



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3017151
Applicant Name: Shaun Novion
Address of Proposal: 2513 13th Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 5-story structure containing 13 residential units in an environmentally critical area. Parking for 5 vehicles to be provided within the structure. Project includes 850 cubic yards of grading.

The following approval is required:

SEPA – Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION

- 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

SITE AND VICINITY

Location: The site is located on the west side of 13th Avenue S, between S Bayview Street and S Lander Street.

Zoning: The site is zoned LR2, as are the parcels to the north and south of the site. Across 13th Ave S to the west, parcels are zoned LR3.

Parcel size: 6,400 square feet

Existing Uses: Undeveloped



ECA: Steep Slope; Potential Slide Area

Existing Conditions: The site is currently vacant, and bordered to three sides by residential properties. Interstate 5 is approximately 575 feet to the west of the site, buffered by undeveloped City property. The site slopes down east to west approximately 35 feet over 128 feet; the slope on the eastern portion of the site has an approximate slope of 40%. The site is accessed from 13th Avenue S.

ENVIRONMENTALLY CRITICAL AREA REVIEW

The eastern portion of 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 Seattle DCI Application No. 6410904, with the following Determination issued May 8, 2014:

“ECA review is required. Based on a review of the submitted information, along with the City GIS system, Seattle DCI concludes that the steep slope areas on and adjacent to the property were created by previous legal grading activities. Consequently, the project qualifies for the limited Steep Slope Exemption Criteria, as described in SMC 25.09.180 B2b. For this reason, an ECA Steep Slope Area Variance is not required for this project. Please note that this property is also mapped as ECA Potential Landslide Area Due to Geologic Conditions. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply.”

Public Comment

The public comment period ended on 10/19/2014. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. The areas of public comment related to protection of the trees on site and adjacent to the site. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.908.

ANALYSIS – SEPA

The proposed site is located in an environmentally critical area (ECA). However, the subject site received a limited exemption from the standards for steep slope development on May 8, 2014. The property is still subject to all other ECA standards and is regulated as a potential landslide site. Thus, the application is not exempt from SEPA review. However, SMC 25.05.908 provides 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 on March 21, 2015. The Seattle Department of Construction and Inspections 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.

City codes and/or ordinances apply to the proposal and will provide mitigation for short and or/long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170), *Street Use Ordinance* (SMC Title 15), *Seattle Building Code*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08).

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 impacts 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).

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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

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 (*Geotechnical Evaluation for Relief from Prohibition on Steep Slope Development, Proposed Development 2513 – 13th Avenue South, Seattle, WA; PanGEO Inc., 2/19/2014*). The study has been reviewed and approved by Seattle DCI’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. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

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.

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, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F

Plants and Animals

The applicant submitted an arborist report ("Arborist Identification & Evaluation at: 2513 13th Ave South", Arbor Options, February 13, 2015), which indicated that there are two Bigleaf Maples located on adjacent sites that encroach onto the subject site that qualify as Exceptional trees, per Director's Rule 16-2008. The report and proposed tree protection area have been reviewed by Seattle DCI's arborist for compliance with 25.11. No further SEPA conditioning is warranted (SMC 25.05.665 and 25.05.675.N).

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.

Katy Haima, Land Use Planner
Seattle Department of Construction and Inspections

Date: March 14, 2016

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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 Seattle DCI 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.