



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

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

Application Number: 3006294
Applicant Name: Anthony Maschmedt for Dwell Development LLC
Address of Proposal: 912 29th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for construction of one, three-story three unit townhouse structure and two, three-story single family residences. Four surface parking spaces and one parking space within the structure will be provided. Existing structure will be demolished.

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.

BACKGROUND DATA

Site and Vicinity Description

The subject property is located two blocks east of Martin Luther King Way South and is in an L-2 zone. The site is rectangular in shape and contains 6006 sq. feet of lot area and is 99.98 ft. deep with approximately 65 lineal feet of street frontage along 29th Avenue South. The street is improved with curb, sidewalk and gutters and planting strip.

The subject site is currently developed with an unoccupied duplex which will be demolished as part of the proposal. The site slopes approximately 22 ft. from front to rear and is considered an environmentally critical area. Zoning to the north, south and west is also L-2 and zoning to the east is LDT (Lowrise Duplex Triplex). Development in the immediate vicinity is a mixture of single family residences and multifamily residences.

Proposal Description

The applicant proposes to construct a three-story, three-unit townhouse and two, three story single family residences. Project includes the demolition of the existing structure on the site. Access to the project site is off of 29th Avenue South. A limited exemption for the steep slope critical area was granted. Excavation for the installation of foundation will result in the removal of approximately 195 cubic yards of material.

Public Comments

The comment period began on November 30, 2006 and ended on December 13, 2006. No public comment letters were received.

ANALYSIS – SEPA

The proposal site is located in a steep slope 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 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 environmental checklist prepared on November 21, 2006. The information in the checklist, field inspection, and the experience of the lead agency with 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 adverse impacts to the environment. However, due their temporary nature and limited effects, the impacts are not expected to be significant.

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.

Several adopted City codes and/or ordinances provide mitigation for identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion): Building Codes (construction standards): and ECA Ordinance. Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Due to the temporary nature and limited scope of these impacts, they are not considered significant.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 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). 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

Due to the anticipated impacts on the critical areas such as soil erosion and soil instability, the ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, landslide hazard zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical report by PanGEO Incorporated, dated June 16, 2006. The construction plans, including shoring and excavations as needed and erosion control techniques will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and code (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; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts on the critical area that may occur as results 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 impact is minor in scope, and applicable regulations will adequately mitigate potential drainage impacts.

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.

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.303(2)(C).

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.303(2)(C).

CONDITIONS – SEPA

Prior to Master Use Permit Issuance

1. Add clerestory information provided to planner on 4/25/07 and 5/3/06 to the plans.

Signature: _____ (signature on file) Date: May 10, 2007

Lori Swallow, Senior Land Use Planner
Department of Planning and Development

LS:bg