



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:** 3020374  
**Applicant Name:** Todd Lawson  
**Address of Proposal:** 5200 22<sup>nd</sup> Ave Northeast

**SUMMARY OF PROPOSAL**

Land Use Application to allow a four-story, eight unit apartment building in an environmentally critical area. No parking is proposed.

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**

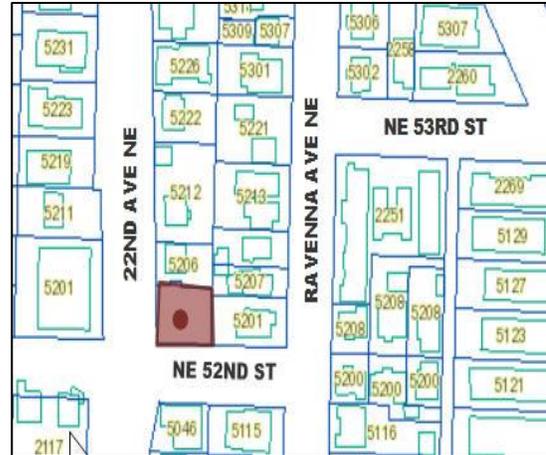
The site was granted Relief on Steep Slope Development by the SDCI Geotechnical Engineer on April 7, 2015 (Project # 6346230)

Geotechnical staff wrote, "Environmentally Critical Area review is required. The site is correctly designated as a Steep Slope Critical Area. Because the steep slopes were created by legal grading activity, the project will qualify for the criteria described in SMC 25.09.180 B2b, and no ECA Steep Slope Variance will be required. Except as described herein, the remaining ECA criteria applies to this project. April 7, 2015."

### Site and Vicinity

Site Zone: Multifamily Lowrise Three (LR3)

Nearby Zones: The site lies within a corridor of LR3 zoning which flanks 22<sup>nd</sup> Ave NE. To the east, the zoning changes to the less intense multifamily zone of LR2. Along 21<sup>st</sup> Ave NE and further to the west, Single Family 5000 is the predominant zone classification. The overall zoning pattern represented is of commercial or more intensive zones at University Village and along the 25<sup>th</sup> Ave corridor and less intensive zoning to the west toward the rise in topography.



ECAs: Steep slope

Site Size: 4,200 sq. ft.

Site Description: The roughly square shaped site lies at the northeast corner of 22<sup>nd</sup> Ave. NE and NE 52<sup>nd</sup> St. to the northwest of University Village and to the south of Ravenna Park. The property's slope ascends from east to west by approximately 32 feet. Currently vacant, the property provides driveway and pedestrian access as well as parking for the adjacent property at 5206 22<sup>nd</sup> Ave NE to the north. Located in the NE 52<sup>nd</sup> St right of way, a hillclimb and a P-patch provide a park-like setting between Ravenna Ave and 22<sup>nd</sup> Ave.

### Public Comment:

The public comment period began on May 14, 2015. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. Most emails and letters received opposed the proposed development. Issues identified include the project's impacts on the following: neighborhood traffic and parking congestion, trees and the steep slope, the P-patch in the city right of way, a variety of birds and bees, the hillclimb and the stability of the slope.

### 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 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 dated May 7, 2015. The Seattle Department of Construction

and Inspections (SDCI) 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) 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 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

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).

#### 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. No further mitigation is warranted pursuant to SMC 25.05.675.A.

#### 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 (Geotech Consultants, June 1, 2015). 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 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 additional conditioning is warranted pursuant to SEPA policies.

### **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.

Bruce Philip Rips, AICP, Assoc. AIA, Land Use Planning Supervisor Date: September 6, 2016  
Seattle Department of Construction and Inspections

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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.