



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**

Project Number: 3003584
Applicant: John Minden for Timothy Eneard
Address of Proposal: 1524 Sturgus Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for future construction of six townhouse units (one 2-unit townhouse and one 4-unit townhouse structures) in an Environmentally Critical Area (ECA). Project includes parking to be provided within each structure. Project also includes demolition of two existing single family residences.

The following approval is required:

SEPA – Environmental Determination - (SMC Chapter 25.05).

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

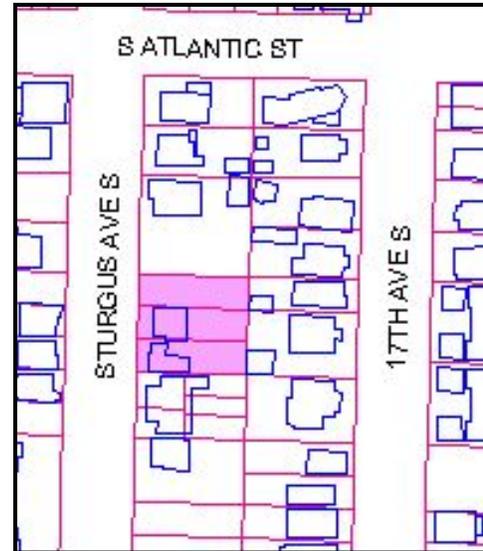
DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**Early Notice DNS published October 27, 2005.

BACKGROUND DATA

Site and Vicinity Description

The proposal combines two parcels of land to establish one development site. The subject site is located between South Atlantic Street to the north and South Massachusetts Street to the south, on the eastside of Sturgus Avenue South in the Rainier Valley neighborhood. The site comprises a land area of approximately 8,895.23 square feet in a Multifamily Lowrise 2 (L-2) zone. The minimum density requirement for the zone is 1,200 square feet of lot area per dwelling unit. The site is nearly rectangular in shape with a dramatic elevation change sloping downward from west to east, approximately 18.75 feet over a distance of 135 feet. The subject site is modestly vegetated with overgrown shrubs and small trees clustered around the east (rear) property boundary line. Two single family residential structures occupies each of the exiting lots, with one surface concrete parking pad located on the lot furthest.



Sturgus Avenue South right-of-way, abutting the site, is partially improved with an asphalt roadway surface split into two roads. The center median is vegetated with grass and wild flowers. The center median extends a total length of 270 feet. There are no sidewalks, curbs and gutters along this strength of right-of-way.

The subject site is located in an expansive Multifamily Lowrise 2 (L-2) zone where single family styled structures dominate the immediate vicinity. A mixture of turn of the century and post World War II homes are found in abundance in this particular area. Abutting the site to the south is a recently completed five unit townhouse development. To the north side of the subject site, a one-story single family residential structure resides on parcel of land similar in size to the development site. Directly across the street are two modest 2-story single family residential structures and slightly to the north, a lot sits vacate with overgrown vegetation. Single family residences dominate the multifamily zones in and around the subject site. Zoning in the surrounding area includes Multifamily Lowrise 1 (L-1) to the south and Multifamily Lowrise 3 (L-3) to the west of the subject site. Development in the immediate vicinity is predominantly a mixture of single family and multifamily uses. Rainier Avenue South, a primary arterial is located to the east a distance of over 1,000 feet which is the principal transportation corridor to the development site.

Proposal Description

A total of six dwelling units are proposed to be constructed in an (new potential slide) environmentally critical area. The applicant proposes to construct two 3-story multifamily structures at the development site; one 2-unit townhouse structure will be adjacent to Sturgus Avenue South. The second structure, located directly behind the first structure will be a 4-unit townhouse. Vehicular access to the proposed site will be available through Sturgus Avenue South located along the north property line. Parking for the dwelling units shall be provided

within the proposed structures. The Project includes the demolition of two existing single family dwelling units and a concrete parking pad located in the front setback. The site will be re-graded to accommodate the new development, which will include excavation of approximately 400 cubic yards and fill. Future development activity at the subject site may include the creation of five unit lots (Unit Lot Subdivision).

Public Comments

Date of Notice of Application: October 27, 2005

Date End of Comment Period: November 9, 2005

Letters 0

Issues: No letters were received by DPD, during the public comment period that ended on November 9, 2005, and through to the time of decision.

ANALYSIS - SEPA

The development site is located in a new potential slide critical area, 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 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 environmental impacts on this project was made in the threshold determination and environmental checklist prepared by John M. Minden on October 10, 2005. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with 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, that "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/circumstances (SMC 25.05.665 D1-7) 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 are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

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 DPD Director's Rule (DR) 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts 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 geologic hazard areas and/or a history of unstable soil conditions. Thus, ECA review is required because the site has soil conditions that need further scrutiny to properly evaluate subsurface, water conditions, and bearing strength capability. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed 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 ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used.

According to the geotechnical report by Geotech Consultants, Inc. submitted with the application, the soil conditions at the development site contains medium-dense silt and silty sand at a depth of approximately 3 feet below existing grade. In order to reduce the potential for disturbance and softening of the footing subgrades a number of recommendation where outlined. The report recommends that to mitigate these risks all earthwork operations should be conducted within strict adherence of a design criterions found within the submitted report or other geotechnical engineering study.

Otherwise, any other potential short-term, construction related impacts anticipated from future construction will be addressed by adopted City regulations regarding grading, erosion control and noise. Therefore, no further conditioning for grading and earthwork activities is warranted pursuant to SEPA policies.

Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

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; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

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. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. 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.

Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

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 decision pursuant to SEPA.

