



City of Seattle

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: 3011560
Applicant Name: David Neiman
Address of Proposal: 4827 Beach Drive SW

SUMMARY OF PROPOSED ACTION

Land use permit to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 5,292 sq. ft, and B) 5,103 sq. ft. The existing single-family residence is 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

Zoning: Single Family 5000 (SF5000)

Use on Site: Single-family residence

Substantive Site Characteristics:

This 49,550 square foot subject site generally has the shape of a trapezoid fronting on Beach Drive SW. Approx.79% of the site, west of an existing bulkhead, is submerged by Puget Sound at high tide. The adjacent right-of way, Beach Drive SW, has two travel lanes and off-street

parking on both sides. The site is located in a mapped critical area due to being shoreline habitat, potential liquefaction, and floodprone.

Area Development:

Development in the vicinity consists primarily of residence structures along Beach Drive SW.

Public Comment:

The comment period for this proposal ended on June 6, 2007. During this period, one comment letter was 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 pedestrians, vehicles, utilities and fire protection, as provided in Section 23.53.005 and 23.53.006;*
 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.*
1. The proposed parcels would meet minimum lot size requirements, with the two parcels each having more than the minimum required 5000 sq. ft. of non-submerged land per lot. Each parcel would provide adequate buildable lot area to meet applicable setbacks, lot coverage requirements, and other development standards. New development will be required to meet applicable Land Use Code provisions at the time of application for future construction permits. The plat will be conditioned to require demolition of the existing house and removal or reconfiguring of the existing non-conforming curbcut prior to recognizing each parcel as independent lots. The plat will also be conditioned to remove the reference to Building Setback Line which is a calculation that will change once the plat is approved and as adjacent structures are changed over time.
 2. Parcels A and B would have vehicular access off of Beach Drive SW. The street in front of the site is improved and has curbs and sidewalks. The Fire Department has indicated that the proposal will allow adequate emergency vehicle access to all parcels. City Light indicated that no easement is required for electrical utilities to this site.

3. There is an existing single family residence on this site. The reviews for drainage, water supply and sanitary sewage disposal have been approved, with no additional conditions noted.
4. The proposed short subdivision will provide an additional parcel, by subdividing one parcel into two parcels. The proposed development on this site must meet all relevant development regulations, including those which regulate development adjacent to the shoreline, therefore, compliance with these regulations will assure that this short subdivision will serve public use and interests.
5. The proposed subdivision is located in mapped environmentally critical areas due to being in shoreline habitat, floodprone and potential liquefaction areas. Construction permits will be subject to the provisions of the Environmentally Critical Areas (ECA) Ordinance and other ordinances as applicable. The plat will be conditioned to limit development as required by SMC 25.09.240.
6. There are no existing trees over 6 inches in diameter on the site.

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 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 shoreline habitat, liquefaction prone and flood prone environmentally critical areas, 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 April 5, 2011. 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.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; and 2) increased vibration from demolition and construction operations and equipment. 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 Codes (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.

Future construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance

with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits. The Stormwater, Grading and Drainage Control Codes provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture and disposal or reuse 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 additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces, 2) increased demand on public services and utilities, and 3) operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to 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

The anticipated long-term impacts are typical of single-family development and will be generally mitigated by the City's adopted codes and/or ordinances. Any other long-term impacts are not considered significant because the impacts would be minor in scope. No additional conditioning is warranted pursuant 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 43.21C), 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 – SHORT SUBDIVISION

Conditions of Approval Prior to Recording

Unless otherwise approved by the Director:

1. Add the following condition to the plat: “Development in the 100’ shoreline habitat buffer is restricted to water dependent or water related uses or to single family residential uses. In addition to meeting other codes and ordinances in effect at the time of development, for single family residential uses each residence is allowed to be no further waterward than twenty-five feet (25’) from the ordinary high water mark;
2. Add the following condition to the plat: “Required mitigation at the time of development within the shoreline habitat buffer includes removal of non-native vegetation, removal of impervious surface in the form of concrete pavement within 25 feet of the line of ordinary high water, and removal or upgrade of existing surface drainage systems to meet the current code for new such systems.”
3. If the residential structure still exists at the time of recording, add the following condition to the final plat “The existing single-family residence shall be legally demolished prior to the individual sale or redevelopment of either parcel of this plat. The existing, nonconforming curbcut is to be removed or configured to be conforming to maximum width requirements.”
4. Remove the reference to Building Setback Line from the face of the plat as that requirement changes over time based on location of adjacent development.

Signature: (Signature on File)
Jerry Suder, Supervising Land Use Planner
Department of Planning and Development

Date: July 14, 2011