



## City of Seattle

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Department of Planning and Development  
Diane M. Sugimura, Director

### CITY OF SEATTLE DETERMINATION OF NON-SIGNIFICANCE BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3015855  
**Applicant Name:** Andrew Novion for Michael Nelson  
**Address of Proposal:** 9526 8<sup>th</sup> Avenue NW

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow four single family structures and grading of 150 cu. yds. of materials in an environmentally critical area. Parking for four vehicles to be provided. Existing structure to be demolished. Environmental Review includes future Unit Lot Subdivision.

The following approval is required:

**SEPA - Environmental Determination** pursuant to Seattle Municipal Code (SMC) Chapter 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**

The 6,900 square foot site is located on 8<sup>th</sup> Avenue NW between NW 95<sup>th</sup> Street and NW 100<sup>th</sup> Street in the Crown Hill area of Seattle. Zoning is Lowrise 1 (LR1). The eastern portion of the site is within the 100 ft. Riparian Management Area of Piper's Creek which is located approximately 30 feet from the east property line and is, therefore, an Environmentally Critical Area (fish and wildlife habitat). The 50 ft. Limited Riparian Development Area (LRDA) is on the east one-half of the site and a portion of the 50 ft. non-disturbance area is on a small area at the northeast area of the site.

**Proposed Use:** The proposal is to construct four single family homes, two on the west portion of the site and two on the east portion of the site in the 50 ft. Limited Riparian Development Area of the Riparian corridor of Piper's Creek, an Environmentally Critical Area.

**Public Comment:** Notice of the application was published on September 12, 2013 and the comment period ended September 25, 2013. DPD received no comment letters on this proposal.

## 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 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. 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 any 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 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 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).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

*Riparian Corridor*

The area of disturbance during construction to construct two single family residences will be within the 100 foot riparian corridor for Piper's Creek. There will be construction activities within the Limited Riparian Development Area (LRDA) but not within the 50 foot non-disturbance buffer. The proposed project will occupy approximately 1,062 sq. ft. or the maximum 35% of the LRDA as allowed by code (SMC 25.09.A.3.d.(3)). A Critical Area Report and Enhancement Plan, dated August 14, 2013 details the construction impacts, mitigation (restoration) and a long-term monitoring and maintenance plan. As mitigation for the 35% disturbance in the LRDA an enhancement area of approximately 1,100 sq. ft. is proposed at the extreme rear of the site which also encompasses the 50 foot non-disturbance area for the stream corridor. A recorded covenant protecting the riparian corridor will be required.

*Exceptional Trees*

A tree survey submitted by the applicant identified a Western Red Cedar that met the definition of Exceptional Tree per SMC25.11 by virtue of its diameter. However, according to a risk assessment prepared by Andrew Lyon, Certified Arborist, due to its location at the sidewalk edge under power lines, it has been topped multiple times and has several junctions that are in danger of failing. It was therefore deemed a hazard tree and a permit was granted for removal of the tree. Other existing trees on the site will be protected accordingly.

*Greenhouse Gas Emissions*

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacturing 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 due to the relatively minor contribution of greenhouse gas emissions from the project.

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 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.

*Riparian Corridor*

A recorded covenant protecting the riparian corridor and enhancement area along with a monitoring plan will be required before issuing any building permits.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

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.

- [X] 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 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.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 available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and early review.

**CONDITIONS**

*Prior to Building Permit Issuance*

1. The applicant shall nominate a Special Environmental Inspector and submit an Environmental Inspection Schedule to the City's Wetland Biologist. The Special Environmental Inspector shall oversee the implementation of the Enhancement Plan and long term monitoring of the riparian corridor and enhancement area.

Signature: \_\_\_\_\_ (signature on file) Date: December 19, 2013  
Marti Stave, Senior Land Use Planner  
Department of Planning and Development

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