



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: 3018146
Applicant Name: William Millhollin, Northwest Permit, Inc.
Address of Proposal: 4611 Lake Washington Blvd. S

SUMMARY OF PROPOSAL

Land Use Application to subdivide one development site into three parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 6,344 sq. ft., B) 6,340 sq. ft., and C) 6,360 sq. ft. Existing structures are to be demolished.

The following approval is required:

Short Subdivision - to create three parcels. (Seattle Municipal Code (SMC) Chapter 23.24)

SEPA Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION:

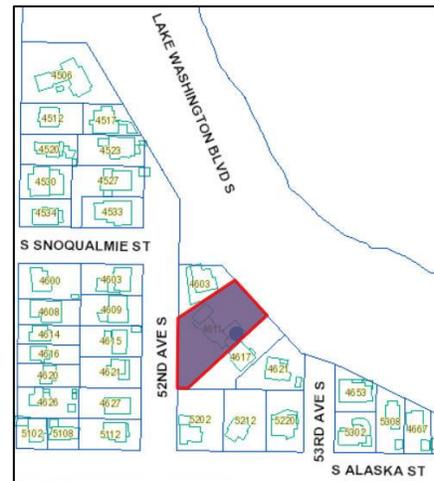
Determination of Non-Significance (DNS)

BACKGROUND INFORMATION

Site Zone: Residential, Single Family 7,200 (SF 7200)

Nearby Zones: SF 7200 (North)
SF 7200 (South)
SF 7200 (East)
SF 7200 (West)

Uses on Site: One single family residence with detached garage.



Site Description:

The subject property consists of one parcel containing approximately 19,044 square feet (sq. ft.). The property, located in a single family residential zone with a minimum lot size of 7,200 sq. ft. (SF 7200), is irregularly shaped with frontages on both Lake Washington Blvd South and 52nd Avenue South. The existing and proposed primary access for the through lot is from Lake Washington Blvd South.

Existing vegetation consists of grass, shrubs and several mature trees on the parcel. During review of this application, an Arborist Report submitted by the applicant identified one Exceptional Tree on site, as discussed in more detail below.

Environmentally Critical Areas (ECA):

A portion of the site is mapped Environmentally Critical Area – Steep Slope Area. The applicant applied for and received a Limited Steep Slope Exemption under permit #3018146, as follows:

“ECA review is required. Based on a review of the submitted information, and the City GIS system, DPD concludes that ECA Steep Slope area on the site was created by previous legal grading activities associated with right-of-way improvements. Consequently, the project qualifies for the Relief from Prohibition on Steep Slope Development criteria, as described in SMC 25.09.180 B2b. For this reason, an ECA Steep Slope Area Variance is not required for this project. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply.”

Public Comment:

An extension of the public comment period was requested. Multiple comments were received during the extended public comment period ending on January 11, 2015. Comments included concerns with the stability of the steep slope and erosion, vegetation removal, lot coverage, increase of impervious surfaces resulting in additional storm water runoff, traffic, construction related impacts, noise, increased density, impacts to recreational uses and the adjacent park.

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 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 – 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 will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposed division of land is designed to maximize the retention of existing trees. 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 short subdivision and associated Environmentally Critical Area exemption comply with SMC 25.09.240. Future construction will be subject to the provisions of SMC 23.44, which sets forth development standards for single family zones and tree ordinance regulations of SMC 25.11.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **GRANTED**.

ANALYSIS – SEPA

The proposed site is located in an environmentally critical area (ECA), as noted above. However, the subject site received a limited exemption from the standards for steep slope development on November 3, 2014. 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 the scope of environmental review of projects within these critical areas is 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 Seattle 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 dated November 26, 2014 submitted by the applicant. An arborist report dated January 19, 2015 and a geotechnical report dated December 4, 2014 was submitted. The information in the checklist, arborist report, 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 SEPA Overview Policy (SMC 25.05.665) 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. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered.

Short-term Impacts

While this review is restricted to the division of land only, the following temporary or construction-related impacts are expected at a future date as a result of this proposal: temporary soil erosion, increased vibration from construction operations and equipment and an increase in carbon dioxide and other greenhouse gas emissions. These impacts are not considered significant because they are

temporary and/or minor in scope (SMC 25.05.794). Future construction plans including shoring of excavations as needed and erosion control techniques will be reviewed by DPD at time of building permit application. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. The following warrants further discussion.

Air Quality/Greenhouse Gas Emissions

Future construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves may 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. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to SEPA Policy (SMC 25.05.675.A.).

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 (Robert M. Pride, LLC, December 4, 2014). The geotechnical study has been reviewed by DPD's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

Long -term Impacts

While this review is restricted to the division of land only, the following long term or use-related impacts on the Environmentally Critical Area are also anticipated at a future date as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. However, Plants and Animals warrant further analysis.

Plants and Animals

The existing vegetation consists of grass, shrubs, and several mature trees on the parcel. During review of this application, an Arborist Report (dated January 19, 2015) submitted by the applicant identified one Exceptional Tree on site and DPD affirmed that the existing trees will be not affected by this land use action since no new development is proposed. Future development will be subject to the Tree Protection regulations (SMC 25.11) and reviewed for compliance during the Building Permit phase of review.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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).

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 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 OF APPROVAL – SEPA

None required.

Signature: _____ *Denise R. Minnerly for* _____ Date: April 16, 2015
BreAnne McConkie, Land Use Planner
Department of Planning and Development

BM:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.