



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: 3006645
Applicant Name: Anne Van Dyne for Matt Brown, Camden-Taylor, LLC
Address of Proposal: 825 Northeast 66th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to construct one single family residential structure and one two-unit residential structure in an environmentally critical area (ECA). Parking for three vehicles will be located within the structures. Existing single family and accessory structures to be removed under separate permit, Project No. 6125061. This analysis anticipates a future unit lot subdivision.

The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, Seattle Municipal Code (SMC).

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 area description

The subject site is located midblock along Northeast 66th Street, between 8th Avenue Northeast and Roosevelt Way Northeast, in Seattle’s Roosevelt neighborhood. The rectangular lot is 4,636 square feet in area. The southern portion of the lot, directly along the south property line, is supported by a 12 foot substantial retaining wall and borders a parking lot at a lower grade. The western property line is marked by a retaining wall approximately 2 ½ feet in height for a distance of 35 feet from the south



Figure 1. Aerial Photo

property line (Figure 1). The ECA, as it pertains to this site, is the result of prior grading and construction activities, and is concentrated along the south property line. There are several mature trees on-site, including Western Red Cedar, Cedar of Lebanon, and Cypress trees.

There is a mixture of zoning in the surrounding vicinity. The site itself is zoned Lowrise 1 (L1), as are properties immediately east, west, and north. Zoning changes to Neighborhood Commercial 3 with a height limit of 65 feet (NC3-65) south of the site (Figure 2). The site is currently developed with a single family residential structure, as are the lots to the east and west of the site. Uses surrounding the site consist of a blend of single and multi-family residential structures, and commercial development primarily south and east of the site.

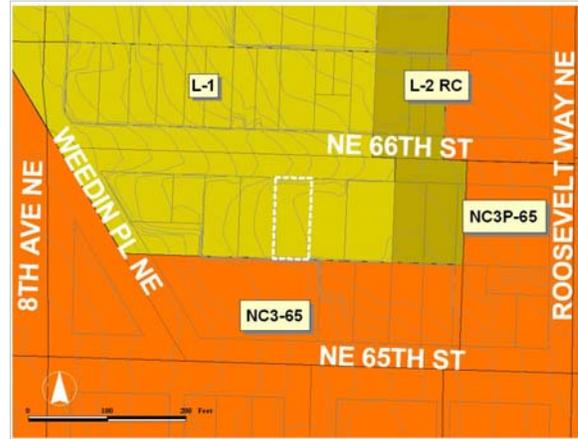


Figure 2. Site Zoning and Topography

Access to the site is taken from Northeast 66th Street, which is a fully improved 60 foot wide residential collector street. Roosevelt Way Northeast, a north/south principle arterial, lies east of the site; west of the site are both Weedin Place Northeast (diagonal cross street) and 8th Avenue Northeast.

Proposal Description

The applicant proposes to demolish the existing single family residence and construct one three-story detached single family structure and one three-story duplex structure, for a total of three dwelling units. Parking for three vehicles will be provided within the structures. Vehicular access for all three units will be from Northeast 66th Street via a 10 foot wide driveway. Several of the mature trees existing on-site will be retained, including those mentioned above.

The applicant has indicated a desire to apply for a unit lot subdivision permit to divide the existing “parent” lot into three unit lots for the purpose of sale, per SMC 23.24.045. The impacts of that future land use action are anticipated in the SEPA analysis and determination below.

Public Comments

The extended public comment period ended April 12, 2007. There were two comment letters which addressed issues of privacy, tree retention, potential impacts related to the demolition and construction, and changing character of the neighborhood’s existing “bungalow heritage”. The comment letters, along with related project reviews and documents, can be found in the Land Use Application file folder, which is available for review at the Public Resource Center (PRC), 700 Fifth Avenue, Suite 2000. (<http://www.seattle.gov/dpd/PRC/Overview>)

ANALYSIS - SEPA

Due to the presence of landslide-prone environmentally critical area, the application is subject to SEPA review. Seattle Municipal Code 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 (SMC Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated March 6, 2007. The information in the checklist, supplemental information provided by the applicant (geotechnical report), 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 clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665 D). 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 or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Construction of the proposed residential structures may have short-term impacts on the environment; however, temporary soil erosion impacts on the identified critical areas (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 33-2006 and 3-2007 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 south property line consists of a substantial 12 foot retaining wall that supports site grade. The wall rises above a commercial development surface parking area. This steep slope area is due to previous grading and construction-related activities and a limited ECA exemption was approved by DPD.

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, “Geotechnical Site Evaluation Letter”, dated January 9, 2007, prepared by Aspect Consulting, LLC. The report was reviewed by the DPD Land Use Planner and DPD Geotechnical engineers. The construction plans, including 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

