



City of Seattle

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: 3011928, 3012512 and 3012513
Applicant Name: Anthony Coyne
Address of Proposal: 8839-36th Ave. S., 9025 Cecil Ave. S. and 3400 Edward Ave. S.

SUMMARY OF PROPOSED ACTION

3011928 - Land Use Application to allow grading and vegetation removal of 90 cubic yards of material in an environmentally critical area. Project includes site re-vegetation. Environmental review includes grading at 9025 Cecil Ave (25 cu. yds.) and 3400 Edwards Dr S. (1,000 cu. yds.) of material.

3012512 - Land Use Application to allow vegetation removal and grading of 25 cu. yds. of material in an environmentally critical area. Environmental review is being conducted under 3011928 and includes 1,000 cu. yds. of grading under related Project #3012513 on adjacent property.

3012513 - Land Use Application to allow vegetation removal and grading of 1,000 cu. yds. of material in an environmentally critical area. Environmental review is being conducted under Project #3011928 and includes grading under related project 3012512.

The following approval is required:

SEPA – Chapter 25.05 Seattle Municipal Code for grading and re-vegetation in an Environmentally Critical Area.

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: The site is zoned Single Family 7200.

Parcel Size: The property addressed 8839 36th Ave S. has an area of 7,280 sq. ft, 9025 Cecil Ave S. has an area of 25,563 sq. ft. and 3400 Edward Ave S. has an area of 247,856 sq. ft. (all per King County records).

Existing Use: The properties addressed 8839 36th Ave S and 9025 Cecil Ave S. are developed with single family residences. 3400 Edward Ave S. is undeveloped and is owned by the Seattle Parks Department.

Public Comments:

Notice of Application for Project No. 3011928 was provided on February 17, 2011, and the public comment period was extended to March 16, 2011, by public request.

Notice of Application for Project Nos. 3012512 and 3012513 was provided on September 22, 2011 and the public comment period ended on October 5, 2011. One person commented on the projects.

Project Description:

The project consists of the removal of illegally placed fill (approximately 1,752 cubic yards containing soil, construction debris, and land clearing debris and domestic garbage) from the three properties identified above. The project includes incorporation of about 104 cubic yards of composted soil amendment to prepare the site for stabilization with vegetation. The project site is an existing steep slope environmentally critical area.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklists submitted by the applicants and received by this Department on February 8, 2011 and August 4, 2011. The project engineer submitted a supplemental checklist for all three projects on January 4, 2012. The information in the checklists, associated plans and reports, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The project site is located in multiple environmentally critical areas (steep slope, new potential slide and wildlife habitat) and therefore, 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 evaluating the need for any additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and applicable environmental laws.

The Department of Planning and Development has reviewed and analyzed the environmental checklists submitted by the applicants, geotechnical report prepared by Otto Rosenau & Associates, dated February 19, 2010, and the accompanying project plans (which include a DPD standard TESC plan, a Grading Plan and Site Restoration Plan), and determined that this action, will not result in significant adverse impacts to the environment. Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most anticipated impacts. However, DPD's geotechnical engineer recommends that the following condition be required to protect adjacent properties in the ECA: "The earthwork contractor shall access the site using the private driveway across 9025 Cecil Ave. S., if feasible. If the private access road to the north is used, then the earthwork contractor shall test all utility services to confirm that they are operational and not damaged by the haul trucks and earth moving equipment." This recommended condition will be required as a conditional of approval pursuant to the SEPA Overview Policy (SMC 25.05.665).

Short -Term Impacts

The following temporary construction-related impacts are expected: removal of fill may expose soil leading to increased potential for soil erosion and sedimentation during planting activities and following plant installation until the new vegetation is adequately established on site. 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 the identified impacts. The Stormwater, Grading and Drainage Control Code (SMC Chapter 22.800) requires that soil erosion control techniques be in place for the duration of the land disturbing activities. The Regulations for Environmentally Critical Areas (SMC Chapter 25.09), with a stated purpose of avoiding adverse environmental impacts, regulate all activities within ECAs. Compliance with these applicable codes will minimize or eliminate most short-term impacts to the environment. However, as noted above, DPD's geotechnical engineer has identified potential impacts to ECAs on adjacent properties from construction equipment, and recommends that the following condition be required: "The earthwork contractor shall access the site using the private driveway across 9025 Cecil Ave. S., if feasible. If the private access road to the north is used, then the earthwork contractor shall test all utility services to confirm that they are operational and not damaged by the haul trucks and earth moving equipment." This recommended condition will be required as a conditional of approval pursuant to the SEPA Overview Policy (SMC 25.05.665).

The ECA Ordinance and Director's Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendation 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 report. The report evaluates the geologic conditions, and the landslide and erosion potential due to past development and the

more recently completed clearing and grading and proposed revegetation. The report provides recommendations to temporarily stabilize the site until proposed native vegetation takes hold. The geotechnical report and project plans, including erosion control techniques, have been reviewed and approved by the DPD geotechnical engineer.

Long-term Impacts

Long-term impacts from the vegetation removal and other construction activities are anticipated to be limited to temporary loss of vegetation, and increased potential for erosion until new vegetation is established. In order to mitigate for the vegetation removal in the Environmentally Critical Area, the applicant has submitted a restoration plan. The restoration plan includes preparing the disturbed areas as seedbed and hydro-seeding. As possible long-term impacts are expected to be adequately mitigated through compliance with the restoration plan, no further conditioning is warranted.

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

During Construction

1. The earthwork contractor shall access the site using the private driveway across 9025 Cecil Ave. S., if feasible. If the private access road to the north is used, then the earthwork contractor shall test all utility services to confirm that they are operational and not damaged by the haul trucks and earth moving equipment.

Signature: _____ (signature on file) Date: March 12, 2012
Molly Hurley, Senior Land Use Planner
Department of Planning and Development
Land Use Services

MH:bg

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