



City of Seattle  
Gregory J. Nickels, Mayor

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**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:** 3005437  
**Applicant Name:** Andrew Novion  
**Address of Proposal:** 3934 27<sup>th</sup> Avenue S.

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow two four-unit townhouse structures in an Environmentally Critical Area (New Potential Slide). Parking for eight vehicles are to be provided within the structures. The existing structures are to be demolished.

The following approval is required:

**SEPA – Environmental Determination** – Chapter 25.05, Seattle Municipal Code.

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

**BACKGROUND DATA**

Site and Area Description

This proposal site is located in the Rainier Valley Neighborhood of South Seattle. The site is on a block bounded to the north by S Bradford Street and to the south by S Andover Street. The site is located on 27<sup>th</sup> Avenue S. Adjacent to the east property line is a 16-foot gravel alley. M L King Jr Way S. is the next street to the east of the site. The subject site is rectangular in shape and is approximately 80-feet wide and 101.99-feet deep with a total lot area of approximately 8158.5 sq. ft. The property is currently developed with a single family residence, detached garage and accessory structure. The site is vegetated with grass, shrubs, large bushes and trees.

The project site is zoned Lowrise-three (L-3) and is located in a predominately single-family and multi-family neighborhood. The density for Lowrise-three zone is one dwelling unit per each 800 sq. ft. of lot area. The property site has a lot area of 8,158.5 sq. ft., therefore, has a potential for 10-units. This proposal is for 8-units. 27<sup>th</sup> Avenue S. is an undeveloped 60-foot right-of-way without sidewalks, curbs and gutters on both sides.

### Development in the Vicinity

To the west of the site, the area is zoned Single Family (SF5000) and the existing developments are mostly single family houses with some duplexes and triplexes. East of the site is zoned Lowrise-three (L-3) and the development is a combination of single-family and multi-family residences. A block away along M L King Jr Way S. is the beginning of some commercial use.

### Proposal Description

The applicant proposes to construct two, three story, four-unit townhouse structures for a total of 8-units. Parking for eight vehicles will be provided in under structure garages which will be at ground level. The eight garages will be accessed from the 16-foot alley.

Access to individual garage is through common paved driveways which branch out from a main driveway which serves as ingress/egress to the development. Each individual townhouse unit is provided with a directly accessible and fully landscaped private usable open space. The rest of the area will be landscaped and utilized as part of the open spaces required for this development.

### Public Comments

No comment letters were received during the comment period that ended September 6<sup>th</sup>, 2006.

### ANALYSIS – SEPA

The development site is located in an environmentally critical area, new potential landslide area and wetland, 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 10<sup>th</sup>, 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 some 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. No adverse long-term impacts on the environmentally critical area are anticipated.

#### Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud trucked onto the streets during construction activities; excavation, backfill and site grading; increased traffic demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and nonrenewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

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 applicant estimates approximately 310 cubic yards of grading (190 cubic yards of cut and 120 cubic yards of fill). 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.

The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. 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 and no further conditioning pursuant to SEPA policies is warranted.

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

The applicant submitted a Geotechnical Report by Liu & Associates, Inc., dated January 24<sup>th</sup>, 2006 which provides recommendations for safe construction. Also, Department staff is currently reviewing the building permits for consistency with the Environmentally Critical Areas Regulations (SMC 25.09) and the Storm-water, Grading and Drainage Control Code (SMC 22.800). The existing 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.

#### Grading – Earth/Soils

The ECA ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Liu & Associates dated January 24, 2006. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction.

The wetland delineation report dated March 17, 2006 was reviewed by the Department of Planning and Development's Environmental Analyst. Although this site shows a mapped wetland on the City's GIS map, the department's environmental analyst concurred with the findings of the report that there is no regulatory wetland at the site.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

#### Long-term Impacts

Long term or use-related impacts are anticipated from this proposal that would include the following: increased water runoff from site coverage by impervious surfaces; potentially decreased water quality in the surrounding watersheds; increased bulk and scale on the site; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption; increased on-street parking demand and increased vehicle traffic. These long term impacts, although adverse, are not considered significant because they are within the scope of those impacts anticipated by the zoning and are relatively minor in scope.

#### Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Seattle Energy Code (long term energy consumption) and the Puget Sound Clean Air Agency (increased airborne emissions). The other impacts not noted here as mitigated by codes, ordinances (increased ambient noise, increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

**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 the file with the responsible department. This constitutes the Threshold Determination and form. The intent of the 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.

- [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.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under CRW 43.21C.030(2)(C).

**CONDITIONS - SEPA**

None.

Signature: \_\_\_\_\_ (signature on file) Date: September 27, 2007  
Joan S. Carson, Land Use Planner II  
Department of Planning and Development

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