



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2407790

Applicant Name: Ed Gallaudet

Address of Proposal: 1814 East Pike Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of four single-family residences in an Environmentally Critical Area. Parking for four vehicles to be provided within the structures. Project includes demolition of an existing single family residence and 308 cubic yards of grading.

The following approval is required:

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

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

Site and Vicinity Description

The approximately 7,740 square foot project site is zoned Lowrise Duplex Triplex (LDT) and currently developed with a single family residence. The site is located between 18th and 19th Avenues at the dead-end of East Pike Street.

The site slopes from the alley on the west toward 19th Avenue. The elevation drop over an approximate 110-foot distance from the alley to the street is approximately 11 feet. The site then slopes 14 feet over approximately 20 feet. This is the area designated as *steep slope* pursuant to the Environmentally Critical Areas (ECA) ordinance.

Parcels on both block faces of 19th Avenue are zoned LDT and contain a mixture of single and multi-family structures. Across the alley to the west the zoning is Lowrise 3, and also contains a mixture of single and multi-family structures.

Proposal

The proposal is to construct four (4) single-family residences with individual parking within each structure. A future Unit Lot Subdivision of the constructed structures is anticipated. This SEPA analysis was conducted to consider this possibility.

Public Comment

The public comment period ended on April 28, 2005. No comment letters was received during that time.

ANALYSIS - SEPA

The proposal site is located in a *steep slope* Environmentally Critical Area, thus the normally exemption for four or fewer structures in a LDT zone 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 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 submitted by the applicant dated March 14, 2005 and annotated by the Department. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

ECA Exemption

This proposal received an exemption pursuant to SMC 25.09.180.D, Exemptions for Steep Slopes Resulting from Rights-of-Way Improvements (Exemption 2501315). The DPD geo-technical reviewer determined that the *steep slope* area along the east property line appears to be created by ROW improvements along 19th Avenue. As such, it may be exempted per the above Code subsection. The remainder of the site contains no environmentally critical areas.

The exemption text noted that this exemption cannot be applied to a short plat (for the purposes of receiving development credit toward lot size). However, Unit Lot Subdivision of this development can be proposed because minimum lot size is not a Unit Lot Subdivision criterion. Accordingly, this analysis considers the possibility of future Unit Lot Subdivision of the structures; hence additional SEPA review will not be required.

The subject property is also considered to be a *potential slide area* due to the on-site *steep slopes* and future developments at the parcel will be regulated as such through the Stormwater, Grading and Drainage Control Code and the Seattle Building Code.

Short-term Impacts

Construction of the proposed townhouse structure may have short-term ground related impacts on the environment, such as temporary soil erosion during construction. However, these impacts on the identified critical area (*steep slope*) will be limited and relatively minor, and will be addressed pursuant to the exemption information provided above and existing City Codes outlined below.

Several adopted codes and/or ordinances provide mitigation for temporary soil erosion. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA's with identified geologic hazards. The Building Code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Due to the fact that grading will be undertaken during construction, additional analysis of earth and soils impacts are warranted.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant submitted a soils report dated July 27, 2005 and prepared by Dennis Bruce, P.E., and reviewed by the DPD Land Use planner and DPD geotechnical staff. The construction plans, including shoring of excavations as needed and erosion control techniques are being reviewed by DPD to ensure compliance with the ECA regulations. Any additional information required showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of the building permit. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts on the identified environmentally critical area.

The proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations and no further conditioning is necessary.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030 2c.
- 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 2c.

CONDITIONS -SEPA

None.

Signature: (signature on file) Date: November 7, 2005
Art Pederson, Land Use Planner