



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

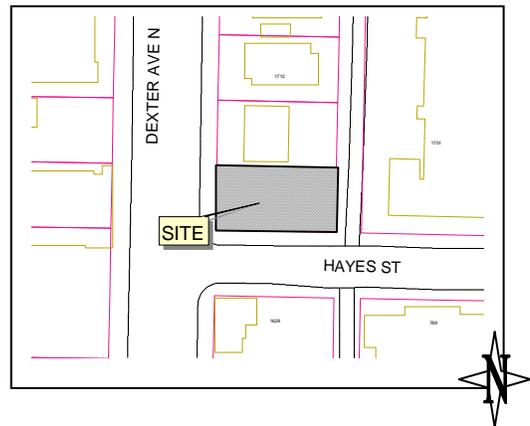
D. M. Sugimura, Director

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

Application Number: 3006442

Contact Person: Dan Duffus

Address of Proposal: 1704 Dexter Ave N



SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, 2-unit townhouse structure, in an environmentally critical area. Parking for two vehicles will be located within the structure and one surface parking space to be provided. The existing ground related structure to remain. The applicant anticipates a future subdivision into four unit lots.

The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, SMC

- 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 description

The rectangular shaped lot is located in a Lowrise 3 (L-3) zone and slopes downward from west to east. The corner lot has approximately 4,590 square feet of lot area and Dexter Avenue N abuts to the west and Hayes Street abuts to the south. Hayes Street and Dexter Avenue N are improved with sidewalks, curbs and gutters. An existing two unit ground related structure is located towards the westerly portion of the site. There is a mapped Environmentally Critical Area (ECA) due to the site being located within a potential landslide area.

Surrounding Area Description

The surrounding areas to the east and north are zoned Lowrise 3 (L-3) and generally developed with multi-family structures. The areas to the south and west are zoned Neighborhood Commercial 3 with a 40-foot height limit (NC-3/40) and developed with a variety of commercial and residential uses.

Proposal Description

Land use application to allow one, 2-unit townhouse structure, in an environmentally critical area. Parking for two vehicles will be located within the structure and one surface parking space to be provided. The existing ground related structure to remain. The applicant anticipates a future subdivision into four unit lots.

Public Comments

The application was deemed to be complete on December 15, 2006 and notice of application was sent on January 18, 2007. The 14 day public comment period ended on January 31, 2007. A public comment was received through the public notice process.

ANALYSIS - SEPA

The site is located within a 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 included 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 December 15, 2006. The information in the checklist, supplemental information provided by the applicant (Geotechnical Evaluation dated September 9, 2006), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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: "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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts on the identified 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).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. 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 33-2006 and DR 3-2007 regulate development and construction techniques in designated ECA areas 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 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.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 and 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. A "Geotechnical Evaluation – Foundation/Shoring Recommendations.," prepared by Dennis M. Bruce, PE, dated September 9, 2006, was submitted with this application and is undergoing separate geotechnical review by DPD. The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; 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 this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces.

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 most long-term impacts and no further conditioning is warranted by SEPA policies.

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 required.

Signature: (signature on file)
Mark Taylor, Land Use Planner
Department of Planning & Development

Date: July 5, 2007