



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: 3005246
Applicant Name: Monica Thanh-Ngoc Van
Address of Proposal: 5959 39th Avenue S

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 6,612 sq. ft. and B) 5,355 sq. ft. Existing single family residence on Parcel A to remain. Existing shed on Parcel B 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: August 30, 2006

Zoning: Single Family Residential 5000

Uses on Site: One single-family residence and detached garage.

Substantive Site Characteristics:

This 11,967 square foot subject site (the “parent lot”) is a rectangular corner lot that fronts on 39th Avenue S to the east. It is located just east of Martin Luther King Jr Way S. The site is located within an area zoned Single Family Residential 5000 (SF 5000) which continues to the north, south, and east. The area adjacent to the east is zoned Commercial 1 with a height limit of 40 feet (C1-40) and the area to the northeast is zoned Residential Multifamily Lowrise 3 (L-3). The majority of the site has a moderate slope down towards the west, with an elevation change of approximately 12 feet for the majority of the site. The site is located within a mapped critical area due to a small area in the southwest corner which has a slope greater than 40%.

Area Development:

Development in the vicinity consists of single-family residences, with multifamily residences located to the northwest.

Proposal Description:

The applicant proposes to subdivide one parcel with a total area of 11,967 square foot, the “parent lot,” into two parcels: A) 6,612 sq. ft. and B) 5,355 sq. ft. Parcel A will be created on the eastern portion of the original lot and is the site of the existing single family residence which will remain. Parcel B will be created on the western portion of the original lot. Parcel A has frontage on 39th Avenue S. There is a shared ingress and egress easement which runs west from 39th Avenue S along the northern portion of the lot for access to Parcel B.

Public Comment:

The comment period for this proposal ended on August 23, 2006. During this period, there was no 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;*
6. *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 Department (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 initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on July 31, 2006 and annotated by the Land Use Planner. The information in the checklist, the geotechnical report, 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. A more detailed discussion of the potential impacts from this short plat follows.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion of steep slopes, 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. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Critical Areas Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

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

The demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Parking utilization along streets in the vicinity is moderate, and although the scale of the project is moderate in size, the duration of construction is expected to extend for several months. However, the temporary demand on the on-street parking in the vicinity due to construction workers' vehicles is not expected to be significant.

The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary to mitigate impacts that would result from the proposal on surrounding properties, because the existing City ordinance adequately mitigates noise impacts.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 A SMC). No unusual circumstances exist which warrant additional mitigating, per the SEPA Overview Policy.

There is the potential for erosion during construction. However, temporary erosion control is regulated through Director's Rule 26-2000 regarding Best Management Practices for Construction Erosion and Sedimentation Control Plans and is sufficient to mitigate any short-term construction impacts to the earth. Thus, no mitigation pursuant to SEPA is warranted.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. 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 the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

Earth

A geotechnical survey was conducted on January 7, 2006 and the report dated February 6, 2006 was submitted with this application. The report notes that the southwestern corner of the lot has a steep slope greater than 40%, with an elevation change of approximately 10 feet. The report noted that the site is currently stable and that any future development will not affect slope stability. It was recommended that the new house be supported by conventional spread footings.

The report made recommendations regarding: erosion control, site preparation and grading, temporary and permanent cut slopes, structural fill, foundations, seismic evaluation, retaining walls, and drainage.

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 is not part of a larger steep slope system.

Plants and Animals

There are trees, shrubs, and grass located on the site. The geotechnical report recommends that existing vegetation on the slope be protected. Future development on the proposed lot would occur on the western portion of the site where there is more limited vegetation.

Traffic and Parking

The Land Use Code requires each house to have one off-street parking space so the minimum number of parking spaces will be provided. The builders and homeowners have the option to provide more parking spaces. The Institute of Transportation Engineers (ITE) Manual estimates that a single-family residence generates approximately ten vehicle trips per day. The 10 trips per day that will be generated by the proposed single family residence on proposed Parcel B will not be a significant increase to the total number of vehicle trips along 39th Avenue S. For these reasons, no mitigation of parking or traffic impacts is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated from the proposal. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. Therefore, no additional SEPA conditions have been imposed on this short plat.

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 – 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 the existing shed on Parcel B shall be “legally removed prior to transfer and/or sale of the lot.”

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: June 7, 2007

Janet Wright, Land Use Planner
Department of Planning and Development

JW:bg