



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**

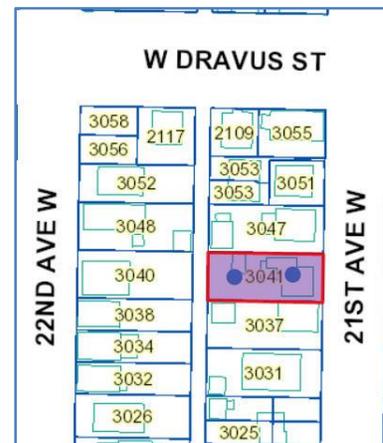
Application Numbers: 3022307
3022501
3022502

Applicant Name: Dave Biddle

Addresses of Proposal: 3041 21st Ave W (3022307)
3043 21st Ave W (3022501)
3041 21st Ave W (3022502)

SUMMARY OF PROPOSAL

- 3022307: Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 3,038 sq. ft. and B) 2,961 sq. ft. Existing single family residence to be demolished.
- 3022501: Land Use Application to allow a three-story three unit rowhouse structure in an environmentally critical area. Surface parking for three vehicles to be provided off site. Existing structure to be demolished. To be considered with #3022502 for shared access. Environmental review includes future unit lot subdivision. Pending short plat #3022307.
- 3022746: Land Use Application to allow a three-story two unit townhouse structure in an environmentally critical area. Surface parking for two vehicles to be provided. Existing structure to be demolished. To be considered with #3022501 for shared access. Environmental review includes future unit lot subdivision. Pending short plat #3022307.



The following approvals are required:

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

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

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.

SITE AND VICINITY

Site Zone: Lowrise One (LR1)

Nearby Zones: North: LR1
South: LR1
West: Single Family (SF 5000)
East: LR1

ECAs: Potential slide Environmentally Critical Area (ECA)
Abandoned Landfill Environmentally Critical Area (ECA)

Site Size: 5999 sq. ft.

Public Comment:

Written comments were received during the public comment periods ending on November 8, 2015 for project 3022307 and November 18, 2015 for 3022501. 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 environmental health and resident displacement.

No comments were received for project 3022502. The public comment period ended on November 18, 2015.

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.

Three trees are located in and along the perimeter of the subject property. Of the trees, one exceptional tree has been identified along the perimeter, a pear tree (*Pyrus Calleryana*). Trees

can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health. The applicant submitted an arborist report prepared by John Kenney Arborist PN-6601AM, dated 12/17/2015 under project numbers 3022501 and 3022502. The Director reviewed this arborist report and the current proposed plat configuration submission (dated March 26, 2016) and has determined that the proposed plat is designed to maximize the retention of existing trees. Future construction is subject to the provisions of SMC 25.11.070 which sets forth exceptional tree determination and protection requirements in Lowrise 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**.

II. ANALYSIS – SEPA

The proposal site is located in a mapped environmentally critical area (ECA) due potential slide and abandoned landfill. This review includes identifying additional mitigation measures needed to protect the ECA(s) 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 10/15/2015. 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

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. 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, construction-related noise, earth soils and air quality.

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.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

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 and abandoned landfill areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical report, October 15, 2015, PanGeo, Inc). 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. Future applications for construction permits will include a report prepared by a licensed civil engineer/geotechnical engineer that addresses methods to ensure that enclosed structures are protected from methane accumulation. The existing Building, 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).

Environmental Health

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the [Toxic Substances Control Act \(TSCA\)](#), [Residential Lead-Based Paint Hazard Reduction Act of 1992 \(Title X\)](#), [Clean Air Act \(CAA\)](#), [Clean Water Act \(CWA\)](#), [Safe Drinking Water Act \(SDWA\)](#), [Resource Conservation and Recovery Act \(RCRA\)](#), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

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 unit lot subdivision including: increased surface water runoff due to greater site coverage by impervious surfaces; and loss of plant and animal habitat, greenhouse gas emissions; parking and possible increased traffic in the area. 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, loss of plant and animal habitat, historic preservation, parking and transportation 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, one were classified as Exceptional, a pear tree (*Pyrus Calleryana*). The related projects propose protecting the exceptional tree located along the property line, removing two trees located onsite and planting 7 trees. The applicant submitted plan sets, under projects 3022501 and 3022502, with the existing trees identified and an arborist report prepared by John Kenney Arborist PN-6601AM, dated 12/17/2015. 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 25.11.070 which sets forth exceptional tree determination and protection requirements in Lowrise zones. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Historic Preservation

The existing structures on site are more than 50 years old. These structures were reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 140/16 and LPB 141/16). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Parking

The proposed development includes 5 residential units with 5 off-street vehicular parking spaces. The number of proposed parking spaces accommodates the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

Transportation

The SEPA checklist indicated that the project is expected to generate a net total of 15 daily vehicle trips. The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The Director reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted per SMC 25.05.675.R.

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

None required.

CONDITIONS - SEPA

None required.

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

Date: May 19, 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.