



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: 3023221
Applicant Name: Akasha Whoolery
Address of Proposal: 3029 NW 56th St

SUMMARY OF PROPOSAL

Land Use Application to allow a four-unit rowhouse structure in an environmentally critical area. Parking for four vehicles to be provided in attached garages. Existing structures to be demolished. Environmental review includes future unit lot subdivision.

The following approvals are required:

SEPA - Environmental Determination - (Seattle Municipal Code 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

Seattle DCI concluded that an ECA Steep Slope Area Variance, or Exception, is not required to develop this property.

The site was granted Relief on Steep Slope Development by the Seattle DCI Geotechnical Engineer on December 23, 2015. Because the steep slopes were created by legal grading activity, as described in SMC 25.09.180. B2b, no ECA Steep slope Variance is required and development may occur in the steep slope critical area and its buffer. Except as described herein, the remaining ECA criteria apply to this project.



Site and Vicinity

Site Zone: Low Rise Multifamily Zone 3 (LR-3)

Nearby Zones: North: LR-1
South: LR-3
East: LR-3
West: LR-3

ECAs: Steep Slope

Site Size: 4,733 Square Feet

PUBLIC COMMENT:

The public comment period ended on March 2, 2016. No comments were received.

ANALYSIS – SEPA

The proposal site is located within an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), may require environmental analysis per municipal code (SMC 25.05.908) and therefore are not exempt from SEPA review. However, the scope of the environmental review for projects located within critical area is limited to: 1) the documentation as to whether this proposal is consistent with the City of Seattle’s Environmentally Critical Areas (ECA) regulations in SMC 25.05; and 2) Evaluating potentially significant impacts on the critical area resources during environmental review resulting in a Threshold Determination as required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11. This review includes the identification of 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 Chapter 25.05).

The initial disclosure of the potential impacts as a result of this project was made in the environmental checklist submitted by the applicant on February 8, 2016. The Seattle Department

of Construction and Inspections has reviewed and annotated the environmental checklist in as well as the project plans and other relevant information in the file, in addition to all pertinent comments received regarding the proposed action. The information contained in the checklist, 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 have a lasting long term effect.

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 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 Impacts

The following temporary or construction-related activities on this site could result in the following adverse impacts: construction dust and storm water runoff, soil erosion, emissions from construction machinery and vehicles, increased use of renewable and non-renewable resources, and an increase in vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope. Several of these 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), while the Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. 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) 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 dated January 19, 2016 and prepared by Geological & Geotechnical Consulting, Gary A Flowers, PLLC. The study has been reviewed and approved by Seattle DCI’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 and loss of existing vegetation. 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

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.

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

Date: May 31, 2016

DL: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 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 or to our message line at 206-684-8467.