



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3021867
Applicant Name: Andy McAndrews
Address of Proposal: 3743 W Commodore Way

SUMMARY OF PROPOSAL

Land Use Application to subdivide one parcel into three parcels of land in an environmentally critical area. Proposed parcel sizes are: AA) 7,204 sq. ft., BB) 7,201 sq. ft., and CC) 7,204 sq. ft.

The following approval is required:

SEPA Environmental Determination (SMC Chapter 25.05)

Short Subdivision - to subdivide one parcel into three parcels of land.
(Seattle Municipal Code (SMC) Chapter 23.24)

SEPA DETERMINATION:

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND

Under project 3021259 the site received approval to adjust the boundary between two parcels of land; Y) 12,005 and Z) 21,610 sq. ft. The lot boundary adjustment was recorded under 20160318900006

The site was granted Relief on Steep Slope Development by the Seattle DCI Geotechnical Engineer on December 17, 2015, under project number 6507979:
“SMC 25.09.180 B2c. Approved Relief From Prohibition On Steep Slope Development Based on a review of the City GIS system and the submitted information, Seattle DCI concludes that the steep slope areas on and adjacent to the property appear to have been created by previous legal grading activities. Consequently, the project qualifies for the Relief From Prohibition On Steep Slope Development, as described in SMC 25.09.180 B2b. An ECA Steep Slope Area Variance, or an Exception, is not required for this application. Except as described

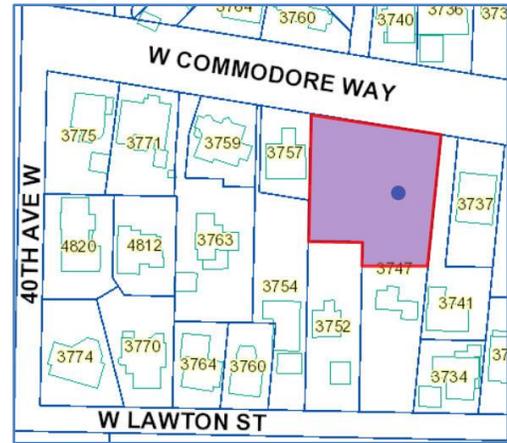
herein, the remaining Environmentally Critical Areas requirements apply. Please note that this property is also mapped as ECA Potential Landslide Area Due To Geologic Conditions.”

Site and Vicinity

Site Zone: Single Family (SF 7200)

Nearby Zones: North: SF 5000
South: SF 7200
West: SF 7200
East: SF 7200

ECAs: Steep Slope
Potential Slide
Wildlife habitat/heron
management area



Site Size: 21,610 sq. ft.

PUBLIC COMMENT:

Multiple written comments were received during the public comment period ending on October 28, 2015. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to utility access and easements, parking, slope stability and stormwater runoff. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. 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 zone 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 Seattle DCI 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. However the current location of the existing sewer and electrical easements heavily encumber the buildable area of the proposed lots. In order to ensure provisions for utilities will be adequate if the easements are moved or extinguished for future construction, mitigation is warranted pursuant to SMC 23.24.040.

Fourteen trees are located in and along the perimeter of the subject property. No Exceptional trees have been identified on site. The trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. The Director the current proposed plat configuration submission (dated March 24, 2016) and has determined that the proposed plat is designed to maximize the retention of existing trees. Future construction will be subject to the provisions of SMC 25.11.050 which sets forth exceptional tree determination and protection requirements in Single-family zones.

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 WITH CONDITIONS.**

II. ANALYSIS – SEPA

The proposal site is located in a mapped environmentally critical area (ECA) due to steep slope, potential slide and wildlife habitat/heron management area. However, the subject site received Relief on Steep Slope Development by the Seattle DCI Geotechnical Engineer on December 17, 2015, under project number 6507979. 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. 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 Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from these projects was made in the environmental checklist submitted by the applicant dated 9/30/2015. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; 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.

The SEPA Overview Policy (SMC 25.05.665 D) 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/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

The following temporary or construction-related impacts are expected with the future construction of three single family structures: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; and increased vibration from construction operations and equipment. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the

Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas emissions and earth/soils and impacts on plants and animals.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves 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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

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 landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical report, June 1, 2015, Galli Group PO). The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Plants and Animals

The subject site is located in a wildlife habitat/heron management environmental critical area. Due to the project's location with the Great Blue Heron Management Area (all areas within 500 feet of a colony nesting area) the applicant is required to provide a Great Blue Heron Management Plan in compliance with Director's Rule 5-2007 prior to issuance of a building and demolition permit. The limitations stipulated in Great Blue Heron Management Plan are sufficient to mitigate impacts to wildlife habitat/heron management area; therefore no additional SEPA conditioning is necessary per SMC 25.05.675.B.

Long Term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal and future construction of three single family structures 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 is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However greenhouse gas emissions and loss of plant and animal habitat warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to 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, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F

Plants and Animals

Mature vegetation is located on and adjacent to the site. Of the trees identified, none were classified as Exceptional. The applicant submitted plan sets with the existing trees identified. The Director reviewed the submitted materials and concurs with the site plan showing the location of the trees. Future construction will be subject to the provisions of SMC 25.11.050 which sets forth exceptional tree determination and protection requirements in Single Family zones. 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 – SHORT SUBDIVISION

Prior to Recording of the Plat

- 1) Add the following to the face of the plat as a Condition of Approval: All facilities, building or portions of building hereafter constructed or moved onto any of these proposed parcels must comply with the then current Seattle Fire Code Chapter 5 and referenced appendices, depending on location of future structures on the lots. These provisions may require approved fire department vehicle access roads, turnarounds water supplies for fire protection and other possible fire protection related items prior to approval of building permit.
- 2) Add the following to the face of the plat as a Condition of Approval: Prior to the development of any lot created by this Short Subdivision, the owner of the lot(s) shall do one of the following:
 - i) relocate, at the owner's sole cost and expense, the existing underground service serving 3752 W. Lawton Street from the pole on Commodore Way to a pole on Lawton Street; or ii) if the existing underground electric service to 3752 W. Lawton Street is to remain, grant The

City of Seattle an easement acceptable to Seattle City Light for the underground service wire as constructed, to be constructed, extended or relocated.

Prior to Issuance of a Construction Permit

- 3) All facilities, building or portions of building hereafter constructed or moved onto any of these proposed parcels must comply with the then current Seattle Fire Code Chapter 5 and referenced appendices, depending on location of future structures on the lots. These provisions may require approved fire department vehicle access roads, turnarounds water supplies for fire protection and other possible fire protection related items prior to approval of building permit.
- 4) Prior to the development of any lot created by this Short Subdivision, the owner of the lot(s) shall do one of the following:
 - i) relocate, at the owner's sole cost and expense, the existing underground service serving 3752 W. Lawton Street from the pole on Commodore Way to a pole on Lawton Street; or ii)
 - if the existing underground electric service to 3752 W. Lawton Street is to remain, grant The City of Seattle an easement acceptable to Seattle City Light for the underground service wire as constructed, to be constructed, extended or relocated.

CONDITIONS - SEPA

Prior to Issuance of Demolition, Grading, or Construction Permit

- 5) Provide a Great Blue Heron Management Plan that has been approved by Seattle DCI. The submittal information and review process for Great Blue Heron Management Plans are described in the Director's Rule 5-2007, Great Blue Heron Management Plan at: <http://web6.seattle.gov/DirRulesViewer/Rule.aspx?id=5-2007>.

Magda Hogness, Land Use Planner
Seattle Department of Construction and Inspections

Date: May 2, 2016

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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 Seattle DCI 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.