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 Numbers:	3013915
Applicant Name:	Seth Hale, Architect, for MAS Architecture, LLC
Address of Proposal:	2646 Southwest Holden Street

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow 18-single family dwelling units and the removal of 10 exceptional trees in an environmentally critical area. Parking will be located within attached two-car garages (36 parking spaces total). Existing structure to be demolished under separate permit. Environmental Review includes future full unit lot subdivision.

The following approvals are required:

Environmentally Critical Areas – Administrative Conditional Use to include environmentally critical areas and buffers in calculating the maximum number of lots and units allowed on the parcel in a designated ECA. SMC Chapter 25.09.

SEPA - Environmental Determination - SMC Chapter 25.05.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

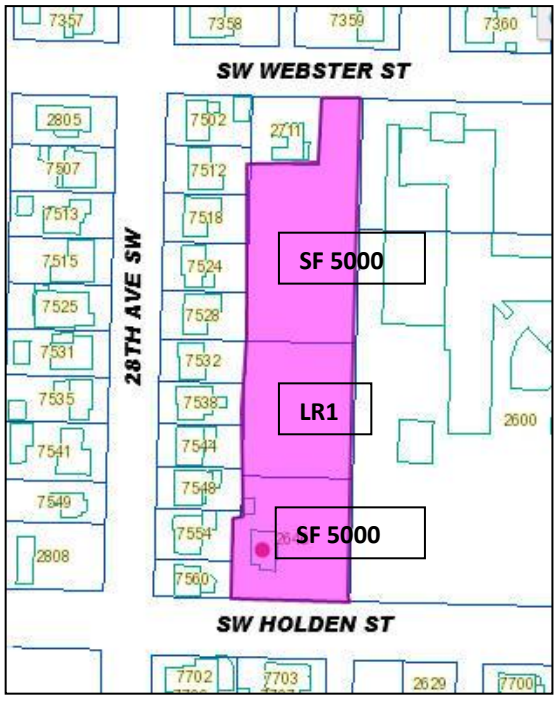
[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site Zone:	Single Family 5000 & Multifamily Low-rise One (SF 5000 & LR1)
Nearby Zones:	(North) SF 5000 (South) SF 5000 (East) Commercial One 30, 40 & 65 feet (C1-30, C1-40, & C1-65) (West) SF 5000

Current Development:



The subject site is a through lot, combining three parcels of land, with street frontage along Southwest Holden Street to the south and Southwest Webster Street to the north, on the west third of a block in the West Hill neighborhood of West Seattle. The combined site encompasses a land area of approximately 73,583 square feet, in a Single Family 5,000 (SF 5000), and Multifamily Lowrise One (LR 1) zone. Because more than one zoning category overlays the site, the Land Use Code defines the site as a split zoned lot.

The portion of the site zoned LR 1 is an anomaly set within a surrounding SF 5000 zone to the north, south, and west and abutting a Commercial One zone developed with a mental health center to the east. The site is nearly rectangular in shape, with a 110 foot panhandle extension to the north terminating at Southwest Webster Street. The site's topography slopes moderately downward from west to east. One single family structure with a detached accessory garage is located near the Southwest Holden Street frontage. The remaining area is undeveloped with its stand of mature trees and groundcover providing an appearance of a "green belt" buffer for adjacent properties. The combined development site has been evaluated by an arborist who has determined that a number of trees meet the City's classification for Exceptional trees. The abutting Southwest Holden Street right-of-way is the primary access to the development site. Both Southwest Holden Street and Southwest Webster Street abutting to the north are fully improved with sidewalk, gutters, etc.

The development site is predominately located in an expansive single family residential area, except for the abutting Highline West Seattle Mental Health Center (formally West Seattle Community Hospital site). Zoning and existing development in the surrounding area is predominately Multifamily and Single family residential uses. To the north across SW Webster Street, to the west across 28th Avenue SW, and south across SW Holden Street, Single Family 5000 zoning stretches for a great distance. The housing stock in the immediate area is a combination of older and contemporary styled architecture, one- to three-stories in height. Adjacent to the site to the west are ten single family development sites featuring modest housing stock ranging one-story in height with daylight basements. Abutting the site to the east is the health center campus located within a swatch of Commercial One zone with zoned height limits of 30, 40, and 65 feet. Further to the east the zone changes to Multifamily Lowrise Two (LR2) stretching eastward to Delridge Way SW. Apartments and town homes are clustered around the SW Holden Street east of the Mental Health Center and as far as Delridge Way SW to the east. The development site is located near the top of and on the east side of a hill overlooking Delridge Way SW.

ECAs:

A mapped area of 40% Steep Slope is located on the north third of the development site. During initial review of Environmentally Critical Areas (ECA) standards for this application, staff granted a limited ECA exemption granting relief from the 40% steep slope standards. Based on a review of the submitted information and the City GIS mapping system, DPD concluded that the steep slope area on the site was created by previous legal grading activities. Consequently, the project qualifies for the limited Steep Slope Exemption Criteria, as described in SMC 25.09.180 B2b. The ECA General, and Landslide-Hazard Development Standards and criteria still apply. The applicant has chosen not to apply the exemption to the project and thus will adhere to Steep Slope development standards found in SMC 25.09.180.

Streamline Administrative Review:

A significant portion (23,520 square feet) of the development site falls within a Multifamily Lowrise One zone (LR1) and is subject to tree protection as regulated in SMC 23.11.070 and SMC 23.41.018 when an exceptional tree is present and is not proposed to be protected. The site contains 16 total exceptional trees with eight (8) on the LR1 portion of the subject lot. The preferred scheme would preserve 2 exceptional trees in the LR1 portion. The site is densely vegetated with mature deciduous trees, English Ivy, and other groundcover. The site's topography slopes downward from west to east approximately 25 feet over a distance of 140 feet. The applicant's preferred site plan seeks to minimize disturbance by siting residential structures and driveway access outside the more dramatically sloped areas to the north and east. In so doing, a number of exceptional trees have been identified for removal. The Director agrees the preferred option minimizes environmental impacts in the siting of structures and land disturbance, by minimizing development in the more steeply sloped areas and better meets the intent of the adopted design guidelines.

Proposal

The applicant has elected to minimize site disturbance by largely avoiding development the identified 40% steep slope and other dramatically sloped areas. The heavily vegetated subject site would be developed with eighteen (18) single family dwelling units. Ten single family structures will be constructed in the single family zone and eight single family structures in the LR1 zone. These 18 structures would be oriented generally along a north/south axis, largely to the west-center of the property just outside and west of the 40% steep slope area. The steep slope area is located in the north easterly portion of the property and is proposed to remain undisturbed except for a hand trenched pedestrian pathway, minor re-vegetation and re-grading in portions as a result of the project. Parking for two vehicles would be located within each proposed structure. One two-way access driveway to the individual houses will feature a twenty foot wide paved driveway surface with pedestrian access lane to Southwest Holden Street. In the future the applicants intend to submit an application for a full unit lot subdivision.

Public Comment

Date of Notice of Application:	January 2, 2014
Date End of Comment Period:	January 15, 2014
# Letters	12

Issues: Some comment letters were received after the end of the comment period.

Typically, DPD will accept and evaluate comments letters received up to the time of decision analysis, which was the case for this proposal. The comments included a number of concerns including grading and water runoff, loss of trees and wildlife habitat, scale of housing development, and traffic safety impacts within the Southwest Holden Street right-of-way which, are discussed in the SEPA analysis section.

Environmentally Critical Areas Regulations

Seattle Municipal Code (SMC) Sections 25.09.040 and 25.09.060 establish standards that apply to all development within designated Environmentally Critical Areas, which includes submittal requirements for verifying the location of all such areas. SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in steep slope areas whenever possible. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

Conditions imposed as a means of compliance with the ECA ordinance are non-appealable. General requirements and standards described in Section 25.09.060 include the recording of conditions of approval and of the identified ECA areas in a permanent covenant with the property, as well as specific construction methods and procedures.

SMC Section 25.09.260 makes provision for an Environmentally Critical Areas Conditional Use Permit (ECA – ACU). The Director may approve, condition, or deny an application to count ECAs and buffers that would otherwise be excluded in calculating maximum number of lots and dwelling units on a parcel if the site meets the applicable criteria. Section 25.09.260 further allows clustering of structures where reductions in yards or lot sizes will accommodate recovery of development credit, encourage larger buffers, reduce impervious surfaces, and decrease the size of areas affected by development. An ECA - ACU decision is a Type II decision, subject to the provisions of SMC 23.76, and is appealable to the City Hearing Examiner.

ANALYSIS - ECA ADMINISTRATIVE CONDITIONAL USE

Section 23.42.042 of the Seattle Land Use Code authorizes review of conditional use permits according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Section 25.09.260 of the ECA ordinance sets forth the review criteria for Administrative Conditional Use Permits (ACU) to create development with smaller than required lot sizes and yards, and/or more than one dwelling unit per lot. Applicable review criteria and supporting analysis follows:

A. When the applicant demonstrates it is not practical to comply with the requirements of Section 25.09.240.B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this section to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under Section 25.09.240.E.

Section 25.09.240.E states that critical areas and their required buffer areas receive no development credit for use in calculating the number of lots permitted. If the steep slope and buffer areas, comprising a total of 8,136 square feet of the development site, are subtracted from the total area within the single family zone (50,062 square feet), only 41,926 square feet of lot area remains, and this is an insufficient area for ten lots in the SF 5000 zone. Information provided by the applicants' geotechnical engineer, Earth Solutions NW LLC, Inc., dated 5/9/2013, and evaluated by the planner confirmed the 15 foot buffer areas were warranted at the development site. Under a strict application of the regulations, development site has sufficient non-critical area for eight houses permitted outright, although the total land area is enough for ten under the applicable zoning. However, the development site still has a total of 41,926 square feet of area outside the steep slope which structures could be constructed.

The minimum lot size for the single family zoned portions of the site is 5,000 square feet. The existing development occupies a land area in the single family zone of approximately 50,062 square feet (inclusive of the steep slope area). The number of new residences proposed by this application in the SF 5000 zone is 10 (plus 8 additional units in the LR 1 zoned portion18 total), with a planned future unit lot subdivision of three parcels into 18 unit lots. When the critical area is subtracted from the total lot area in calculating development credit, as required by SMC Section 25.09.240.E, only 41,926 square feet of non-critical lot area remains, which is less than the required 50,000 square feet of lot area for 10 lots (one house per lot). Thus, the existing development site is precluded from meeting development standards for a full subdivision contained in SMC Section 25.09.240.

However, the conditional use provisions of Section 25.09.260, allow the inclusion of ECAs and buffers in calculating the maximum number of lots and units allowed on one parcel and reduction of yards and lot sizes through clustering as an alternative to strict application of Section 25.09.240.E. The applicant has therefore applied for an ECA administrative conditional use to allow construction of ten houses (the maximum allowed by the total lot area) in the SF 5000 zone, and to cluster the houses away from the ECAs. A contemplated future unit lot subdivision could also result in a number of proposed unit lots below the minimum lot area required in the SF-5000 zone.

SMC Section 25.09.260.A allows an ECA –ACU for this property since a subdivision under 25.09.240.B cannot meet all development standards of that section and also avoid the ECAs.

The next section contains discussion and analysis of the standards for granting administrative conditional uses of subsection B.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental Impacts on Critical Areas

a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.

No development site is proposed to be located in the aforementioned critical areas, so this criterion is met.

b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced

No development is proposed for an area covered by riparian management area, shoreline habitat buffer or wetland buffer, so this criterion is met.

c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180.B.2.a, b, or c.
(1) The preference is to cluster units away from steep slope areas and buffers.
(2) The Director shall require clear and convincing evidence that the provisions of this subsection 25.09.260.B are met if units are clustered on steep slope areas and steep slope area buffers with these characteristics:
(a) a wetland over 1,500 square feet in size or a watercourse designated part of a riparian corridor; or
(b) an undeveloped area over 5 acres characterized by steep slopes; or
(c) areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.

As proposed, the new residences and other land disturbing activity comply with the standards of SMC Section 25.09.180.A.1, which requires that development on areas over 40% slope be avoided whenever possible. This is achieved by concentrating development to the south of the most northerly area of the existing development site as a cluster development of 10 houses in the single family portion of the development site. As a cluster development, the proposal meets yard standards for the front and side, since the yards are measured around the perimeter of the development site.

Since the applicants have indicated that they will likely apply for a unit lot subdivision, it is appropriate to consider the yard locations that are required in the event of a subdivision. The concentration of development necessitates treating the east and west property lines as side yards for proposed buildings 1 through 3 and 8 through 10. The applicant has proposed to set the proposed buildings back on average in excess of five feet and provide a landscaped buffer to mitigate potential impacts of bulk and scale on abutting properties to the west.

By clustering, with or without a unit lot subdivision, the proposal limits development in the steep slope. The Critical Areas Policies for steep slopes specifically indicate that the ECA Conditional Use was intended to allow recovery of development credit in steep slope areas, where the development standard of Section 25.09.260.B.1 is met.

The development activity is not located in the aforementioned critical areas and the proposal is to cluster units away from the Steep Slope and buffers, so this criterion is met.

d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.

The development site is not located within a designated wildlife habitat area and minimizes impacts in the steep slope non-disturbance areas by clustering away from them, to the south, so this criterion is met.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

No development is proposed for an area covered by open water of a wetland or riparian corridor, so this criterion is met.

f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.

All stormwater runoff from impervious surfaces will be directed to the approved discharge point at the street through a tight-lined system. A drainage control plan that complies with the City's Stormwater, Grading and Drainage Control Code is required as a condition of approval of the proposal. As conditioned, this criterion is met.

The proposed development will nominally disturb the steep slope area to accommodate a pedestrian path and revegetation but otherwise leave the slope undisturbed. Thus, water quality is protected and slope stability will be maintained by limiting all new substantial development to the moderately sloped area and southerly portion thereof of the site away from the Steep Slope ECA. The development, conditioned by this decision and in compliance with City Codes, will not adversely affect the ECAs.

While the proposed development presents some risk of erosion during construction, the development must conform to the requirements of the Stormwater, Grading and Drainage Control regulations. An erosion and sediment control plan for the property employing Best Management Practices as outlined in DPD Director's Rule 16-2009 will be required for the project. If constructed in conformity to City regulations and Best Management Practices, the development will not adversely affect water quality, erosion, drainage, or slope stability. This criterion is therefore satisfied.

g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.

All substantial development will occur on the south portion of the development site up to where the steep slope buffer begins. The area of development includes a 20 foot wide driveway (with pedestrian walkway) extending along the western half of the development site. The houses will be sited to the west and east of the driveway on the more level portion of the development site. The impervious surfaces will be equipped with drainage infrastructure tight-lined to the storm drainage system within Southwest Holden Street, which will reduce runoff to the steep slope and therefore reduce the risk of erosion and superficial landslide. Limitation of land disturbing activity will be a condition of approval of the proposed development, as well as the designation of the critical area as a (limited non-disturbance area) by ECA covenant. Submittal of an erosion control plan will be a condition to be met prior to issuance of any building permits.

The development site is currently covered with a variety of trees (including Madrone, Western Red Cedar, Big Leaf Maple, and Red Alders), shrubs, English Ivy and other forms of groundcover within the proposed construction sites. Some of the trees are classified as "exceptional" under SMC Chapter 25.11, Tree Protection. A number of trees outside the steep

slope are proposed to be removed and will be replaced with new ones because of tree health. One tree is slated for removal in the steep slope at the development site. Conditions will be added to specify the appropriate tree species to be planted near the steep slope. Native plant species shall be required throughout the development site with a detailed plant schedule delineated on the revegetation plan to augment the natural surroundings adjacent to the site.

2. General Environmental Impacts and Site Conditions

   a. *The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.*

The proposed development, at the building permit stage, is subject to the following ECA requirements: dry season grading; the preparation of a detailed construction schedule; approved temporary and permanent erosion control plans; a comprehensive drainage control plan or alternative as determined by DPD plan review at the time of a building permit application; ECA covenants; bonds; insurance; a non-disturbance fence; adherence to geotechnical recommendations for development, and a pre-construction meeting.

The proposed development maintains an approximate minimum 10 foot setback from the steep slope buffer, which effectively creates an additional a buffer area to be landscaped with native vegetation to lessen negative effects of development on the steep slope area. Proposed houses are staggered along a north/south axis south of the steep slope and designed to minimally impact steeper portions of the development site, as illustrated on the applicants' site plan. The proposal has been determined to pose no risk of disturbance to the steep slope critical area based on information supplied by the applicants' geotechnical engineer.

By locating all substantial development south and west of the northerly portion of the site and confining development to the moderately sloped portion of the subject property, the steep slope will be protected from grading, land disturbing activity, and terracing. The driveway is also designed to lessen land disturbance by taking advantage of the existing site's topography by following the grain of the contour lines. No driveways or utilities are proposed to pass through the steep slope. The project has been designed to maximize use of the property while protecting the critical area and buffer. Thus, this criterion is met

   b. *The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy*

The siting of the proposed new residential structures takes advantage of existing topographic conditions to minimize disturbance in the steep slope environment. The proposed houses will be arranged on the west portion of the development site in a manner that minimizes disturbance in the more steeply portion of the development site to the east and north. Seven of the existing eight trees with diameters greater than six inches and groundcover including shrubbery will be preserved in the ECA. One Red Alder (Alnus rubra) tree and English Ivy blanketing the outer core of other trees are proposed for removal within the steep slope to rid the development site of hazardous trees and noxious plants. Forty-two trees (17 in the single family zoned portion of the development site) of a total 79 trees outside the identified ECA will be removed. Ten exceptional trees (four in the single family zone portion of the development site) will be removed as a result of the development.

The site's rectangular lot configuration, topography, non-disturbance areas, and location of existing trees created a number of building site planning challenges. A number of site plan options were explored to minimize tree removal and site disturbance. The preferred option reduced topographic disturbance by siting the access driveway and proposed structures in a manner to minimize grading which would potentially compromise the health of additional trees. Existing trees are situated such that very little development or site access can be achieved unless they are removed, without disturbing the ECA and steep grades.

Removal of trees will be mitigated by revegetation outside and within the steep slope area with water absorbing tree species (including; cedar, dogwood, serviceberry, and spire oak) and by landscaping within the construction area for the houses. A landscaped buffer area outside of the steep slope will be protected by a temporary construction fence and maintained with landscaping features to stabilize the area beyond the steep slope. The applicants have further proposed planting of native trees and shrubs to replace trees previously removed from the site outside of the critical area. With conditions attached to this decision including a revegetation plan for the steep slope, establishing the vegetated steep slope area as a non-disturbance area, and a landscaping plan for the construction area, this criterion is satisfied by the proposal.

3. Neighborhood Compatibility

   a. *The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.*

Full development credit on the existing single family portion of the development site, which has a total of 50,062 square feet, would yield 10 houses, so the proposal to construct 10 new houses does not increase beyond what is permitted by the underlying zoning, so this criterion is met.

   b. *Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (LR1) zone.*

No dwelling units are proposed attached, so this criterion is met

   c. *The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.*

Single family lot sizes in the immediate neighborhood (particularly the 600-foot radius around the development site) range from a minimum of 4,050 square feet to a maximum of 6,222 square feet, according to King County Assessor's records, but most lots in the SF-5000 zone exceed the zone minimum, up to a thousand square feet greater than the minimum. The proposal is to cluster 10 houses on one development site with a total area of 50,062 square feet in the single family zone, for an average area of one house per 5,006 square feet of land. The average lot area is near the minimum size for the zone. Thus, the development in terms of lot area would be well within the range of similar lots having been created through a platting process in the immediate neighborhood.

Due to the surrounding topographic conditions and development pattern, the proposed development will be visually imperceptible from adjacent residential areas. The site is located perpendicular to the roadway, near a bench in the-slope. The site slopes approximately 25 feet from west to east minimizing height and bulk impacts to the abutting properties to the west. Except for one structure located within the north panhandle, the closest adjacent structures are located uphill, approximately 6 feet above finished grade, with a minimum distance of approximately 33 feet to the nearest proposed structure. To the east, the commercially zoned property will not be adversely impacted, as robust vegetation will be maintained and enhanced as an effective buffer.

The proposed new houses at the development site will be three-story structures with attached two-car garages, similar in footprint to many nearby residences and comparable to typical newly built homes in the immediate area. Proposed structure footprints will range in size from 815 square feet to 1,242 square feet, with an average of 954.7 square feet. Actual lot coverage of the proposed ten structures will be well within the 35% total coverage limits permitted by the Land Use Code. The effect of the extent of lot coverage and of side yard locations with respect to the rest of the neighborhood will be modestly different than if the 10 unit's rear yards abutted the rear yards of the properties to the west without discretionary conditional use approval.

Essentially, the yard standards function to create privacy separation for individuals inhabiting single family zones. Occurrences of rear yards abutting side yards are common in the area and throughout the City of Seattle. As designed, it is anticipated the location of side yards abutting the west property line (rear yard of the abutting property) will not adversely impact the abutting properties. Proposed yards will generally conform to the Land Use Code except for some front and rear yards for the houses that will be clustered to accommodate vehicle access and siting constraints on the rectangular shaped lot. Ten structures proposed to be sited along the west property line will not have a similar rear yard to side yard orientation as other properties in the area. Side yards to rear yards are a common occurrence in Seattle's single family zones. The proposed side yards along the west property line will be more generous in the overall yard depth and angled positioning of the structure receding form the west property line.

The development will have no adverse effect on the pedestrian environment in the neighborhood. The applicant proposes a 20 foot deep front yard, meeting code requires facing Southwest Holden Street and approximately 160 feet from Southwest Webster Street. The new houses will share one, two-way driveway to minimize impact upon both the street systems and the environmentally critical area. Tree analysis was previously discussed in General Environmental Impacts and Site Conditions section above, so the criterion is met.

C. Conditions. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

Conditions have been included to mitigate potential adverse negative impacts. These conditions are set forth following the SEPA analysis below.

DECISION – Administrative Conditional Use

The proposal to recover development credit is **CONDITIONALLY GRANTED.**

ANALYSIS - SEPA

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 dated November 19, 2013. 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 pertinent comments which may have been received regarding this proposed action have been considered.

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.

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 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include 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. Additional discussion of short and long term impacts is found below.

Short Term Impacts

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Traffic, Circulation and Parking

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

During construction, existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the PM peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to from a site.

For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays. This condition will assure that construction truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

On-street parking in the neighborhood is limited, and the demand for parking by construction workers during construction could increase demand for on-street parking but is anticipated not to result in an adverse impact on surrounding properties.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for these construction transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The development site abuts 12 single family residential units to the west and north.

The Seattle Noise Ordinance permits increases in permissible sound levels associated with 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. If extended construction hours are desired, the applicant may

seek approval from DPD through a Noise Variance request. The applicant's environmental checklist states that extended hours are not anticipated. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts.

Earth

The subject lot is located within an Environmentally Critical Area (ECA) for steep slope. The following temporary or construction-related impacts on the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). 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 dated May 9, 2013 prepared by Earth Solutions NW, LCC. DPD Geotechnical engineers have reviewed the proposal for consistency with ECA regulations. 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. Codes and development regulations applicable to this proposed project, including the Environmentally Critical Areas Ordinance, Tree Protection Ordinance, Seattle Building Code, Stormwater Code, and Grading Code will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased height, bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increases in carbon dioxide and other greenhouse gas emissions; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Drainage Code which requires on site detention of Stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts, although some impacts warrant further discussion.

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 additional conditioning is warranted pursuant to SEPA policies.

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project.

The other impacts such as but not limited to, increased traffic in the area and increased demand for parking; increased demand for public services and utilities and increased light and glare; are mitigated by codes and/or are not sufficiently adverse to warrant further mitigation by condition.

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 - SEPA

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of any Construction, Shoring or Grading Permits

1. The applicant shall provide to the DPD Land Use Planner for approval a Construction Management Plan which identifies construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

2. If the applicant intends to work outside of the limits of the hours of construction described in condition #3, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate

area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

CONDITIONS - ECA ADMINISTRATIVE CONDITIONAL USE:

The owner(s) and/or responsible party(s) shall:

Prior to issuance of the Master Use Permit:

3. Submit to the Land Use Planner a recorded copy of the ECA covenant restricting development and disturbance in the non-disturbance areas, per SMC 25.09.060 and 25.09.0335.

Prior to Issuance of any Construction, Shoring or Grading Permits

4. Submit a detailed Re-vegetation Plan documenting tree replacement of exceptional trees and show removal of all English Ivy and other non-native groundcovers from the development site, including the ECA steep slope. Ground cover within the steep slope environment shall be replanted with native ground cover species, the specific species types identified in the non-exempted ECA areas. All plants shall be native species to the region. This plan shall be augmented by a Certified Arborist to show document the general condition of these areas and what, if any, additional plantings should be undertaken to ensure long term slope stability.

5. Submit a drainage and erosion control plan that complies with the City's Stormwater, Grading and Drainage Control Code to minimize potential adverse impacts within the site and upon its surroundings.

For the life of the project:

6. All yards, landscaping, garage & parking, other improvements, and management plans shall be maintained per plan.

Compliance with all conditions must be verified and approved by the Land Use Planner, Bradley Wilburn, ph.: 206-615-0508, at the specified development stage, as required by the Director's decision. The applicant/responsible party are responsible for providing the Land Use Planner with the appropriate documents at the construction intake appointment. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: (signature on file) Date: September 18, 2014
Bradley Wilburn, Land Use Planner
Land Use Services
Department of Planning and Development

BMW:rgc
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