



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: 3004707
Applicant Name: Kyle Clark for Michael Culwell
Address of Proposal: 209 27th Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, three-unit and one, two-unit townhouse structures in an environmentally critical area (Potential Landslide Area). Surface parking for eight vehicles will be located on the site. Review includes demolition of two residential structures (five total units).

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Site & Area Description

The site is approximately 12,124 square feet in area and is located on 27th Avenue East between East John St. and East Thomas St. in Seattle's Madison Valley neighborhood. 27th Avenue East is a two lane paved street with sidewalks, curbs and gutters on both sides of the street.

There are currently two residential structures on site (five total units). The vegetation on the site consists of grass, shrubs and trees. There are about 20 Juniper trees along the east property line

and along the east half of the south property line. There are two 10-inch Maple trees along the east property line and there is a 36-inch Cedar tree in the rear of the existing triplex. The site is designated an environmentally critical area due to its location in a Potential Landslide Area. The site slopes down to the east at approximately 18% from an elevation of 167-feet to 145-feet.

The subject property lies within a Multi-family Lowrise 1 zone (L-1), which continues to the east and south of the property. To the north and west, the properties are zoned Lowrise Two (L-2) and Lowrise Three (L-3). Development in the area consists of one and two-story single family houses and a moderate number of multi-family structures.

Proposal

The applicant proposes to construct two, three-unit and one two-unit townhouse buildings in an environmentally critical area. Vehicle access is proposed from a 16-foot paved alley. Surface parking for eight vehicles will be provided along the west property line off the alley. The existing residential structures on the property will be demolished. The demolition permit will occur under separate review.

Public Comments

No comment letters were received during the comment period that ended June 3rd, 2007.

- This project was renoticed for changes, and the original end to the comment period was May 17th, 2006.

ANALYSIS – SEPA

The development site is located in an environmentally critical area, steep slope and potential landslide 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 potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 21st, 2006. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in some adverse

impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected from the construction of the two, 3-unit and one, 2-unit townhouse structures: 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).

Several adopted codes and/or ordinances provide mitigation for temporary soil erosion. 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's 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 most short-term impacts to the environment.

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.

The applicant submitted a Geotechnical Evaluation report by Golder Associates Inc., Joshua L. Hanson, P.E. dated December 13th, 2005 along with an addendum dated April 3rd, 2007 which provides recommendations for safe construction. Also, Department staff is currently reviewing the building permit for consistency with the Environmentally Critical Areas Regulations (SMC 25.09) and the Stormwater, Grading and Drainage Control Code (SMC 22.800). The existing Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

Noise

Noise associated with the excavation, grading, foundation work, building construction and structure framing, truck hauling of materials into and from the site will have adverse impact on nearby residences and other sensitive land uses. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impact on the nearby uses. The impacts upon nearby uses would be especially adverse in the early morning, in the evening and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Policy (SMC 25.05.675) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impact. Pursuant to the policy, and because there are residences and other noise-sensitive developments in the vicinity, the applicant will be required to limit the hours of construction activity to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturday).

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soil 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 submitted a Geotechnical Evaluation report dated December 13th, 2005 prepared by Golder Associates Inc., Joshua L. Hanson, P.E., and the reports were reviewed by the DPD Land Use Planner and DPD Geotechnical staff. The construction plans, including shoring of excavations as needed and erosion control techniques are being reviewed by DPD to ensure compliance with the ECA regulations. Any additional information required 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 the building permit. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning 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 approval 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 long term impacts on the identified environmentally critical area.

The proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations and no further conditioning is necessary.

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.

- [X] 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).
- [] 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

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday (except that grading, delivery and pouring of cement and similar noisy activities

shall be prohibited on Saturday). This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Signature: _____ (signature on file) _____ Date: August 13, 2007

Joan Carson, Land Use Planner
Department of Planning and Development

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