



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: 3020312
Applicant Name: Andy McAndrews
Address of Proposal: 2400 SW Myrtle St

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into parcels two parcels of land in an environmentally critical area. Proposed Parcel sizes are: A) 5,182 sq. ft. and B) 5,873 sq. ft. Existing structure to remain.

The following approval is required:

Short Subdivision – to create two parcels of land. (SMC Chapter 23.24)

SEPA – Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION

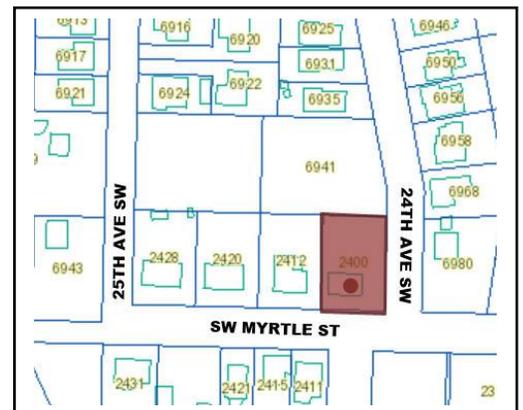
- Exempt DNS MDNS EIS
- DNS with conditions
- DNS involving non-exempt grading or demolition or involving another agency with jurisdictions

BACKGROUND INFORMATION

Location: The site is located on the northwest corner of 24th Ave SW and SW Myrtle St.

Zoning: The site and surrounding properties are zoned Single Family (SF 5000).

Parcel size: 11,008 sq. ft.



Existing Uses: The site currently contains one single family residence.

ECA: The site is mapped as Potential Slide Area, Riparian Corridor, and Liquefaction.

Existing Conditions: Access is taken from SW Myrtle Street, as there is no abutting alley. The site slopes up approximately 16 feet from east to west.

PUBLIC COMMENT

The public comment period ended on September 6, 2015. DPD received no public comments.

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 either have sufficient frontage on the alley to meet access standards for the zone in which the property is located or provide an access easement from the proposed new lot or lots to the alley that meets 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 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 layout of the subdivision will not inherently lead to the removal of trees. Trees surveyed on the subject property will be located on lot lines or are over existing easements. No access easements or other essential infrastructure will need to be placed in the vicinity of existing trees.

This plat has been reviewed for conformance to the applicable provisions of SMC 25.09.240. The project site is mapped ECA Potential Slide, Riparian Corridor, and Liquefaction as defined in SMC 25.09. Thus, the property as a whole is subject to ECA review and the corresponding submittal standards. A geotechnical site assessment study dated May 19, 2015 prepared by Robert M. Pride, P.E. (Robert M. Pride, LLC) was also submitted to DPD. Future construction on 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.

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.

ANALYSIS – SEPA

Three Environmental Critical Areas (ECAs) are mapped on the site, (Potential Slide, Riparian Corridor, and Liquefaction), thus the application is not exempt from SEPA review. A survey provided by the applicant demonstrates the property is located outside of the required Riparian Buffer. (SMC 25.09.020.5a) However, SMC 25.05.908 provides 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.

SMC 25.09. Environmentally Critical Areas (ECAs) review is required for building permit applications. Based on a review of the submitted information and the City GIS system, DPD concludes that the project appears to quality for the criteria established in the Critical Areas Regulations, SMC 25.09.180.B2b. Specifically, the City GIS system and the submitted information for the steep slope developmental allowance application demonstrated that steep slopes at and adjacent to the site appeared to have been created by previous legal grading activities associated with site development and street improvement. For this reason, DPD will waive the required ECA Steep Slope Variance associated with DPD Application No. 6483700. This approval is conditioned upon the approval of a subsequent building permit application for a design that demonstrates that the proposed development will be completely stabilized in accordance with provisions of the ECA Code and Grading Code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development. Please note that the site is also mapped as Potential Slide due to Geologic Conditions, Liquefaction-Prone, Riparian Corridor, and Other Fish and Wildlife Habitat Area, which the preceding considerations do not directly address.

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 submitted by the applicant on August 10, 2015. 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. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. 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.

City codes and/or ordinances apply to the proposal and will provide 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*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08).

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 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. 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. Codes and development regulations are applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts.

Earth / Soils

The ECA Ordinance and Director’s Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in liquefaction and potential slide areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (*Geotechnical Recommendations, Proposed Residence 69xx 24th Avenue SW*, Robert M. Pride, May 19, 2015).

The study has been reviewed and approved by DPD’s geotechnical experts. The geotechnical staff will review and approve any building permits and site work.

Greenhouse Gas Emissions

Future construction and operation activities are expected to result in an increase 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. No further SEPA conditioning is warranted (SMC 23.05.665).

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 further SEPA conditioning is warranted (SMC 23.05.665).

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).
- 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 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.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **GRANTED**.

SEPA – CONDITIONS

None

Josh Johnson, Land Use Planner
Department of Planning and Development

December 28, 2015

JJ: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.