



**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 Number:** 3015885  
**Applicant Name:** Peter Tallar for Caron Architecture LLC  
**Address of Proposal:** 3812 13<sup>th</sup> Ave W

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow one, three-unit townhouse structure and one, two-unit townhouse structure (five units total) in an environmentally critical area. Parking for three vehicles to be provided within the triplex structure. Surface parking for two vehicles to be provided accessory to the duplex. Existing fourplex structure to be demolished.

The following approval is required:

**SEPA Environmental Threshold Determination (SMC Chapter 25.05)**

**SEPA DETERMINATION:**

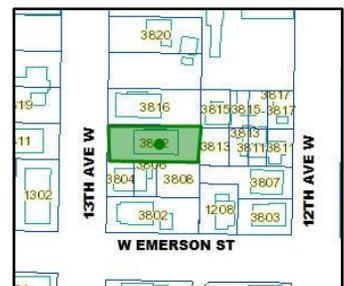
Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

**BACKGROUND DATA**

Site and area description

The subject proposal is located on the north edge of Queen Anne Hill. The 6,400 square foot site is located on 13<sup>th</sup> Avenue West between West Emerson Street and West Nickerson Street. The site is zoned Lowrise 3 Residential Commercial (LR3 RC) and Lowrise 1 (LR1). The lot is rectangular in shape. There is no alley in this block.



Surrounding development is a mix of two and three-story multifamily structures. There is a potential slide environmentally critical area (ECA) mapped at this site.

The applicant's proposal is to provide a multifamily dwelling project of five (5) three story townhouses. Rooftop decks are proposed on each unit. The City Land Use code allows a 50% reduction in parking quantity at this location; however five (5) parking spaces are proposed. The application includes landscaped entries and site landscaping.

The project is subject to Streamlined Design Review, a design process described in SMC 23.41.018. The applicant received design guidance from the planner based on the Seattle Guidelines, neighborhood guidelines if applicable, the underlying zone, site analysis, opportunities and constraints of the location and neighborhood characteristics. The applicant may request certain development standard adjustments per SMC 23.41.018 and they may be granted if the resulting design helps the project better meet design guidance. The design guidance and supporting documentation is located in the electronic project file under this project number 3015885.

### Public Comments

Comment letters were received during the official public comment period which ended on December 25, 2013.

### 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

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).

#### 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 areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study. The study has been reviewed and approved by DPD’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.

No additional conditioning is warranted pursuant to SEPA policies.

#### 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.

No additional conditioning is warranted pursuant to SEPA policies.

**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**

None

Signature: \_\_\_\_\_ (signature on file) Date: June 5, 2014  
Holly J. Godard, Land Use Planner  
Department of Planning and Development

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