



City of Seattle

Gregory J. Nickels, 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: 2501923
Applicant Name: Andrew Novion for Westmount Properties
Address of Proposal: 1512 Taylor Ave N.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of two three-unit townhouses in an Environmentally Critical Area (total of six dwelling units). Parking would be provided within the townhouse structures. One existing single family residence would be demolished.

The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, SMC

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and area description

The 6,001 square-foot site is located in a Lowrise 3 (L3) zone on Taylor Ave N. between Garfield St. and Galer St. The site slopes from the northwest corner to the southeast corner with approximately 28 feet of difference in grade, and a more steeply sloped area in the southeastern portion of the lot with approximately 100% slope. The site is a mapped Environmentally Critical Area (ECA) due to the presence of this steep slope.

Properties to the north, west, south, and east are also zoned L3. The steep slope ECA continues to the south. The site is currently occupied by one detached single family residence which will be demolished. There is no alley adjacent to this site.

Proposal Description

The applicant proposes to construct two three-unit townhouses (six units total) with parking for six vehicles in garages at the base of each townhouse. One three-unit townhouse building would face Taylor Ave N. The other three-unit townhouse building would be located behind this building. Open space for the units is to be provided on the site perimeter adjacent to each unit. Vehicular access for all units will be from Taylor Ave N and an internal auto court.

The applicant has indicated that an application for a unit lot subdivision will be submitted for this property under a separate permit. The impacts of that future land use action are anticipated in the SEPA analysis and determination below.

Public Comments

The public notice was issued on May 19, 2005. There were no public comment letters.

ANALYSIS - SEPA

Due to the presence of potential slide environmentally critical areas, the application is subject to SEPA review. 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 included 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 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 from this project was made in the environmental checklist submitted by the applicant dated May 6, 2005. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Temporary soil erosion is a temporary or construction-related impact that may occur on the identified critical area. This impact is not considered significant because it is temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for the identified impact. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate the short-term impact to the environment and no further conditioning pursuant to SEPA policies is warranted.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant has submitted "Preliminary Geotechnical Recommendations; Steep Slope Evaluation; 1512 and 1516 Taylor Avenue North, Seattle WA 98109, Project No. 2004-212," prepared by Ricky Wang of The Riley Group Inc, and dated November 30, 2004. The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

