



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
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3016659
Applicant Name: Paul Pierce of *Playhouse Design Group*
Address of Proposal: 2450 55th Avenue Southwest

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) 1,853 sq. ft.; and B) 2,447 sq. ft. Existing structure to remain.

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into two parcels of land (Seattle Municipal Code (SMC) 23.24)

SEPA Environmental Threshold Determination (SMC 25.05)

- SEPA Determination:**
- Exempt DNS MDNS EIS
 - DNS with conditions
 - DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND INFORMATION

Zoning: Lowrise 1 (LR1)
Parcel Size: 4,328.7 square feet (sq. ft.)
Existing Uses: Single Family Dwelling
Environmental Critical Areas: Liquefaction Prone Area, and Potential Slide Area



Site Location

The site is located on the east side of 55th Avenue Southwest, approximately 490-feet south of Alki Avenue Southwest. 55th Avenue Southwest is improved with sidewalk, curb, and gutter. The site is relatively flat. Properties surrounding the site are also zoned LR1, and consist primarily of single and multiple-family structures.

Project Proposal

The proposed short subdivision will subdivide one site into two parcels. An ingress and egress easement are provided on Parcel A to provide maneuvering area for Parcel B. The existing structure on Parcel A is proposed to remain, and a portion of the existing deck is proposed to be removed.

Public Comment

No comments were received. The public comment period ended on April 23, 2014.

ANALYSIS – SUBDIVISION (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.*

Short Subdivisions and Subdivisions (25.09.240)

- A. *This section 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.*
- 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:*
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.*
 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.*
 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.*

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 will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The short plat application has been reviewed by Seattle Public Utilities and a *Water Availability Certificate* (WAC) was issued on March 12, 2014 (WAC ID No. 20140455). 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.

The proposed plat maximizes the retention of existing trees. Future construction on Parcel B will be subject to the provisions of SMC 23.45, which sets forth development standards for multiple-family zones. The project site contains an existing single family structure that protrudes approximately 1.1 feet across the north property line. This structure is nonconforming to development standards and may be maintained, but not expanded or extended in any manner that increases the extent of the nonconformity or creates additional nonconformities (SMC 23.42.112). The division of this parcel into two parcels does not expand the nonconforming structure or create a new nonconformity as all other applicable development standards for this structure and proposed parcels are met, and the north property line is not proposed to be changed. The protrusion is buffered and screened from the structures to the north via an existing landscape buffer, fence, and driveway.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **GRANTED**.

CONDITIONS – SHORT SUBDIVISION

None.

ANALYSIS – SEPA (WAC 97-11 and SMC 25.05)

The proposal site is located in a potential slide area, an environmentally critical area (ECA). Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to documenting whether the proposal is consistent with the City's ECA regulations (SMC 25.09), and 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), *Washington Administrative Code* (WAC) 197-11, and the *Seattle SEPA Ordinance* (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. 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 any 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.

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 *SEPA Overview Policy* states, in part, "Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations (SMC 25.05.665). Under such limitations or circumstances, mitigation can be considered (SMC 25.05.665 D). Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal. A discussion of some of these impacts follows.

Short Term Impacts

While this review is restricted to the division of land only, the following temporary or construction-related impacts may be expected at some future date: temporary soil erosion, increased vibration from construction operations and equipment and an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170); *Street Use Ordinance* (SMC Title 15); *Seattle Building Code*; and *Noise Control Ordinance* (SMC 25.08). The Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. 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

Some long term or use-related impacts on the environmentally critical area are anticipated as a result of this proposed short subdivision. These impacts may be increased surface water runoff due to greater site coverage by impervious surfaces, loss of plant and animal habitat, or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. 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.

Conclusion

No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05); therefore, no additional SEPA conditions have been imposed on this short plat.

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.

- 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).
- 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).

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 Revised Code of Washington (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.

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.

CONDITIONS – SEPA

None.

Signature: (signature on file) Date: July 10, 2014

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