



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: 3016697
Applicant Name: Tiffany Bowie
Address of Proposal: 710 14th Avenue

SUMMARY OF PROPOSAL

Land Use Application to allow a three-story, townhouse structure containing four residential units in an environmentally critical area. Parking for two vehicles will be provided within the structure. The existing residential structure will be demolished under separate permit. Review includes future Unit Lot Subdivision.

The following approval is required:

SEPA Environmental Threshold Determination (SMC Chapter 25.05)

DPD 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

The project has gone through the Streamline Design Review (SDR) process which is required when more than two townhouse units are being proposed for development. The SDR report was finished on April 21, 2014. A copy of the report is located on DPD's website at:

<http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.asp>.

Site Description

The development site is an interior lot, totaling approximately 3,838 square feet of land area, in the Squire Park neighborhood. The site is irregular in shaped with street frontage along 14th Avenue North to the west. The development site is zoned Multifamily Lowrise Three (LR3).

The site is currently features a two-story residential structure, currently unoccupied, located within 25 feet of the west property line. The existing structure sits approximately 9 feet above sidewalk grade. One Exceptional Tree is located between the front property line and street facing façade of the existing structure in the northwest corner of the development site.

The east half of the development site is vegetated with a number of trees and ground cover. The site slopes significantly upward from west to east approximately 16 feet over a distance of 128 feet. No parking is provided to the development site.

Area Development

The immediate area to the west and south is dominated by the Seattle University campus's support services and athletic department. A mix of single and multifamily residential development ranging in height between one and three stories predominates to the north and east. This portion of the Squire Park neighborhood abruptly transitions from institutional to residential uses.

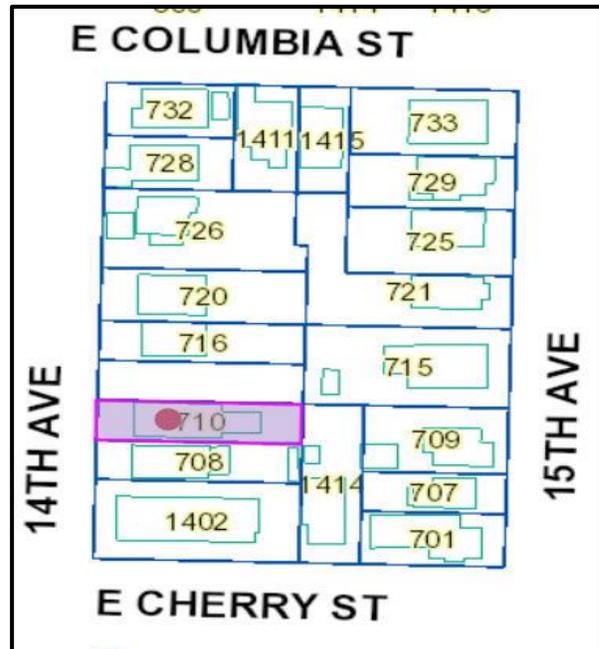
The neighborhood character includes an eclectic combination of older and contemporary architecture styles ranging in height between one to four stories. Topographically, this area steps down in benches towards the west and begins its ascent in the First Hill neighborhood, creating a bowl shape.

ECA:

The subject site contains a mapped 40% Steep Slope. A Limited Steep Slope exemption was granted under #6362097. No ECA Steep Slope Variance will be required. With the exception of the development coverage restriction in the Environmentally Critical Areas Regulations, SMC 25.09.180 B1, the remainder of the ECA Regulations applicable to a project within landslide hazard critical areas applies to this project.

Streamline Administrative Review:

The development site falls within a Multifamily Lowrise Three zone (LR3) and is subject to tree protection as regulated in SMC 23.11.070 and SMC 23.41.018 when an exceptional tree is present and is not proposed to be protected. The site contains one exceptional tree and five other trees at the subject lot. A complete tree identification and evaluation was performed on February 11, 2014, by Zsofia Pasztor, Certified Horticulturist CPH 2459. The certified arborist was hired to evaluate the health and condition of all trees in there present condition, identify each tree affected by the work on the site, and write and submit a report to the site's owner. The exceptional tree was identified as a Monkey Puzzle Tree (*Araucaria araucana*) and was deemed in poor condition, where its roots were no longer stable due in part to its proximity to a retaining wall protecting the cut along 14th Avenue. The retaining wall is failing due to pressure of the root system cracking open the retaining wall. The Director concurs with the conclusions in the report allowing the removal of the exceptional tree compromised by the failing retaining wall and better meets the intent of the adopted design guidelines.



Project Description:

The proposed project is for the design and construction of one four-unit townhouse structure. Parking for 2 vehicles will be accessed from 14th Ave. and will be provided within structure. The existing structure will be demolished under separate permit.

Public Comment:

The public comment period ended on September 3, 2014. No public comment letters were received for SEPA review.

A number of public comment letters were received as part of the SDR process.

- Would like the City of Seattle to require mitigation measures for airborne particles during the deconstruction of the existing building which may contain asbestos. ***DPD response: Federal, state, and local regulations require that all asbestos and other hazardous materials be removed prior to demolition.***
- Parking impacts during construction have adversely restricted available on-street parking in the neighborhood.

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.

Plants

The Tree Protection Ordinance and Director’s Rule (DR) [16-2008](#) require submission of a tree assessment report to evaluate the value of “rare, uncommon, unique or exceptional” trees on site undergoing environmental review, in order to establish appropriate tree protection mitigating measures. Pursuant to this requirement the applicant submitted a tree assessment study by Zsofia Pasztor, dated February 11, 2014. The study has been reviewed and approved by DPD’s experts, out of the 6 trees one exceptional tree was discovered on the property in poor condition and will be removed. Two of the other five trees will be maintained with additional plants provided.

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

SEPA - CONDITIONS OF APPROVAL

None.

Signature: (signature on file) Date: December 4, 2014
Bradley Wilburn, Land Use Planner
Department of Planning and Development

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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 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.