



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: 3016485 and 3019719
Applicant Name: Bradley Khouri
Address of Proposal: 2857 Franklin Avenue E and 2847 Franklin Avenue E

SUMMARY OF PROPOSED ACTION

MUP 3016485: Land Use Application to allow two, 4 unit rowhouse structures (8 units total) in an environmentally critical area. Surface parking for six vehicles to be provided. Existing structures to be demolished. Environmental review in conjunction with 3019719 includes future unit lot subdivision.*

MUP 3019719: Land use application to allow one, 2 unit rowhouse structure in an environmentally critical area. Surface parking for two vehicles to be provided. Existing structures to be demolished. Environmental review in conjunction with 3016485 includes future unit lot subdivision.

**Note – The project description has been revised from the following original notice of application: Land Use Application to allow two residential structures in an environmental critical area; one, four unit rowhouse and one, six unit rowhouse (10 units total). Surface parking for nine vehicles to be provided. Existing structures to be demolished. Environmental review includes future unit lot subdivision.*

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

Location: The site is a corner lot in the Eastlake neighborhood. It is bordered by Franklin Avenue E to the east, E Shelby Street to the north, and an alley to the west.

Zoning: The site is zoned LR2 (Lowrise 2). To the northeast, east, and west, parcels are zoned LR3; parcels to the northwest are zoned NC3.

Parcel size: 10,950 square feet.

ECA: An area across the northwest portion of the site is mapped as an Environmentally Critical Area (ECA) Steep Slope.

Existing Conditions: The site is currently occupied by a two-story structure with basement on the northern half of the site, and a detached garage at the northwest corner. Both structures are to be demolished. The southern end of the parcel was once occupied by a residential structure, but is currently vacant.

The site slopes down from east to west, with approximately 24 feet of elevation change across the 110 foot length of the site from Franklin Avenue E to the alley. Franklin Ave E has a sidewalk and curb, which ends at the corner of E Shelby Street. Between the parcel and the paved portion of Shelby Street is approximately 26' of unimproved right-of-way, covered in vegetation. There are no sidewalks or curbs along E Shelby Street to the alley.

The immediate area is primarily multifamily apartment buildings ranging in height from 1-5 stories. The area features a mix of older buildings mixed among midcentury apartments. The L'Amourita Apartment Building, a designated landmark, is directly across E Shelby Street to the northeast. The site is approximately 150' from I-5, separated by a maintained green space and several large trees.

Public Comment: The public comment period ended on August 10, 2014. DPD received several comment letters.

ENVIRONMENTALLY CRITICAL AREA REVIEW

The site is mapped as an Environmentally Critical Area (ECA) Steep Slope. The applicant applied for Relief on Prohibition on Development Within Steep Slope Critical Areas and Their Buffers under DPD project #6393918. The following Determination was issued June 11, 2014:



“Based on a review of the submitted information, along with the City GIS system, DPD concludes that the steep slope area on the property is in an area of existing development. Consequently, the project qualifies for the limited Steep Slope Exemption Criteria, as described in SMC 25.09.180 B2a. For this reason, an ECA Steep Slope Area Variance is not required for this project. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply.”

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 on May 14, 2014. 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. 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. 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 SEPA Overview Policy (SMC 25.05.665) 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 Impacts

The following temporary or construction-related activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: 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.

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.

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.

No further SEPA conditioning is warranted (SMC 23.05.665).

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 and no further conditioning is warranted by SEPA policies. However, greenhouse gas emissions and historic preservation warrant further analysis.

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.

Historic Preservation

The existing structure on site is more than 50 years old. The Department of Neighborhoods reviewed the proposal for potential impacts to historic resources, and indicated the existing structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board, 25/15; issued January 1, 2015).

The site is across the street from a designated historic landmark (the L'Amourita Apartments). The Department of Neighborhoods reviewed the proposal for potential impacts to the existing historic landmark across the street, and did not recommend changes to the proposed design.

No further SEPA conditioning is warranted (SMC 23.05.665).

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).
- 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 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 required.

Signature: Denise R. Minnerly for Date: March 9, 2015
Katy Haima, Land Use Planner
Department of Planning and Development

KH:drm

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 DPD 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.