



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: 3006796
Applicant Name: David Chenoweth for Wyngale Homes
Address of Proposal: 3816 22nd Avenue Southwest

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one single family residence and six, 2-unit townhouse structures (14 total units) in an environmental critical area. Accessory parking for 21 vehicles will be provided within each structure and at surface grade. Existing structures will be demolished. Review includes future full subdivision to establish 14 unit lots.¹

The following approval is required:

ECA Variance – to allow development of up to 30% of the steep slope and buffer area (0% allowed without variance, 14.9% proposed) Section 25.09.180.E

SEPA - Threshold Determination - (Chapter 25.05 SMC).

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

BACKGROUND DATA

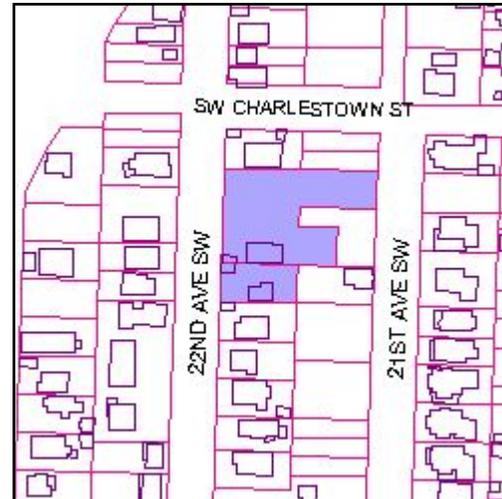
Site Description

The development site is located in the 3800 block of 22nd Avenue Southwest on the east side, between Southwest Charlestown Street to the north and Southwest Andover Street to the south, in the Pigeon Point community. The subject site comprises a land area of approximately 24,975 square feet in a Multifamily Lowrise One (L-1) zone. The site is irregular in shape with an

¹ During the course of review the project proposal changed from allowing two single family residences and six two-unit townhouse structures (14 total units) in an environmental critical area with accessory parking for 14 vehicles provided within each structure and at surface grade.

east/west orientation that contains dramatic elevation changes. The site is also in an Environmentally Critical Area, per Seattle Municipal Code (SMC) 25.09 due to the presence of a mapped 40% Steep Slope, Known and Potential Landside Critical Areas.

The proposed development site combines two parcels of land containing one residential structure each. The development site is located along the west side of an eastwardly sloping hill in a moderately dense populated neighborhood in West Seattle. Topographically, the site features a cross lot; downwards from the southeast corner to northwest corner, approximately 32 feet over a distance of 200 feet, and upwards from west to east, approximately 74 feet over a distance of 200 feet. The most dramatic area of elevation change occurs within the site's northeast extension. The subject site is heavily vegetated to the east with trees and overgrown shrubs and groundcover spread throughout. The west half of the site features two single family residential structures with landscaped yards. Access to the development site is taken through 22nd Avenue Southwest, due in part to the site's topography. The 22nd Avenue SW right-of-way terminates one block north of the subject site. Twenty-Second Avenue is an improved right-of-way with sidewalk, curbs, and gutters. The development site's 21st Avenue SW street frontage is inaccessible due to the presence of dramatic elevation changes.



The subject site is located in a moderate sized multifamily zone where a mixture of single family styled structures dominates the immediate vicinity. A mixture of turn of the century single family homes and multifamily housing populates this particular neighborhood. The area is characterized by moderate density residential uses sitting on the west face of a hill with territorial views to the west and north.

The abutting zone to the east at the hill's crest is Single Family 5000 (SF 5000) zone. One block to the west is Commercial One zone with a forty foot height limit (C1-40) with a mix of restaurant, retail, office, apartment, and assorted other uses. Delridge Way Southwest located to the west, is the principal transportation corridor to the development site and the immediate vicinity.

Description of Proposal

The applicant proposes to construct five, 2-unit and one, 3-unit multifamily townhouse structures, and a one-unit ground related residential structure for a total of 14 units in seven structures. The structures will range in height between two to three-stories. Accessory parking will be provided within attached garages and one at surface grade.

The proposed structure will be located on the downhill (west) side of the lot with vehicle and pedestrian access proposed off 22nd Avenue Southwest. The proposal seeks to encroach into An ECA Known and New Potential Landslide and 40% Steep Slope Areas and buffer. The proposed development would disturb 14.9% of the 40% Steep Slope Areas.

Public Comment

Date of Notice of Application: April 5, 2007.
Date End of Comment Period: May 2, 2007².
Number Letters: 6 letters were received and 1 petition containing 33 signatures opposing the proposal.

Issues: Of the letters and petition received for this project during the extended comment period, a number of concerns were raised including activity affecting the stability of the hillside and on-street parking demand. Because of landslide activity around the development site neighbors were concerned development of this scale could erode the already unstable Environmental Critical Areas (ECA) designated hillside; fissures could open up creating surface water discharges that would pose drainage problems in 22nd Avenue Southwest. On-street parking has been identified as being high and any increase in the number of curb cuts will remove available parking. The street fronting the subject lot has been characterized as a dead end street with a narrow roadway width. With the number of units planned would increase on-street parking demand because households usually have more than one vehicle. All public concerns and comments were taken into consideration throughout the analysis process.

Environmentally Critical Areas Regulations

SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible.

SMC Section 25.09.180.E authorizes variances to ECA development standards. Development may occur in up to 30% of the steep slope area with this variance, subject to specific criteria. Relevant criteria are discussed below. ECA Variance decisions are Type II decisions, subject to the provisions of SMC 23.76 and are appealable to the City Hearing Examiner.

General Requirements and standards are described in Section 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property as well as specific construction methods and procedures. The proposal must also comply with the specific requirements for development in areas with landslide potential areas (Section 25.09.080), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

ANALYSIS – ENVIRONMENTAL CRITICAL AREAS

Pursuant to SMC 25.09.080, 25.09.200.A, and 25.09.320, the proposal is required to comply with ECA requirements for landslide potential areas, and trees and vegetation.

² At public request the comment period was extended an additional two weeks from April 18 to May 2, 2008 to allow adequate time for neighbors to respond to the new proposal.

Landslide-prone critical areas (SMC 25.09.080)

The applicant has provided a geotechnical soils report, which has been reviewed by DPD geotechnical engineers. Vegetation removal, replacement, and monitoring plan activities have been proposed by the applicant and are included as conditions of approval, per SMC 25.09.320. The applicant has followed the sequence of priority for development in a critical area.

Trees and Vegetation (SMC 25.09.320)

This code section is often referenced in other Environmentally Critical Area code sections, including those discussed above. The applicant has provided Landscape Plan for removal and re-vegetation of trees and shrubs within the development footprint. At the time of building intake an arborist report will be required to assess the health of the remaining trees in the ECA. If trees and noxious plants are deemed to pose safety hazards or are unhealthy the applicant will submit a Standard Mitigation Plan to remove and replant according to the recommendations from the arborist. The decision has been additionally conditioned to ensure compliance with this and other ECA code sections.

ANALYSIS – STEEP SLOPE AREA VARIANCE

Pursuant to SMC 25.09.180.E the Director may reduce the steep slope area buffer and authorize limited development in the steep slope area and buffer only when *all* of the facts and conditions stated in the numbered paragraphs below are found to exist:

SMC 25.09.180.

E. Steep Slope Area Variance.

1. The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:

a. the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and

King County Assessor's documentation was provided demonstrating that Lots 8 and 9, Block 3; and Lots 3, 4, 5, 6, 45 and 46, together with the west half of Lots 42, and 43, Block 3 (subject property) are all part of Gottsteins first addition to West Seattle, recorded in volume 3 of plats, page 68 was created prior to 1910. Therefore, King County Records indicates that the lot was legally in existence prior to October 31, 1992.

b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280.B, except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.

After accounting for the land area outside the steep slope and buffers areas tracts of land would be available for multifamily development that nears allowed density limits within the zone. In order to minimize development in the buffers, all grading, structures, driveways, and impervious areas are proposed in an area where the topographic conditions are less dramatic. This area is also indirectly accessible to a paved roadway (22nd Avenue Southwest) which will require improvements. Without relief from reduction in required front setback and buffers, development would be very difficult to establish a multifamily use with 14 units as allowed by Code.

As noted in the Site Description, the subject property is irregular in shape that slopes upwards, in two directions from west to east and north to south. The easternmost portions of the site contain steep slope and buffer areas. Development at the top of the slope (abutting 21st Avenue SW) whether with a setback reduction or not would have a greater adverse impact when taken into consideration onsite grades elevations and development on either side of subject lot. The west portion of the subject lot affords opportunities to lessen the extent of disturbance on steep slope and buffer areas. The abutting 22nd Avenue right-of-way will provide the only access to the development site as proposed by the applicant. The proposal will require a front setback reduction; however, this reduction will not place the development out of steep slope and buffers areas.

Reducing front setbacks to zero will not both mitigate the hardship and maintain the full steep slope buffer.

Criteria and responses for granting a variance found in SMC 25.09.280.B are listed below:

SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas.

B. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

1. The lot has been in existence as a legal building site prior to October 31, 1992.

King County Assessor's documentation was provided demonstrating that Lots 8 and 9, Block 3; and Lots 3, 4, 5, 6, 45 and 46, together with the west half of Lots 42, and 43, Block 3 (subject property) are all part of Gottsteins first addition to West Seattle, recorded in volume 3 of plats, page 68 was created prior to 1910. Therefore, King County Records indicates that the lot was legally in existence prior to October 31, 1992.

2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and

Response is the same as that found in discussion for SMC 25.09.180.E.1.b; presence of steep slope and buffers eliminates areas for potential development on the south half of the subject site, causing unnecessary hardship to establish 14 of a Code allowed 16 units.

3. The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and

The subject lot is not located in a riparian management area; therefore, this section does not apply.

4. *The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and*

The proposed development will be subject to geotechnical and engineering review at the construction permit stage to ensure there is no damage to adjacent property stability. The applicant has provided a geotechnical report at this stage titled “Geotechnical Engineering Study, Proposed Residential Development, 3816 & 3820 22nd Avenue SW, Seattle Washington,” dated March 15, 2005 by GEO Group Northwest, Inc.). Additional supplementary information was provided for review and was approved by DPD. The reports addressed proposed improvements including site preparation and building development with respect to steep slope areas, landslide areas and potential erosion hazards. In the Executive Summary, GEO Group Northwest concluded that geotechnically the development site is suitable for the proposed residential development. The main “geotechnical concerns are risk of damage due to shallow soil movement on the west-facing steep slope and the anticipated groundwater and surface water concerns located on the eastern side of the eastern buildings” will have a negligible impact on the existing steep slope areas as long as certain geotechnical recommendations are followed. The report has been reviewed by DPD staff. The proposed development includes seven structures with attached garages, which is in keeping with moderately scaled development in lower density (L-3) residential zones. Granting the variance to minimally intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity, subject to conditions of approval and appropriate reviews of associated construction permits.

5. *The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and*

The proposed development includes seven structures with attached garages, which is consistent with the nearby neighborhood character consisting of one to two-story single family residences with attached garages. The structures are designed within a single family archetype, gabled roofline, structure width, nuanced architectural detailing, etc. Because of unique configuration of the 40% steep slope (finger spur projection) the proposed south half residential structures (buildings 4, 5, 6, and 7) would be sited predominately in the buffer area and at the toe of the slope. The area between buildings 4 and 7 will be developed with landscaping. It is expected that visual impacts from the development upon neighboring properties to the west (22nd Avenue SW), to the north, and south will not pose significant visual impacts upon to surrounding uses. The applicant seeks to reduce the front setback from a 15 foot average, as measured from the front property line to an average of 13.98 feet to property line, with the closest distance 10.44 feet and the farthest distance 18 feet.

Front Setback Detail:

Bldg.1 (unit 101) - 18.0 feet	
Bldg.1 (unit 102) - 14.39 feet	
	Average = 16.99 feet
Bldg.3 (unit 301) - 10.44 feet	
Bldg.3 (unit 302) - 12.86 feet	
	Average = 12.45 feet
Bldg.5 (unit 501) - 10.59 feet	
	Average = 10.59 feet
Bldg.6 (unit 601) - 14.2 feet	
Bldg.6 (unit 602) - 13.31 feet	
	Average = 13.76 feet

The three-story structures will be located on a terraced bench area uphill from neighboring properties to the west. Due in part to the significant slope on the hillside properties to the east are anticipated not to be visually impacted by the development. The proposed structures will be in keeping with surrounding residential structures in size and scale. Visually, the heavily vegetated land of the eastern portion of the development site that rises above the development area will continue to characterize this hillside.

There are no street trees in the planting strip adjacent to the subject site to contribute to the pedestrian environment, and five are proposed with the development. The existing sidewalk appears to buckle in a few locations and it is presumed that the development will replace portions or the entire sidewalk fronting the subject site. At the least, active use of the sidewalk adjacent to the area of development will provide a more pleasant pedestrian experience with additional eyes on the street from the units to help increase a sense of security. The reduced setbacks, combined with the proposed height, bulk and scale of the development will not result in materially detrimental effects on the character, design, and streetscape of the surrounding neighborhood.

6. *The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.*

The environmentally critical policies and regulations were created to preserve existing environmentally critical areas while allowing reasonable use of existing parcels. The applicant proposes to build 14 out of a Code allowed 16 units in a Multifamily L-1 zoned existing property, with minimal intrusion into environmentally critical areas and buffers, as well as proposing to remove invasive non-native vegetation on site and replace with additional native trees and vegetation. The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations, subject to the Conditions section below.

C. *When an environmentally critical areas variance is authorized, the Director may attach conditions regarding the location, character and other features of a proposed development to carry out the spirit and purpose of this chapter.*

Applicable conditions are listed in the Conditions section below.

SMC 25.09.180.E. Steep Slope Area Variance.

2. ***If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:***
 - a. ***reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;***
 - b. ***reduce the steep slope area buffer;***
 - c. ***allow an intrusion into not more than thirty percent (30%) of the steep slope area.***

A total reduction in the required front, rear and side setbacks will not provide enough land areas to reasonably development and provide adequate separation from the steep slope. The steep slope and buffer areas occupy a large portion of the east half of the development site with a limited irregular shaped area unencumbered. The applicant has proposed to place the building footprint in a portion of the development site with the least amount of disturbance in the steep slope and buffer areas – west half of the development site.

The required front setback average is 15 feet as measured from the property line. The applicant seeks to reduce the depth of the front setback in keeping with the surrounding residential spatial openness along the streetscape to 13.98 feet to accommodate an efficient site design that takes into consideration neighborhood scale, safe vehicle access, placement of seven structures, and providing land area for open space between the structure and street right-of-way. The buffer area not proposed for development is located to the east of the proposed shoring catchment wall. Due in part to the irregular shaped steep slope and buffer, a majority of the buffer area will be developed.

Based on a geotechnical study analyzing soil conditions the proposed development can be safely designed and developed under the guidance of a geotechnical engineer. A shoring catchment wall is proposed to stabilize the hillside to allow development to occur on the west portion of the lot, which represents an intrusion of up to 14.9% into the steep slope. The buffer area at the toe of the slope will be developed. Without the intrusion into the buffer and steep slope areas no feasible area would allow development of the scale proposed to establish at least 7 buildings totaling 14 multifamily units. The applicant has therefore proposed to develop the majority of the structures outside the buffer area with a portion of the residential structures (buildings 4, 5, 6, and 7) extending into and beyond the buffer and into the steep slope areas. This intrusion into the steep slope area would impact up to 14.9% of the total steep slope area. As executed, the proposal is designed to place more development in the area outside the buffer in order to minimize intrusion into the actual steep slopes and buffer areas.

The proposed development follows the sequence of priority and does not create an intrusion of more than 30% of the steep slope area. The proposal therefore meets this criterion.

3. ***The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.***

The subject property currently contains approximately 29 mature trees (11 Big Leaf Maple, 14 Red Alder, and assorted other), shrubs, and groundcover. Some of the vegetation will be removed including 11 Red Alders to accommodate development. Other vegetation including 15 of the 29 trees outside the development area including all Big Leaf Maples, the applicant has elected not to disturb. The Director has determined additional evaluation is warranted to determine health of the remaining trees and potential safety risks at the time of the intake appointment for the building permit. The responsible party (applicant or owner) will provide an arborist report documenting the health of trees, which trees would be removed and replaced, and a vegetation monitoring plan. If it is determined that the removal of invasive non-native vegetation and replanting with native trees and shrubs is warranted, after DPD has evaluated and approved report the responsible party will complete prior to finalization of building permit. The decision below includes conditions to ensure that all non-native vegetation in the ECA is removed.

Conditions imposed as a means of compliance with the ECA ordinance are non-appealable. General Requirements and standards are described in Section 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property as well as specific construction methods and procedures. The proposal must also comply with the specific requirements for development in areas with landslide potential areas (Section 25.09.080), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

DECISION – STEEP SLOPE AREAS VARIANCE

ECA Variance to allow development of up to 14.9% of the areas measured over 40% steep slope and to place development in the steep slope buffer is **CONDITIONALLY GRANTED.**

ANALYSIS – SEPA DETERMINATION

The development site is located in the following critical areas; Steep Slope, Known and New Potential Slide Areas. The site is also located within a Salmon Watershed Shed Overlay District. An Environmental Critical Areas (ECA) Exemption Requests & Modifications to Submittal Requirements was applied for and conditionally approved. Of the two areas in question, the ECA Steep Slope Development Standards was waived only at the site's southwest corner adjacent to 22nd Avenue SW, due in part to previous grading and/or construction activities pursuant to 25.09.045 on October 11, 2006 (permit #3005149), all other steep slope areas are not exempted. The Geological Hazard Areas Development Standards as well as other applicable ECA standards will apply to the project. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated March 7, 2007) and annotated by the Land Use Planner. The information in the checklist, a Geotechnical Report prepared by GEO Group Northwest, Inc. dated March 15, 2005 and supplemental documents, informed the basis for this analysis and decision.

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, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. 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 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. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

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 emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Earth - Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner and (DPD) Geotechnical Engineer have analyzed the geotechnical engineering study and environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As identified in the submitted survey, illustrated elevation changes of approximately 74 feet over a distance of 200 feet (most dramatic portion of development site). The development site is also classified as Know and New Potential Slide Areas.

The subject site was previously developed with three residential structures, of which only two remain, that has attributed to its current topographic conditions. Groundwater seepage was observed during field investigation to determine on-site soil conditions. Surface water runoff has been an ongoing problem which has not been adequately addressed. Several landslides have

occurred around the development site. One of which had an indirect impact on the subject lot. The landslide was reported at the property addressed at 3824 22nd Avenue SW, on January 17, 1925, located (upslope) adjacent property to the south of the subject lot, and is believed to have caused some ground movement. Subject site boring data (B-4) collected by the consultant did not indicate the presence of a failure surface in the area in question.

The full analysis included four exploration borings (B1 – B-4) to examine soil composition and integrity. Soil at the development site consists of soft to medium stiff sandy SLIT and silty SAND soils overlying very stiff to hard sandy SILT and silty SAND at depths ranging from 0 to 7 feet below surface grade. The consulting engineer determined that the subject site is geotechnically suitable to develop provided adherence to recommendations, and they did not expect any major impacts to the slope stability. A number of recommendations were identified, including the installation of a catchment wall system to mitigate the risk of landslide damage. The main geotechnical concern for the project is the presence of groundwater seepage and surface water runoff. The consultant identified a number of measures to control on-site water flow and drainage. The developer will be required to follow recommendations set forth in the geotechnical reports and related documents. Otherwise, any other potential short-term, construction related impacts anticipated from future construction will be addressed by adopted City regulations regarding grading, erosion control and noise. Therefore, no further conditioning for grading and earthwork activities is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665). As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Traffic - Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during earth moving activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with transportation during construction. The excavation of the lower levels and regarding activity will require the removal and delivery of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the material to be removed from the site will be due in part to excavation and regarding to accommodate the construction of seven buildings. During excavation a single-loaded truck will be used which holds approximately 10 cubic yards of material. This will require approximately 70 to 98³ truck loads to remove approximately 700 cubic yards of material. In addition, approximately 200 cubic yards of soil will require 20 trucks loads of fill material for regarding purposes. Factoring in fluff, the combined total is expected to reach 90 to 126 truck loads. The site fronts 22nd Avenue SW, and has ready access to West Seattle Bridge with connections to Highway 99 and I-5. Construction activity is anticipated to have impacts on the neighboring thoroughfares. In order to limit this negative impact as much as possible, a Truck Trip Plan will be required and approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall include loading area, hours and delineation of routes of trucks carrying project-related materials.

³ Includes fluff factor when soil is tossed around.

Noise - Most of the initial construction activity including demolition, excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on the nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit construction hours. Demolition and construction activities taking place within an enclosed structure, which meet the standards of the Noise Ordinance, are allowed. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Air and Environmental Health - Given the age of the existing structure on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA permit prior to issuance of a demolition permit, if necessary. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

There are no short term impacts identified with the creation of (unit lot) full subdivisions. Short term impacts are associated with the construction of the structures and have been analyzed and discussed with no further conditioning is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide; increased surface water runoff from greater site

coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption.

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. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces.

These long-term impact are not considered significant because the impacts are minor in scope. Additional land use impacts which may result in the long-term are discussed below.

Earth - While the site has been clearly delineated in terms of where new development is to be located in relation to slopes that can or cannot be disturbed, there has been an limited analysis of the ECA that will not be disturbed. This area of 'non-disturbance' shall be evaluated to determine the health of the plant stock in relation to these areas and methods will be employed that will ensure the viability of the vegetation in these areas. The long term viability of the existing vegetation in the non-disturbance area (eastern portion of the site) has been determined to be vital to soil stability. The applicant will be required to submit an arborist report to determine health of vegetation in this area, and an Environmental Critical Areas Standard Mitigation Plan that replaces noxious groundcover with native trees and shrubbery. After which, this area will be off limits to future development. All work in this area will rely on hand held tools only; no machine vehicles of any kind will be allowed. It is envisioned that new plants will positively contribute to the slopes long-term stability. Accordingly, an ECA non-appealable condition is stated below.

Height, Bulk, and Scale

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, the shoreline goals and policies set forth in Section D-4 of the land use element of the Seattle Comprehensive Plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060, and 23.60.220, and the adopted land use regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”*

The seven proposed buildings will range in width from 20 to 56 feet which fits within the range of structures in the surrounding area. Spatially, the structures are arranged to both reduce intrusion into the 40% Steep Slope and buffer areas while providing a street presence in keeping with

neighboring properties. The development site and surrounding area is located within an L-1 zone with a height limit of 25 feet. The proposed structures will be the tallest building within the immediate area, but within the allowable height limit of the underlying zone, as would otherwise be allowed by code. The adjacent lots contain structures extending no higher than two stories above grade, and are in-keeping or undersized for the zoned height. The proposed buildings' bulk are scaled within the development envelope to lessen its visual impact upon adjacent properties by employing vertical and horizontal movement within the development site that are compatible with lower residential uses. The proposed buildings are successfully scaled to be sympathetic to the multifamily zone with single family residential character. The proposed project is being developed under allowed L-3 height standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as being sensitive to existing structures in the vicinity. No significant height, bulk and scale impacts has identified, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that townhouse units generate approximately 6.1 vehicle trips per day in suburban communities. Within the City, vehicle trips are substantially lower due in part to the location of employment work centers, availability and proximity of public transit to downtown and other employment centers will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready access to the Delridge Way SW and SW Andover Street arterials and supporting public transit stops within walking distance. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity is limited and does not appear to be near capacity. Parking can be found during the daytime with limited availability during evening hours. Twenty-one (21) off-street parking spaces will be provided on-site for the proposed new 14 residential units. Required parking for the type of use (Multifamily Residential) is between 1.15 to 2.05 stalls per unit for the structures containing more than one unit, and one stall for the single unit structure. The applicant has chosen to exceed the required parking stalls of 20 by one additional stall for the proposed 14 residential units. The linear length of curb cuts will be reduce from existing conditions that may free up an additional parking space fronting the subject site.

Peak parking demand for the residential (Residential Condominium/Townhouse) use, was based on empirical studies from the *ITE Trip Parking Generation Report, 3rd Edition*. Peak period demand for Townhouse uses occurring on weekdays between 5:00 – 6:00 a.m. Average peak period demand equals 1.22⁴ vehicles per dwelling unit. The peak demand reached 17 vehicles

⁴ ITE Trip Parking Generation Report, relied on data obtain from suburban communities which was converted from 1.46 (vehicles per dwelling unit) to a ratio that is more representative of urban centers by DPD.

per dwelling, representing a surplus of 4 stalls. On-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking that might be generated from the proposed residential uses, if any actually occurs. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

There have been no long term impacts identified with the possible creation of a unit lot full subdivision. Long term impacts have been analyzed and discussed above with no further conditioning warranted.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030 (2) (C).

NON-APPEALABLE CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

1. Permanent visible markers shall be placed along the edge of the no disturbance area as approved on the site plan. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the edge of the no disturbance line where the line changes direction. Markers must be in place before issuance of this Master Use Permit. Markers should be detailed in accordance with description contained in Director's Rule 3-94.

2. Submit an arborist report documenting the health of all trees in the non-disturbance area of steep slopes; this report should identify trees that should be removed and replaced in the ECA non-disturbance area, and a vegetation monitoring plan. In addition, an Environmental Critical Areas Standard Mitigation Plan will be required that replaces noxious groundcover with native trees and shrubbery. After which, this area will be off limits to future development. All work in this area will rely on hand held tools only; no machine vehicles of any kind will be allowed.
3. Update plan set to reflect revised parking and front setback calculations per instructions from Land Use Plans Examiner.

Prior to Issuance of Any Construction Permits

The owner and/or responsible party shall:

4. Submit a signed and notarized copy of the ECA Covenant.
5. Show on the site plan the location of permanent ECA markers.
6. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and steep slope buffer which are to be left undisturbed. (25.09.060)

CONDITIONS OF VARIANCE APPROVAL

(See above)

SEPA CONDITIONS

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of a Building Permit

7. Submit a Truck Trip Plan to identify loading area, loading hours and delineation of travel routes of trucks carrying project-related materials; subject to review and approval by the Land Use Planner.

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.

