



City of Seattle

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

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3014154
Applicant Name: Bob Winters, Chadwick and Winters Land Surveyors
Address of Proposal: 3416 NW Market Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one development site into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 2,567 sq. ft. and B) 2,565 sq. ft. Existing structures to be demolished.

The following approvals are required:

Short Subdivision – to create two lots. (SMC Chapter 23.24)

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: DNS DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: Residential, Multifamily, Lowrise 1 (LR1).

Uses on Site: Existing single family to be removed.

Site Characteristics:

The subject property is an approximately 5,132 square foot rectangular lot that fronts on NW Market Street to the south. There are property lines shared with abutting residential properties to the north and east. To the west the property abuts the Burlington Northern Railway. The property is zoned Lowrise One, Multifamily Residential (L-1). The site and surrounding lots are all zoned Lowrise 1. The site slopes up from NW Market Street and the Burlington Northern Railway property to the northwest corner of the site, steeply at first, transitioning to a gradual slope near the rear of the property.

The site is not mapped as an Environmentally Critical Area (ECA) but has been identified as steep slope due to the topography as presented on the survey (on the western and southern edges). The site has received a limited steep slope exemption (Exemption provided under DPD Project #6327920).

Proposal Description:

The applicant proposes to subdivide the property into two lots for future redevelopment.

Public Comment:

Multiple written comments were received during the public comment period ending on January 9, 2013. The comments received included the following:

- Loss of views given allowed height for new construction.
- Insufficient parking is provided within the immediate neighborhood and future development will exacerbate the existing condition.
- Concern regarding fire and emergency access given sites location on a dead end street.
- Concerned increase density will have adverse impact on neighborhood character.
- Feel current application's potential negative impacts should be reviewed cumulatively with surrounding development proposals.
- Concerned construction equipment will negative impact the alley (site does not abut the alley to the north).
- Potential loss of vegetation.

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, 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 townhouses, cottage housing, clustered housing, or single-family housing; 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 (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

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 short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. 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 proposed short subdivision and associated Environmentally Critical Area exemption comply with SMC 25.09.240. The proposed division of land is designed to maximize the retention of existing trees. Future building permit application will be subject to the tree ordinance regulation of SMC 25.11. 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 **GRANTED**.

ANALYSIS – SEPA

The proposal site is located in a mapped environmentally critical area (ECA) due to steep slopes. However, the related building permit application (DPD Project No. 6327920) received a limited exemption from the standards for steep slope development on September 7, 2012. The property is still subject to all other ECA standards and is regulated as a potential landslide site. 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 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 and dated December 13, 2012. A geotechnical report dated August 30, 2012, was submitted. The information in the checklist, the geotechnical report, 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 Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the plat documents 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 this analysis, 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.

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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

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

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and 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 SMC).

Construction activities including construction worker commutes, truck trips, the operation of construction equipment, 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.

Earth

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical report (Dennis Bruce, August 30, 2012).

Future construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD at time of building permit application. The applicant will also be required to provide a Construction Stormwater Control Plan and a Post Construction Soil Management Plan.

