



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: 3009013
Applicant Name: Greg Brant
Address of Proposal: 3556 S Morgan Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 6,060.5 sq. ft., B) 6,032.9 sq. ft.; and C.) 8,070.8 sq. ft. The existing single family residence on Parcel A to remain and the existing detached garage to be removed.

The following approval is required:

Short Subdivision – To subdivide one parcel into three 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: May 8, 2008

Zoning: Single Family Residential 5000

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

Substantive Site Characteristics:

This 20,164.2 square foot subject site (the “parent lot”) is a rectangular lot that fronts on S Morgan Street to the south. The site is located within an area zoned Single Family Residential 5000 (SF 5000) which continues to the north, west, and south. The area adjacent to the east is zoned Commercial 1 with a height limit of 40 feet (C1-40). The site is relatively flat with a slight slope downward to the center of the lot, then rising slightly to the north. The site is located in a mapped critical area due to a wetland located on the adjacent lot. The vegetation on the site consists primarily of grassy areas with several mature trees on the western and eastern boundaries. None of the trees on the site were determined to be exceptional trees. S Morgan Street is a narrow two-lane road with narrow sidewalks on both sides and no planting strips.

Area Development:

Development in the vicinity consists primarily of single-family residences on lots of varying shapes and sizes. Other uses in the area include a business adjacent to the east and a religious institution to the northwest of this site.

Proposal Description:

The applicant proposes to subdivide one parcel with a total area of 20,164.2 square foot, the “parent lot,” into three parcels of A) 6,060.5 sq. ft., B) 6,032.9 sq. ft.; and C) 8,070.8 sq. ft. Parcel A will be created on the southern portion of the original lot, with Parcel B located to the north, and Parcel C located at the most northern portion of the site. The existing single family residence will remain and will be located on proposed Parcel A. The existing detached garage will be demolished.

Public Comment:

The comment period for this proposal ended on May 7, 2008. During this period, no comment letters were 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;

The lots created by the proposed subdivision will conform to all development standards for areas zoned Residential, Single-Family 5000 (SF5000) The lot configurations provide adequate buildable area to meet applicable density, 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;*

Each of the proposed parcels will have adequate access for vehicles, utilities and fire protection. Proposed parcel A will have 67.38 ft of street frontage on S Morgan Street. There will be an ingress, egress, and utility easement along the eastern boundary of the original lot which will provide vehicular and pedestrian access for Parcels B and C.

The Seattle Fire Department has reviewed and conditionally approved this short subdivision application with respect to access for emergency vehicles.

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

Seattle Public Utilities reviewed the short subdivision application and approved a Water Availability Certificate. All conditions on the certificate must be met prior to receiving water service. The stormwater drainage for this site has been reviewed and conditionally approved.

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

The public use and interests are served by permitting the proposed division of land which will provide additional housing opportunities in the City.

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

The proposal site is located in an environmentally critical area due to the presence of a wetland on an adjacent lot and associated wetland buffer on the subject site; therefore SMC 25.09.240 is applicable. A wetland delineation report was submitted which was then reviewed and approved by the Department of Planning and Development. As a condition of approval for this short subdivision the wetland buffer area is required to be designated as a nondisturbance area. Any future building permit will be subject to the provisions of the Environmentally Critical Areas (ECA) Ordinance.

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

The vegetation on the site consists primarily of grassy areas with several mature trees on the western and eastern boundaries. This short plat maximizes the retention of these trees. None of the trees on the site were determined to be exceptional trees.

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; and*

Not applicable

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Not applicable

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 April 16, 2008 and was annotated by the Land Use Planner. The information in the checklist, 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

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) increased noise and vibration from construction operations and equipment; 3) emissions from construction vehicles; and 4) occasional disruption of adjacent vehicular and pedestrian traffic, with a small increase in traffic and parking impacts due to construction workers’ vehicles.. 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) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). 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.

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.

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 upon the on-street parking in the vicinity due to construction workers’ vehicles is not expected to be significant and there is transit service available within several blocks to the east on Martin Luther King Jr Way S.

Air

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No unusual circumstances exist which warrant additional mitigating, per the

SEPA Overview Policy. The applicant submitted a statement that this short plat proposal will not generate greenhouse gases.

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 wetland delineation report dated January 23, 2008 which was completed by Robert King of J. S. Jones and Associates, Inc was submitted with this short subdivision application. The soil on the site was found to be sandy and silt loam.

Plants and Animals

There are primarily grasses, blackberry shrubs, and some mature trees on this site along the western and eastern boundaries. The wetland report also found hydrophytic vegetation that is consistent with wetlands and their buffers. All trees on the site are 22 inches diameter at breast height (dbh) or less and none meet the requirements for designation as exceptional trees. This short plat maximizes retention of the existing trees.

Land and Shoreline Use

The wetland delineation report describes a wetland to the west and north of the subject property. Due to the inability to access the adjacent lots with the wetland, its boundary is based upon an estimated boundary, therefore, the 122-foot contour line is assumed to be the boundary of the wetland. The northwest area of the lot has been designated as a nondisturbance area due to its designation as a wetland buffer. Future development will be required to remain outside of the nondisturbance area, with a condition placed upon the short subdivision.

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. As stated in the Land Use Correction Notice dated May 8, 2008, a No Protest document is required for this short subdivision which must be signed and notarized by the owner and recorded with King County. The document can be recorded on its own with King County or filed as part of the final recording documents for this short subdivision.
2. Prior to recording provide a covenant regarding the nondisturbance area per SMC 25.09.240C and 25.09.240D. Include a notation regarding the wetland buffer as a nondisturbance area on the final recording documents.
3. This short subdivision has been conditionally approved for fire access per the conditions outlined in the review dated June 12, 2008.
4. Note on the face of the final plat that a demolition permit shall be obtained and the existing garage shall be demolished prior to the individual sale of any parcel.
5. 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.
6. 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 ___.”

7. 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.
8. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

9. 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.

CONDITIONS – SEPA

None.

Signature: _____ (signature on file) _____ Date: August 7, 2008
Janet L. Wright, Land Use Planner
Department of Planning and Development

JLW:bg