



City of Seattle

Gregory J. Nickels, Mayor

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

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

Application Number: 2409495
Applicant Name: Mark Stine
Address of Proposal: 2922 1st Avenue West

SUMMARY OF PROPOSED ACTION

Mater Use Permit to establish use for future construction of two (2), 2-unit, 3-story townhouse structures in an environmentally critical area (Potential Landslide Area). Parking for four (4) vehicles to be provided, one within each unit. Existing structure to demolished and removed from site.

The following approval is required:

SEPA – Environmental Determination - (SMC Chapter 25.05)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**Early Notice DNS published March 24, 2005.

BACKGROUND DATA

Site and Vicinity Description

The project site is located in a Multi-Family Lowrise 1 residential zone (L-1), on the east side of 1st Avenue West approximately 74 feet from the intersection of 1st Avenue West and West Florentia Street. The 6,562-sq. ft site is rectangular in shape and it is described as Lot 6, Block 7, Pleasant Ridge Addition to City of Seattle. Access to the site is available from 1st Avenue via a 10-foot curbcut on the east side of the street. There is a 15 foot-wide platted unimproved alley adjacent to the rear property

line to the east. First Avenue West at the project location is improved with concrete sidewalk, curb and gutters on the east side of the street abutting the site. The subject site is currently developed with a duplex that would be demolished prior to the proposed townhouse construction on the site.

The subject lot slopes downward from south to north and according to DPD GIS maps the entire site is located within an identified designated Environmentally Critical Area – Landslide Prone area.

The surrounding zoning to the northwest is Lowrise 2 (L-2), to the south, west and east is Single Family 5000 (SF-5000) zone. The NW Child Development Center Old School site is located across 1st Avenue W to the west. Development in the immediate vicinity is predominantly a mixture of single family and multifamily residences uses.

Proposal Description

The applicant proposes to construct two, 2-unit, 3-story townhouse structures on a 6,562 square feet site, to consist of a total of four dwelling units on an environmentally critical area. An environmental critical area review is required because of the prevalent landslide hazard areas existing on the site. Direct access to the proposed site will be through an existing curb cut on 1st Avenue West and parking for four vehicles would be provided in private garages, one within each unit. Project includes the demolition of the existing duplex on site.

Public Comments

No comment letters were received during the comment period, which started in March 24, 2005 and ended on April 6, 2005.

ANALYSIS - SEPA

The proposed construction of four dwelling units on the subject site would be categorically exempt from SEPA review but for the presence of an identified Environmentally Critical Area (ECA) on the lot (*SMC 25.05.800.A.2*). The scope of environmental review of the proposed construction within the identified environmental critical area is 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 additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws. (*SMC 25.05.908.B*)

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Mark Stine dated March 7, 2005. The information in the checklist, project plans, 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 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the potential impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and construction activities, and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Adopted codes and/or ordinances provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provides recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves the grading to accommodate excavation for the foundation of the structures with cuts up to 167 cubic yards and a back fill of 117 cubic yards to level grade on uphill side of the structure with no imported material required. 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. These Code provisions also provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. The ECA Ordinance and Directors Rule (DR) 3-93 and 3-94 regulate development and construction techniques in designated ECA's. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require specific provisions for the removal of asbestos and the control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. 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.

Earth/Soils:

The ECA Ordinance and DR 3-93 provide that a soils report and or a geotechnical and engineering study may be required to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes and/or a history of unstable soil conditions. The proponent has submitted a soils report, prepared by Adapt Engineering, for the sites as they currently exist in their developed states and with consideration of the proposed development. All recommendations within the soils report should be strictly adhered to.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Any additional information required to show 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 building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. Therefore, due to the developed nature of the sites and surrounding neighborhood and the limited areas within the landslide prone areas, no additional earth/soils-related conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts on the critical area are that may occur as results of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impact is minor in scope.

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 decision 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.303(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.303(2)(C).

CONDITIONS - SEPA

None Required.

Signature: (signature on file) Date: September 26, 2005
Christopher A. Ndifon, Land Use Planner