



City of Seattle

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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:** 3002715  
**Applicant Name :** Tony Huset for Rudd Development  
**Address of Proposal:** 5509 13<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to approve construction of two, 2-unit townhouses and two single family residences in an environmentally critical area. Parking for 6 vehicles will be located within the structures. Existing structures to be removed.

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 8,500 square-foot site is located in a Lowrise 2 (L-2) zone on 13<sup>th</sup> Ave S, south of S. Lucille St. The site slopes from the east to the west with approximately 21 feet of difference in grade. The site is a designated Environmentally Critical Area (ECA) due to the presence of steep slope areas on the western portion of the site.

The subject property is located on the western edge of south Beacon Hill, on a ridge sloping down to the west towards I-5 and the Duwamish Valley. Properties to the north and south are zoned L-2 and

may also include steep slope ECAs. Properties to the east are also zoned L-2 but are located in a relatively flat area. The subject property is currently occupied by two duplex structures which will be demolished.

### Proposal Description

The applicant proposes to construct two duplexes and two single family structures. Parking would be located inside of the structures in attached garages. Open space for the units is to be provided on the site perimeter and between buildings. Vehicular access for all units will be from 13<sup>th</sup> Ave S, on the east side of the lot.

A limited exemption was also granted for this project. The limited exemption noted that the ECA Steep Slope Development standards were waived for this proposal, but all other ECA requirements continue to apply.

### Public Comments

The public notice was issued on February 16, 2006. No comment letters were offered.

### 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 January 23<sup>rd</sup>, 2006. 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

The following temporary or construction-related impacts in the identified critical area are expected: temporary soil erosion and decreased air quality due to increased dust and other suspended air particulates during demolition and construction. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. 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 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building Code provides for construction measures and life safety issues. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

### Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 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 "Limited ECA Exemption Request, 5509-13<sup>th</sup> Ave S., Seattle, Washington, September 13<sup>th</sup>, 2005" and "Geotechnical Reconnaissance, 5509-13<sup>th</sup> Ave S., Seattle, Washington, August 2<sup>nd</sup> 2005" both prepared by Paul L. Stoltenberg, P.E., of The Galli Group in Seattle, Washington. These reports have been reviewed by geotechnical engineers in DPD.

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 33-2006 and 3-2007) 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.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by 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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 2c.

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

**CONDITIONS – SEPA**

None required.

Signature: \_\_\_\_\_ (signature on file) Date: May 24, 2007  
Shelley Bolser, Land Use Planner  
Department of Planning and Development

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