



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: 3006520
Applicant Name: Brittani Ard
Address of Proposal: 3636 13th Avenue W

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two single family residences and one 2-unit townhouse in an environmentally critical area. Parking for four vehicles will be located within the structures. Existing structures to 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 visit: June 5, 2007
Zoning: Residential, Multifamily Lowrise 1 (L-1)
Uses on Site: Multifamily duplex and detached garage

Substantive Site Characteristics:

This 6,000 square foot subject site is a rectangular corner lot that fronts on 13th Avenue W to the west and an alley to the east. The site has a slope which rises from the northwest up to the southeast, with an elevation change of approximately 22 feet along the 119 feet length of the lot. The steepest slope is located on the western portion of the lot.

The vegetation on the site includes shrubs and grass on the western portion, with several trees and shrubs in the rear yard of the existing duplex.

The subject site is located within an area zoned Multifamily Residential Lowrise 1 (L-1) which extends to the north. The area adjacent to the east and one-half block to the south is Single Family Residential 5000 (SF5000). The area to the west is Multifamily Residential Commercial Lowrise 3 (L-3RC). The site is located in a mapped critical area due to potential landslide.

Proposal Description:

The applicant proposes to construct two single-family residences and one 2-unit townhouse on a 6,000 sq. ft. lot which is located within an environmentally critical area. Pedestrian access the site from the street frontage on 13th Avenue W, with steps leading up from the sidewalk to the townhouses.

Vehicular access for required parking for all proposed units will be from the alley to an area between the proposed buildings. Parking is within each building. This project will include a future unit lot subdivision.

Public Comment:

The comment period for this proposal ended on April 11, 2007. During this period, three public comment letters were received.

ANALYSIS – SEPA

The proposal site is located in a mapped environmentally critical area due to potential 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 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 SEPA checklist submitted by the applicant and dated March 12, 2007 and subsequently annotated by the Land Use Planner. There was a geotechnical report dated March 5, 2007 which was submitted with this application. The information in the SEPA checklist, the Geotechnical report, 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 on 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).

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 a geotechnical engineering study prepared by Geotech Consultants, Inc. dated March 5, 2007. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The steep slope on the site was determined to have been created from legal grading activities, and thus, received an ECA exemption.

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 on the environmentally critical area that may occur as a result of this project include increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because it is minor in scope.

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

None required.

Signature: _____ (signature on file) Date: November 8, 2007
Janet L. Wright, Land Use Planner
Department of Planning and Development

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