



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: 3007852
Applicant Name: Brandon Nicholson
Address of Proposal: 3514 W. Government Way

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels in a Lowrise 3/Residential-Commercial (L-3 RC) zone within a Fish and Wildlife Habitat Conservation Area (heron habitat buffer). The proposed parcel sizes are A) 1,115.2 sq. ft. and B) 4,614.3 sq. ft. The existing single family residence on site will be removed. Parcel A will be redeveloped as a live/work unit and Parcel B will be redeveloped with multi-family units. Related Project #3007892.

The following approval is required:

SEPA – Environmental Determination - (SMC Chapter 25.05)

Short Subdivision – to subdivide one parcel into two parcels.
(Chapter 23.24, 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: L-3 RC.

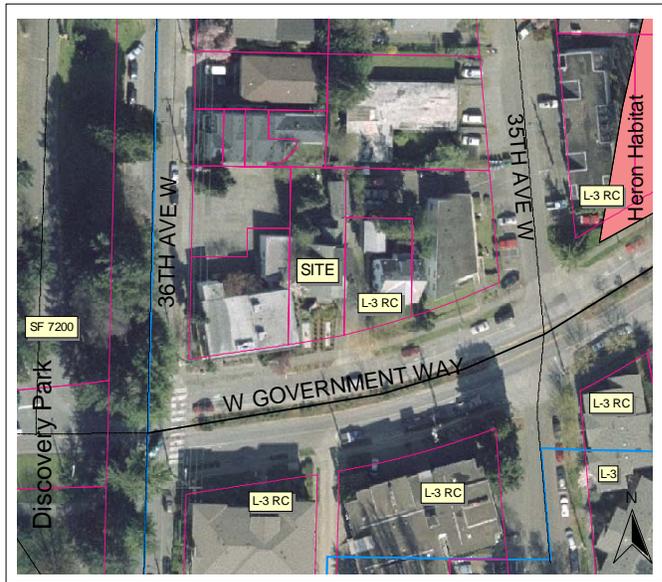
Uses on Site: One single family house to be removed.

Substantive Site Characteristics:

The subject parcel is 5,729.5 square feet and measures approximately 38 feet wide along W Government Way by approximately 128 feet deep. The site has a very gradual slope down to the northeast and is developed with a single family residence with attached garage and a paved driveway located along the east property line.

The site is located mid-block between 35th Avenue W and 36th Avenue W in the Magnolia neighborhood. Access to Parcel A is from Government Way, a 100 foot wide platted street that is paved with curbs, gutters, sidewalks, bike lanes and a median planting strip. On-street parking is allowed on both sides of the street. Access to Parcel B will be from an easement extending west across the adjacent parcel to 36th Avenue.

The Government Way corridor is zoned L-3 RC from 36th Avenue to the east. Discovery Park and Fort Lawton property west of 36th is zoned SF 7200. SEPA is required because the site is located within a mapped Environmentally Critical Area (heron habitat buffer) due to its proximity to the Kiwanis Ravine.



Proposal Description:

The applicant proposes to divide the subject property into two parcels of land. In order to prepare for this short plat a Lot Boundary Adjustment (3007874) affecting the western property line has been submitted and will be recorded prior to the short plat. The site is planned to be developed with a live/work unit fronting on Government on Parcel A that would be sold separately from an attached duplex townhouse on Parcel B. An additional duplex townhouse would be built on Parcel B and those four units would be subject to a future unit lot subdivision.

Note that the proposed structures will be reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate application. The subject of this analysis and decision is only the proposed division of land.

Public Comment:

The comment period for this proposal ended on January 9, 2008. During this period one comment letter related to this project was received, simply asking to be kept informed of the decision.

ANALYSIS – SHORT PLAT

The Director shall, after conferring with appropriate officials, use the criteria at SMC 23.24.040 to determine whether to grant, condition, or deny a short plat. The applicable criteria are listed below in italics. Based on information provided by the applicant, referral comments from 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 criteria.

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

The subject property is zoned for multi-family use with additional uses permitted under the Residential-Commercial classification. The live-work unit proposed on Parcel A is permitted under the RC zoning. The four townhouse units proposed on Parcel B meet the 800 square feet per unit requirement in the L-3 zone and provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

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

Parcel A will take direct vehicular access from Government Way at the south side of the existing lot. Parcel B will be accessed via an easement over the adjacent parcel to the west. The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code Requirements. All private utilities are available in this area. Seattle City Light may require additional easements for electrical service provision prior to recording of the plat.

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

The adequacy of the provisions for drainage control, water supply, and sanitary sewage disposal for each lot have been reviewed and approved by appropriate City staff. The existing property has water and sewer service and additional connections will be reviewed for the new development during the building permit process. Water Availability Certificate number 20072269 was issued for the project on January 4, 2008. New construction with discharge to the sanitary sewer requires a side sewer permit. The existing property is connected to the 27 inch combined public sanitary sewer and storm drain located in 35th Avenue W. An easement and joint maintenance agreement for the new connections must be added to the plans prior to recording. Plan review requirements regarding stormwater will be made at the time of building permit application.

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

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The public interest is expressed by the zoning designation of the site and the Comprehensive Plan goals and policies. The Lowrise 3/Residential-Commercial (L-3 RC) zone is intended for multi-family development at a density of one unit per 800 square feet of lot area along with limited commercial uses. This project will result in two lots that can accommodate a total of four residential units and one live/work unit. Comprehensive Plan goals include accommodation of additional households for future housing need, preservation of housing affordability, achievement of a mix of housing types and expansion of owner-occupied housing opportunities. This project would increase the number of residential units on the site from one to five and it is likely that they would be owner-occupied.

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

SMC 25.09.240 is not applicable because the site does not contain riparian corridors, shoreline habitats, wetlands, steep slopes or their buffers.

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

Future construction will be subject to the provisions of SMC 23.45.015 which gives landscape requirements for low rise zones. An arborist report is being prepared to develop the setback required to protect trees on the adjacent site from construction related to the rear townhomes.

CONCLUSIONS

The lots to be created by this short subdivision are consistent with applicable development standards set forth in the Land Use Code. 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 public use and interest are served by the proposal since the zoning use and density standards will be met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the short subdivision decision criteria have been met subject to the conditions imposed at the end of this decision.

DECISION

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

ANALYSIS – SEPA

The development site is located in an Environmentally Critical Area (ECA), 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 ECA regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resource, in this case great blue heron management area, 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). Environmental impacts of the project that may affect the herons include construction noise, loss of vegetation and increased pollution.

The initial disclosure of the potential environmental impacts on this project was made in the environmental checklist prepared by Nicholson Kovalchick Architects on January 11, 2008. The information in the checklist, the supplemental information submitted in the application, field inspection and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) 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, that "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 D1-7) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic from construction equipment and personnel; increased noise; and temporary loss of vegetation.

Several adopted codes and Director's Rules provide mitigation for some of the identified impacts. Under SMC 25.09.060 G grading in environmentally critical areas is limited to a window between April 1st and October 31st. Additionally under Director's Rule 5-2007 clearing, grading and outside construction may not occur during heron nesting season, February 1st through July 31st, unless an alternative Great Blue Heron Management Plan is approved by the Washington Department of Fish and Wildlife. This leaves windows of August 1st through October 31st for site work and exterior construction and October 31st through January 31st for exterior building construction. The applicant may opt to submit a Dry Season Extension Letter for grading beyond October 31st per Director's Rule 3-2002.

Additionally the Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Clean Agency regulations require control of fugitive dust to protect air quality. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the ECA and no further conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include decreased vegetation and habitat opportunity. This long-term impact is not considered significant because the existing development offered little heron habitat and ongoing noise impacts from the residential uses would not be significantly different than the existing condition. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. The anticipated future land use activity at the development site which includes a Unit Lot Subdivision has been evaluated and determined to not have an adverse impact. The creation of unit lots constitutes no physical activity which would warrant additional scrutiny subject to SEPA policies.

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 decision 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.303 (2) (C).

CONDITIONS – SEPA

Prior to Issuance of Building Permit

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

1. Submit a Great Blue Heron Management Plan per Director's Rule 5-2007.

CONDITIONS – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

2. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected Unit Lots.
3. Record LBA 3007874.
4. 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.
5. Submit the recording fee and final recording forms for approval.
6. Work with the Fire Department to determine if the proposed ingress/egress and utilities easement is adequate for future development on Parcel B. If portions of buildings exceed a distance of 150 feet from 36th Avenue West the easement shall be modified or an exception requested per Seattle Fire Code Section 503.1.1.

