



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3012974
Applicant Name: Bob Winters for Raymond Suen
Address of Proposal: 2128 N 122nd St

SUMMARY OF PROPOSAL

Land Use Application to subdivide two parcels into five parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 7,202 sq. ft., B) 7,210 sq. ft., C) 8,508 sq. ft., D) 10,056 sq. ft. and E) 28,716 sq. ft. Existing structures to be demolished.

The following approvals are required:

Short Subdivision - to subdivide two parcels into five parcels of land. (Chapter 23.24, Seattle Municipal Code).

SEPA Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION: [X] Determination of Non-Significance (DNS)

BACKGROUND

Site Location: South shore of Haller Lake

Zoning: SF 7200

Parcel Size: 61,521 sq ft (two lots combined)

Existing Use: Two single family residences

Public Comment:

Date of Notice of Application: **2/02/2012**

Date End of Comment Period: **2/29/2012**

Comments were received

Issues: Environmental concerns related to increased future development with heavy emphasis on water quality and tree loss concerns.

ANALYSIS – SHORT SUBDIVISION

General short subdivision standards: 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, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
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 Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing 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 townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
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 or more lots from one lot with more than one existing single-family dwelling unit.*
9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B*
 - a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*

d. If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. For all lots proposed without street frontage, this plat will be required to provide an easement or covenant to allow for the proper posting of address signage. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. New development will be required to infiltrate stormwater to the maximum extent feasible which would likely reduce any stormwater runoff that may exist now.

This short subdivision is also subject to SMC 25.09.240, as described below. The application originally proposed a utility easement along a line of existing trees. Installation of utilities could have therefore threatened the viability of many of those trees. This plat is being conditioned to require the utility easement to be moved away from the trees. With this condition, for a plat creating five lots out of two existing lots, this subdivision maximizes the retention of trees. Further tree and other landscaping requirements will be considered under future building permit review. Although this short subdivision application is vested to standards which did not include the lot shape standards of 23.24.040A9, this proposal does satisfy those requirements. The public use and interest are served by the proposal since all applicable criteria **as conditioned** are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Short Subdivisions in Environmentally Critical Areas (SMC 25.09.240)

A. This section (SMC 25.09.240) applies to all applications for short subdivisions and subdivisions, excluding unit lot subdivisions, on parcels containing any part of a riparian corridor, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers, or steep slope areas in addition to the standards in Title 23.

The proposed short subdivision includes land within a riparian corridor.

B. Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and for access to this area that are outside all environmentally critical areas and buffers identified in subsection A above except as follows:

Each lot is proposed to have sufficient land area for structures and access to avoid the environmentally critical area.

1. The required area and access may be located in the footprint of an existing lawful principal structure used for residential use that encroaches into an environmentally critical area or buffer identified in subsection A, provided it does not further alter or increase the impact to the environmentally critical area or buffer.

The required area and access will not encroach into the environmentally critical area.

2. Access may be provided by a bridge over a riparian corridor when the Director determines no other access is available and (a) access is provided by a freestanding structure that maintains the natural channel and floodway of the watercourse and (b) the disturbance of the riparian corridor and any other adjacent environmentally critical area or buffer is kept to a minimum.

No bridge is proposed.

3. Development may encroach into that portion of a steep slope area or its buffer for which the Director has determined that criteria in subsection [25.09.180](#) B2a, b, or c are met for the particular short subdivision, or subdivision under consideration.

The site does not have steep slope areas.

4. Development may encroach into the Shoreline habitat buffer provided that:

a). a condition is recorded on the plat restricting the development in the buffer to water dependent or water related uses or to single family residential uses; and

b). for single family residential uses the condition requires each residence to be no further waterward than twenty-five feet (25') from the ordinary high water mark; and

c). a condition is recorded on the plat (1) requiring mitigation at the time of development for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and (2) setting out on the plat the mitigation standards in subsection [25.09.200](#) B4e.

With the exception of a proposed sewer line extension and connection located within the area between 50 and 100 feet from the shoreline, no future development is anticipated within 100 feet of the riparian watercourse. Within 50 feet of the shoreline, the existing sewer line will be utilized. Repair or replacement of the existing sewer line within 50 feet of the riparian watercourse may be needed but this would not be considered development if it is within the same alignment as now exists.

C. Lots shall be configured to preserve the environmentally critical areas and their buffers identified in subsection A by:

1. Establishing a separate buffer tract or lot with each owner having an undivided interest; or

2. Establishing non-disturbance areas on individual lots.

The riparian corridor effectively has an existing requirement for a 50 foot buffer per 25.09.200A3 since the waterfront parcel was created prior to May 9, 2006. This subdivision will create new lots, thereby requiring that development respect a 100 foot buffer. With the exception of a new sewer line extension and connection between 50 and 100 feet from the riparian watercourse, new development will be precluded. An ECA covenant describing the 100 foot required buffer of the riparian management area shall be submitted with the final plat. Since the required buffer area is effectively increasing due to this subdivision, the ECA arguably will be better protected than the existing condition which could allow accessory structures or facilities to be constructed between 50 and 100 feet from the riparian watercourse. This criterion is satisfied.

D. The environmentally critical areas and buffers identified in subsection A above, except for areas qualifying for development under subsection B1-4, shall be designated non-disturbance areas on the final plat. A notice that these non-disturbance areas are located on the lots, including the definition of "non-disturbance area," shall be recorded in the King County Office of Records and Elections along with the final plat in a form approved by the Director. At the same time, a covenant protecting non-disturbance areas shall be recorded as set out in Section [25.09.335](#).

Final plat approval will be conditioned to require the 100 foot ECA buffer consisting of the Riparian Management Area.

E. In computing the number of lots a parcel in a single family zone may contain, the Director shall exclude the following areas:

1. Easements and/or fee simple property used for shared vehicular access to proposed lots that are required under Section [23.53.005](#).

2. The area of the environmentally critical areas and buffers identified in subsection A, unless they are on a lot that meets one of the following standards:

a). the provisions of subsection B; or

b). an Administrative Conditional Use is obtained under Section [25.09.260](#), if it is not practicable to meet the requirements of subsection B considering the parcel as a whole.

Since the provisions of subsection B are satisfied (each lot has sufficient area for access and development outside of the ECA) the number of lots allowed by the subdivision can be calculated by including the environmentally critical area in the calculations. After deducting the area proposed for shared vehicle access, it appears that up to seven lots could be created on this site. Since only five lots are proposed, this criterion is satisfied.

F. Application Submittal Requirements. All short subdivision and subdivision applications, in addition to the application submission requirements included in Title 23 shall meet the applicable application submittal requirements of this chapter, Section [25.09.330](#), and shall include the information contained in this subsection and Section [25.09.260](#), as applicable, on the surveyed site plan.

The application included sufficient information to allow for review and approval of this subdivision. This criterion is satisfied.

DECISION – SHORT SUBDIVISION

The proposed Short Subdivision is **GRANTED with Conditions**.

ANALYSIS - SEPA

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 December 11, 2011. 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 pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may 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 specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DETERMINATION OF NON-SIGNIFICANCE

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.

[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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- This DNS is issued under WAC [197-11-340](#)(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

CONDITIONS - SEPA

None Required.

CONDITIONS - SHORT PLAT - PRIOR TO RECORDING

1. Add to the plat an easement or covenant to allow for the proper posting of address signage for all lots that do not have street frontage.
2. Add to the plat easement language per P.M. #260429-2-044 or other easement language which is acceptable to Seattle City Light
3. Provide a covenant consistent with 25.09.240D restricting development within the 100 foot riparian management area. Indicate this area on the final plat as a non-disturbance area. The final plat can show the sewer line extension and connection as described in this analysis and decision. If it will exist at the time of recording, the accessory pier on the site shall also be shown on the final plat.
4. Unless a sidewalk has already been installed in N 122nd St right of way, the following condition shall be added to the face of the plat: "Prior to Final Inspection of any new house constructed on any lot of this subdivision, street improvements that include a public sidewalk acceptable to the Seattle Dept. of Transportation must be installed along the N 122nd Street frontage.
5. On the final plat, relocate the proposed utility easement away from the row of trees along the westerly property line in order to better maximize the retention of trees and to avoid introducing new development disturbance within 50 feet of the riparian watercourse.

Signature: (signature on file) Date: July 23, 2012
Jerry Suder, Land Use Planner
Department of Planning and Development

JS:drm

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