



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: 2400409
Applicant Name: Brittani Ard
Address of Proposal: 3802 24th Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels in an Environmentally Critical Area. Proposed lot sizes are: A) 7,624 sq. ft. and B) 8,585 sq. ft. Existing structures to remain.

The following approvals are required:

Short Subdivision - to divide 1 parcels of land into 2 parcels.
(Seattle Municipal Code (SMC) Chapter 23.24)

SEPA – Environmental Determination – Review of development proposals in areas mapped as Environmentally Critical Areas, 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

Zoning: SF 5000

Date of Site Visit: N/A

Uses on Site: One single-family structure and garage.

Site and Vicinity Descriptions: The project is proposed for a midblock parcel immediately south of an east-west running alley in the Cheasty Greenbelt area. Most of the properties to the east, in a long segment running north and south, are undeveloped or only partially developed due to steep slopes. The easterly $\frac{2}{3}$ to $\frac{3}{4}$ of the site is either designated as steep slope critical area or meets the criteria for steep slope designation; the easterly $\frac{1}{2}$ of the property is designated as potential slide environmentally critical area.

The properties along 24th Avenue S in the vicinity are all developed with what appear to be single family residences. Across the street is the Jefferson Park golf course. The adjacent street appears to be fully improved. The alley appears to be unimproved.

Proposal

The proposal is to short subdivide the lot into two, with a quirky 133-foot long 1-foot wide area connecting a substantial steep slope ECA in the rear of the property with the parcel facing the street. The purpose of the arrangement is to discourage additional development on the rear lot by depriving it of sufficient area to qualify it for a second residence. Parking would be accessed from the alley along the proposed lot line between the two parcels, presumably with the existing garage being demolished. The plat documents that each lot contains 5000 square feet outside the designated and “in fact” steep slope ECAs and their required buffers.

Public Comments

One comment letter was received during the public comment period, which ended March 16, 2005.

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

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU) and Fire Departments (SFD), Seattle City Light, 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. When these conditions are met, the lots to be created will meet all minimum standards or applicable exceptions as set forth in the Land Use Code and other applicable codes, 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 a mapped environmentally critical area, but the applicable criteria of SMC 25.09.240 are satisfied. The proposed plat maximizes the retention of existing trees, because most are located within the protected ECA and its associated buffer area. 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**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Please do not show conditions of approval prior to recording on the plat to be recorded.)

CONDITIONS - SHORT SUBDIVISION

Following SEPA decision and conditions.

ANALYSIS - SEPA

The proposal site contains the following types of *Environmentally Critical Areas*: *steep slope, and potential slide*, thus 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).

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. 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 adverse impacts to the environment.

The proposed short plat will divide an existing large lot with extensive *Environmentally Critical Areas* into two lots. There would be substantial buildable areas on each of the proposed lots outside of all *ECA*'s and their required minimum buffer. The submitted geotechnical report and evaluation indicate that development is geotechnically viable for the construction of a single-family residence.

Based on the location of all *ECA* areas outside of the buildable area of the proposed lots and the aforementioned geotechnical information, the proposed configuration will divide the lot in such a way that is unlikely to have any adverse impact on the *Environmentally Critical Areas*, therefore no mitigation of this proposal 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.

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. Submit the final recording forms for approval and any necessary fees.
2. Revise the plat to show and describe installation of permanent visible markers along the top of the steep-slope buffer to delineate the buffer no-build area. Markers must be in place before issuance of this short subdivision permit.
3. Submit an ECA Covenant per SMC 25.09.240.A to the land use planner for review and approval prior to recording of covenant.
4. Revise the plat to provide a location and easement for address placement on Parcel A to serve any residential development on Parcel B.

Prior to Recording

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

1. Comply with all applicable standard recording requirements and instructions.

Prior to Issuance of any Building Permit on either lot

2. 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.

NON-APPEALABLE REQUIREMENTS FOR RECORDING AND ISSUANCE OF THE PLAT:

1. The plat may not be recorded until consistency with A. development standards and B. ECA Ordinance requirements has been approved by the responsible reviewers. Such consistency requires, but is not limited to receipt of adequate responses to any outstanding correction notice(s).
2. For wetlands, riparian corridors, and geotechnical hazard areas, the following are required:
 - a. Permanent visible markers along the top of the steep-slope 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 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.
 - b. A note on the plat stating: "No removal of vegetation shall be permitted within the environmentally critical area and/or buffer, except as otherwise permitted by Chapter 25.09 (SMC)."
 - c. A covenant on the plat, or recorded and referenced on the plat, that restricts development to the areas outside of the environmentally critical areas and buffer areas specified on the approved site plan. The covenant shall be on a form provided to the applicant by DPD.

Signature: (signature on file) Date: October 20, 2005
Paul Janos, Land Use Planner
Department of Planning and Development