



**City of Seattle**  
Edward B. Murray, 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:** 3014858  
**Applicant Name:** Christopher Day  
**Address of Proposal:** 3820 22<sup>nd</sup> Ave SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 2,189 sq. ft. addition to an existing single family residence and convert to a duplex (for a total of two residential units) in an environmentally critical area.

The following approvals are 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 involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

Site Description

The site is located on 22<sup>nd</sup> Ave SW on an existing 5,000-square-foot lot. The lot is zoned Lowrise 1 (LR1), as are the lots to the north, south, east and west. The lot contains an existing single-family residence constructed in 1906. This house is situated near the south center of the lot and has a building footprint of 677 square feet and 1,463 square feet of floor area.

The City of Seattle's Environmentally Critical Areas inventory map identifies several types of Geologic Hazard Areas on the property: a known landslide area, a potential landslide area, steep slope area. As described in the geotechnical report prepared by Robert M Pride, LLC, there is an eight-to-ten-foot high cut slope on the north side of the property that was excavated for construction of the residence at 3816 22<sup>nd</sup> Ave SW on the abutting lot to the north. The ground also slopes up from the east property line at approximately a 3H:2V grade. This slope is approximately 50 feet high and heavily vegetated with blackberry and native trees and other vegetation. The geotechnical investigation found "*...no evidence of recent surficial sliding or failure that would create any instability to house foundations.*" There was a landslide to the west of the house in 1925 that extended across 22<sup>nd</sup> Ave SW and onto the properties to the west. The debris from this slide was removed on the site for the construction of a parking area and garage between 22<sup>nd</sup> Ave SW and the house. Test borings completed for the geotechnical investigation found "*...no evidence of landslide debris...from the old landslide movement.*"

### Description of Proposal

The applicant is proposing to remodel the existing single-family residence to add a second unit, creating a duplex. The proposal will add an addition with a footprint of 692 square feet and create 1,422 square feet of floor area. The proposed south unit will have two bedrooms and be two levels and the north unit will have three bedrooms and two levels.

### Public Comment

Notice of the proposal was provided on March 28<sup>th</sup>, 2012 and ended April 10<sup>th</sup>, 2013. No public comments were received.

### ECA Code Requirements:

The owner and/or responsible party shall provide a signed and notarized ECA Covenant to the Seattle Department of Planning and Development for recording with the King County Recorder prior to the issuance of the building permit for this project. The covenant shall reference an approved site plan identifying the non-disturbance area of the steep slope ECA. The owner and/or responsible party shall also install the permanent visible ECA markers established at the edge of the non-disturbance area ECA. Markers shall be installed in accordance with instructions contained in Director's Rule 4-2007.

### **SEPA DETERMINATION**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 19, 2013. The information in that checklist, associated plans and reports, public comment, 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 an environmentally critical area (landslide-prone area) and, therefore, the application is not exempt from SEPA review. However, SMC 25.05.908.B 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 of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and 2) Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including any additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant, the accompanying project plans, and geotechnical report, 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 and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665). The following summarizes anticipated short and long term impacts and identifies regulations in place that will mitigate these impacts.

#### Short-term Impacts

Site grading and preparation for the foundation of the proposed addition will expose soil, leading to increased potential for soil erosion during construction until the site is permanently stabilized by establishment of new vegetation and landscaping. Several adopted codes and/or ordinances provide mitigation for the identified impact. The Grading Code (SMC Chapter 22.170) 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 on sites with ECAs. The plans provided by the applicant demonstrate that proposal complies with development restrictions for steep slopes by keeping all development out of the steep slope and providing a 15-foot steep slope buffer. The applicant also submitted a geotechnical engineering study prepared by Robert M. Pride, LLC, dated January 23th, 2013. The geotechnical report and construction/grading plans have been reviewed by the DPD geotechnical engineer and found to be in compliance city's standards for development on sites with geologic hazard areas. While typical temporary construction-related impacts are expected, these impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Therefore, no further conditioning pursuant to SEPA policies is warranted.

#### Long-term Impacts

Long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased demand for public services and utilities; and loss of plant and animal habitat;

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Environmentally Critical Areas Regulations; the Stormwater Code, Grading Code; the City Energy Code; and the Land Use Code, which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts. Therefore, no further conditioning is warranted by SEPA policies.

**DECISION**

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 43.21.030(2) (c).

**CONDITIONS**

None required.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: April 3, 2014  
Seth Amrhein, Senior Environmental Analyst  
Department of Planning and Development

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