



# City of Seattle

Department of Planning and Development  
Diane M. Sugimura, Director

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

**Application Number:** 3014449  
**Applicant Name:** Rey Escarez  
**Address of Proposal:** 9217 36<sup>th</sup> Ave S

### SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 10,191 and B) 9,974. The existing garage and shed to be removed.

The following approvals are required:

**Short Subdivision** — to create two parcels of land. Seattle Municipal Code (SMC) 23.24.

**SEPA — Environmental Determination - SMC 25.05.**

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS  
[ ] DNS with conditions  
[ ] DNS involving non-exempt grading or demolition,  
or involving another agency with jurisdiction.

### BACKGROUND DATA

Zoning: Residential, Single-family, SF7200.

Uses on Site: Single-family residence.

Site Characteristics:

The subject property is a 20,165 square foot rectangular lot that that is located southwest of the intersection on 36<sup>th</sup> Ave S and S Barton St.



There is about 16 feet of fall across the majority of the site from east to west, but near the southwestern property line, the grades drop down an addition 13 feet (based on the survey provided).

There is a mapped steep slope environmentally critical area (ECA) along the rear (west) property line, which was reviewed by a DPD Geotechnical Engineer for compliance with the Critical Areas Ordinance. Based on this review, the applicant has been given conditional approval to apply for a building permit that demonstrates that the proposed development site will be completely stabilized in accordance with provisions of the ECA code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development.

#### Public Notice and Comment Period

Notice of application for this proposal was given on January 22, 2013, with the public comment period ended on February 13, 2013. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000<sup>1</sup>.

#### ANALYSIS – SHORT SUBDIVISION

This short subdivision subject the general approval criteria for short subdivisions 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*

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<sup>1</sup> <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

- 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.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from other City Departments and DPD reviewer's and the 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. 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. Tree and landscaping requirements will be considered under the building permit review. 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**

The proposed Subdivision is **CONDITIONALLY GRANTED.**

**ANALYSIS – SEPA**

The proposal site is located in an environmentally critical area due to the potential for landslide, 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.

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. The information in the checklist, 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 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 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 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.

### 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, and 2) increased demand on public services and utilities. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface; and the Regulations for Environmentally Critical Areas.

## **DECISION**

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).

**CONDITION — Short Subdivision** (*prior to recording*)

1. The applicant shall provide the Environmentally Critical Area Covenant for DPD's review. Once the covenant has been reviewed and approved this document shall be recorded by DPD. A copy of the recorded document shall be provided to the applicant.
2. All easements (i.e. address signage/pedestrian/vehicle ingress/egress<sup>2</sup> and City Light easement) shall be noted on the plat to be recorded. Additionally — the buffer line, permanent markers, and non-disturbance area shall be noted on the plat to be recorded.
3. Unless the shed and garage have already been removed, provide the following notation on the face of the plat: The existing shed and garage shall be removed prior to permit approval for construction of a new house on Parcel A and prior to the separate sale of either parcel.

Signature: \_\_\_\_\_ (signature on file) Date: December 5, 2013  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

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<sup>2</sup> Meeting the standards of Seattle Municipal Code 23.53.025.