



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:** 3007595  
**Applicant Name:** Icon Developments LLC  
**Address of Proposal:** 1985 Gillman Drive W.

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to establish use for future construction of four multi-family townhouse units on a lot with environmentally critical areas; Landslide Hazard and Steep Slopes.

The following approval is required:

**SEPA - Environmental Determination - SMC Chapter 25.05.**

**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 Vicinity Description**

The 5,989 square foot site, triangular shaped lot is zoned multi-family, Lowrise, L-2, and located between 11<sup>th</sup> Ave. W and 12<sup>th</sup> Ave. W. The site is currently developed with a single family home. Two parcels are being joined for the purpose of this development.

Approximately 1/3<sup>rd</sup> of the site slopes down to the west with approximately 20 feet difference between the highest and lowest elevation. It was determined under review (ECA Exemption 6113393) that the slopes were created by previous legal grading to create the Right-Of-Way (12<sup>th</sup> Av. W). The Department's mapping identifies a Landslide Hazard on the subject site and this was confirmed by a field investigation report prepared by Geo Group Northwest, Inc. No other Environmentally Critical Areas have been identified on the site.

Zoning in the immediate area is L-2 (one unit per 1200 sq. ft. base density) with L-1 zoning surrounding the L-2 on three sides to the east, south and west that is developed with a mix of multifamily and single family residential units. City of Seattle Parks Department land provides a green belt along the slopes one block to the west. The (City owned) Interbay Golf Course is three blocks to the west and there is a Burlington Northern rail yard located four blocks to the west.

The site is bounded on three sides by right-of-way. The west property line is bounded by 12<sup>th</sup> Ave W., on the east property line is bounded by Gilman Drive W and the intersection of the two streets on the north property line. Gilman Drive W. is designated as a minor arterial street and is improved as a “boulevard” with approximately 40ft of landscaped median and 15 ft of roadway to the east and approximately 30ft of roadway to the west bordering the subject site. 12<sup>th</sup> Av. W. is not an arterial however it is also a boulevard with approximately 20ft of landscaped boulevard and approximately 18ft of roadway along the west property line of the subject site. Both Gilman and 12<sup>th</sup> Av. W offer sidewalks however the roadways are not fully developed and currently there is no curb or gutter along Gilman Drive W and something less than the City standard for curb and gutter along 12<sup>th</sup> Ave W.

### Proposal

The application is for the future construction of four new townhouse units with accessory, uncovered parking at the SE corner of the lot utilizing a wood framed and concrete surfaced parking pad previously constructed on the site. The project as proposed will meet all of the required development standards for the zone including those for height, structure width and depth, lot coverage, open space and landscaping. The existing single family structure will be demolished.

As noted, the site was granted an exemption to the development standards for the Environmentally Critical Areas (ECA), Steep Slopes (25.09.180) due to previous legal grading for roadway construction and the restrictions to coverage of the slopes or buffer are waived as part of the exemption. SMC 25.09.080 provides specific standards for all development sites containing Landslide Hazard. The standards regulate grading, filing, draining and or development within the ECA and any appropriate buffer. In this case the entire site is designated ECA Landslide Hazard with regard to soil conditions. The Geo-technical report prepared for the project states; “Based upon the results of our study, it is our professional opinion that the proposed building can be supported on conventional spread footing foundations that bear on the medium dense to dense native soils or compacted structural fill placed on top of the competent site soils.”

The proposal includes five retained trees in the northern portion of the lot and also includes a planting plan for the required open space which should enhance the ecological function on the site. Stormwater and drainage control systems and additional plantings on the steep slopes will offer enhanced function.

### Public Comment

No public comment was received during the comment period which ended on August 15, 2007.

### Environmentally Critical Areas Regulations

Seattle Municipal Code (SMC) 25.09.040 and 25.09.060 describes application submittal and general standards that apply to all development within designated Environmentally Critical Areas (ECA). General requirements and standards described in SMC 25.09.060 include the recording of conditions of approval and a permanent Landslide Hazard Covenant, identification on the plan set of the ECA areas on the property, as well as specific construction methods and procedures. Conditions imposed as a means of compliance with the ECA ordinance are non-appealable.

The proposal will help to protect the identified ECA's, minimize disturbance and enhance the slope stability pursuant to the planting plan. The character of the site is in an urban setting. Therefore, the areas natural character and environmental resource, natural greenery, tree canopy and wildlife habitat will be enhanced by the proposed planting plan. The new homes should not have an adverse impact on the character, design or scale of the surrounding neighborhood.

Conditions have been included to mitigate potential adverse negative impacts. These conditions are set forth following the SEPA analysis below.

### **ANALYSIS - SEPA**

The proposal site contains steep slope and landslide hazard, 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 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 2, 2007. The information in the checklist 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 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces).

### Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement, the applicant submitted a Geotechnical Engineering Study prepared by GEO Group Northwest, Inc., William Chang, PE., Principal, dated March 9, 2007. The report evaluate the soil and site conditions and provide recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction.

The summary of the findings of the report, addendum report and correction response are the following: "Based upon the results of our subsurface investigation at the site it is the opinion of GEO Group Northwest, Inc., that the proposed development is suitable for the subject site. The main geotechnical concern is that the building be founded on top of the medium dense to dense competent site soils or on top of structural fill placed on top of the competent site soils. Because loose soils are anticipated down to depths of 5 feet, based upon the borings, we recommend that the building pad be improved prior to foundation construction. We recommend that the entire building pad, including the slab-subgrade areas be excavated to a minimum depth of 18-inches and that the entire building pad subgrade be compacted by vibratory hoepack." The submitted reports, which are located in the project file, further details the specific requirements for proper installation of permanent foundation; slabs-on-grade and retaining walls; temporary shoring techniques; excavation and slope techniques; excavation and shoring monitoring; and drainage considerations.

With regards to the Environmentally Critical Areas on site the Geo-technical Report also states: The primary concern with regard to soil movement on the steep slopes is the risk of erosion. (pg 4, 3<sup>rd</sup> paragraph) "In order to minimize erosion on the steep slope we recommend that slope stabilizing vegetation be planted and jute netting be installed or the existing vegetation should be left in place." (page 5 item 4)

The soils report, construction plans, and shoring of excavations as needed, have been reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who have required any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. As recommended, a SEPA condition for slope stabilization with landscaping is warranted.

### Short-term Impacts

Construction of the proposed multi-family units may have short-term impacts on the environment and temporary soil erosion impacts on the slopes and landslide hazard will be monitored by on site inspections by the geo-technical engineering firm GEO Group Northwest as required by the City.

Several adopted codes and/or ordinances provide mitigation for temporary soil erosion. The Environmentally Critical Areas regulations provides rules to protect the public health, safety and welfare, promote safe development through the use of the best possible planning and engineering techniques, and prevents harm to the environment. 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 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.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increased ambient noise and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Land Use Code and the Stormwater, Grading and Drainage Control Code. Compliance with these applicable codes and ordinances will achieve mitigation of most long term impacts on the site however some additional mitigation to promote soil stability in the identified environmentally critical area / steep slopes was identified in the Geo-technical report, specifically additional landscaping is recommended for the steep slope areas.

#### Other Impacts

The other impacts such as but not limited to, increased ambient noise, increased traffic in the area; increased demand for parking; increased bulk and scale; and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

The proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations and no *further* conditioning, beyond the SEPA conditions established in this decision, is deemed necessary at this time.

### **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 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 the Master Use Permit

The owner and/or responsible party shall update the plans to:

1. Show a notation on the site plan and the landscaping plan that clearly states that all steep slope areas shall be vegetated and provide a proposed planting plan as part of the plan set.

Prior to Occupancy of the Homes

2. Preserve existing trees and/ or other vegetation except that non-native invasive species are not a preferred option, and install other plantings identified by the planting plan and Director's Rule 13-92 and approved by the GEO Group Northwest and the City inspectors on site during construction, to satisfy SEPA conditions.

For the Life of the Project

3. The landscaping is in place, protected and maintained as required to preserve the slope stability. This conditions shall be transferred to the face of any further land use actions and shall be noted on the site plan for any future building permit.

Nonappealable Conditions of Approval Prior to Issuance of a Master Use Permit

4. Record a Covenant acknowledging and accepting the risk associated with the landslide hazard associated with the soils found on the site; accepting a duty to inform occupants and purchasers of the landslide hazard and the need for insurance. The covenant shall be in the form given to the applicant by DPD.

Signature: \_\_\_\_\_ (signature on file)  
Justina Guyott Land Use Planner  
Department of Planning and Development

Date: November 15, 2007