



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:** 3007067  
**Applicant Name:** Cameron Fultz  
**Address of Proposal:** 2637 22<sup>nd</sup> Ave W

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow two, 2-unit townhouses, for a total of four residential units in an environmentally critical area. Existing single family residence to be demolished. A future unit lot subdivision is anticipated for the site for the purpose of sale of the individual units.

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.

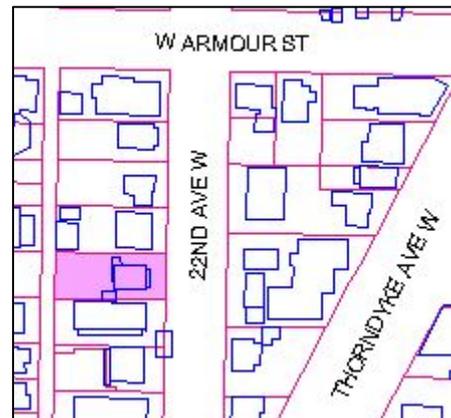
**BACKGROUND DATA**

Zoning: Lowrise One multi-family (L1).

Proposed Use: Townhomes (4).

Site and area description:

The 6,000 square foot site is located along 22<sup>nd</sup> Ave W. in Seattle's Magnolia neighborhood. The subject site slopes steeply from the street; currently the only available parking is on the street as the house sits above the grade of the street, and below the grade of the alley. The site is a mapped environmentally critical area (ECA) due to the presence of a potential slide area covering the site. The potential slide area runs in a north to south swath, about a



block or more wide, in this section of Magnolia. The area at the front of the property rises steeply above the street, but has received an exemption from certain steep slope standards since it was created through previous legal grading for 22<sup>nd</sup> Ave W. As this area is also within the front setback, the only work proposed within the area is a change to the location of on-grade steps.

22<sup>nd</sup> Avenue West is an improved residential arterial street, with curbs and sidewalks. The street hosts a busline which stops a few properties away. A 16' wide alley runs to the west of the property, connecting at its north to W. Armour street, but dead ending before reaching a connecting street at the south. The alley has been a patchy mix of gravel and asphalt until recently when a nearby project completed improvements including fresh asphalt. The improved section serves the subject property.

The subject property, along with the rest of the block, is zoned Lowrise 1 multi-family (L-1).

*Proposal Description:*

The applicant proposes to demolish the existing single family residence and construct two, 2-unit duplexes, for a total of four dwelling units. Parking for each unit will be provided within each of the structures. Access is proposed from the alley. Approximately 900 cubic yards of grading will be done on the site in the form of cuts for foundations, basements and vehicular access. Pedestrian access from the street will also be re-constructed. Backfill of approximately 250 cubic yards will be suitable soils from the site, per the soils report.

The applicant intends to apply for a unit lot subdivision permit to divide the existing lot into four unit lots for the purpose of sale per SMC 23.24.045. The impacts of that future land use action are anticipated in the SEPA analysis and determination below.

*Public Comment:*

The comment period for this proposal ended on May 9, 2007. DPD received comments from an adjacent property owner regarding the project.

**ANALYSIS - SEPA**

Due to the presence of the potential slide environmentally critical area, the application is subject to 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 included 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 SEPA Overview Policy (SMC 25.05.665 D) 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. 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 19<sup>th</sup>, 2007. The information in the checklist, supplemental information provided by the applicant (Geotechnical Evaluation dated February 8, 2007), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The checklist analyzes potential adverse impacts to the environment. Impacts are not expected to be significant due to their temporary nature, limited effects, and because of construction standards and regulations already in place that are intended to mitigate potential impacts. Some adverse impacts are deemed to require additional conditions to be placed on the project to ensure impacts are minimized. A further discussion of certain impacts follows.

#### Short - Term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary minor 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 some of the identified impacts. 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, DR 3-2002 and DR 33-2006 regulate development and construction techniques in designated ECA areas 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 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.

#### Earth/Soils

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 landslide potential and/or a history of unstable soil conditions. A "Geotechnical Study – Proposed Duplex Buildings," prepared by Liu & Associates, Inc., dated February 8, 2007, was submitted with the application and is undergoing separate review by DPD as part of this permit and under the related construction Permit #6117722. The construction plans, including shoring of excavations as needed and erosion control techniques are also receiving separate review by DPD. Any additional information needed to show conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2002) will be required prior to issuance of building permits.

Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized, and no additional conditioning is warranted based on SEPA.

Long - Term Impacts

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

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are the ECA Ordinance, and 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 most long-term impacts.

However, with respect to the following situation, conditioning authority is deemed necessary. A 17" hemlock tree sits approximately 5 feet north of the north property line. The proposed development would impact the tree roots by disturbing 99 s.f. of the outer root zone. An arborist evaluated the health of the tree and determined the tree was already declining in health, and any intrusion into the root zone would hasten the decline. The arborist recommended removing the tree or creating a wildlife snag. Because the tree is within a potential slide area, it is more likely that a weakened tree would not be held in place by the soils, and that a falling tree could cause wider soil stability issues than if the tree were not in a potential slide area. The neighbor has submitted a letter stating no objection to removal of the tree at the applicant's expense. Since the project was determined to hasten the trees decline, and since healthy vegetation within a potential slide area contributes to soil stability, it is reasonable to require that the tree be replaced by another, if the adjacent property owner so desires. A condition to this effect is detailed at the end of this document.

**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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030 2c.

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**

*During Construction*

1. The 17" hemlock tree near the north property line shall be terminated at the applicant's expense (removed or a wildlife snag created, at the adjacent property owner's discretion). A replacement tree shall be planted at the applicant's expense, per adjacent property owner approval.

Signature: (signature on file)

Date: January 17, 2008

Holly E. Anderson, Land Use Planner  
Department of Planning & Development

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