



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
DETERMINATION OF NON-SIGNIFICANCE BY  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Number:** 3014425  
**Applicant Name:** David Foster  
**Address of Proposal:** 1928 11<sup>th</sup> Ave W

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow one, two-unit townhouse structure in an environmentally critical area. Existing structure to remain (for a total of three residential units). Surface parking for two vehicles to be provided. Review includes future unit lot subdivision.

The following approval is required:

**SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)**

**SEPA DETERMINATION:**

Determination of Non-significance

<b>X</b>	No mitigating conditions of approval are imposed.
	Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

**SITE AND VICINITY**

Site Location: East side of 11<sup>th</sup> Avenue W; at intersection of Gilman Drive W.  
Zoning: Lowrise-1 (LR1).  
Parcel Size: 5,400 sq. ft; rectangular.

Existing Use: Single-family (1 unit).

ECA: Potential Slide.

**PROJECT DESCRIPTION:**

The applicant proposes to construct a two-unit townhouse at the back of the lot, adjacent to the alley. New vehicular access will be from the alley; pedestrian access to be from 11<sup>th</sup> Avenue W. Three parking spaces are provided; two on grade parallel to the alley and 1 in the existing garage structure off 11<sup>th</sup> Avenue. The ECA potential slide area is the west third of the property, which has no proposed changes. The extreme eastern edge of the existing rear yard is a Steep Slope, because it slopes down approximately 10 ft. from the alley. This slope area is stabilized by an existing rockery. The proposal includes a future unit lot subdivision of the property.

**PUBLIC COMMENT:**

The public comment period ended on January 2, 2013. Several comments were received, most concerned with soil stability, off-site construction runoff, high groundwater levels, saturated soils and drainage concerns at the lowest portions of the site at 11th.

**ANALYSIS – SEPA**

The proposal site is located in a mapped environmentally critical area (ECA), as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is 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 any 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. The Department of Planning and Development has analyzed and annotated the Environmental Checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the Checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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. Short-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). However, further discussion of these impacts is warranted.

### Earth

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 landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical report (Earth Solutions NW, # ES-2585, dated 27.nov.2012). The study has been reviewed and the project approved by DPD geotechnical staff. Public comments regarding soils and drainage were shared with the DPD geotechnical engineer and drainage reviewer for this project. They have concluded the soils and groundwater concerns raised by the public will be addressed by existing code and procedures during the more detailed building permit reviews. Existing codes, including: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09), are sufficient to mitigate impacts anticipated from the proposal.

No additional conditioning is warranted pursuant to SEPA policies.

Based on a review of the submitted information and the City GIS system, DPD concludes that the project qualifies for a limited steep slope exemption established in SMC 25.09.180.B2b, that is, the ECA Steep Slope Area and buffer along the eastern limits of the property have been previously developed. For this reason, DPD waives the requirement for an ECA Steep Slope Variance associated with this application. The west portion of the site is also mapped as ECA Potential Landslide Due to Geologic Conditions. Except as described herein, the remaining ECA Submittal, General, and Landslide - Hazard Development Standards and related criteria still apply.

No additional conditioning is warranted pursuant to SEPA policies.

