



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: 3006288
Applicant Name: Jeff Wegener for Great Northern Land Co.
Address of Proposal: 510 Federal Avenue E.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two 3-unit townhouse structures, totaling six units, with parking for nine vehicles to be located in below grade garages in an environmentally critical area (Steep Slope). Project includes 1,200 cu. yds. of grading. Existing structures to be removed under separate permit.

The following approval is required:

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

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

BACKGROUND DATA

Site & Area Description

The site has a lot area of approximately 5,925 square feet and is located on Federal Avenue E. between E. Republican St. and E. Mercer St. in Seattle's Capital Hill Neighborhood. Federal Avenue E. is a two lane paved street with sidewalks, curbs and gutters on both sides of the street.

There is currently a two-story duplex on the site. The vegetation on the site consists of grass, shrubs and several trees, two 18-inch cherry, a Laural and a 8-inch Vine maple, a 12-inch evergreen magnolia, a 7-inch weeping Alaska cedar, and an 18-inch Western red cedar. There

are no Exceptional trees on site. The site is designated an environmentally critical area because of Steep Slope. Topography on the property consists of a relatively level area west of the rear 15-feet. The site slopes down gently at the rear of the property from east to west. There is a concrete retaining wall at the rear property line.

The block is developed with modest one and two-story residential structures built around the turn of the century (1900). The surrounding residential structures on the block front are for the most part modest one and two-story structures located on a semi-active residential street. The mix of multifamily and single family residential uses accentuates the dense urban feel of this neighborhood. The streetscape is visually dense with the number of mature trees surrounding the right-of-way and vehicles parked on the street.

The subject property is located in a Multi-family Lowrise-Three zone (L-3), which continues to the north, south and east. To the west the properties are zoned Neighborhood Commercial (NC3/40'). Development in the area consists of one, two and three-story multi-family structures and a moderate population of single-family structures.

Capitol Hill's main commercial corridor located along Broadway East is located within a pleasant walking distance, three blocks to the west of the subject site. A Public School of the City of Seattle, Lowell Elementary School, features a large playfield, and is located one block north of the subject lot. In the moderately sized L3 zone where the subject site is located, new residential development is beginning to transform the area with modern building designs in an otherwise early 20th Century influenced wood framed housing stock.

Proposal

The applicant proposes to construct two, three-unit townhouse buildings, totaling six units, with parking for nine vehicles located in attached garages. Vehicle access is proposed from Federal Avenue E. Parking for nine vehicles will be provided within the structures. The existing structure located on the property will be removed under a separate permit.

Public Comments

Three comment letters were received during the comment period that ended March 21st, 2007.

* The comments expressed drainage, tree protection, density and parking concerns.

ANALYSIS - SEPA

The development site is located in an environmentally critical area, Steep Slope 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 31st, 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 some 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 following temporary or construction-related impacts to the environmentally critical area are expected from the construction of the two, 3-unit townhouse structures: 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).

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 DR 3-93 and 3-94 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.

The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and

amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

The applicant submitted a Geotechnical Evaluation report by Dennis M. Bruce, P.E., dated January 2nd, 2007 which provides recommendations for safe construction. Also, Department staff is currently reviewing the building permits for consistency with the Environmentally Critical Areas Regulations (SMC 25.09) and the Stormwater, Grading and Drainage Control Code (SMC 22.800). The existing 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.

Grading Earth/Soils

Any additional information necessary to conform to the applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, Director's Rules DR 3-93 and 3-94) will be required prior to issuance of a Master Use Permit. The use of applicable Codes and Ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

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 grading greater than 100 cubic yards of material. The current proposal involves cuts greater than 3' in height and grading of more than 250 cubic yards of material. The applicant estimates approximately 1200 cubic yards of grading (1200 cubic yards of cut and 100 cubic yards of fill). The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe that construction techniques are used, therefore additional conditioning is not warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts on the identified environmentally critical area.

The proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations and no further conditioning is necessary.

Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Seattle Energy Code (long term energy consumption) and the Puget Sound Clean Air Agency (increased airborne emissions). The other impacts not noted here as mitigated by codes, ordinances (increased ambient noise, increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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) ©.

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: October 29, 2007
Joan Carson, Land Use Planner
Department of Planning and Development

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