



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3007021
Applicant Name: Kelly Byrne
Address of Proposal: 2812 14th Avenue W

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two 2-unit townhouse structures in an environmentally critical area. Parking for four vehicles will be located at grade for the west structure and within the east structure. Existing single family residence and garage to be demolished. Environmental review anticipates future unit lots subdivision.

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: Single family residence and attached garage.

Substantive Site Characteristics:

This 6,004 square foot subject site is a rectangular lot that fronts on 14th Avenue W to the west and an unopened alley to the east. Its general location is just north of W Armour Street. The site is located within an area zoned Residential, Multifamily Lowrise 1 (L-1) which continues to the north and south. The area adjacent to the east is zoned Residential Single Family 5000 (SF5000). The area adjacent to the west is zoned Residential, Multifamily Lowrise 3 (L-3). The site slopes down from the east to the west, with an approximate elevation change of 22 feet over the 120 foot length of the lot. The steepest slope is located on the western portion of the lot. The lot is heavily vegetated with bramble, shrubs, and several trees ranging in size from 6 – 18” diameter at breast height (dbh). The site is located within a mapped critical area due to potential landslide and within a methane producing buffer due to a nearby former landfill.

Proposal Description:

The applicant proposes to construct two 2-unit townhouse structures on a 6,004 sq.ft. lot which is located within an environmentally critical area. Pedestrian access for the proposed townhouse building on the western portion will be from its street frontage on 14th Avenue W. Pedestrian access to the townhouse structure on the eastern portion will be from a pedestrian easement which runs east from 14th Avenue W along the northern boundary of the lot. Vehicle access will be provided from the east, with alley improvements to the undeveloped alley. Parking for four vehicles will be provided, with two surface parking stalls and two spaces with attached garages. It is likely that a unit lot subdivision application will be submitted in the near future.

Public Comment:

The comment period for this proposal ended on May 2, 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 potential landslide and nearby landfill, 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 April 1, 2007 and subsequently annotated by the Land Use Planner. Additionally, a geotechnical report dated December 14, 2006 and prepared by Cornerstone Geotechnical, Inc. was submitted with this application. The information in the SEPA checklist, the geotechnical report, 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 a geotechnical engineering study prepared by Cornerstone Geotechnical, Inc. dated December 14, 2006. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. According to the geotechnical report the site is compatible with the planned development. A letter dated March 13, 2007 by Cornerstone Geotechnical, Inc. addressed that although there is a nearby landfill that there was no evidence of need for a methane collection system.

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.

Plants and Animals

For the proposed construction of the townhouse structure, there will be removal of several smaller trees on the eastern portion of the lot. The 18” diameter at breast height (dbh) tree located in the southwest corner will be retained. The applicant indicated that there are no known endangered plant, bird or animal species on the site. During the staff site visit, no birds or animals were observed; however, it is assumed that songbirds occasionally visit the site or nearby sites. The applicant will be planting new vegetation per an approved landscaping plan.

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

None required.

Signature: (signature on file) Date: November 21, 2007
Janet L. Wright, Land Use Planner
Department of Planning and Development