



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

Application Number: 3015857
Applicant Name: Einar Novion
Address of Proposal: 1401 19th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into seven parcels of land in an environmentally critical area. Proposed parcels vary from 1,050.5 square feet to 1,200.9 square feet. The existing structures are slated to be removed.

The following approval is required:

Short Subdivision - to create seven parcels of land. (Chapter 23.24, Seattle Municipal Code).

SEPA - Environmental Determination – Chapter 25.05, SMC

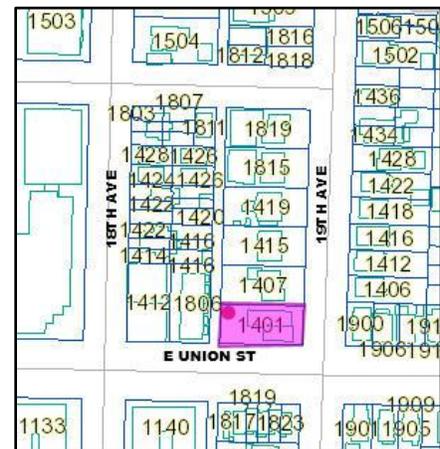
SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Zoning: The site is zoned Neighborhood Commercial 1 with a 30 foot height limit (NC1-30). Zoning to the north changes to Lowrise 1 (LR1) and to Lowrise 3 (LR3) across 19th Avenue to the east and East Union Street to the south.

Public Comment: The city received public comment letters regarding this project and they are on file at the Department of Planning and Development (DPD) and at the city website.

Other: There is a mapped Environmentally Critical Area (ECA) due to the presence of steep slopes on the northeast portion of the site. Because the entire site is developed at this time, the project qualifies for the Limited



Steep Slope Exemption Criteria described in SMC 25.09.180 B2a. No ECA Steep Slope Variance is needed.

ANALYSIS – 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.

Conclusion

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 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 proposed short subdivision sites are located in Steep Slope (>40%) Environmentally Critical Area (ECA) and are not exempt from SEPA review pursuant to Seattle Municipal Code 25.09.240. 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 Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (SMC Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (prepared August 13, 2013), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms 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, 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.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Critical Areas. These ECAs are subject to

additional environmental review to determine impacts and, if warranted, to provide further mitigation beyond the development standards required by all City codes.

City codes and/or ordinances apply to future proposals and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); and 2) Stormwater, Grading, and Drainage Control Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation; Imposing specific conditions is not necessary for these impacts.

Because the proposed sites are located in a Steep Slope Environmentally Critical. The ECA Ordinance and Directors Rule (DR) 18-2011 will 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. As a result, future proposals will be subject to geo-technical evaluation. There are no significant impacts to the ECA resulting from the proposed subdivision. No conditioning is warranted per SEPA policies.

City codes and ordinances adequately regulate and provide extensive conditioning authority to mitigate the potential impacts to earth as identified in the foregoing analysis. There are no significant impacts anticipated to affect the ECA.

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 43.21.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 43.21C.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 - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

None.

Signature: (signature on file) Date: January 2, 2014
Holly J. Godard, Land Use Planner
City of Seattle, Department of Planning and Development