



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: 3006100
Applicant Name: Andrew Novion
Address of Proposal: 2023 13th Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, 2-unit townhouse structures in an environmentally critical area. Parking for four vehicles to be provided within the structures. Project may include future unit lot subdivision.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: DNS DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site visit: August 24, 2007.
Zoning: Residential, Multifamily, Lowrise 2 (L-2).
Uses on Site: One single family residence.

Substantive Site Characteristics:

This 4,203.7 square foot subject site is a rectangular lot that fronts on 13th Avenue West to the east. The site is located within an area zoned Residential, Multifamily, Lowrise 2 (L-2). The site slopes down from 13th Avenue West, with an elevation change of approximately 28 feet over the length of the lot. The average slope is thus about 27%. The steepest slope on site is an approximately 57% slope near the eastern lot line. The proposal was reviewed by a DPD Geotechnical engineer who determined that the steep slope 1) appears to be less than 20 feet in height, and 2) the steep slope was created by previous legal grading and/or construction on the adjacent properties. Thus, the ECA steep slope development standards are waived for this development. The site is located in a mapped critical area due to potential landslide.

Proposal Description:

The applicant proposes to construct two, 2-unit townhouse structures on a 4,203.7 square foot lot that is located within an environmentally critical area. Pedestrian access for the proposed townhouses nearest the street will be provided directly from 13th Avenue West. Pedestrian access to the rear townhouses will be provided by a concrete pedestrian path that will run west from 13th Avenue West along the southern boundary of the site.

Vehicle access to the proposed townhouses will be provided by a shared driveway that will run west from 13th Avenue West along the northern boundary of the site to an area in the center of the lot between the proposed buildings. This driveway will be shared with a similar development proposed on the adjacent lot to the north. This project may include a future unit lot subdivision.

Public Comment:

The comment period for this proposal ended on September 12, 2007. During this period, one public comment letter was received.

ANALYSIS – SEPA

The proposal site is located in a mapped environmentally critical area due to the potential for landslide, 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 impacts from this project was made in the environmental checklist submitted by the applicant and dated August 9, 2007 and subsequently annotated by the Land Use Planner. Geotechnical reports dated September 29, 2006 and January 16, 2007 were submitted with the associated application for building permits, application #6126920. The information in the checklist, the geotechnical reports, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

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 following temporary or construction-related impacts 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).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

Earth

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted geotechnical reports prepared Cornerstone Geotechnical, Inc., dated September 29, 2006 and January 16, 2007. The reports indicate that the steep slope area is less than 20 feet high and appears to have been created by previous grading and/or construction activities on the adjacent properties. In light of this, the City of Seattle granted a steep slope exemption dated January 30, 2007.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides 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 that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces, and 2) increased demand on public services and utilities. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface; and the Regulations for Environmentally Critical Areas.

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 - SEPA

None required.

Signature: (signature on file)
Geoff Appel, Land Use Planner
Department of Planning and Development

Date: March 13, 2008