



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 3007392
Applicant Name: Ard Consulting for JS & J Builders, Inc.
Address of Proposal: 1215 Aurora Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to construct four (4) single family structures in an environmentally critical area (ECA). Surface parking for four vehicles will be provided. This analysis anticipates a future unit lot subdivision.

The following approval is required:

SEPA - Environmental Determination – Seattle Municipal Code, Chapter 25.05

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

BACKGROUND DATA

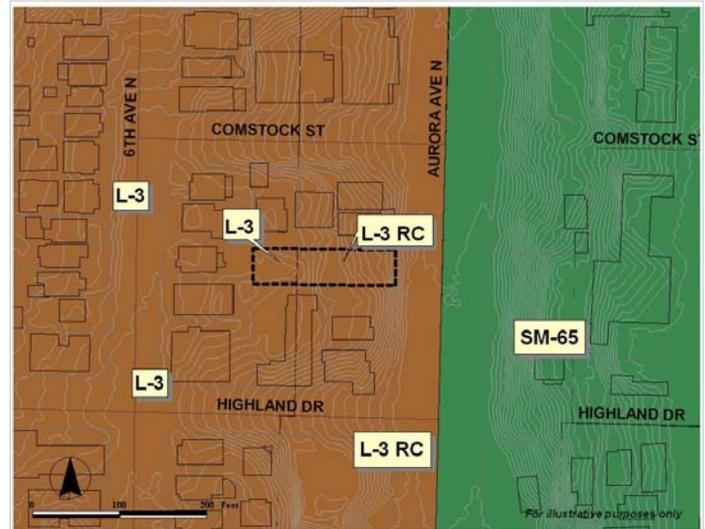
Site and Area description

The 6,783 square foot site is located on the west side of Aurora Avenue North between Comstock Street and Highland Drive in the lower east side of Seattle’s Queen Anne neighborhood. The site is a rectangular shaped lot approximately 170 feet in depth with 40 feet of frontage along Aurora Avenue North. The site slopes 34 feet from east to west and varies in gradient from 15 to 55 percent. The steep



portion of the slope along the east property line is approximately 12 to 14 feet high and descends to the sidewalk below¹. The slope is mapped as a steep slope environmentally critical area (ECA 1) due to the steep slope gradient; slopes in excess of 40 percent with a vertical height of 10 feet or greater are considered steep slope ECAs by the City of Seattle.

The lot is a split-zoned lot; the eastern third is zoned Lowrise 3 (L-3) and the remainder is zoned Lowrise 3 Residential-Commercial (L-3 RC). West of Aurora Avenue North the zone classification is predominantly Lowrise. East of Aurora Avenue North the zone changes to Seattle Mixed with a height limit of 65 feet (SM-65).



Development in the vicinity of the subject site is consistently residential including single and multi-family structures of varying age and architectural style. The site itself is vacant.

Aurora Avenue North is a fully improved 106 foot wide principal arterial. This is a busy arterial that extends 50 miles south from Fife, Washington, north to Everett, Washington, and plays a major role in connecting the City internally and with points outside the City limits.

Proposal Description

The applicant proposes to construct four single family residential structures on the property. The structures will be three stories in height and will have footprints of approximately 560 square feet. Parking for the each of the four units will be located up-slope in the northwest corner of the lot. Vehicular and pedestrian access to the site will be provided via a 10 foot wide shared access easement from 6th Avenue North. Pedestrians and site users will access the residential units via a paver walkway extending east from the shared parking area. Two site retaining walls will be constructed approximately 8 feet and 13 feet from the east property line, east of Building 4, and will span the width of the property (40 feet).

The applicant intends to apply for a separate unit lot subdivision permit application 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 Comments

Public notice of this application was issued on November 13, 2007 and ended November 26, 2007. DPD received two items of input regarding this land use application. Concerns related to the following issues:

- Potential drainage problems on and off-site

¹ *Geotechnical Engineering Report: Proposed Aurora Avenue Townhomes, Seattle WA.* PanGEO, Inc. August 24, 2007.

- Clarification of access to the site

Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

ANALYSIS - SEPA

Due to the presence of the steep slope environmentally critical area (ECA 1), the application is subject to SEPA review. Seattle Municipal Code 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 initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 26, 2007. The information in the checklist, supplemental information provided by the applicant (e.g., geotechnical report, arborist's report, etc.), project plans, public input, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665 D). 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 mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased runoff due to (new) impervious surfaces after project construction. 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 and Director's Rule 2006-33, *General Duties and Responsibilities of Geotechnical Engineers*, 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. Due to the fact that 240 cubic yards of grading will be undertaken during construction, additional analysis of earth and soils impacts are warranted.

Earth/Soils

The ECA Ordinance and Director's Rule 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes and/or landslide-prone areas. The applicant has submitted "Geotechnical Engineering Report: Proposed Aurora Avenue Townhomes" and "Response to DPD Correction Notice: Proposed Aurora Avenue Townhomes", prepared by Siew L. Tan, P.E., Principal Geotechnical Engineer, and Michael H. Xue, P.E., Senior geotechnical Engineer, both of PanGEO, Inc., dated August 24, 2007 and December 4, 2007 respectively.

The construction plans, including shoring of excavations as needed and erosion control techniques, are receiving separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, Director's Rule 33-2006) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure that safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

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, 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 most long-term impacts and no further conditioning is warranted by SEPA policies.

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.

[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 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

None required.

Signature: _____ (signature on file) Date: March 31, 2008

Catherine McCoy, Land Use Planner
Department of Planning and Development
Land Use Services

CRM:lc

I:\McCoyCA\DOC\Decisions\SEPA\ECA\3007392_1215AuroraAveN\3007392_1215AuroraAveN.doc