



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

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

Application Number: 3009086
Applicant Name: Michael Troyer
Address of Proposal: 344 McGilvra Boulevard East

SUMMARY OF PROPOSED ACTION

Land Use Application to construct a 9,885 square foot single family residence with attached garage in an environmentally critical area. Project includes grading 2,535 cubic yards of material (2,175 cubic yards of cut and 360 cubic yards of fill) and removing eight trees. The existing single-family structure has been previously demolished. A new single-family residence is partly constructed. Construction has been halted pending completion of this environmental review.

The following approval is required:

SEPA – Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

The 11,416-square-foot site is wedge-shaped and is zoned SF 7200 (Single-Family Residential, with a minimum lot size of 7200 square feet). The site was previously developed with a single-family residence constructed in 1927 and a separate single-car garage excavated into the hillside within the eastern portion of the site, with access from 39th Avenue Northeast. The site is also vegetated with shrubs, trees, bushes, grass, and typical residential landscaping. Some landscaping has been removed due to construction of the foundation portion of a new residence. The site slopes downward to the east, towards Lake Washington. The easterly portion of the site, approximately 30%, is within the UR (Urban Residential) Shoreline Overlay under Seattle

Municipal Code Chapter 23.60, the Seattle Shoreline Master Program. The entire site is also mapped as steep slope and landslide prone environmentally critical areas.

Proposal Description

The applicant proposes to demolish the existing single-family structures at 344 McGilvra Boulevard East, including an existing driveway and on-grade stairs (already demolished under issued building permit) and construct a new 9,885-square-foot home, together with installation of a 30-foot-deep shored excavation for a proposed garage, installation of a sub-surface drainage system, installation of two new driveways and retaining walls of 3,821 square feet, removal of eight existing trees, and implementation of a revegetation plan with native vegetation.

Public Comments

Twelve comment letters from ten different neighboring property owners were received during the official comment period, which ended on June 4, 2008. Two parties each submitted two different comment letters, and the others submitted one letter each. Several of the letters alleged that construction activity already permitted at the subject site caused damage to neighboring homes. Most of the letters further expressed concerns about drainage and runoff from the site, removal of existing trees and vegetation, and landslide potential. Some letters also expressed concern about the overall size of the proposed house in comparison to neighboring houses.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist prepared on April 28, 2008 and supplemental information in the project file submitted by the applicant. The information in the checklist and the supplemental information form the basis for this analysis and decision. Pursuant to SMC Section 25.05.908 B, review is limited to issues pertinent to ECA impacts and mitigation.

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. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The only temporary or construction-related impacts are expected: 1) temporary soil erosion. These impacts are not considered significant because they are temporary and/or minor in scope.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general) and 2) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation. Further mitigation by imposing specific conditions is not necessary for these impacts. However, the

proposal site is located in environmentally critical areas. Therefore, additional discussion of earth impacts is warranted.

Earth / Soils

The ECA Ordinance and Director's 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 Associated Earth Sciences Inc. (AES) and dated June 13, 2006. A revised AES geotechnical engineering study was also submitted and dated July 3, 2006. Fifteen supplemental studies and letters have been prepared by AES since the date of the original study. The supplemental studies and letters are dated September 11, 2006 through June 23, 2008. A separate monitoring report by Richard C. Givens, a registered land surveyor, dated January 21, 2008, was also prepared. The study and supplements, as well as the Givens report, have been reviewed DPD's geotechnical experts. In addition, DPD has received and reviewed documentation submitted by neighbors, including geotechnical reports from Aspect Consulting, an engineering consulting firm, and reports from ABPB Consulting, a second engineering firm. After review of the documentation supplied by both the applicant and neighbors, the study and supplements submitted by AES have been approved by DPD's geotechnical experts, who possess ample authority to condition construction and related activities to meet safety and other soils-related standards in the Building and Stormwater, Grading and Drainage Control Codes. No additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances, including but not necessarily limited to: (1) the Stormwater, Grading and Drainage Control Code (which regulates storm water runoff from additional site coverage by impervious surface); and (2) the Environmentally Critical Areas Regulations (which, among other things, requires a revegetation plan for certain activities occurring in landslide-prone critical areas, including steep slopes.

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

For the Life of the Project

For at least 5 years following final inspection and approval of installation of landscaping per plan:

1. The owner(s) and/or responsible party(s) shall maintain landscaping per plan.

Signature: _____ (signature on file) Date: July 10, 2008

William K. Mills, Senior Land Use Planner
Department of Planning and Development

WKM:bg

Mills/3009086.doc