



**CITY OF SEATTLE**  
**ANALYSIS AND DECISION OF THE DIRECTOR OF**  
**THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Project Number(s):** 3032878-LU and 3032941-LU  
**Applicant Name:** Brooke Friedlander  
**Address of Proposal:** 3422 and 3420 23rd Avenue West

**SUMMARY OF PROPOSAL**

Land Use Application (3032878-LU) to allow a 3-story, 3-unit rowhouse building. Parking for 3 vehicles proposed. Existing building to be demolished. Review includes future unit lot subdivision. To be considered with Project #3032941-LU for shared access.

Land Use Application (3032941-LU) to allow a 3-story townhouse building (2-units total). Parking for 2 vehicles is proposed. Existing building to be demolished. Review includes future unit lot subdivision. To be considered with Project #3032878-LU for shared access.

The following approval is required:

**SEPA - Environmental Determination** (Seattle Municipal Code Chapter 25.05)

**SEPA DETERMINATION**

Determination of Non-Significance:

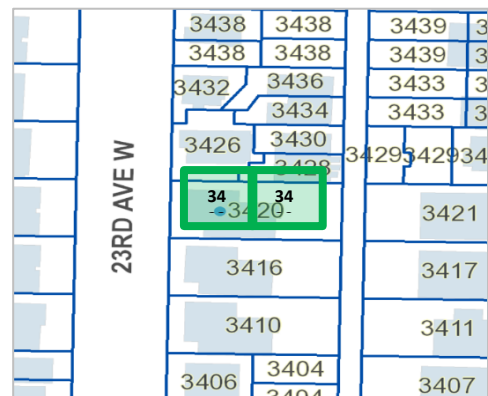
- ☐ No mitigating conditions of approval are imposed.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.

**SITE AND VICINITY**

**Site Zone:** Lowrise 1 M (LR-1 (M))

**Nearby Zones:** (North) LR-1 (M)  
(South) LR-1 (M)  
(East) LR-1 (M)  
(West) LR-1 (M)

**Project Size:** (3422 23<sup>rd</sup> Ave W) 2,999 square feet (sf)  
(3420 23<sup>rd</sup> Ave W) 3,000 square feet (sf)



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

Environmental Critical Area (ECA): Steep Slope  
Potential Slide Area

## **BACKGROUND**

### **Site Characteristics and Background:**

The proposal site is a part of a larger redevelopment effort consisting of three parallel ‘parent’ parcels identified as 3410, 3416 and 3420 23<sup>rd</sup> Ave W. The sites are located on the east side of 23<sup>rd</sup> Ave W., with the rear of the properties looking down onto a partially unimproved alley to the east that is approximately 20 feet below the finish grade of said parcels. The eastern one-third of each of these parcels has a descending slope of more than 25% from west to east with the toe of the slope armored by a dry-stone retaining wall. Each site has been mapped as a steep slope Environmental Critical Area (ECA).

Each parcel is currently occupied by a single three-story triplex structure, built in 1969 but determined not be historically significant by the Department of Neighborhoods through three separate reviews. Each of the three parcels is approximately 6,000 square feet (sq. ft.) in area.

Through separate applications, all three properties were approved for a land subdivision resulting in each lot being divided into two equal parcels sharing a common property line drawn in a north south direction. The resulting properties identified as a parent lot and resultant child lot as follows; 3410 and 3412 23<sup>rd</sup> Ave W., 3416 and 3418 23<sup>rd</sup> and 3420 and 3422 Ave W. Each of the parent parcels and their resultant child lots are now functionally related for purposes of parking access. The resultant street facing parent lots are now 2,999 sq. ft. while each rear child lot is approximately 3,000 sq. ft in area.

### **Environmental Critical Area: (ECA):**

The site was granted Relief on Steep Slope Development by the SDCI Geotechnical Engineer on December 5, 2018.

SMC 25.09.090.B. Approved Relief from Prohibition on Steep Slope Development for 6694812-EX; 3422 and 3420 23<sup>rd</sup> Avenue W., in which Environmentally Critical Areas (ECA) review are required for this project. Based on a review of the City GIS system and submitted information, SDCI concludes that steep slope critical areas on and adjacent to the subject property appear to be created by previous legal grading activities associated with site development. Consequently, this project qualifies for Relief from Prohibition on Steep Slope Development per SMC 25.09.090.B2b. No Steep Slope Area Variance is required for permit applications. Except as described herein, the remaining ECA Regulations will apply.

## **PUBLIC COMMENT**

The public comment period ended on December 10, 2018. The City received only written comments from the public. One comment requested a public meeting but did not provide the requisite information for this request.

Written public comments that were received were carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to potential dangers of placing new development on a designated steep slope area. Other comments related to concerns about potential future parking and traffic congestion, and potential increase in housing density resulting from the creation of three parent and child lots through the separate subdivision process and subsequent building permit process. Other comments related to the potential impacts to what was incorrectly identified as an exceptional tree located in the street right of way along with other trees on site and on neighboring properties. Other comments were also received that are beyond the scope of this review.

### **I. ANALYSIS – SEPA**

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 (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 10/12/2018 and updated 12/3/2019. 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.

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

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several 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). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas emissions, plants, construction parking/traffic, construction noise and earth / soils.

### 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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Plants and Animals

The applicant has provided an arborist report prepared by Tony Shoffner ISA Certified Arborist #PN-0909A, dated August 6, 2018, which identifies a single Scot's Pine (*Pinus Sylvestris*) tree measuring 38" DBH located within the street right-of-way, (ROW) in which the standard for exceptional tree protection measures do not apply due to its location. However, because it is located within the ROW, Seattle Department of Transportation (SDOT) will require protection for this tree. While the tree does not meet the exceptional threshold due to its location in the ROW, it has been identified as being in good health with a crown spread into the proposal site by 35 feet and root incursion of a similar or greater distance. SDCI has reviewed the arborist report and agrees that the tree needs to be protected as its roots extend into the subject property and therefore requires the installation of tree protection measures to ensure the tree is not negatively impacted during construction activities; (excavation, grading, construction vehicle and worker travel) as condition of approval.

There is also a Western red cedar tree measuring 8" DBH which is below the diameter threshold to be considered exceptional, per the DCI Director's Rule 16-2008 located on the adjacent property along proposal sites' northern property line. The tree while not exceptional is identified as being in good health with a maximum crown spread distance into the proposal site by eight (8) feet with the root incursion of a similar or greater distance. While there are no mitigation requirements for non-exceptional tree, the arborist report recommends tree protection measure. SDCI agrees with the arborist report that the tree needs to be protected and therefore requires the installation of tree protection measures during construction activity.

### Construction Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to some minor traffic congestion during peak travel times along W. Bertona Street a major cross street located to the south. Large trucks turning on and off Bertona could potentially impact traffic flow to a minor degree on a temporary basis.

The neighborhood area has a fair amount of uncontrolled on-street residential parking especially along 23<sup>rd</sup> Ave W but to a lesser degree along 22<sup>nd</sup> Ave W where there is no parking on the east side of the street due to the use of north bound lane as a bus route. Additional parking demand from construction vehicles could have an impact on on-street parking to a minor degree. Further the cumulative effect of all three parent and child lots potentially being developed in close succession could place additional demands on parking in the area. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted, and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#).

### Construction Impacts Noise

The project is expected to generate increased noise levels during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00PM on weekends and legal holidays in Lowrise zones.

If extended construction hours are needed for emergency reasons, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated. However, the cumulative effect of all three parent and child lots potentially being developed in close succession could increase the intensity and duration of noise levels during demolition, grading and construction. Again, it is the City's policy to minimize temporary adverse impacts associated with construction activities.

As such a Construction Management Plan (CMP) will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B. anticipated.

### Earth / Soils

Excavation to construct the approved building structure will include approximately 850 cubic yards of cut, +/- 15 cubic yards of fill, primarily in landscaped areas, and approximately 850 cubic yards of soil removed from site. On-site soils not to be reused as structural fill but may be used as general fill in non-structural and landscaping areas.

Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks are not spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the impacts associated with the grading/excavation impacts of the project 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 the following: greenhouse gas emissions; parking; possible increased traffic in the area. 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. However, greenhouse gases, historic resources, height-bulk and scale, parking, and traffic warrant 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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Historic Resources

The existing structures on proposal site are more than 50 years old. These structures were reviewed for their potential to meet historic landmark status. The Department of Neighborhoods (DON) reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated that the structures are unlikely to qualify for historic landmark status Landmarks Preservation Board letters, reference number LPB 368/19.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

### Height, Bulk, and Scale

The proposal site is located within a Lowrise 1 (M) (LR 1 (M)) zoned area with nearby zones to the north, south, east and west having the same zoning designation. The height of the proposed structure is within the allowable height limit for this zoning district with the bulk and scale being of a similar character of other structures within this LR 1 zone. As seen from the 23<sup>rd</sup> Ave W looking eastward the building structure will have the appearance of a two-story building with a similar front yard setback gable roof forms like existing single-family residential structures in the area. Other newer multi-story developments in the area are similar in terms of the type of structure; 3-story townhouse and/or 3-story rowhouse, placement on the site set back from the front yard and stepping down the rear of the property. The existing structures located to the south of the proposal site at the corner of 23<sup>rd</sup> Ave. W and W. Bertona St is one such structure.

Section 25.05.675.G describes SEPA policies for height, bulk, and scale. The proposed development is not subject to design review. All proposed structures comply with applicable SMC Chapter 23 height and density requirements, and height limit of the LR1 zone (30 feet maximum)

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

### Parking

The proposed development includes two (2) off-street vehicular parking spaces for the 3-story, 2-unit townhouse building and three (3) off-street vehicle parking spaces for the 3-story, 3-unit rowhouse building. Off-street parking provided as part of this development complies with parking requirements as shown in SMC Table 23.45.015. According to American Community Survey (ACS) 2016 estimates, there was an average of 1.39 vehicles per household in Seattle, resulting in a parking demand of 6.95 (7) vehicles. While the number of proposed off-street parking spaces does not accommodate all the anticipated parking demand, the potential spillover parking demand for two (2) vehicles not accommodated on-site would have a minimal impact on on-street parking availability near the project site. No mitigation is warranted per SMC 25.05.675.M.

### Traffic

The proposed development (3032878-LU) includes a (3) three-unit rowhouse in which one unit would have an average of 2 trips per day with all (3) three rowhouse units having a combined average of 6 trips per day or (2x3). The peak trips for one rowhouse unit would be 6 trips per day with a peak total for all three units of the rowhouses at 18 or (6x3)

The related proposal site (3032941-LU) also includes 2 townhomes, that would also generate an average of 2 trips per day per unit for an average of 4 trips for the townhomes site. Peak trips being generated would be 6 per unit or 12 peak trips for the townhouse site.

Individually and combined peak trips being generated would amount to a negligible amount of additional vehicle trips that would have minimal impact on nearby intersections and as such no further mitigation is warranted per SMC 25.05.675.R.

### **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 43.21C), 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 43.21C.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**

#### **Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit**

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/permits-and-services/permits/construction-use-in-the-right-of-way>.
2. Tree protection areas for the adjacent non exceptional Scot's Pine tree located in the street (ROW) and Western Red cedar tree located on the adjacent property to the north shall be identified on site plans.

#### **Prior to and During Construction**

3. Per arborist recommendation, Tree protection shall be installed to protect the adjacent non exceptional Scot's Pine tree located in the street (ROW) and Western Red Cedar tree located on the adjacent property to the north from construction activity (excavation, grading, vehicle and construction vehicle and worker travel.



4. *Tree Protection Area* signage shall be posted on site and the signs shall remain in place for the duration of construction activity.

David Landry, AICP, Land Use Planner Date: January 9, 2019  
Seattle Department of Construction and Inspections

DL:bg

Landry/3032878-LU and 3032941-LU

## **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 SDCI 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.