



**City of Seattle**

Edward B. Murray, Mayor

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**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:** 3019229  
**Applicant Name:** Bill Vandeventer  
**Address of Proposal:** 2307 Perkins Lane W

**SUMMARY OF PROPOSAL**

Land Use Application to allow a new single family residence with parking for two vehicles in an attached garage and to also allow landscaping, slope stabilization and restoration in an environmentally critical area. Existing timber landscape walls, terracing, and existing structure to be demolished.

The following approvals are required:

**Shoreline Variance** - to allow development in the shoreline setback of an Urban Residential Shoreline Environment (SMC 23.60A.036)

**Land Use Variance** - to allow a portion of the residential structure to extend into the required front yard (SMC 23.40.020; 23.44.014.A)

**Land Use Variance** - to allow a portion of a garage to extend into the required front yard (SMC 23.40.020; 23.44.016)

**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

## SITE AND VICINITY

Site Zone: Single Family 7200 (SF 7200)

Nearby Zones: North: – SF 7200  
South: – SF 7200  
East: SF 7200  
West: – SF 7200

Site Size: 16,240 sq. ft.

Environmentally Critical Areas:

Steep Slope – ECA 1  
Potential Slide Area – ECA 2  
Liquefaction Prone Area – ECA 5  
Known Slide Area – ECA 8  
Flood Prone Area



Shoreline Environments: Urban Residential and Conservancy Preservation

## BACKGROUND INFORMATION

This is a proposal to replace an existing single-family residential structure with a new two-story single-family structure and attached two car garage immediately adjacent to Perkins Lane. The proposal site is located within an Environmentally Critical Area (ECA) that has a history of landslides both upslope and downslope of Perkins Lane, including a documented slide on the lower, western, portion of the subject property. The site approximately 75 feet wide and 216 feet in depth has an average slope of 45% from the mid-point from the street facing property line to the bottom of the bulkhead along Puget Sound.

According to King County tax records, this site was originally developed with a residence some time in 1925. The structure, which was located halfway down the slope in the center portion of the site is reported to have slid down slope some time in 1968 and ultimately destroyed. In 1982 a building permit was issued to construct the existing two story residence on a caisson pier foundation, upslope of the previous residence. A two car garage was built on the lower portion of the property which was accessed by a winding driveway from Perkins. It is reported that after the occurrence of several significant landslides in late 1996, one slide originating on the neighboring property to west encroached onto the proposal site severely damaging the slope. Between 1997 and 1999 the then owners of site repaired the damage by installing a series of railroad tie retaining walls, landscaping and removing the winding driveway. This work was done without benefit of review or required permits.

The Seattle DCI Geotechnical Engineer reviewed the proposal under permit #6441443 on June 11, 2015 and concluded that an ECA Variance (SMC 25.09.180) was not required for construction of the residence and garage based, on the proposed development plans: *“6441443; 2307 Perkins Lane West; Environmentally Critical Area Review is required for this project. If the developmental area for the new residence is restricted to the area of the existing house, then no ECA Steep Slope Variance is needed. The developmental area includes the area of all*

*temporary excavations, impervious surface, overhangs, site disturbance, drainage features, and building structure. The project needs to include resolution of Case 1033886, which is associated with terracing on the steep slope critical area without permits. The area associated with the terraces and patios to the west of the existing residence does not meet the criteria for areas that are already developed. New development in the area of the terraces as needed for stabilization and restoration of this area might qualify for the provision to provide relief from the prohibition on development of steep slopes and slope buffers as necessary stabilization, and will not require an ECA Steep Slope Variance or Exception. Such stabilization projects need to minimize changes to the existing slope inclination, or the slope inclination before the terracing occurred. Stabilization project may include some provision for site access from the upper portion of the site to the beach area. Please make sure that the geotechnical engineering report for this project includes requirements for restoration and complete stabilization of the area of the unpermitted terraces, as well as for the area of new residence. Except as described herein, the remaining ECA General, Submittal, Landslide, and Steep Slope criteria still apply to this project. DBG May 7, 2015, updated June 11, 2015.”*

The area associated with the railroad tie terracing and patio located to the west of the proposed residence does not meet the criteria for areas that are already developed and therefore requires a Shoreline Variance in order to conduct work in a shoreline setback area (SMC 23.60A.036).

Seattle DCI reviewed the proposal and determined it was exempt from the requirement for a Shoreline Substantial Development Permit (SSDP) per SMC 23.60A.020.C.6.

**PUBLIC COMMENT:**

No public comments were received during the comment period which ended on March 22, 2016.

**I. ANALYSIS – SHORELINE VARIANCE**

As described in the Background Information section of this analysis, the site has experienced slide activity and subsequent stabilization work done without permits. The proposal includes a row of drilled piles at the base of the Steep Slope ECA and within the required shoreline setback, which requires a variance from SMC 23.60A.167 and 23.60A.575. The proposal also includes landscaping and slope restoration.

The shoreline variance criteria are listed in SMC 23.60A.036.

A. *Except as provided in subsection 23.60A.036.B and 23.60A.036.C, in specific cases the Director, with the approval of Ecology, may authorize a shoreline variance from bulk, dimensional, and performance standards of this Chapter 23.60A if the Director finds that the applicant has demonstrated that the request:*

1. *Complies with WAC 173-27-170 and the Shoreline Policies in the Comprehensive Plan;*

**WAC 173-27-170** includes review criteria for variance permits:

*(1)Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances*

*the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.*

The policy enumerated in RCW 90.58.020 provides for: “. . . management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.” Further, the policy states: “Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.” Single family residences and their appurtenant structures are the first of several uses listed as priorities under the policy language. However, the structures in the shoreline setback that require a variance from SMC 23.60A are not part of the single family structure or appurtenant structures.

The proposal site has a history of landslides, which subsequently were responded to by the installation of railroad tie retaining walls and terracing on the lower slope of the property carried out without permits. This project proposal includes the removing of the railroad tie retaining walls and terracing, installing a new row of piles, backfilling with soil to restore the grade, and installing native landscaping.

The applicant submitted geotechnical studies that described the work done without permits and recommended methods for long term slope stabilization. All studies were conducted by Geotech Consultants, Inc. One study was dated December 31, 2015 and described stabilization for the proposed residence at the top of the slope. Another study was dated April 18, 2016 and described the proposed work in the shoreline setback to stabilize the base of the slope.

The report dated April 18, 2016 stated that the existing railroad tie walls are “not structurally adequate to stabilize the active slide mass,” and recommended “a permanent soldier pile stabilization wall along the base of the existing slope...the most appropriate location for this wall is ...8 to 15 feet behind the existing rock bulkhead.” The report describes the minimum requirements for the wall to sufficiently stabilize the slope, methods to minimize erosion. The report also specifically noted that “Movement of the active landslide mass will occur again, and likely without warning, unless the stabilization wall is installed.”

Granting approval of this variance for performance standards would not cause significant injury to occupiers of the land, to other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function that are inconsistent with the policy of the Shoreline Management Act. Granting approval of the variance will result in long term stabilization of the slope for protection of the uphill single family structure and will prevent further erosion of the shoreline slope.

*(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:*

*(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;*

The proposed variance is for a structure that is landward of the OHWM. The proposed slope stabilization and restoration work would occur at the base of the existing slope, within the shoreline setback. The base of the slope is within the shoreline setback and therefore the soldier pile wall structure is also within the shoreline setback. The structure cannot be located outside of the shoreline setback and still fulfill the function of stabilizing the slope, per the geotechnical report dated April 18, 2016. Strict application of the performance standards set forth in the Shoreline Master Program would prevent the proposed stabilization and landscape restoration work from taking place.

- (b) *That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;*

The hardship described in section (a) above is specifically related to the location of the base of the steep slope within the shoreline setback of this property.

- (c) *That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;*

The design of the proposed slope stabilization structure, associated backfill, and revegetation is compatible with other authorized uses within the area. The stabilization wall has been designed to effectively stabilize the slope and prevent further slides from impacting the residences on this and adjacent sites and eroding the shoreline. Per the April 18, 2016 geotechnical study, this stabilization wall matches the same system used on the adjoining southern property in 2008.

The underlying zoning for this site and adjacent properties is Single-Family Residential (SF-7200) with a shoreline overlay environment of Urban Residential (UR). The proposed slope stabilization work will protect this and adjacent single family residences from future landslides and significantly improve the ecological function of the shoreline environment. The proposed variance is therefore consistent with the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment.

- (d) *That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;*

Per the April 18, 2016 geotechnical study, this stabilization wall matches the same system used on the adjoining southern property in 2008. All neighboring properties on Perkins Lane W are located within the shoreline environment and are mapped environmentally critical areas due to similar steep slope conditions. If any of those properties required stabilization structures within the shoreline setback, then a similar variance would be required. Approval of this variance will not constitute the granting of a special privilege not enjoyed by other properties in the area.

- (e) *That the variance requested is the minimum necessary to afford relief; and*

Slides of this type should be expected in the future on the sloped area west of the proposed residential structure, based on the soil types described in the geotechnical studies submitted by the applicant. The April 18, 2016 geotechnical study described the history of the soils and slide activity at this site, and recommended the minimum requirements for a wall to sufficiently stabilize the base of the slope, and methods to minimize erosion. The report also specifically noted that "Movement of the active landslide mass will occur again, and likely without warning, unless the stabilization wall is installed." The report noted that re-grading and vegetation are proposed, following installation of the stabilization wall.

The requested shoreline variance is the minimum necessary to afford relief to this property for the purpose of carrying out necessary stabilization and landscape restoration work within the shoreline setback and lower slope areas. The proposed pile work is necessary in order to stabilize the lower portion of the site prior to commencing final restoration and other stabilization work.

*(f) That the public interest will suffer no substantial detrimental effect.*

The variance would provide substantial public benefits as the site stabilization work will protect this site and neighboring properties from potential landslides. The landscape restoration work on the site's the lower slope will also improve the ecological function of the shoreline environment. Granting this variance would not cause any substantial detrimental effect.

*(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:*

The proposed is not waterward of the OHWM and therefore these criteria are not applicable.

*(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.*

The cumulative effect of granting a similar variance to any neighboring property to stabilize the slope would not cause an adverse effect to the shoreline environment but would rather enhance and/or remediate the shoreline environment. Stabilization of the slope will prevent erosion adjacent to the shoreline and will protect the proposed and adjacent residences from future slide damage.

*(5) Variances from the use regulations of the master program are prohibited.*

This is an established use and the application is consistent with use regulations of the Shoreline Master Program. No variance from the use regulations is requested.

1. *Complies with WAC 173-27-170 and the Shoreline Policies in the Comprehensive Plan;*

The Comprehensive Plan lists policies that are consistent with those in SMC 23.60A, WAC 173-27-170, and RCW 90.58A.020. As described in response to previous criteria, the proposal is consistent with those requirements.

2. *Complies with standards in Section 23.60A.030;*

The proposal is consistent with the policies and procedures of RCW 90.58A.020 as described in response to the WAC 173-27-170 criteria. The proposal is permitted in the shoreline environment, underlying SF7200 zone where it is located. The proposal meets the standards in SMC 23.60A, with the exception of the proposed structures in the shoreline setback analyzed with this variance. The proposal meets the requirements of SMC 23.60A.036, as analyzed with this variance.

3. *Complies with any additional criteria set out in this Chapter 23.60A for granting a variance; and*

There are no additional criteria set out in SMC 23.60A for granting a variance, aside from the criteria analyzed with this variance.

4. *Can achieve no net loss of ecological functions, unless a variance from this requirement is granted under subsection 23.60A.036.C.*

The project includes extensive native vegetation planting as shown on Sheets L 2.0 and L 3.0 along with regrading to a more natural slope, use of soft surface, pervious material for the trail and removal of impervious surfaces within 100 feet of the water that address the minimal impacts of the piles with respect to the adjacent shoreline habitat. The project overall impacts are consistent with the goal of no net loss of ecological functions and no variance from this standard was required.

*B. Determinative standards. Standards relating to the characteristics of uses or shoreline modifications that are determinative of whether the uses or modifications are allowed, allowed as special uses, allowed as shoreline conditional uses, or prohibited in the use sections of each environment or in standards for specific uses are not subject to variance, except as follows:*

1. *An applicant may apply for a variance from height, bulk and scale standards.*
2. *An applicant may apply for a variance from other characteristics of uses or shoreline modifications by complying with the applicable variance standards of this Chapter 23.60A and also demonstrating that there is no reasonable use of the property without the variance, regardless of whether the project is waterward of the OHW mark or in a wetland.*

The shoreline variance is required due to the proposed structures within the required shoreline setback. The analysis for the variance is included in the responses to the criteria in this document.

*C. No variance is allowed from the requirements to achieve no net loss of ecological functions unless the applicant demonstrates by clear and convincing evidence that the standards for a shoreline variance in WAC 173-27-170(3) are met, regardless of whether the project is waterward of the OHW mark or in a wetland, in addition to complying with other sections of this Chapter 23.60A. Notwithstanding such findings, the Director may deny the shoreline variance if the impacts are inconsistent with the public trust doctrine or the laws of nuisance, or would cause significant injury to occupiers of the land, to other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function that are inconsistent with the policy of the Shoreline Management Act.*

As described earlier in this analysis, the project overall impacts are consistent with the goal of no net loss of ecological functions and no variance from this standard was required.

*D. Upon transmittal of the Director's approval to Ecology, the permit may be approved, approved with conditions, or denied by Ecology.*

Granting approval of this variance for this work would not cause significant injury to occupiers of the land, to other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function. Seattle DCI does not recommend any conditions.

## **SHORELINE VARIANCE**

The proposal satisfies the criteria of SMC 23.60A.036 and WAC 173-37-170. The requested Shoreline Variance is hereby **RECOMMENDED FOR APPROVAL**.

## **II. ANALYSIS – LAND USE VARIANCE**

Due to the subject property being uniquely constrained by conditions not created by the applicant, an ECA steep slope, slide prone area, the proposed single family residence cannot meet the required development standards SMC 23.44.014A and 23.44.016, for front yard requirements for single family residences and garages.

Variances may be authorized only when all of the variance criteria set forth at SMC Section 23.40.020 and quoted below are met.

The required front setback at this site is 11'5". The residence is proposed to be 4.57 feet from the front property line. The garage is proposed to be 0' from the front property line.

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location, or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the*

*property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The subject property is uniquely constrained by conditions not created by the owner or applicant. Specifically, the proposal site is located in an ECA steep slope and ECA known slide area. The site is currently occupied by a single-family residential structure with no garage. The development strategy is to build the new residence within the same footprint as the previous residence, in order reduce the amount of site disturbance as much as possible. The variance proposes to allow construction of portions of an attached garage and new single-family residence within the front yard setback to accommodate an attached 2-car garage and front entry.

The site is a located within an ECA steep slope, slide prone area with a limited area for development conditions not created by the owner or applicant. As such the strict application of the Land Use Code would deprive the property of the rights and privileges enjoyed by other properties in the zone and vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

A reduced front yard for the proposal site would allow for the parking of two automobiles on the property and off of Perkins Lane which is extremely narrow and not designed to accommodate street parking. The proposed variance would allow development of the residence and garage in the front yard and minimize development in the Environmentally Critical Areas.

The two adjacent lots located to the north and south have reduced front yards of 2'-10" and 1'-6" feet respectively. Granting a variance for this proposal site does not constitute a granting of a special privilege inconsistent with the limitations upon other properties in the vicinity.

The extent of encroachment into the required front yard is also commensurate to other properties in the immediate area. The neighboring property to the north has a non-conforming residence with an existing front yard setback of 2'-10". The neighboring property to the south has a conforming residence located 26'-8" from the front property line, but the accessory two-car garage has only a 1'-6" setback with an 18" roof overhang extending to the front property line. This garage was granted variance approval under project number 9002098.

Setback patterns along Perkins Lane are consistent with this variance request especially compared to other properties located further north at 2339 and 2333 Perkins and to the south at 2301 Perkins.

Therefore, the requested variance would not go beyond the minimum necessary to afford relief while allowing for development that is consistent with the limitations on other properties in the nearby development in the vicinity and zone, and would not constitute a granting of a special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The total amount of residential and garage floor area to be built within the required front yard would be approximately 166.47 square feet. The footprint of the residence and garage are placed at an angle to the front property line, which allows small portions of the residence and attached garage to be located closer to the street, resulting in minimal impacts to the adjacent sites and vehicle maneuvering outside of the paved roadway of Perkins Lane W.

As the two adjacent properties located to the immediate north and south have been developed with reduced front yards. This is also true with other properties located further to the north and south. Allowing a reduced front yard setback for the proposal site will be commensurate with other development in the area. As proposed, the single family residence and garage will not be injurious to properties in the vicinity and zone, materially detrimental to the public welfare, nor will it limit future use of the public right-of-way or inhibit improvements to the rights-of-way in the same zone and vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship and practical difficulties; and*

The encroachment into the required front yard is consistent with the character along this stretch of Perkins Lane. The applicant is requesting a variance for a reduced front yard, as strict adherence to Land Use Code requirements would result in an inability to provide off street parking and a difficult building footprint. Thus, strict application of the provisions in the Land Use Code would cause undue hardship and practical difficulties.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan component, as applicable.*

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The request for a variance is to allow development of a residence and garage, outside of the steep slope ECA that covers most of the site. This variance application seeks to provide flexibility for minor modifications to add building area in a situation constrained by platting patterns and existing conditions.

The proposed variance for a reduced front yard for the single family residence and the two-car garage in a Single Family zone is consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

#### **DECISION – LAND USE VARIANCE:**

Seattle DCI **GRANTS** the requested variance to allow a portion of the single family residence and the attached garage to encroach into the required front yard in a single family zone.

### III. ANALYSIS - SEPA

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 (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 5, 2016. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; 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), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09).

The SEPA Overview Policy (SMC 25.05.665 D) 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, 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 impacts on the environmentally critical area 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). The following analyzes greenhouse gas and earth/soils impacts, as well as mitigation.

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) 5-2016 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 Engineering Study-Proposed New Mason Residence, Geotech Consultants, Inc., December, 31, 2015 and addendum dated April 18, 2016). The study has been reviewed and approved by SDCI'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 are also anticipated as a result of approval of this proposal including greenhouse gas emissions. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation for any additional long-term impacts as a result of this project and as such no further conditioning is warranted per SEPA (SMC 23.05.665). However, greenhouse gas the following requires further analysis.

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

**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 [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 – SHORELINE VARIANCE**

*None.*

### **CONDITIONS - VARIANCES**

*None.*

### **CONDITIONS - SEPA**

*None.*

David Landry, AICP, Land Use Planner  
Seattle Department of Construction and Inspections

Date: July 25, 2016

DL:drm

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