



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 Numbers: 3020730
Applicant Name: Einar Novion
Addresses of Proposal: 3447 22nd Avenue West

SUMMARY OF PROPOSAL

Land Use Application to allow four single family residences in an environmentally critical area. Parking for four vehicles to be provided. Existing structure to be demolished. Environmental Review includes future unit lot subdivision.

The following approval is required:

SEPA Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION:

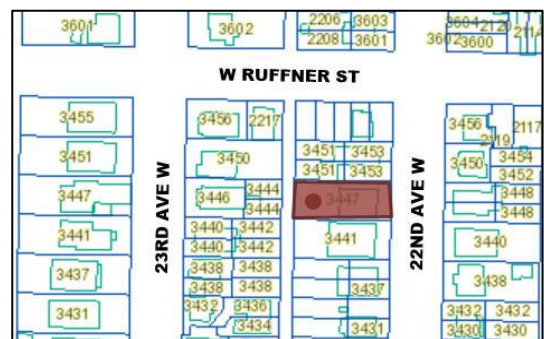
Determination of Non-Significance

- ☒ 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.

Site and Vicinity:

Site Zoning: Low Rise 1 (LR1)

Nearby Zones: LR1 (North)
LR1 (South)
LR1 (East)
LR1 (West)



Site Characteristics and Background: The site contains a duplex and consists of one parcel totaling approximately 6,000 square feet (sq. ft.). It is located on the west side of 22nd Ave W and abuts an unimproved alley to the west. The site slopes from west down to east with a steeper slope along the western edge. The site and adjacent alley contain mature vegetation including several trees, none of which qualify as Exceptional.

Environmentally Critical Areas (ECA): The entire parcel is mapped as an ECA Potential Slide Area. A portion of the site along the western edge contains an ECA Steep Slope Critical Area. The applicant applied for and received a Limited Steep Slope Exemption on August 5, 2015, as follows:

“Environmentally Critical Area review is required for this project. The site is mapped as Potential Landslide due to Geologic Conditions. The topographic survey provided in the plan set confirms that the site includes Steep Slope Critical Area in the west portion of the site. The property qualifies for relief from the prohibition on development within Steep Slopes and Steep Slope Buffers because the Steep Slope Critical Area is less than 20 feet in height and more than 30 feet from other Steep Slope Critical Areas, as described in SMC 25.09.180 B2c. This relief from the prohibition on development in the steep slope area is possible because the geotechnical engineering report by Nelson Geotechnical Associates dated May 22, 2015 demonstrated that no adverse impacts would result from allowing construction within the steep slope area, provided the conditions in the report were adhered to. Except as described herein, the remaining critical areas requirements apply.”

Public Comment: The Notice of Application comment period commenced on July 9, 2015. Public comments were received regarding density, height, vehicular access and maneuvering, wildlife habitat, as well as comments related to existing trees and vegetation onsite and in the adjacent unimproved alley.

ANALYSIS – SEPA

The proposal is located in a mapped environmentally critical area (ECA) due to steep slopes and potential slides. However, the subject site received a limited exemption from the development standards for steep slopes on August 5, 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 that the scope of environmental review of projects within critical areas shall be 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 ECAs 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 July 1, 2015. A geotechnical report dated May 22, 2015 (Nelson Geotech Associates, Inc.) and Arborist Report dated September 30, 2015 (Steve Cushing) were also submitted. 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 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 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. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

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 (Nelson Geotech Associates, Inc. dated May 22, 2015). 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 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, however, the following warrants further analysis.

Plants and Animals

The site contains several mature trees and vegetation. During review of this application, an Arborist Report (Steve Cushing, September 30, 2015) was submitted by the applicant identifying seven trees on-site, none of which qualify as Exceptional. Future development will be subject to the Tree Protection regulations (SMC 25.11) and reviewed for compliance during the Building Permit phase of review.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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).

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 required.

BreAnne McConkie, Land Use Planner Date: July 18, 2016
Seattle Department of Construction and Inspections

BM:bg

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