



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: 3007568
Applicant Name: David Bennet
Address of Proposal: 1708 26th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to approve construction of one single family dwelling in an environmentally critical area. Parking is proposed in attached garage and surface parking space. Existing single family residence to remain and its accessory structures to be removed. The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, SMC

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 and area description

The 4800 square-foot site is located in a Lowrise Duplex Triplex (LDT)) zone on 26th Avenue. The site is a designated Environmentally Critical Area (ECA) due to new potential slide status located on the southern portion of the site adjacent to the existing single family residence.

Properties to the north and east (across alley) are L-1 which is a higher density development but properties to the south and west are also LDT. The existing house of 1968 will remain.

Plum Tree Park is across the street from this property.

Proposal Description

The applicant proposes to construct one additional single family unit. Garage parking will be provided in the new unit and surface parking off the alley provided to the existing residence. Open space for the units is to be provided on the site perimeter of the south and between buildings. Vehicular access is from the alley on the east side of the lot.

On August 3rd, 2007 the ECA report was accepted. It was determined the geotechnical issues will be reviewed during the construction permit # 6128202.

Public Comments

The public notice was issued on August 2, 2007 and ended on August 17, 2007. No comments were received.

ANALYSIS - SEPA

Due to the presence of potential slide environmentally critical areas, the application is subject to SEPA review. 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 initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 27, 2007. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, 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 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. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts in the identified critical area are expected: temporary soil erosion and decreased air quality due to increased dust and other suspended air particulates during demolition and 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 DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building Code provides for construction measures and life safety issues. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

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. The applicant has submitted "Geotechnical Engineering Report", Proposed Single Family Development for 1708—26th Avenue., Seattle, Washington, May 9, 2007" prepared by D. Robert Ward, P.E., of GEOTECH CONSULTANTS, INC. for Mr. James Barger of Greenleaf Construction in Bothell, WA. This report has been reviewed by geotechnical engineers of the Department of Planning and Development.

The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review by DPD. The geotechnical issues will be resolved during the construction permit process of Permit # 6128202. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2007) 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; 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.

- 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.

Signature: _____ (signature on file) Date: October 1, 2007
Carreen N. Rubenkonig, Land Use Planner
Department of Planning and Development

CNB:bg

H://Documents/Rubenkonig/Decisions/3007568 SEPA ECA Slope