



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: 3005746
Applicant Name: Brittani Ard
Address of Proposal: 908 29th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two single-family structures and one two-unit townhouse structure in an Environmentally Critical Area (*Steep Slope*). Parking for four vehicles will be located within the structures. The project includes demolition of the existing single-family structure.

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 & Area Description:

The approximately 6,000 square foot property is located on the east side of 29th Avenue South between South Charles and Norman Streets. The site contains one single-family structure.

The eastern one-half of the site slopes uphill to the east and have been identified as an Environmentally Critical Area *Steep Slope*.

The site is zoned Lowrise 2 (L2). The abutting parcel to the east (at the rear property line) is zoned Lowrise 1 (L1). The surrounding lots extending to the north and south of this neighboring L1 lot are similarly zoned. The lots surrounding the subject site and extending to the north, south, and west are also zoned L2. The surrounding area consists of a mixture of single-family and multi-family structures.

Proposal

The applicant proposes to construct two single-family structures, of a “townhouse” style, fronting on 29th Avenue South, and one two-unit townhouse structure behind the two street facing structures. One parking space within each structure will be provided and be accessed from a central auto court between the street facing structures that extends from 29th Avenue South. Original proposal was for five units in two townhouse structures, one with two units and one with three. Future *Unit Lot Subdivision* of the four units is anticipated.

Public Comments

The public comment period for this project ended on February 21, 2007. No comment letters were received.

ANALYSIS - SEPA

The proposal site is located in an *ECA Steep Slope* area, thus this proposal, normally exempt because the number of units in this zone is below the SEPA threshold for review, 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 September 11, 2006 and subsequently annotated by the Department. The information in the checklist 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 23.05.665) discusses the relationship between the City’s code/policies and environmental review. 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 limitation”. The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

Short-term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing that could adversely affect the site’s slope,

- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. Additionally, the General Development Standards of SMC 25.09.060 and the Trees and Vegetation regulations of SMC 25.09.320 place limitations on grading and storm water management and tree and vegetation removal on parcels containing *Environmentally Critical Areas*, and must be followed during construction.

This proposal received an *ECA Limited Exemption* from the prohibition on development in the site's sloped area (SMC 25.09.180.B.2.a). This *Limited Exemption*, based on DPD geotechnical review of the submitted site survey and geotechnical report and DPD's knowledge of the site and vicinity, allows development in the sloped area because it has been determined to be less than 20 feet in height, limited in length, and / or created by previous grading and construction activities. However, all other ECA submittal, general, and landslide-hazard development standards will apply. The related building permit application will also undergo geo-technical review for adequacy of construction methods on the entire site. Hence, the development can not be anticipated to increase adverse impacts on the sloped area.

The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as the greenhouse gas affects on air quality, and therefore warrants further analysis.

Air Quality

Construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas (GHG) emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. Consequently, no potential short term significant adverse impacts to air are anticipated and therefore air quality mitigation is not necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas (GHG) emissions primarily from increased vehicle trips but also the projects energy consumption, and long-term disturbance of the *Steep Slope* area. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code, which will require insulation for outside walls and energy efficient windows; and the Environmentally Critical Areas Ordinance, which controls development and future disturbance on ECA containing sites.

This proposal has undergone geo-technical review under the *ECA* Ordinance and disturbance of the area designated as *Steep Slope* has been exempted per the information above. However, all other *ECA* submittal, general, and landslide-hazard development standards will apply. The related building permit application will also undergo geo-technical review for adequacy of construction methods on the entire site.

Per the SEPA Overview Policy presumption that the existing *Environmentally Critical Areas* Ordinance addresses anticipated environmental impacts, the **Approval** of this project is adequate to achieve sufficient mitigation. However, further discussion of the anticipated GHG affects is warranted.

Air Quality

The number of vehicular trips and building energy usage associated with four dwelling units is not expected to substantially differ from the amount currently generated by the site's one residence. These changes, therefore, should not result in substantial increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. Since no potential long term significant adverse impacts to air quality are anticipated, no mitigation is necessary.

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.

[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 43.21C.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.

Signature: _____ (signature on file) Date: April 27, 2009

Art Pederson, Land Use Planner
Department of Planning and Development