



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: 3014131
Applicant Name: Ryan Stephenson
Address of Proposal: 1001 Sturgus Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, 3-story 5-unit townhouse structure in an environmentally critical area. Parking for 3 vehicles to be provided.

The following approval is required:

SEPA - Environmental Threshold Determination (SMC Chapter 25.05)

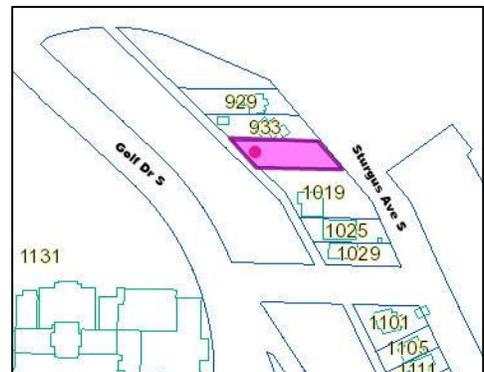
SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

BACKGROUND

The site was granted Relief on Steep Slope Development by the SDCI Geotechnical Engineer under construction permit application 6334979 on 12/20/2012: "ECA review is required. Based on a review of the submitted information and the City GIS system, SDCI concluded that the project does not appear to qualify for the criteria established in the Critical Areas Regulations (CARs), SMC 25.09.045. However, sufficient information is



available to conclude that the project appears to qualify for the criteria established in the CARs, SMC 25.09.180.B2b. Specifically, the City GIS system and the submitted information for the steep slope developmental allowance application demonstrated that steep slopes at the site appeared to have been created by previous legal grading activities associated with street improvement and site development. For this reason, SDCI will waive the required ECA Steep Slope Variance associated with SDCI Application No. 6334979. This approval is conditioned upon the approval of building permits for a design that demonstrates that the proposed development will be completely stabilized in accordance with provisions of the ECA code and Grading Code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development.”

The proposal is also being reviewed for Streamlined Design Review (SDR) under construction permit application 6334979. Streamlined Design Guidance was provided on 7/22/2013 as part of the review under MUP 3014131. The SDR review does not include design review departures, and therefore is a Type 1 decision per SMC 23.76.004.

Site and Vicinity

Site Zone: Lowrise Multifamily 2 (LR2)

Nearby Zones: North: LR2
South: LR2
West: LR1
East: LR2

ECAs: Potential Slide

Site Size: 6,254 square feet

Public Comment:

The public comment period ended on June 26, 2013. 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 trees, vegetation, and streamlined design review considerations. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908); thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is 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 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 1/28/2015. The Seattle Department of Construction and Inspections (SDCI) 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.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 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 Regulations for Environmentally Critical Areas (SMC 25.09).

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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations.

Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

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).

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 and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Earth / Soils

The ECA Ordinance and Director’s Rule (DR) 5-2016 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 studies (Geotechnical Engineering Study by Earth Solutions NW dated October 17, 2005 and

Geotechnical Review letter by Liu & Associates dated May 14, 2015). The studies have been reviewed and approved by SDCI'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).

Long Term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

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.A.

Plants and Animals

Mature vegetation is located on the site, including several trees and the critical root zone of one exceptional tree on the adjacent site to the south. The applicant submitted arborist reports dated 10/8/15, 3/30/16, 6/23/16 by John Kenney, ISA Certified Arborist and identified the exceptional tree (Douglas fir, 25" dbh) on the MUP plan set. SDCI's Arborist has reviewed the information.

The proposal includes retention of the Exceptional Tree. In order to mitigate impacts to the Exceptional Tree under SMC 25.05.675.N, a condition for a tree preservation plan is warranted.

The approved tree protection plan shown on sheet A1.0 of the MUP plan set and a note to have a Certified Arborist on site during excavation of the adjacent retaining wall as described in the 6/23/16 John Kenney Arborist report will be required on any demolition, excavation, shoring, and construction permit plans.

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

Prior to Issuance of a Demolition, Excavation, Shoring, or Construction Permit

1. The plans shall show the approved tree protection plan shown on sheet A1.0 of the MUP 3014131 plan set and include a note to have a Certified Arborist on site during excavation of the retaining wall at the south property line.

Beth Hartwick, Land Use Planner
Seattle Department of Construction and Inspections

Date: September 15, 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.