



**City of Seattle**  
Edward B. Murray, Mayor

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**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:** 3016679  
**Applicant Name:** Michael Cabe for Pantac, LLC DBA Taco Time  
**Address of Proposal:** 11701 Lake City Way NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 2,096.4 sq. ft. restaurant (Taco Time) in an environmentally critical area. Existing structure to be demolished. No change in parking proposed.

The following approval is required:

**SEPA - Environmental Determination** Chapter 25.05, Seattle Municipal Code

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

Site and Project Description

The subject site is located at the northwest corner of Lake City Way NE and NE 117<sup>th</sup> Street in the Lake City neighborhood. Zoning is C1-40. The site is located within mapped Environmentally Critical Areas, Steep Slopes, Flood Prone Area and Riparian Corridor.

The project is to partially demolish the existing 2,000 sq. ft. structure and rebuild a 2,096.4 sq. ft. restaurant structure (Taco Time). All existing site improvements including parking will remain. Upon review of the geotechnical report submitted by the applicant, a Limited Steep Slope Exemption was granted as follows:

“This summary addresses Steep Slopes, but does not address wetland, riparian, nor flood-prone issues. ECA review is required. This project goes beyond maintenance/structural renovation of and existing structure, and the settlement damage is not due to an act of nature. However, because the proposed constructions is within and area that is already developed, the Limited Steep Slope Exemption criteria described in SMC 25.09.180.B2a applies to this project. No ECA Steep Slope Variance will be required. If the new building is constructed in the general location of the existing building, surrounded by pavement, no topographic survey is needed. A geotechnical engineering document needs to be submitted at the application intake appointment due to the potential for poor soil conditions anticipated for this site. DBG March 12, 2013.

The northern portion of the site is within the 100 ft. Riparian Management Area of Thornton Creek which is located approximately 50 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 north one-half of the site and a large portion of the 50 ft. non-disturbance area is also the north area of the site. A portion of the existing parking lot lies within the non-disturbance area and no construction activities or other changes are proposed for this area. Demolition and construction activities are proposed for a small portion of the LRDA, approximately 75 sq. ft. The rest of the demolition and construction activities are located outside of the Riparian Management Area.

#### Public Comment

The public comment period ended February 12, 2014. One comment letter was received.

#### 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 dated November 22, 2013 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 or 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 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.

### Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

### Riparian Corridor

The area of disturbance during construction to construct commercial structure will be within the 100 foot riparian corridor for Thornton 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 75 sq. ft. or approximately 7% of the LRDA; 35% disturbance of the LRDA is allowed by code (SMC 25.09.A.3.d (3)). No changes or increases in develop are proposed for the site as the new structure will occupy the same footprint as the previous structure. No changes in the existing site facilities such as parking area and drive aisles are proposed. A portion of the existing parking area is proposed to be restriped in order to meet code resulting in six fewer parking spaces. As no significant changes are proposed, 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 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 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.

**SEPA – CONDITIONS**

None required.

Signature: \_\_\_\_\_ (signature on file) Date: April 17, 2014  
Marti Stave, Senior Land Use Planner  
Department of Planning and Development

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