



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: 3006139
Applicant Name: Bryan Sanders
Address of Proposal: 4237 Rainier Avenue S

SUMMARY OF PROPOSED ACTION

Land Use Application for a one-story, 5510 sq. ft. business incubator facility in an environmentally critical area. Existing structures to be demolished.

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 November 9, 2006.

BACKGROUND DATA

Site and Vicinity Description

The subject property is located in a Commercial 1 40 feet (C1-40) zone in the Industrial in the Rainier District neighborhood of south east Seattle. The rectangular-shaped 9,000 square feet site is located on the west side of Rainier Avenue S and has approximately 90 lineal feet frontage on Rainier Avenue S and approximately 100 feet lot depth. Rainier Avenue S, at the project site, is developed with curb, sidewalk and gutters.

The subject site is currently developed with a restaurant along the south portion of the site and two small vacant commercial structures along the north portion of the site. The remainder of the site is used for storage and loading areas. The site abuts a gravel 14 feet wide alley to the west. The proposed development will be accessed from a driveway easement provided by the adjacent development site to the north. The easement will be accessed from an existing curbcut. Topography of the site depicts a 10-14 foot high steep slope, which rises upward to the adjacent alley right-of-way. The rest of the site is mostly flat with an elevation similar to that of Rainier Avenue S. The C1-40 zone abuts parcels zoned NC2/R-40 to the south and C1 to north, L-3 zone to the west across existing alley right of way, NC2/R-40 zone to the east across Rainier Ave S.

Development in the immediate vicinity is predominantly a mixture of single family residences, multifamily residences to the west across the alley right of way, light manufacturing uses to the north, retail uses to the east across Rainier Ave S and single family residence to the south.

Proposal Description

The applicant proposes to construct a new one-story 5,510 square foot business incubator building with accessory surface parking for three vehicles. Access to the proposal site will be provided by a driveway easement over the adjacent property to the north. The easement will be accessed through an existing curbcut off Rainier Ave S. An environmental critical area review is required because of the steep slope area on the western portion on the site along the alley right-of-way. Project includes the demolition of the existing structures on the site. Excavation for the installation of foundation will result in the removal of 137 cubic yards of material.

Public Comments

The extended comment period began on November 9, 2006 and ended on November 22, 2006. No public comment letters were received.

ANALYSIS - SEPA

The proposal site is located in a steep slope 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 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 environmental impacts on this project was made in the threshold determination and environmental checklist prepared by Bryan Sanders, November 2, 2006. The information in the checklist, field inspection, and the experience of the lead agency with 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 their temporary nature and limited effects, the impacts are not expected to be significant.

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, that "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 such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion): Building Codes (construction standards): and ECA Ordinance. Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Due to the temporary nature and limited scope of these impacts, they are not considered significant.

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.

Earth

Due to the anticipated impacts on the critical areas such as soil erosion and soil instability, the ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, landslide hazard zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted geotechnical reports by GEO Group Northwest, Inc., dated July 11, 2006 and October 30, 2006. The construction plans, including shoring and excavations as needed and erosion control techniques will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and code (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 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

Potential long-term impacts on the critical area 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, and applicable regulations will adequately mitigate potential drainage impacts.

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.

[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 43.21C.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

Prior to Master Use Permit Issuance

1. Master Use Permit plans must comply with all requested zoning corrections dated November 15, 2006.
2. Provide recorded easement with adjacent property to the south for a temporary construction easement and permanent drainage easement.

Signature: (signature on file)

Lindsay King, Land Use Planner
Department of Planning and Development

Date: November 30, 2006