



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: 3006262
Applicant Name: Brittany Ard
Address of Proposal: 2032 Eastlake Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, three unit townhouse structures (six units total) in an environmentally critical area. Parking for six vehicles will be located within the structures. The project will include 660 cubic yards of grading. The existing apartment building will be demolished.

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: Eastlake Neighborhood
Zoning: Lowrise 2 (L2)
Parcel Size: 6,751 square feet
Existing Use: apartment building

Proposal Description: Construct two, three unit townhouse structures (six units total) in an environmentally critical area. Parking for six vehicles will be located within the structures. The project will include 660 cubic yards of grading. The existing apartment building will be demolished.

Public Comment: One comment letter was received during the comment period which ended February 14, 2007. Concerns were expressed about the proposed height of the structures and the potential to block views from an apartment building across the alley.

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 slope area on this property appeared to have been created by previous legal grading for Eastlake Avenue East. The ECA steep slope development standards (i.e., threshold disturbance level of 30 percent of the steep slope critical areas and requirements for a steep slope area variance) have been waived for the development associated with DPD application number 6111794. All other ECA submittal, general, and landslide-hazard, and development standards will apply for this development.

A geotechnical report was submitted with this application which indicated that four test holes revealed sub-grade conditions of silty sand with occasional gravels and increasingly dense sandy silt (weathered glacial till). The geotechnical report recommended a specific excavation and shoring plan, footing drains, pin-piles with grade beams for the westerly foundation, reinforced continuous spread footings, fluid pressure of 35 pcf and a friction factor of .55 for the retaining wall design, and geotechnical inspections prior to any foundation concrete placement.

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 [January 10, 2007](#). 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 an 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 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 7:00 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: October 4, 2007
Malli Anderson, Land Use Planner
Department of Planning and Development

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