



City of Seattle

Gregory J. Nickels, 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 Numbers: 3006974
Applicant Name: Kriss Hart
Address of Proposal: 2775 Harbor Ave SW

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a five story, 13,101 sq. ft. office building with an 800 sq. ft. caretakers unit in an environmentally critical area. This review includes 1,276 cubic yards of grading. Surface parking for 15 vehicles is to be provided.

The following approval is required:

ECA Variance – to allow a development in the steep slope and buffer **25.09.280.**

SEPA – Environmental Determination pursuant to 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 DATA

Site and Vicinity Description

The property is located in the Eastern most portion of the West Seattle neighborhood of Seattle at 2775 Harbor Ave. S.W. between S.W Harbor Lane to the south and S.W. Florida St. to the north. The property is considered a through lot. The west property line of the subject site is adjacent to an undeveloped portion of Fauntleroy Avenue S.W. The property is approximately 22,904 sq. ft. in area and is rectangular in shape. The east property line is not parallel to the west property line; however, it is within fifteen degrees parallel which makes the site a through lot. The site has 80.36-feet of street frontage on Fauntleroy Avenue SW and 86.54-feet of street frontage on Harbor Ave SW. The site is 269.41-feet deep along the north property line and

300.65-feet deep along the south property line. The surrounding neighborhood is comprised primarily of single-family residences, multifamily residences and commercial structures. The site is not currently developed. The site is also a split zone. A little over half of the portion adjacent to Harbor Avenue S.W. is zoned Industrial Buffer with an 85 foot height limit (IB-U/85). The upper half of the lot adjacent to Fauntleroy Avenue S.W. is zoned Single-family residential with a minimum lot area of 7200 square feet (SF7200). The site is mapped Environmental Critical Area because of Steep Slope.

The slope is heavily vegetated with trees, shrubberies, and planted flowers.

Proposal

The project proposal is to build an approximately 13,101 sq. ft., five story office building with an 800 sq. ft. caretakers unit in an environmentally critical area. The review includes 1,276 cubic yards of grading. Surface parking for 15 vehicles are to be provided.

The five story, 13,101 sq. ft. office building requires an ECA variance, specifically relief from 29.09.180E.2c requirement, to “allow an intrusion into not more than thirty percent (30%) of the steep slope area.

Public Comment

DPD published public notice of the proposed development on July 17th, 2008, and the associated public comment period ended on July 30th, 2008. DPD received no written comments.

ANALYSIS – ECA VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section 25.09.280 and quoted below are met.

B. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

1. The lot has been in existence as a legal building site prior to October 31, 1992.

King County Assessor’s documentation was provided determining that the lot known as, Legal Description “The South 150 feet of tract “C” Prospect Tracts, According to the plat thereof recorded in volume 10 of plats, page 13, records of King County, Washington lying west of Harbor Avenue SW and lying East of Fauntleroy Avenue SW; Except the south 75 feet as measured along the westerly margin of Harbor Avenue SW. has been a legal building site prior to October 31st, 1992.

2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and

The site is classified as an environmentally critical area because of steep slope. The site gently slopes up to the west for a distance of about 100 feet from Harbor Ave. S.W., and then slopes almost straight up about 40 feet. The property then continues to gently slope up toward the west property line. This is an unusual condition applicable to the subject property, which was not created by the owner or applicant. The presence of ECA slope on the site limits the expansion available to the applicant. In order to disturb no more than the allowed amount of the ECA slope and/or Buffer the applicant is requesting a variance to maintain the irregularity already present on the site. In order not to disturb the ECA slope and its ECA Buffer the applicant is requesting an ECA variance to allow an intrusion into not more than thirty percent (30%) of the steep slope area. Since the Industrial Buffer zoning already has zero setbacks for front, sides and rear, this will not help to mitigate the hardship and maintain the full steep slope buffer.

As noted in the Site Description, the subject property slopes upwards from east to west. The easternmost portions of the site contain lesser steep slope and buffer areas where development is proposed. Development at the top of the slope (abutting Fauntleroy Avenue SW) whether with a setback reduction or not would have a greater adverse impact when taken into consideration. The east portion of the subject lot affords opportunities to lessen the extent of disturbance on steep slope and buffer areas. The abutting Harbor Avenue Southwest right-of-way will provide the only access to the development site as proposed by the applicant.

In order to minimize development in the buffers, all grading, structures, parking, and impervious areas are proposed in an area where the topographic conditions are less dramatic. This area is also indirectly accessible to a paved roadway (Harbor Avenue Southwest). Without relief from reduction in required critical area and buffers, development would be very difficult to establish an office building use with a caretakers unit which is allowed by Code.

3. The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and

The subject lot is not located in a riparian management area; therefore, this section does not apply.

4. The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and

The proposed development will be subject to geotechnical and engineering review at the construction permit stage to ensure there is no damage to adjacent property stability. The applicant has provided a geotechnical report at this stage titled "Geotechnical Report, Harbor Avenue Building," Dated August 30th, 1999 by Shannon & Wilson, Inc. Additional supplementary information was provided for review and was approved by DPD. The reports addressed proposed improvements including site preparation and building development with respect to steep slope areas, landslide areas and potential erosion hazards. In the Executive Summary, Shannon & Wilson, Inc. concluded that geotechnically the development site is suitable for the proposed commercial development. As long as certain geotechnical recommendations are followed the proposed development will have a negligible impact on existing steep slope areas. Granting the variance to minimally intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity, subject to conditions of approval and appropriate reviews of associated construction permits.

No significant impacts to the neighborhood character are anticipated as a result of this proposal. Granting these variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located and will limit the disturbance of the steep slope and its buffer.

The site and surrounding area are Split zoned parcels. There are several properties in the immediate and surrounding area of the site that do not meet all the requirements of the Land Use Code or the Environmental Critical Areas Policies. In addition the proposed new office building will have the code required parking that is accessible from Harbor Avenue S.W.

5. The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and

The proposed development, a five story office building, with a caretakers unit, which includes a ground related parking lot and a retaining wall at the southeast corner of the building would not create much additional appearance of bulk as the building façade width facing Harbor Avenue S.W. is less than 38 feet wide and the property is over 86 and a half feet wide.

Due in part to the significant slope on the hillside properties to the west are anticipated not to be visually impacted by the development. The proposed structures will be in keeping with surrounding commercial structures in size and scale. Visually, the heavily vegetated land of the western portion of the development site that rises above the development area will continue to characterize this hillside.

There are no street trees in the planting strip adjacent to the subject site to contribute to the pedestrian environment. At the least, active use of the sidewalk adjacent to the area of development will provide a more pleasant pedestrian experience with additional eyes on the street from the office building to help increase a sense of security. The proposed height, bulk and scale of the development will not result in materially detrimental effects on the character, design, and streetscape of the surrounding neighborhood.

The steep slope at the west end of the property is heavily vegetated with deciduous trees, shrubberies, and wild flowers. The rest of the property is heavily landscaped with trees and shrubs.

6. The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.

The spirit and purpose of the environmentally critical areas policies and regulations is to strictly regulate development in critical areas to protect the public health, safety, and welfare on development sites and neighboring properties and to limit impacts to environmentally critical areas and buffers by directing activities away from these areas through restrictions on the design and siting of structures and on grading and other land disturbing activity to allow maximum use and enjoyment the land. Given the development pattern in the neighborhood, the unusual condition and the presence of the environmentally critical area steep slope and its buffer, granting the requested variance for the proposed new office building, for the ECA variance, is consistent with the Environmental Critical Area Policies.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent, dated November 20, 2007. The Washington State Department of Transportation (WSDOT) has acted as lead agency and issued its SEPA threshold determination on November 30, 2006. The information in the checklist and the experience of the Department of Planning and Development with review of similar projects form the basis for this analysis and decision. The potential environmental impacts identified in the environmental checklist are discussed below where mitigation under Seattle's SEPA Ordinance is warranted.

Short - Term Impacts

The following temporary or demolition-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates, such as asbestos, during demolition; increased noise and vibration from demolition operations and equipment; increased traffic and parking demand from demolition personnel; tracking of mud onto adjacent streets by demolition vehicles; and vehicle/pedestrian conflicts adjacent to the site. These impacts are not considered significant because they are temporary and/or minor in scope. City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of right-of-way during demolition).

Air Quality

Demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities, which produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Environmental Health

A memo dated August 8, 2006 from Gary Brock for Correctional Industries, Environmental Services indicated all asbestos contaminated materials was properly removed and disposed of from the Trager building. If necessary, the diesel heating oil tank located in the basement of the building will be removed using certified personnel consistent with the requirements set forth in WAC 173-360 & RCW 90.76.

Noise

Some short-term noise from demolition of building and the equipment during business hours is anticipated. Construction noise could result in periodic increases in speech interference and annoyance in the nearest buildings and outdoors at street level during demolition. Compliance with the Noise Ordinance (SMC 25.08) will be adequate to achieve sufficient mitigation.

