



City of Seattle
Edward B. Murray, Mayor

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: 3015978
Applicant Name: Julian Weber
Address of Proposal: 1936 8th Ave W

SUMMARY OF PROPOSED ACTION

Land Use Application to allow three 2,100 sq. ft. single family dwelling units in an environmentally critical area. Parking for three vehicles will be located in a detached garage. Existing structure to be demolished. Review includes future lot subdivision.

The following approval is required:

SEPA – Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION

Determination of Non-significance

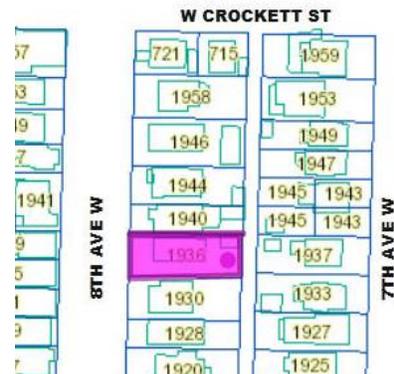
- No mitigation conditions of approval are imposed
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

SITE AND VICINITY

Location: The site is located midblock on the east side of 8th Ave W, between W Crockett Street and W Howe Street.

Zoning: The site is zoned Lowrise 1 (LR1) and is located in an approximately 11 block area with that zoning designation.

Parcel Size: 5,400 square feet



Existing Uses: There is one single family residence and detached garage on the site.

ECA: A portion of the southwest corner of the site is mapped as an Environmentally Critical Area (ECA) Steep Slope.

Site Characteristics: Vehicular access is from an improved alley to the east of the site. The site slopes 22 feet down from the alley to 8th Avenue W. Surrounding uses are a mix of single family and multifamily residences.

ENVIRONMENTAL CRITICAL AREAS

The applicant applied for Relief on Prohibition on Development Within Steep Slope Critical Areas and Their Buffers with the following Determination issued April 2, 2014:

“ECA review is required. Based on a review of the submitted information (which includes a November 7, 2013 geotechnical engineering report by Geotech Consultants, Inc.), along with the City GIS system, DPD concludes that the steep slope areas along the west property line are less than 20 feet in height and are not located near other steep slopes. Consequently, the project qualifies for the limited Steep Slope Exemption Criteria, as described in SMC 25.09.180 B2c. For this reason, an ECA Steep Slope Area Variance is not required for this project. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply.”

PUBLIC COMMENT

The public comment period ended on July 9, 2014. DPD received several comment letters.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, 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 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 proposed site is located in an environmentally critical area (ECA). However, the subject site received a limited exemption from the standards for steep slope development on April 2, 2014. The property is still subject to all other ECA standards and is regulated as a potential landslide site. Thus, the application is not exempt from SEPA review. However, SMC 25.05.908 provides

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The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on September 9, 2014. 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. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. 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.

City codes and/or ordinances apply to the proposal and will provide mitigation for short and or/long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170), *Street Use Ordinance* (SMC Title 15), *Seattle Building Code*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08).

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 SEPA Overview Policy (SMC 25.05.665) states, in part, "*Where City regulations have been adopted to address and 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 Impacts

The following temporary or construction-related impacts 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).

Earth / Soils

The ECA Ordinance and Director's Rule (DR) 18-2011 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 engineering study by Geotech Consultants on November 7, 2013. The study has been reviewed and approved by DPD's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECA.

No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05).

Long -term Impacts

Long term or use-related impacts on the environmentally critical area 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. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No further SEPA conditioning is warranted (SMC 23.05.665).

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.

- 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).
- 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).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the Optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: November 10, 2014
Katy Haima, Land Use Planner
Department of Planning and Development