



**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:** 3018307  
**Applicant Name:** Bradley Khouri  
**Address of Proposal:** 1208 W Emerson St

**SUMMARY OF PROPOSAL**

Land Use Application to allow a 3-story, 3-unit rowhouse structure in an environmentally critical area. Parking for 3 vehicles to be provided. Existing structure to be demolished. Environmental Review will include future Unit Lot Subdivision.

The following approval is required:

**SEPA Environmental Determination** (SMC Chapter 25.05)

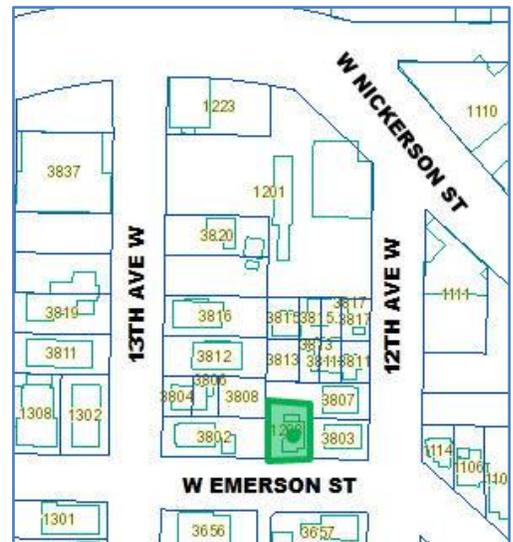
**SEPA DETERMINATION:**

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

**Site and Vicinity**

**Site Zoning:** Lowrise (LR3RC)  
**Nearby Zones:** Lowrise (LR1) Single Family (SF 5000)  
**Existing Use:** Duplex  
**Lot Area:** 3710 SF  
**Site Characteristics:** The site is mapped as an Environmentally Critical Area (ECA) due to potential slides.



Project Description:

The applicant proposes a 3-story, 3-unit rowhouse structure. Parking for 3 vehicles to be provided; proposed vehicular access is located off West Emerson St.

Public Comment:

Multiple written comments were received during the public comment period ending on May 20, 2015. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to impacts on the environmentally critical area, slope stability, slide history and stormwater runoff. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

**ANALYSIS - SEPA**

The proposal site is located in a mapped environmentally critical area (ECA) due to potential slides. The subject site received a limited exemption from the development standards for steep slopes on June 10, 2015, under project number 6464082. 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 that the scope of environmental review of projects within critical areas shall be 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 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 and signed April 13, 2015. A geotechnical report dated October 20, 2014, supplemental slope stability analysis dated July 1, 2015 and arborist memo dated July 13, 2015 were submitted. The information in the checklist, the geotechnical report and supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts to the environmentally critical area. However, due to their temporary nature and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Short-term adverse

impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

#### 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; and increased vibration from construction operations and equipment. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Earth/Soils - The ECA Ordinance and Directors 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 (PanGEO, Inc., October 20, 2014) and supplemental slope stability analysis (PanGEO, Inc., dated July 1, 2015). The geotechnical study and supplemental analysis has been reviewed by DPD's geotechnical experts who determined that 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 mitigation 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 and future unit lot subdivision, including increased surface water runoff due to greater site coverage by impervious surfaces; and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Plants and Animals- 18 trees are disbursed at the interior and along the perimeter of the project site. Of these trees, none were classified as Exceptional. The project proposes removing trees located on the site and planting 9 trees. The applicant submitted an arborist memo prepared by Travis Trelstad, Certified Arborist, (Greener TreeWorks LLC) dated July 13, 2015. The Director reviewed this arborist memo and concurs with the arborist's tree inventory and site plan showing the location of the trees. The Director determined the proposal is consistent with the provisions of SMC 25.11.050 and 25.11.070 which sets forth exceptional tree determination and protection requirements as well as DPD's Director's Rule 16-2008.

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).

**CONDITIONS - SEPA**

None required.

Signature: Denise R. Minnerly for Date: October 26, 2015  
Magda Hogness, 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.