



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: 3005910
Applicant Name: Brittani Ard
Address of Proposal: 850 Northeast 94th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to construct two, two-unit townhouse structures in an Environmentally Critical Area (ECA). Parking for four vehicles will be located within the structures. Project includes demolition of an existing single family residence (Project No. 6115426). This analysis anticipates a future unit lot subdivision.

The following approval is required:

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

SEPA DETERMINATION [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The 5,500 square foot site is located along Northeast 94th Street just west of the intersection of Roosevelt Way Northeast and Northeast 94th Street, in Seattle’s Maple Leaf neighborhood. The site is zoned Lowrise 2 (L-2) and is situated directly within a narrow stretch of Lowrise 2 zoning which runs north-south approximately eight blocks. Surrounding this narrow stretch of Lowrise 2 zoning, and the subject property, is Single Family (SF 5000) zoning to the west, and Lowrise 2 Residential

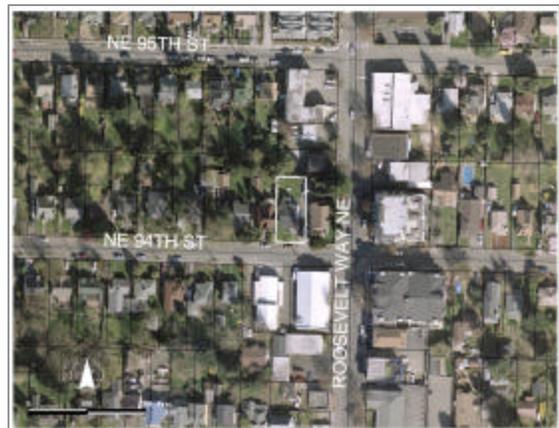


Figure 1. Aerial Photo

Commercial (L-2 RC). Surrounding development consists of a blend of single family and multi-family residential uses, and commercial uses, such as pet grooming and cabinet works, particularly along Roosevelt Way Northeast.

The subject site is currently developed with a single family structure; demolition of the structure is being proposed under Project No. 6115426. The site is predominantly flat except for the northern portion of the lot, which slopes steeply down and north along the northern property line. This 'steep slope' area appears to be less than 20 feet in height and has likely been created by previous grading and construction activities at the site. Due to the factors, the proposal received an exemption from ECA steep slope development standards. Pursuant to the Environmentally Critical Areas (ECA) ordinance, SMC 25.09, this site is designated as a potential slide area. ECA review is required, and the project must meet all ECA development standards.



Figure 2. Zoning Map

Proposal

The proposal is to construct two, three-story, two-unit townhouse structures in an Environmentally Critical Area (ECA). Parking for four vehicles will be located within the structures. The project includes demolition of an existing single family residence. Vehicular access will be taken from Northeast 94th Street via a 10 foot wide curbcut and driveway.

Public Comment

The extended public comment period for the proposed project ended November 8, 2006. Four comment letters were received during the two week period. Major issues presented focused on massing and design of the new structures, as well as vehicular access on site and parking within the structures. Additional comments included particular attention to impacts of the demolition of the existing structure on surrounding residences.

ANALYSIS - SEPA

The proposal site is located in a potential slide 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 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 (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist and geotechnical report submitted by the applicant dated September 28, 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 SEPA Overview Policy clarifies the relationship between the City's codes, policies, and environmental review (SMC 23.05.665). 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 an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. The Overview Policy states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts (SMC 25.05.665 D1-7).

The policies for specific elements of the environment describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable (SMC 25.05.675). Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces).

Short-term Impacts

Construction of the proposed townhouse structures may have short-term impacts on the environment; however, temporary soil erosion impacts on the identified critical areas (steep slope/landslide prone) will be limited and relatively minor.

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 Director's Rules 3-2007 and 33-2006 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. Due to the fact that grading will be undertaken during construction, additional analysis of earth and soils impacts are warranted.

Earth/Soils

The ECA Ordinance and Directors Rule 3-2007 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 submitted a soils report dated August 18, 2006, prepared by Dennis M. Bruce, P.E. The report was reviewed by the DPD Land Use Planner and DPD Geotechnical engineers. 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, and Director's Rules) will be required prior to issuance of the building permit. Applicable codes and ordinances 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 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.

Signature: (signature on file) Date: May 10, 2007
Catherine McCoy, Land Use Planner
Department of Planning and Development
Land Use Services



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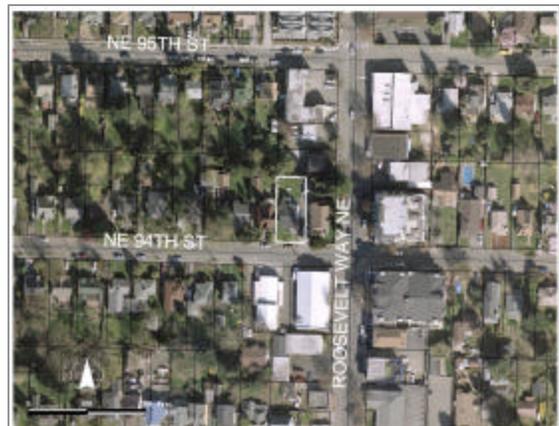


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