



City of Seattle

Gregory J. Nickels, 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: 3005684
Applicant Name: Patrick Magnuson, for Tho Tran
Address of Proposal: 401 Rainier Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to establish an automotive retail sales and service use and for future construction of a 120 square-foot structure in an environmentally critical area.

The following approval is required:

SEPA - Environmental Determination

Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Site Location: 401 Rainier Avenue S
Zoning: C1-65, IC-65
Parcel Size: 14,500 SF
Existing Use: Vacant lot

Site Description

The currently undeveloped site had been formerly utilized as a gas station. It is bounded on the north by S. Jackson Street, on the east by Rainier Av S., and on the west by an alley right-of-way. The substantial northern portion of the site is zoned C1-65; the southernmost thirty feet of the site, which abut a retail/commercial building, lie within the IC-65 zone.

Proposal Description

Establish use for automotive sales and service and for future construction of 120 square-foot structure (sales office).

Public Comment

No comments were received during the public comment period which ended on January 31, 2007.

ANALYSIS – SEPA

The proposal site is located in an environmentally 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 September 12, 2006. 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 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. Adverse long-term impacts on the environmentally critical area are also anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area 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). 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.

Long-term Impacts

The existing steep slope area located at the southwest corner of the site appears to have been created by previous grading and construction activities. A tall retaining wall separates the grade of the subject site in this location from the alley right-of-way below. Since the capacities of that retaining wall are undetermined, the applicant has proposed a 2,590 square-foot non-disturbance area, shown on plan and located at the southwest corner of the site, so as to prevent any additional surcharge on the existing wall's retaining capacity, for instance, that which might result from the weight of parked vehicles. The non-disturbance area, as proposed, will be prevented entry by a fence and landscaping areas. The small structure proposed for the site is located a sufficient distance away from the steep slope area so as not to add a significant surcharge to the retention structure at the site's west margin. The project will be conditioned that the applicant provides the proposed non-disturbance area; otherwise, it will be regulated through the Stormwater, Grading and Drainage Control Code. No further mitigation is warranted pursuant to applicable SEPA policies.

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.

[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 43.21.030(2) (c).

CONDITIONS

Prior to Issuance of any Site or Construction Permit

1. The 2,590 square-foot non-disturbance area that the applicant has proposed at the southwest corner of the site, together with the fence and landscaping areas designed to prevent entry, shall be shown and appropriately labeled on all plans for development on the site.

Signature: _____ (signature on file)
Michael Dorcy,
Senior Land Use Planner

Date: February 19, 2007

MD:bg

H:dorcym/doc/decision 3005684