



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: 3006000
Applicant Name: Mark Shuler
Address of Proposal: 9049 20th Avenue S.W.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story building containing 2,475 sq. ft. of Administrative Office at ground level and two residential units above in an environmentally critical area. Surface parking for two vehicles and parking for four vehicles within a below grade garage are to be provided. Project includes 2,100 cubic yards of grading.

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 Vicinity Description

The proposal site is located in a commercial zone (C1-40) on the west side of 20th Avenue S.W., just before 20th Avenue S.W. turns into Delridge Way S.W., in the West Seattle neighborhood. The site is rectangular shape and is approximately 128.55 feet deep and 60 feet wide with street frontage along 20th Avenue S.W. “Based on submitted documents, “steep slope” areas on this site appeared to be less than 20 feet in height and/or have been created by previous grading and construction activities. Further, the submitted geotechnical report by Associated Earth Sciences, Inc. dated March 29, 2006 had inferred that granting this exemption will not result in adverse

impacts on this site and adjacent sites.” “In this respect, the ECA Steep Slope Development Standards (i.e., threshold disturbance level of 30 percent of Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) are waived for the development associated with this project.” The site is currently undeveloped. While the site is not included on DPD maps as Environmentally Critical Area (ECA), it was designated a Steep Slope ECA.

Zoning adjacent to the site, to the north is Single-family (SF7200, to the south the zoning is Lowrise 3 (L-3) and to the east it is the same as the subject property, (C1-40). Adjacent development along 20th Avenue S.W. consists of one, two and three-story multi-family structures and a moderate population of single-family structures. Development along Delridge Way S.W. consists of a mix of commercial and residential uses.

Proposal

The applicant proposes a two-story building with 2,475 square feet administrative office at ground level and two residential units above in an environmentally critical area. Surface parking for two vehicles is proposed at grade and parking for four vehicles is proposed within a below grade garage. The project includes 2,100 cubic yards of grading.

Public Comment

No written comment letters were received during the public comment period that ended on December 13th, 2006.

ANALYSIS – SEPA

The development site is located in an environmentally critical area, steep slope, 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 13th, 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 a two-story building containing 2,475 sq. ft. of Administrative Office at ground level and two residential units above: 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 2,100 cubic yards of grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

The applicant submitted a Geotechnical Evaluation report by Associated Earth Sciences, Inc. dated March 29th, 2006 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 periods of construction to between hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays.

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 March 29th, 2006 prepared by Associated Earth Sciences 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.

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.

Summary

A limited ECA exemption was granted for this project; "Based on submitted documents, the "steep slope" areas on this site appeared to be less than 20 feet in height and /or have been created by previous grading and construction activities. Further, the submitted geotechnical report by Associated Earth Sciences, Inc. dated March 29th, 2006 had inferred that granting this exemption will not result in adverse impacts on this site and adjacent sites." "In this respect, the ECA Steep Slope Development Standards (i.e., threshold disturbance level of 30 percent of the Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) are waived for the development associated with this Application." All other ECA Submittal, General, and Landslide-Hazard, and development standards will apply for this development. This proposal shall meet all development standards for ECA Steep Slope. Existing City regulations appropriately address environmental impacts of this proposal. No SEPA conditioning is warranted.

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.

