



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: 2404371
Applicant Name: Rick Anderson
Address of Proposal: 3968 59th Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of one, three story two-unit townhouse structure in an environmentally critical area. Two parking spaces per unit to be provided within the structure. Project includes demolition of existing single family residence.

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 4,413 square foot project site is zoned Lowrise Duplex Triplex (LDT) and developed with a single family residence. The site is located at the northeast corner of the intersection of 59th Avenue SW and SW Andover Street.

Parcels on this side of 59th Avenue SW to the north and south are similarly zoned LDT. To the west across 59th Avenue SW the zoning is Lowrise 2 (L-2). The adjacent parcel to the east is split zoned LDT and Single Family 5000 (SF 5000). Beyond this parcel the zoning is also SF 5000.

The site topography is gently down sloping from east to west. The site is designated as a potential slide area pursuant to the Environmentally Critical Areas (ECA) ordinance due to adjacent steep slopes off site to the east.

Proposal

The proposal is to construct a two unit townhouse structure with interior garages facing 59th Avenue SW.

Public Comment

One comment letter was received during the public comment period which ended on September 15, 2004. Comments concerned maintaining the proposed structure within the allowed 35 foot height limit and the placement of the parking access on 59th Avenue SW, not SW Andover Street.

Response to Public Comment

Structure height is governed by the Seattle Land Use and Zoning Code Chapter 23 (SMC 23) of the Seattle Municipal Code. Structure height in LDT zones is limited to 25 feet plus 10 feet for roofs pitched at a minimum of 6 in 12 (SMC 23.45.009). On sloped lots additional height is allowed at 1 foot for each 6 percent of slope. Because of a proposed 12 in 12 pitched roof and an 11 percent slope the structure may exceed the 25 foot height limit by 11 foot 10 inches. The proposed structure height is 36.37 feet.

Parking for the structure will be accessed from 59th Avenue SW.

ANALYSIS - SEPA

The proposal site is located in a potential slide critical 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 August 20, 2004 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.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces).

Short-term Impacts

Construction of the proposed townhouse structure may have short-term ground related impacts on the environment; however, temporary soil erosion impacts on the identified critical area (steep slope/landslide prone) will be limited and relatively minor.

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 9, 2004 and prepared by Earth Consultants, Inc., 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.

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: July 4, 2005
Art Pederson, Land Use Planner

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