



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:** 3018510 and 3018927

**Applicant Name:** Paul Pierce

**Address of Proposal:** 5047 Sand Point Place NE and 5048 Sand Point Way NE

**SUMMARY OF PROPOSAL**

3018510: Land Use Application to allow a three story, 3-unit rowhouse structure in an environmentally critical area. Surface parking for three vehicles to be provided. To be considered with Project #3018927 for shared access.

3018927: Land Use Application to allow a three story, 3-unit rowhouse structure in an environmentally critical area. Surface parking for five vehicles to be provided. To be considered with Project #3018510 for shared access.

The following approval is required:

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

**SEATTLE DCI 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**

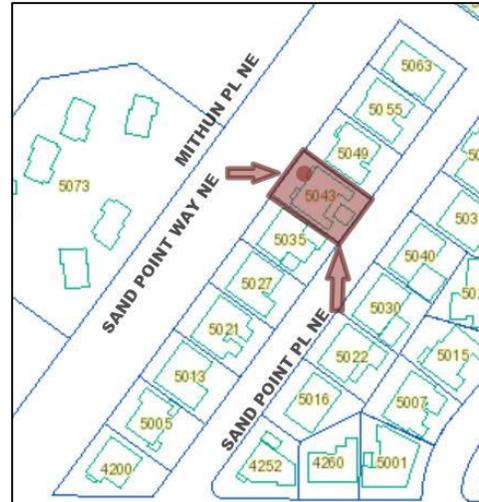
Site Location: 5047 Sand Point Place NE  
5048 Sand Point Way NE

Zoning: Lowrise 1 (LR1)

Parcel Size: 3,625 sq. ft. (5047 Sand Point Place NE)  
3,716 sq. ft. (5048 Sand Point Way NE)  
Total: 7,341 sq. ft. (0.17 ac)

Existing Use: Multi-family structure (to be demolished)

ECA: The sites are mapped as an  
Environmentally Critical Area (ECA)  
steep slope area.



The project is generally located south of the intersection of Sand Point Place NE and NE 52<sup>nd</sup> Street along the west side of Sand Point Place NE with the Laurelhurst Neighborhood. Nearby zoning districts includes Single family to the east, Major Institutional Overlay to the south, Lowrise Planned Unit Development to the west and north. The project site includes two tax lots with a total of 7,341 sq. ft. An existing triplex building with carports and garage parking is located on the site.

Surrounding property north, south and east of the proposal site is also zoned LR1. Lowrise 3 Planned Unit Development (LR3 PUD-Council File #291161) zoning is west of the subject property. Existing development in the vicinity of the proposal consists of homes, apartments, townhouses and the Children's Hospital campus. The Burke-Gilman Playground Park is located across the street and west of the subject site.

Vehicular access to existing surface parking is located along both Sand Point Place NE (two curb cuts) and Sand Point Way NE (one curb cut). Sand Point Place NE is designated as a *non-arterial access street* and Sand Point Way NE is designated as a *Principal Arterial* pursuant to SMC 23.53.

Existing vegetation consists of low growing grass, shrubs and several mature trees. The topography of the site slopes gradually 11' in a downward direction to the west and is characterized has having the majority of the slope situated at the constructed rockery along the west property line abutting Sand Point Way Northeast. This western portion of the site is mapped as Environmentally Critical Area (ECA)-Steep Slope. During the review of an ECA exemption application (#6429512), the Seattle DCI Geotechnical Reviewer concluded that the ECA is incorrectly mapped and there are no steep slope areas on the subject property. Consequently, the applicant has been granted an ECA exemption from ECA steep slope development standards: *"Done during Master Use Permit review. Based on a review of the submitted information and the City GIS system, DPD concludes that the subject site is incorrectly mapped as containing a steep slope. There is no steep slope or steep slope buffer on this property, as defined in SMC 25.09.020.A4 and 25.09.180.C; therefore, an ECA Exemption or Request for Relief from Prohibition on Steep Slope Development are not necessary for site development. An ECA Steep Slope Area Variance is also not required. The development associated with this application will be regulated through the Stormwater, Grading, and Drainage Control Codes and the Seattle Building Code. November 17, 2014; smp."*

### **PROJECT DESCRIPTION:**

The applicant proposes to demolish the existing multifamily structure and construct a total of six 3-story rowhomes. Three rowhomes will be located on each lot. A total of eight parking spaces will be provided: 3 garages provided in the southeast structure and 5 parking spaces provided in the northwest structure. Access is proposed from Sand Point Place NE via a shared driveway.

#### **Public Comment:**

The public comment period ended on December 7, 2015 and no comments were received.

### **ANALYSIS – SEPA**

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 and dated October 15, 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.

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), and the Seattle Building Code.

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**

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: 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. The following analyzes greenhouse gas and environmental health.

### 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.

### Environmental Health

The applicant submitted studies regarding existing conditions for the Underground Storage Tank (UST) on site (December 12, 2015, Tanks by Dallas). The memo notes that the UST is leaking, and the adjacent soil is potentially contaminated. If not properly handled, existing contamination could have an adverse impact on environmental health.

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology (“Ecology”), consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist, the Soils memo (December 12, 2015, Tanks by Dallas), applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Soils memo (December 12, 2015, Tanks by Dallas) are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The soils memo (December 12, 2015, Tanks by Dallas) describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology regulatory authority.

The proposed strategies, any required Seattle Fire Department permits for UST removal, and compliance with Ecology’s requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development. Therefore, no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

### Long -term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

### 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.

### Historic Preservation

The existing structure on site is more than 50 years old. This structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letter, reference number LPB 693/15). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

### Plants and Animals

Mature vegetation is located on the site, including several trees and two Exceptional Trees. The applicant submitted an arborist report (Sound Tree Consulting, August 14, 2014) and identified the Exceptional Trees (Two Japanese Maple Trees 6' dbh and 7' dbh) on the MUP plan set. Seattle DCI's Arborist has reviewed the information.

The Exceptional Trees are located directly above the UST and likely soil contamination described in the Environmental Health section of this analysis. In order to remediate the contamination and remove the UST, the Exceptional Trees will need to be removed. Seattle DCI has reviewed the proposal and determined that removal of the Exceptional trees is warranted and the landscape plan proposes new trees that will replace and exceed the canopy of the existing tree at maturity. No mitigation beyond the Code-required landscaping is warranted under SMC 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).

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 required.

Crystal Torres, Land Use Planner  
Seattle Department of Construction and Inspections

Date: March 17, 2016

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3018510.docx

### **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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.