



City of Seattle
Edward B. Murray, Mayor

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

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

Application Number: 3015952
Applicant Name: Debora Goodman, John Herbert Miller Consultant
Address of Proposal: 5303 21st Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of land in an environmentally critical area. Proposed parcel sizes are: X) 9,943 sq. ft., Y) 7,221 sq. ft.; and, Z) 7,274 sq. ft. The following approvals are required:

Short Subdivision – to create three parcels. (SMC Chapter 23.24)

SEPA – Environmental Determination (SMC Chapter 25.05)

BACKGROUND DATA

Zoning: Residential, Single Family 5000 (SF5000).

Uses on Site: Existing single family to remain.

Site Characteristics:

The subject property includes one parcel containing approximately 24,438 square feet. The rectangular lot fronts 21st Avenue SW. The parcel was originally part of a larger parcel extending from 21st Avenue SW to 23rd Avenue SW. The property was divided by a short plat completed under DPD project number 2001452. Currently three property lines are shared with abutting residential properties to the north, south and west. The property is zoned Single Family 5000 (SF5000). The surrounding lots to the north, south, east and west are also zoned Single Family 5000. The site abutting 21st Avenue SW is relatively flat but then slopes approximately 44 feet toward the west property line.

The site is mapped as an Environmentally Critical Area (ECA) Steep Slope near the center of the site and along the west property line. The lot has not received a steep slope exemption so it is subject to steep slope development standards and all other ECA submittal, general and landslide-hazard development standards.

Proposal Description:

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

Public Comment:

Multiple written comments were received during the public comment period ending on March 5, 2014.

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. The proposed short subdivision complies 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. The lot is subject to all other ECA steep slope 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 January 15, 2014. A geotechnical report dated October 25, 2013 was submitted. An addendum to the original report was also submitted dated May 5, 2014 and June 4, 2014. 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 related to the providing access to the new lot. 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) Drainage 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 of access 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).

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

Earth

The ECA Ordinance and Directors Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical report (PanGeo, October 25, 2013, May 5, 2014 and supplemental addendum dated June 4, 2014).

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.

The Drainage Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Drainage Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No additional conditioning is warranted pursuant to SEPA policies.

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).

CONDITIONS:

None required.

Signature: _____ (signature on file) Date: September 2, 2014
Lindsay King, Senior Land Use Planner
Department of Planning and Development

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