



City of Seattle

Gregory J. Nickels, Mayor

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**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: 3002485  
Applicant Name: Debora Goodman  
Address of Proposal: 8935 25<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to subdivide one parcel into 2 parcels of land. Proposed parcel sizes are: A) 6,001 sq. ft. and B) 5,250 sq. ft. Existing single-family residence on Parcel B to remain. Existing detached garage on Parcel A to be removed.

The following approval is required:

**Short Subdivision** – To subdivide one parcel into two lots.  
(Chapter 23.24, Seattle Municipal Code).

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

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

**BACKGROUND DATA**

Site visit:                      April 7, 2006  
Zoning:                        Single Family Residential 5000  
Uses on Site:                One single-family residence and detached garage.

**Substantive Site Characteristics:**

This 11,251 square foot subject site (the “parent lot”) is a rectangular corner lot that is located on the southwest corner of 25<sup>th</sup> Avenue NE and NE 90<sup>th</sup> Street. The surrounding zoning is Single Family Residential 5000 (SF 5000), with Single Family Residential 7200 (SF 7200) zoning adjacent to the northeast. The majority of the site has a moderate slope down towards the west, with a steep slope on the most western area of the site (approximate 10% of the parent lot). The site is located in a mapped critical area for its steep slopes. There are no street improvements on

25<sup>th</sup> Avenue NE and NE 90<sup>th</sup> Street; each right-of-way is two lanes wide with no sidewalks or planting strips. There is a storm drainage ditch along the eastern side of 25<sup>th</sup> Avenue NE.

Area Development:

Development in the vicinity consists primarily of single-family residences on lots of varying shapes and sizes. There is no through access for NE 90<sup>th</sup> to the west; however, a hillclimb provides pedestrian access to the area to the west.

Proposal Description:

The applicant proposes to subdivide one parcel with a total area of 11,251 square foot, into two parcels of 6,001 sq. ft. and 5,250 sq. ft. Parcel A will be created on the western portion of the original lot and Parcel B will be created on the eastern portion of the original lot. Parcel A and B will each have frontage on NE 90<sup>th</sup> Street for vehicular and pedestrian access. Parcel B also has street frontage on 25<sup>th</sup> Avenue NE.

Public Comment:

The comment period for this proposal ended on April 26, 2006. During this period, there were five comment letters 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;*
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;*
5. *Is designed to maximize the retention of existing trees; and*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, 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; therefore SMC 25.09.240 is applicable. 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 SUBDIVISION**

The proposed Short Subdivision 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 22, 2006. 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 and 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.

### Long-Term Impacts

Long-term impacts on the environmentally critical area also anticipated to result from future construction associated with the newly created building site: increased surface water runoff from greater site coverage by impervious surfaces; and loss of vegetation. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single family residences and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (minimum lot area, vehicle access to parking); and Environmentally Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

### Earth

A geotechnical survey was conducted on February 6, 2006 and the report dated March 5, 2006 was submitted with this application. The report notes that the western portion of the lot has been designated as an environmentally critical area due to its steep slopes greater than 40%. The survey found that the slope contains rockeries that are evidence of manmade grading and excavation work. The report concluded that the site is currently stable with respect to landslides. In reviewing the possibility of a residential structure on Parcel A, it was recommended that the residence to be located on Parcel A should be constructed with a minimum setback of fifteen feet from the top of the western slope. If the excavation is limited to less than four feet in depth, then no temporary shoring will be required. It was determined that the proposed residence can be supported on conventional continuous and spread footings that are bearing on undisturbed native soil or on structural fill, and that footing drains are recommended at the base of all footings and retaining walls.

The report made recommendations regarding: erosion control, site preparation and grading, temporary and permanent cut slopes, structural fill, building setbacks, foundations, seismic evaluation, retaining walls, and drainage. The consultant engineer noted that prior to final permit issuance, he should review the final house plans to verify compliance with the recommendations within his report. The consultant engineer's report was also reviewed and approved by DPD's geotechnical engineer.

The Environmentally Critical Area (ECA) Steep Slope Development Standards are waived because the Steep Slope Critical Area is less than 20 feet in height and not part of a larger steep slope system.

Plants and Animals

There are trees and vegetation on the southern area of the site, which provide a habitat for birds and urban wildlife such as raccoons, squirrels, and other rodents. Future development on the proposed lots would occur on the western portions of the site where there is more limited vegetation. Therefore, it is expected that most of the existing bird and wildlife habitat would be preserved on this site and that no mitigation of plant and animal impacts will be required.

**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 43.21C), 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 required.

**CONDITIONS – SHORT SUBDIVISION**

Conditions of Approval Prior to Recording

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

1. Include the required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected lots.
2. 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 \_\_\_.”

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.
5. Note on the face of the final plat that a demolition permit shall be obtained and the existing garage on Parcel A shall be legally demolished prior to the individual sale of any parcel.

Prior to Issuance of any Building Permit

6. 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) Date: July 3, 2006  
Janet Hyde-Wright, Land Use Planner  
Department of Planning and Development