



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: 3018125
Applicant Name: Barbara Busetti for 1201 Harbor Ave LLC
Address of Proposal: 1201 Harbor Avenue Southwest

SUMMARY OF PROPOSAL

Land Use Application to allow a 4-unit rowhouse structure in an environmentally critical area. Parking for six vehicles to be provided in attached garages. Existing structures to be demolished. Environmental Review includes future unit lot subdivision.*

*Note – The project description has been revised from the following original notice of application: Land Use Application to allow a 4-unit rowhouse structure in an environmentally critical area. Parking for seven vehicles to be provided in attached garages. 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 INFORMATION

Site and Vicinity Description

This approximately 6,996 square foot (sq. ft.) proposal site is a consolidation of three tax parcels in the Alki neighborhood of West Seattle bounded by Southwest Maryland Place to the north, Harbor Avenue Southwest to the east, residential property and California Way Southwest to the west and residential property to the south. This corner lot is zoned Midrise (MR). Existing development on the site consists of one single family residence and another single family residence with a detached garage (addressed as 4007 Southwest Maryland Place and 1205 Harbor Avenue Southwest respectively). The third parcel (addressed as 1201 Harbor Avenue Southwest) is a vacant lot.

Vehicular access to the detached garage is via an existing curb cut abutting Harbor Avenue Southwest. Harbor Avenue Southwest is an improved street with curbs, sidewalks and gutters near the subject site. Southwest Maryland Place is an unimproved street with a paved roadway. California Way Southwest is a partially improved street with a paved roadway, curb and greenbelt abutting the project site. Harbor Avenue Southwest is classified as a Minor Arterial; California Way Southwest is classified as a Collector Arterial; and Southwest Maryland Place is listed as a Non-Arterial street, pursuant to SMC Chapter 23.53.

The site's topography slopes moderately to gently downwards from the west to the east with a maximum grade change in elevation of 10' across a distance of approximately 100'. The entire site is identified as various Environmentally Critical Areas (ECAs)-Steep Slope, Landslide-prone (Potential and Known landslide) and Liquefaction-prone.

Existing vegetation consists of shrubs, lawn, overgrown vegetation and mature trees (4). One of the four trees has been determined by an arborist (Robert Williams of Robert W. Williams and Associates Consulting Arborists, Certified Arborist and Tree Risk Assessor) as meeting the "Exceptional Tree" designation per Director's Rule (DR) 16-2008.

Surrounding property east, west, north and south of the proposal site is also zoned MR. Single Family 9600 (SF 9600) zoning is also west of the subject property. Existing development in the vicinity of the proposal consists of single family residences, duplex apartments and apartment developments to the north, south and west varying in size, age and architectural style. A City of Seattle Department of Parks and Recreation (DOPAR) shoreline property (Don Armeni Park and Boat Ramp) is across the street, east of the site.

Proposal Description

The proposed project involves the construction of a residential development comprising of one four-unit four-story rowhouse structure. Six parking spaces accessory to the residential use will be provided onsite within residential units. Vehicular access to the proposed parking spaces will occur via a driveway from Southwest Maryland Place. The existing single family residences and detached garage will be demolished.

Construction of the buildings necessitates the removal of existing ground cover, shrubs and two non-exceptional trees (8" English Holly trees (*Ilex aquifolium*). Two of the four existing mature trees (Western Red Cedar (*Thuja Plicata*) and Laurel (*Prunus armeniaca*)) located within the identified ECA steep slope buffer will remain onsite with tree protection measures installed during demolition and construction activities. Landscaping enhancements inclusive of trees, street trees, plantings, shrubs, and groundcover are also proposed.

The applicant has submitted applications to demolish the existing structures and construct the rowhouse building (#6406689). It is anticipated by the applicant that future development activity at the subject site will include the creation of individual unit lots (Unit Lot Subdivision).

Public Comment

The public comment period for this project ended September 7, 2014. DPD received a written comment regarding zoning setback requirements for this proposal and slope instability. The submitted plans have been reviewed by a DPD zoning reviewer for compliance of setbacks requirements for residential developments in Midrise zones (SMC 23.45.518). Information regarding slope stability concerns is noted further in this report. The written comment is noted in the project file.

SEPA ANALYSIS

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 dated August 11, 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. 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 activities on this site could result in the following adverse impacts: construction dust and storm water runoff, soil erosion, emissions from construction machinery and vehicles, increased particulate levels, increased consumption of renewable and non-renewable resources, and increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope. Further discussion of additional short-term construction related impacts follows.

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 dated September 23, 2013 and a supplemental geotechnical engineering report dated November 7, 2014 both prepared by Thor Christensen/D. Robert Ward, P.E. (Geotech Consultants, INC.). Both geotechnical reports have been reviewed. The impacts to soils 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 Building Permit review.

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 adequately mitigate 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.

- [X] 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 43.21C.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).

SEPA CONDITIONS

None Required.

Signature: Denise R. Minnerly for Date: April 27, 2015
Tami Garrett, Senior 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.