



City of Seattle
Edward B. Murray, Mayor

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

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

Application Number: 3016441
Applicant Name: Dave Biddle for Dan Duffus
Address of Proposal: 408 W Fulton St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, 3-story residential structures, one single family and a two unit townhouse (3 units total) in an environmentally critical area. Garage parking for 3 vehicles to be provided. Environmental Review includes future unit lot subdivision.

The following approval is required:

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) Chapter 25.05.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

The 4,012.6 square foot site is located on West Fulton St. just west of 4th Avenue West in the North Queen Anne area of Seattle. The site is mapped Environmentally Critical Area, Steep Slope. Zoning is Lowrise 1, Multi-family Residential (LR1). The parcel is the result of a Lot Boundary Adjustment (3015524) which modified the lot line between two existing parcels.

Proposed Use: The proposal is to construct one single family residence and a 2-unit townhouse structure on the site within the existing Steep Slope environmentally critical area. Upon review of the submitted geotechnical report by the applicant, a Limited Steep Slope Exemption was granted as follows:

“The site is correctly designated as an Environmentally Critical Area due to Landslide Hazard on the Basis of Steep Slope topography. The proposed construction shown on the Submitted plan confirms that the work will be within the Steep Slope Critical Area. For this reason, the requested ECA Exemption on the basis that the proposed construction is not within proximity to Steep Slope Critical Areas is denied. However, the Steep Slope Critical Areas appear to have been modified by past grading activities and/or previous development of retaining structures. For this reason, the project qualifies for the Limited Steep Slope Exemption Criteria described in SMC25.09.180B2a. No ECA Steep Slope Variance will be required, and development is allowed in the Steep Slope Areas or its buffer. Except as described herein, the ECA Submittal, General, and Landslide-Hazard Development Standards and related criteria still apply. June 27, 2013.

Public Comment: Notice of the application was published on December 26, 2013 and the comment period ended January 22, 2013. DPD received two comment letters on this proposal.

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 initial disclosure of the potential impacts from this project was made in the environmental checklist, dated December 10, 2013, 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.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: Stormwater Code (SMC22.800-808), the Grading Code (SMC 22.170), The Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Regulations for Environmentally Critical Areas (SMC 25.09).

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 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 and long-term adverse impacts are anticipated from the proposal.

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. 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.

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; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

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).

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 available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and early review.

CONDITIONS

None required.

Signature: _____ (signature on file) _____ Date: March 10, 2014
Marti Stave, Senior Land Use Planner
Department of Planning and Development

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