



City of Seattle

Gregory J. Nickels, 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: 3003897
Applicant Name: Ed Gallaudet
Address of Proposal: 103 26th Avenue E.

SUMMARY OF PROPOSED ACTION

Land use permit for a four-unit townhouse structure in an environmentally critical area (Steep Slope and Potential Landslide Area). Parking for four (4) vehicles will be provided within the structure.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 5,328.6 square foot property is located at the northwest corner of the intersection of 26th Avenue E. and E. Denny Way. Both 26th Avenue E. and E. Denny Way are improved with concrete curbs,

gutters, planting strips and sidewalks on both sides of the street. There is currently a two-story Duplex on the site. There is a multi-trunk deciduous Maple located on the parcel that is to be preserved. The southeasterly corner and easterly portions of the site are located in an identified environmentally critical area – steep slope and Potential Landslide Area. The site was granted a Limited ECA exemption (6067695).

“ 6067695; 103 26th Avenue East; ECA review is required. Based on the submitted documents, the ‘steep slope areas’ at this site appeared to be less than 20 feet in height and have been created by previous grading and construction activities. Further, the geo-technical report by Dennis M. Bruce, P.E., dated December 18, 2005, demonstrated that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, a Limited ECA exemption is granted and the ECA Steep Slope Development Standards (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Areas) are waived for developments associated with DPD Application No. 6067695.”

The subject property is located in a Multi-family Lowrise 2 zone (L-2), which continues to the north and southwest. To the east and directly south the properties are located in a Lowrise One (L-1) zone. Development in the area consists of one and two-story single family houses and a heavy population of multi-family structures.

Proposal

The applicant proposes to construct one, four-unit townhouse building in an environmentally critical area. Vehicle access is proposed from E. Denny Way. Parking for four vehicles will be provided within the structure. The existing duplex building located on the property will be demolished. Demolition permit will be under separate review (6068693).

Public Comments

No comment letters were received during the comment period that ended January 4, 2006.

ANALYSIS - SEPA

The development site is located in an environmentally critical area, steep slope and potential landslide area, thus the application 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 December 13, 2005. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in some 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 and 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. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected from the construction of the 4-unit townhouse: 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).

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.

The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life

safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

The applicant submitted a Geotechnical Evaluation report by Dennis M. Bruce, P.E. dated September 18, 2005 which provides recommendations for safe construction. Also, Department staff is currently reviewing the building permit for consistency with the Environmentally Critical Areas Regulations (SMC 25.09) and the Stormwater, Grading and Drainage Control Code (SMC 22.800). The existing Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soil 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 Geotechnical Evaluation report dated September 18, 2005 prepared by Dennis M. Bruce, P. E., and the reports were 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.

Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

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 and loss of plant and animal habitat.

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

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 2c.

CONDITIONS – SEPA

None.

Signature: (signature on file) Date: June 12, 2006

Joan Carson, Land Use Planner II
Department of Planning and Development