



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3007512
Applicant Name: John Hunt
Address of Proposal: 10530 24th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one four unit townhouse structure in an environmentally critical area. Parking for four vehicles will be provided within the structure. The project includes 370 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 Location: Lake City Neighborhood
Zoning: Lowrise 3 (L3)
Parcel Size: 5,368 square feet
Existing Use: Four townhouse units

Proposal Description: Construct one four unit townhouse structure in an environmentally critical area. Parking for four vehicles will be provided within the structure. The project includes 370 cubic yards of grading.

Public Comment: No comment letters were received during the comment period which ended July 11, 2007.

ENVIRONMENTALLY CRITICAL AREA

The site is mapped as an environmentally critical area (ECA) due to a 40 percent steep slope on the site. An ECA exemption was granted based on the submitted information showing that the steep slopes along the east side of the project site were created by right-of-way improvements for Lake City Way. There is inconclusive evidence that steep slopes located at the northwest corner of the site were created by right-of-way grading. However, a limited exemption was granted because these steep slopes are less than 20 feet in height and not part of a steep slope system. In this respect, the ECA steep slope development standards are waived for the site. The other applicable ECA standards remain, such as the general, submittal, and landslide hazard area.

A geotechnical report was submitted with this application which indicated that the bulk of the site is underlain by predominantly firm, competent and dense silty sand soils, the majority of which comprise glacial till materials. Based on the observed subsurface conditions, the proposed townhouse structures may be supported on conventional spread footing foundations bearing on either the undisturbed or carefully and thoroughly redensified in-situ silty sands, or on at least two feet of compacted structural fill placed over the redensified in-place soils, as appropriate. Recommendations were made regarding the: site preparation and earthwork, excavations and slopes, conventional spread footing foundations, concrete slab-on-grade floor, foundation stem and retaining walls, rock wall construction, seismic risk, liquefaction, slope stability, drainage, and temporary erosion and sediment control.

ANALYSIS – SEPA

The proposal site is located in an environmentally 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 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 [June 18, 2005](#). 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 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 site is located in a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department’s conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m. and Saturdays from 9:00 a.m. to 6:00 p.m. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

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.

DECISION

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)(C).

CONDITIONS

During Construction

The owner(s) and/or responsible party(s) shall:

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays from 9:00 a.m. to 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise exterior work after approval from the Land Use Planner. Interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: _____ (signature on file) Date: August 13, 2007
Malli Anderson, Land Use Planner
Department of Planning and Development

MJA:bg

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