



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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

Application Number: 3007531

Applicant Name: Larry Yeakel

Address of Proposal: 921 Aurora Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story 1,800 square foot office building in an environmentally critical area. Existing structures to remain. Surface parking for one vehicle to be provided.

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: Commercial 1 -65 feet (C1-65).

Date of Site Visit: October 4, 2007.

Uses on Site: Office building.

Substantive Site Characteristics:

This 7,680 square foot subject site has frontage on Aurora Avenue N to the east and Ward Street to the north. The site is located in an area zoned Commercial 1 with a height limit of 65 feet (C1-65) which continues to the south. The areas to the north and west are zoned Residential Multifamily Lowrise 3 (L-3) and the area to the east across Aurora Avenue N is zoned Seattle Mixed with a height limit of 65 feet (SM-65).

The site is currently occupied by one two-story building used for office, two metal containers, and gravel parking lot. There are concrete sidewalks along the site's frontage on Aurora Avenue N to the east and Ward Street. Vehicular access is provided by a driveway off of Aurora Avenue N. The majority of the site is flat, with steep slopes along the western and southern boundaries of the lot. There are deciduous and evergreen trees on the site, with about five trees located on the northern portion of the lot. Several mature street trees are located on Aurora Avenue N to the east of the site. The site is located in a mapped Environmentally Critical Area due to steep slopes and known landslide location. An exemption from ECA Steep Slope Development Standards was granted on June 27, 2007.

Proposal Description:

The applicant proposes to remove two metal containers on the southern portion of the lot and construct a 1,800 sq. ft. two-story office building that will be compatible with the architecture of the existing structure. The existing fence adjacent to the driveway will be modified to provide required visibility for autos, pedestrians, and bicycles from the site. The proposal includes the addition of one parking space.

Public Comment:

The comment period for this proposal ended on July 18, 2007. During this period, no written comment letters related to this project were received.

ANALYSIS - SEPA

The proposal site is located in a mapped environmentally critical area due to the potential for landslide, 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 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 June 17, 2007. The information in the checklist, project plans, geotechnical report, and the experience of the lead agency with 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.

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 or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. A more detailed discussion of some of the potential impacts from this proposal follows.

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 majority of the site is relatively flat with steep slopes of 40%+ along the southern and western boundaries. . The steep slope to the south is covered with grass and ivy, and there is a retaining wall for the steep slope on the west. The site is located in a mapped Environmentally Critical Area due to steep slopes and known landslide location (on the eastern boundary). An exemption from ECA Steep Slope Development Standards was granted on June 27, 2007 because the steep slopes appear to have been created by previous grading and/or construction activities. The proposed development will not be constructed with the “steep slope” area.

The geotechnical report dated November 19, 2007 conducted by Zipper Zeman Associates, Inc. provides recommendations for the proposed development. The report notes that the southern slope is comprised of glacial till, and recommends a retaining system for support of this southern slope. The proposed structure will be approximately nine feet from the southern property line and will not disturb the existing shotcrete slope on the eastern boundary of the site. The Critical Areas Ordinance and the Building Code will adequately address liquefaction potential at the time of building construction plan review. No conditions are warranted to mitigate impacts to earth.

