



**City of Seattle**

Gregory J. Nickels, Mayor

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**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:** 3007659  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 1534 A 18<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow two duplexes and one single family residence in an environmentally critical area (total of five units). Surface parking for four vehicles and one parking space within the single family structure to be provided. Environmental review includes future unit lot subdivision.

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 another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

This 8,980 square foot subject site, of Lots 4, 5 and 6 of the Valentine Addition Block 7 (the future “parent lot”), is a rectangular lot that fronts on 18<sup>th</sup> Avenue S. The site is

located in the Beacon Hill neighborhood of Seattle, just south of I-90. The parcel has approximately 90 feet frontage along 18<sup>th</sup> Ave. S. The parcel is zoned Lowrise-2 (L-2) and is currently undeveloped. The site is within a mapped environmentally critical area due to steep slopes, known landslides, and possible liquefaction of soil.

### Development in the Vicinity

The zoning of this site is Lowrise Two Multifamily residential (L2), as is the surrounding neighborhood. To the south of South Massachusetts Street the zoning changes to Lowrise One (L1), and two blocks to the east (along Rainier Ave. S.) is Commercial (C1-40'). Development in the vicinity consists of a few older single family homes. Recent development is of multi-family residential units.

### Proposal Description

The applicant proposes to build two duplexes and one single family residence in an environmentally critical area (total of five units). Surface parking for four vehicles and one parking space within the single family structure is to be provided.

### Public Comments

The public comment period for this project ended on April 24<sup>th</sup>, 2008. 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 31, 2008 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, PanGEO Inc.'s Geotechnical Engineering Report (3-15-06), 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) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes and/or a history of unstable soil conditions. The Geotechnical Engineering Report by PanGeo of March 15, 2006 was submitted for the MUP application.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Any additional information required showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

An Environmentally Critical Area (ECA) Exemption was granted July 19, 2007. In this respect, the ECA Steep Slope Development Standards (i.e., threshold disturbance level of 30 percent of the Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) are waived for development associated with DPD Application No. 6146472. All other ECA Submittal, General, and Landslide-Hazard, and development standards will apply for this development.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to show conformance with DR 3-93 and the ECA ordinance prior to issuance of the Master Use Permit. The ECA Ordinance and Director's Rules 3-93 provide for extensive review and conditioning of the project prior to issuance of building permits; therefore, no further conditioning for soils or grading activities 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.

The project includes future unit lot subdivision. Such division of land is strictly for purposes of ownership, and has no substantial impacts on any element of the environment.

#### **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 26, 2009

Carreen N. Rubenkönig, Land Use Planner  
Department of Planning and Development

CNR:bg

H:Rubenkönig/Documents/Decisions/MUP 3007659 1534 A 18<sup>th</sup> Avenue South- SEPA Slope