



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3005692
Applicant Name: Andrew Novion
Address of Proposal: 1535 17th Avenue S.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, new single family residences with attached garages in an environmentally critical area (Potential Landslide Arera). Existing single family residence to be demolished.

The following approval is required:

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

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

This proposal site is located in the Beacon Hill neighborhood of Seattle. The site is bounded to the north by S. Atlantic Street, to the east by 18th Avenue S., to the south by S. Massachusetts Street, and to the west by Sturgus Avenue S. The subject site is rectangular in shape and is approximately 29.98-feet wide and 99.82-feet deep. The property is currently developed with one single family residence that has vehicular access from 17th Avenue S. The site is vegetated with shrubs, large bushes and grass. The property measures approximately 61.33-feet in width and approximately 210-feet deep, with a total lot area of approximately 2,992.3 sq. ft. The project site is zoned Lowrise-two (L-2) and is located in a predominately single-family and multi-family neighborhood. The density for Lowrise-two zone is one dwelling unit per each 1,200 sq. ft. of lot area. The property site has a lot area of 2,992.3 sq. ft., therefore, has a potential for 2-units. This proposal is for two-units. 17th Avenue S. is a two lane paved street with sidewalks, curbs and gutters on both sides.

Development in the Vicinity

To the north, west and east of the site, the area is zoned Lowrise-Two (L-2) and the existing developments are mostly Multi-family structures with duplexes, triplexes and some scattered single family homes. South of the site is zoned Lowrise-One (L-1) and the development directly across the street is Multi-family structures, duplexes, triplexes and single-family structures. The Recovery Center of King County is also located across S. Massachusetts St. from the subject site.

Proposal Description

The applicant proposes to construct two, new three-story, single family residences with attached garages. The existing single family residence is to be demolished. Structures will be built in tandem on the site.

Vehicle access will be from 17th Avenue S. and required parking will be located in the attached garages. The access easement will follow along the north property line from the driveway accessed from 17th Ave. S. The rest of the area will be landscaped and utilized as part of the open spaces required for this development.

The single family structures are three stories. A garage for each individual single family residence is provided under the structure at grade level. Access to individual garage is through common paved access easement from a main driveway which serves as ingress/egress to the development. Each individual single family residence is provided with a directly accessible and fully landscaped private usable open space.

Public Comments

No comment letters were received during the comment period that ended November 22nd, 2006.

ANALYSIS - SEPA

The development site is located in an environmentally critical area, 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 the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 2nd, 2005. 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: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud trucked onto the streets during construction activities; excavation, backfill and site grading; increased traffic demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources. 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 applicant estimates approximately 200 cubic yards of grading (150 cubic yards of cut and 50 cubic yards of fill). 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 Report by Liu & Associates, Inc., dated August 28th, 2006 which provides recommendations for safe construction. Also, Department staff is currently reviewing the building permits for consistency with the Environmentally Critical Areas Regulations (SMC 25.09) and the Storm-water, 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.

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 Report dated August 28th, 2006 prepared by Liu & Associates, Inc., and the report was 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.

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 the file with the responsible department. This constitutes the Threshold Determination and form. The intent of the declaration is to satisfy the requirements 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 43.21C.030(2)(C).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under CRW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

Signature: _____ (signature on file)
Joan S. Carson, Land Use Planner II
Department of Planning and Development

Date: July 12, 2007