



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: 3004826
Applicant Name: Jennifer McCully
Address of Proposal: 7757 Sand Point Way NE



SUMMARY OF PROPOSED ACTION

Land Use Application to allow four, 2-unit townhouse structures (totaling eight units) with parking for 16 vehicles located in attached 2-car garages in an environmentally critical area. Access is proposed off Sand Point Way NE.

The following Master Use Permit component is required:

SEPA - Environmental Determination - (SMC Chapter 25.05)

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

BACKGROUND DATA

Site Description

The subject site slopes down from west to east and is a parallelogram shaped lot, undeveloped, and located in a Lowrise 3 zone (L-3). The site is located within an Environmentally Critical Area (ECA) due to potential slides and the existence of steep slopes along the east and west property lines. A limited exemption was granted to the steep slopes in an ECA review dated February 21, 2006.

Surrounding Area Description

Sand Point Way NE abuts to the east and the Burke Gilman Trail abuts to the west. A stretch of surrounding properties directly abutting Sand Point Way NE to the west are zoned L-3. A development, similar to the current project is proposed to the south and the properties to the north are currently vacant. The areas generally toward the west are zoned Single-Family 5000 (SF 5000) and developed with a variety of single-family structures. The area to the east, across Sand Point Way NE is zoned SF 5000 and developed with Magnusson Park.

Public Comments

The application was deemed complete on May 11, 2006 and notice of application was published on June 15, 2006. The public comment period was extended to and ended on July 12, 2006. The following comments were the main issues raised during the public comment period:

- The location of the proposed driveway along Sand Point Way NE may exasperate the perceived congestion in the area.
- The subject proposal and the proposal to the north (MUP # 3004611, 7757 Sand Point Way NE) should be reviewed as one proposal.
- Impacts the proposal may have on the Burke Gilman Trail and Sand Point Way NE due to the steep slopes on the subject site.

The current SEPA application has a purview limited only to the impacts related to developing on steep slopes. The traffic comments are outside the scope of review for this application. However, the Seattle Department of Transportation (SDOT) has reviewed the associated building permit and has limited access to the site by only allowing right hand turns off of and onto Sand Point Way NE. The discrete projects (7757 & 7747 Sand Point Way NE) qualify for separate evaluation. Either one of these developments could proceed on its own, if the other did not. Either one of these developments could proceed on its own, if the other did not. The public comments related to the impacts on the steep slopes are addressed below under the heading "ANALYSIS – SEPA".

ANALYSIS - SEPA

The applicant submitted an Environmental Checklist prepared on April 12, 2006 and a Geotechnical Engineering Study dated November 29, 2005 by Dennis M. Bruce, P.E. The information provided in the checklist and report, 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 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.

Section 25.05.908B of the Seattle Municipal Code states that the scope of the environmental review actions within environmentally critical areas is limited to the following:

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 of the environmentally critical area resources not adequately addressed in the City of Seattle Environmentally Critical Areas, including any additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

Short-term Impacts

The following short-term temporary or construction-related impact on the identified critical area is expected: 1) temporary soil erosion. The impact is limited in scope and is temporary in nature. Pursuant to SMC 25.05.794, it is not significant; however, further discussion is warranted.

Several adopted codes and/or ordinances provide mitigation for the temporary soil erosion impact. The Stormwater, Grading, and Drainage Control Code regulates site excavation for foundation purposes and requires soil erosion control techniques be initiated for the duration of construction. The ECA ordinance regulates development and construction techniques in designated ECA areas with identified geologic hazards. The Building Code provides for construction measures and life safety issues. These codes and ordinances provide for extensive review and conditioning of the project prior to issuance of building permits, therefore no further conditioning is warranted pursuant to SEPA policies.

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

Earth/Soils

The subject site is designated as an Environmentally Critical Area due to potential slides and steep slopes which exceed 40%. ECA submittal, general, and landslide-hazard as well as other applicable development standards apply.

Grading of approximately 300 cubic yards of material will be required to accommodate the proposed driveway along the southern property line and construction of the foundations and garages of the townhouse structures. The construction plans, including shoring of excavations where needed and erosion control techniques are being reviewed by a DPD Geotechnical Engineer and Building Plans Examiner for compliance with applicable ordinances and codes (ECA ordinance, The Stormwater and Grading and Drainage Control Ordinance). These codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to ensure safe construction techniques are used to reduce or eliminate the identified short term impact, therefore no additional conditioning pursuant to SEPA policies is warranted.

Long Term Impacts

A potential long-term impact that may occur as a result of this project is increased surface water runoff due to greater site coverage by impervious surface.

Drainage

The proposed development will have impervious surface lot coverage from the townhouse structures and the access drives. However, the ECA Ordinance and the Stormwater, Grading and Drainage Control Code provide for extensive review and adequate conditioning of the project prior to issuance of building permits. Therefore, no conditioning for storm water impacts is warranted pursuant to SEPA.

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 43.21.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 43.21C.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(2)(C).

CONDITIONS

None required.

Signature: _____ (signature on file) Date: March 27, 2008
Mark Taylor, Land Use Planner
Department of Planning and Development

MJT:bg