



**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:** 3019626  
**Applicant Name:** Dylan Fuller, Caron Architecture  
**Address of Proposal:** 3250 14<sup>th</sup> Avenue West

**SUMMARY OF PROPOSAL**

Project Description

Land Use Application to allow one single family residence, two 3-story two-unit, and one 3-story three-unit townhouse structures (for a total of 8 units) in an environmentally critical area. Surface parking for 8 vehicles to be provided. Existing structures to be demolished. Environmental review includes future unit lot subdivision.

The following approval is required:

**SEPA – Environmental Determination** – Seattle Municipal Code (SMC) Chapter 25.05

**SEPA DETERMINATION**

- DNS       MDNS       EIS
- DNS with conditions
- DNS involving non-exempt grading, or demolition or involving another agency with jurisdiction.

**SITE AND VICINITY**

Site Zone: Lowrise 1 (LR1)  
Nearby Zones: (North) LR1  
(South) LR1  
(East) Single Family (SF 5000)  
(West) LR3/Residential Commercial (RC)

Lot Area: 12,000 square feet

### Current Development

The subject site fronts on 14<sup>th</sup> Avenue West with alley access from the alley at the east. The site slopes approximately 16-feet from east to west. Two single family structures exist on site, and are proposed for removal. A large Black Walnut tree lies near the north property line, on the property to the north, and meets the definition of Exceptional.

### Environmental Critical Area

Potential Slide

### Surrounding Development

Surrounding development consists primarily of single-family and multiple-family apartment structures. The adjacent parcel to the north is occupied by a two-story single-family structure and Exceptional Tree. The adjacent parcel to the south is occupied by a two-story apartment structure. The neighborhood context consists primarily of single- and multiple-family structures.

### Public Comment

Public comment received described concerns regarding impacts from parking and construction, and encouraged protection of the Exceptional tree on the adjacent site.

## **ANALYSIS – SEPA (WAC 97-11 and SMC 25.05)**

The proposal site is located in an environmentally critical area (ECA). 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 documenting whether the proposal is consistent with the City's ECA regulations (SMC 25.09), and evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations (SMC 25.09). 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), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Seattle Department of Construction and Inspections (Seattle DCI) 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 or 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 *SEPA 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 (SMC 25.05.665).

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include 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.

## SHORT TERM IMPACTS

Temporary or construction-related impacts on the environmentally critical area are anticipated. Examples of impacts may include: 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; increased noise and/or vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; and/or consumption of renewable and non-renewable resources; disruption of utilities serving the area; an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

### Air Quality

Excavation and construction activities are expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not expected to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (SMC 25.05.675). No unusual circumstances exist, which warrant additional mitigation per the *SEPA Overview Policy*.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition.

### Environmental Health

The SEPA Checklist and certification letter from Filco Company, Inc. (December 12, 2012) identify the presence of residential oil tanks on site. Filco Company certifies that the oil tanks have been decommissioned according to the codes and guidelines set forth by the Washington State Department of Ecology and Seattle Fire Department. If not properly handled, any existing soil or water contamination could have an adverse impact on environmental health. In the event

that contaminated material is identified, the handling and disposal of the material shall be conducted in accordance with the Model Toxic Control Act and the Code of Federal Regulations (CFR 1910.120). Mitigation of soil contamination and remediation is the jurisdiction of Washington State Department of Ecology Model Toxics Control Act (WAC 173-340). The Voluntary Cleanup Program mitigates risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. Pursuant to SEPA Policy SMC 25.05.675.F, a condition is contained herein.

## LONG TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming; increased demand for parking; increased demand for public services and utilities; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

### Greenhouse Gas Emissions

Operational activities, primarily vehicle trips associated with the project 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.

### Plants and Animals

It is the City's policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, educational, ecological, and/or economic value. A priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals (SMC 25.05.675.N).

Abutting the site to the north is an existing Black Walnut (*Juglan nigra*). This tree meets the designation of an Exceptional tree pursuant to Director's Rule 16-2008, and has the potential to be affected by the proposed project; therefore, further discussion of the ecological value of this tree is warranted.

The applicant provided an arborist report prepared by Zsofia Pasztor, ISA Certified Arborist (January 2015). The report identifies the Black Walnut as meeting the definition of Exceptional, and finds that a 40-foot radius around the tree is necessary for the tree's survival. Recommendations for protection measures include fencing and signage during construction and treatment measures should roots be exposed. As shown in the plan set, these protection measures recommended in the arborist report are identified on the landscape plan and site plan. Seattle DCI Senior Environmental Planner has reviewed the arborist report and site and landscape plans and concurs with the Arborist's findings. No conditioning or mitigation pursuant to SEPA Policy SMC 25.09.675.N. is warranted.

## 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 (Revised Code of Washington (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 Environmental Impact Statement (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.

## CONDITIONS – SEPA

### During Demolition, Excavation or Construction:

1. In the event that contaminated material is identified, the handling and disposal of the material shall be conducted in accordance with the Model Toxic Control Act (WAC 173-340) and the Code of Federal Regulations (CFR 1910.120).

Carly Guillory, Land Use Planner  
Seattle Department of Construction and Inspections

Date: February 11, 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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.