



**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:** 3016955  
**Applicant Name:** David Neiman of Neiman Architects  
**Address of Proposal:** 321 West Olympic Place

**SUMMARY OF PROPOSAL**

Land Use Application to allow two 3-story structures, one 2-unit and one 4-unit townhouse structures in an environmentally critical area. Parking for seven vehicles to be provided. Existing structure to be demolished. Environmental Review includes future unit lot subdivision.

The following approval is required:

**SEPA – Environmental Determination** – Seattle Municipal Code.(SMC) Chapter 25.05

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

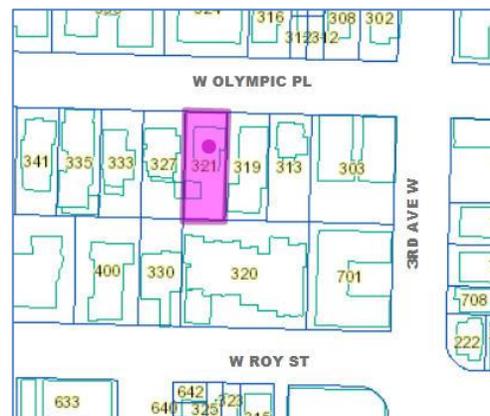
**BACKGROUND INFORMATION:**

Site and Vicinity

Zoning: Lowrise 3 (LR3)

Nearby Zones: (North) LR3  
(South) LR3  
(East) LR3  
(West) LR3

Project Site Size: 6,395 square feet



Existing Uses: Multifamily structure

Environmental Critical Area: Steep Slope

Surrounding Development

Abutting development consists primarily of multiple-family structures.

Access

Vehicular access is provided from West Olympic Place via a driveway at the east property line. Two units face and take pedestrian access via West Olympic Place. Pedestrian access to the rear units is provided via a shared pedestrian walkway along the west property line.

Public Comment

The public comment period ended September 17, 2014. Several comments were received expressing concern about construction impacts, soil quality, structure height, impacts to views, glare, privacy, on-site vegetation, density, and parking.

**ANALYSIS – SEPA (WAC 97-11 and SMC 25.05)**

The proposal site is located in an environmentally critical area (ECA). 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 documenting whether the proposal is consistent with the City's ECA regulations (SMC 25.09), and evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations (SMC 25.09).

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated August 8, 2014). The Department of Planning and Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. 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 *SEPA 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 (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts 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. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

### Short-Term Impacts

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include 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/or 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, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. The following is an analysis of the air and construction-related noise impacts.

### Air Quality/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 due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* (SMC 25.05.675.A.).

### Earth

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 report (Geotech Consultants, Inc, January 19, 2015). The geotechnical study has been reviewed by DPD’s geotechnical experts who determined that the impacts to soil can be sufficiently mitigated through the *Grading Code* and *Stormwater Code* review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during the Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

### Construction Impacts: Noise

The character of the neighborhood is residential in nature, and as a result, unmitigated construction related noise will have an impact on the surrounding residents. The requirements of the *Noise Control Ordinance* (SMC 25.08) are found to be adequate to mitigate the potential noise impacts. SEPA conditioning is not warranted to mitigate noise impacts pursuant to *SEPA Policy* SMC 25.05.675.L.

### Long –Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

### Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the projects' 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. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* SMC 25.05.675.A.

### Historic Preservation

The subject site contains one existing single family structure, more than 50 years old. The Department of Planning and Development (DPD) referred the proposal to the Department of Neighborhoods (DON) for review per SMC 25.05.675.H.2.c. Based on the review of the referral, as well as information from the City's Historic Resources Survey database, DON has determined that it is unlikely that the subject building would meet the standards for designation as an individual landmark (LPB 218/15).

The project was also reviewed for adjacency to a Seattle landmark (*Villa Costella* at 348 West Olympic Place) per SMC 25.05.675.H.2.d. DON determined that no additional mitigation is required (LPB 223/15). No mitigation is warranted pursuant to *SEPA Policy* SMC 25.05.675.H.

## **DECISION - STATE ENVIRONMENTAL POLICY ACT (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 (Revised Code of Washington (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 Environmental Impact Statement (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.

Signature: retagonzales-cunneutabby for \_\_\_\_\_ Date: April 23, 2015  
Carly Guillory, 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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.