



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: 3007407
Applicant Name: Kent Smutney
Address of Proposal: 1515 Sturgus Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one 6-unit townhouse structure in an *Environmentally Critical Area*. Parking for six vehicles will be located within the structure. Existing single-family to be demolished.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code)

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

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 7,558 square foot (sq. ft.) rectangular site is located in a Lowrise 2 (L2) zone on the west side of Sturgus Avenue South. The site is located at the base of an *Environmentally Critical Area (ECA) Steep Slope* portion of the east side of Beacon Hill. A small portion of the *Steep Slope* extends onto the northwest corner of the site and the generally 15-foot *Steep Slope* buffer straddles the site's west property boundary in places and is completely on the project site in others. The south side of the site continues to slope gradually to the east toward the street. The location of the single-family structure on the northern one-half of the site is mostly flat. This structure will be demolished for the townhouse construction.

The surrounding parcels on both sides of Sturgus Avenue and beyond are also zoned L2. The surrounding development is a mixture of multi-family and single-family structures of a variety of ages on small lots. Directly behind the site to the west is a large lot multi-family development, the Cherry Land Townhomes.

Proposal

The applicant proposes to construct one, 6-unit townhouse building on a parcel containing *Environmentally Critical Area Steep Slopes*. The townhouses will be arranged in a “U” shape opening toward the street. The townhouses will be arranged around the interior of the “U”, two units each on the north, west, and south sides. The interior of the “U” is the driveway for all units and extends to the street. It is anticipated by the applicant that Unit Lot Subdivision of the proposed units will occur to allow the fee-simple sale of each.

The applicant originally proposed the construction of a rockery / retaining wall and the location of some required open space in the required 15-foot *Steep Slope* buffer. However, during project review the proposal was revised to not include any construction or disturbance of the *Steep Slope* or buffer.

Public Comments

No comments were received during the two-week public comment period that ended February 27, 2008.

ANALYSIS - SEPA

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 proposal site is located in a *Steep Slope* critical area, 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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 1, 2008. The information in the checklist, the submitted geotechnical report, and the experience of the lead agency with review of similar projects form 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, 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered.

Short-term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing that could adversely affect the adjacent *Steep Slope*, and
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. Additionally, the General Development Standards of SMC 25.09.060 and the Trees and Vegetation regulations of SMC 25.09.320 place limitations on grading and storm water management and tree and vegetation removal on parcels containing Environmentally Critical Areas, and must be followed during construction. Most notably, the east boundary of the required *Steep Slope* buffer must be fenced with a highly visible and durable protective barrier prior to site clearing, excavation and construction and be maintained throughout construction to prevent access (SMC 25.09.060.D).

The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as the greenhouse gas affects on air quality and construction noise impacts, and therefore warrants further analysis.

Air Quality

Construction activities themselves will generate minimal direct impacts. However the indirect impact of 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 (GHG) emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term significant adverse impacts to air are anticipated and therefore air quality mitigation is not necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas (GHG) emissions primarily from increased vehicle trips but also the projects energy consumption, and long-term disturbance of the *Steep Slope* area and buffer. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code, which will require

insulation for outside walls and energy efficient windows; and the Environmentally Critical Areas Ordinance, which controls development and future disturbance on ECA containing sites.

This proposal has undergone geo-technical review under the ECA Ordinance to assure non-disturbance of the *Steep Slope* and buffer. The related building permit application will also undergo geo-technical review for adequacy of construction in this location. Generally, a 15-foot buffer has been required at the toe of the slope. Per DPD geotechnical review, the buffer is reduced to 5-feet in one small section (survey in approved MUP plans and dated October 16, 2008). SMC 25.09.335 of the ECA Code requires a permanent covenant and attached survey describing and delineating all non-disturbance areas, in this case, the *Steep Slope* and buffer. As a project **Condition, Prior to the Issuance of Any Building Permit**, the required covenant, which shall run with the land, is to be recorded with King County after review and approval by the DPD geotechnical reviewer. Consequently, per the SEPA Overview Policy presumption that the existing Environmentally Critical Areas Ordinance addresses anticipated environmental impacts, the **Conditional Approval** of this project is adequate to achieve sufficient mitigation. However, further discussion of the anticipated GHG affects is warranted.

Air Quality

The number of vehicular trips associated with a six-unit structure is expected to increase from the amount currently generated by the site's one residence. Also, the projects' overall natural gas consumption is expected to increase. Together these changes may result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential long term significant adverse impact to air quality is anticipated and therefore mitigation is not necessary.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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. An EIS is required under RCW 43.21C.030 (2) (C).

CONDITIONS - SEPA

Prior to the Issuance of Any Building Permit

1. The required ECA non-disturbance area covenant shall be recorded with King County after review and approval by the DPD geotechnical reviewer. (BLDG RVW)

During Construction

2. The east boundary line of the required *Steep Slope* buffer, as shown on the October 16, 2008 dated survey in the MUP approved plan set, must be fenced with a highly visible and durable protective barrier prior to site clearing, excavation and construction and be maintained throughout construction to prevent access. (BLDG INSP)

Signature: _____ (signature on file) Date: November 27, 2008

Art Pederson, Land Use Planner
Department of Planning and Development

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