the east in accordance with the ECA Submittal Standards.
12. Attach a copy of a tree protection plan, for all trees to be retained on site, to the building plans.
13. Show the three foot dedication required on the portion of proposed Parcels A and B that abut the SW Sylvan and SW Orchard right of ways.

After Recording and Prior to Issuance of a Building Permits

14. A copy of the recorded short subdivision shall be attached to all building permit sets of plans for future construction on Parcels A, B and C.

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

Date: October 17, 2005