



**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:** 3020195  
**Applicant Name:** Julian Weber  
**Address of Proposal:** 4027 Fremont Ave N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow two single family residences in an environmentally critical area. Parking for two vehicles to be provided. Existing structure 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

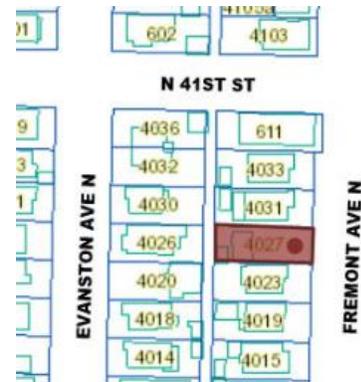
**BACKGROUND INFORMATION**

**Location:** The interior lot is located on the west side of Fremont Ave N, between N 41<sup>st</sup> St. and N 40<sup>th</sup> St.

**Zoning:** Lowrise 1 (LR1)

**Parcel size:** 3,800 sq. ft.

**Existing Uses:** There is one single family residence and detached garage on the site.



**Environmental Critical Areas:** A portion of the southeast corner of the site is mapped as an Environmentally Critical Area (ECA) Steep Slope.

**Existing Conditions:** Vehicular access is from an improved alley abutting the site to the west. The site slopes down approximately 17 feet from the alley to Fremont Ave N. The site is across the street from B.F. Day Playground, which is just north of B.F Day Elementary School. Surrounding uses are predominantly single family residences to the west, and multifamily residences to the north and south.

### **Public Comment**

The public comment period ended on June 14, 2015. Comments were received and carefully considered. The comments received were beyond the scope of this review and analysis per SMC 25.05.

### **ENVIRONMENTAL CRITICAL AREA REVIEW**

The received a determination for Relief on Prohibition on Development within Steep Slope Critical Areas and Their Buffers, issued on April 30, 2015 under DPD #6457546:

Environmentally Critical Areas (ECAs) review is required for building permit applications. Based on a review of the submitted information and the City GIS system, DPD concludes that the project appears to quality for the criteria established in the Critical Areas Regulations, SMC 25.09.180.B2b. Specifically, the City GIS system and the submitted information for the steep slope developmental allowance application demonstrated that steep slopes at the site appeared to have been created by previous legal grading activities associated with street improvement and site development. For this reason, DPD will waive the required ECA Steep Slope Variance associated with DPD Application No. 6457546. This approval is conditioned upon the approval of a subsequent building permit application for a design that demonstrates that the proposed development will be completely stabilized in accordance with provisions of the ECA Code and Grading Code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development.

### **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 proposed site is located in an environmentally critical area (ECA). However, the subject site received a limited exemption from the standards for Steep Slope ECA development on April 30, 2015. 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 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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on July 16, 2015. 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. 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. 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 short and or/long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170), *Street Use Ordinance* (SMC Title 15), *Seattle Building Code*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08).

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 (SMC 25.05.665) 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 Impacts

The following temporary or construction-related impacts 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).

### 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 (PanGeo Inc, *Proposed Development 4023 & 4027 Fremont Avenue North, Seattle, WA*, 19 May 2015). The study has been reviewed and approved by DPD’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).

Greenhouse Gas Emissions

Future construction and operation activities are expected to result in an increase 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 due to the relatively minor contribution of greenhouse gas emissions. No further SEPA conditioning is warranted (SMC 23.05.665).

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 reduce or eliminate most adverse long-term impacts to the environment. No further SEPA conditioning is warranted (SMC 23.05.665).

**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).
- 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 OF APPROVAL**

None.

Katy Haima, Land Use Planner  
Department of Planning and Development

Date: November 16, 2015

KH:drm

**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.