



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3005439  
**Applicant Name:** Andrew Novion  
**Address of Proposal:** 3950 27<sup>th</sup> Avenue S

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow two, 4-unit townhouses in an environmentally critical area. Parking for eight vehicles will be located within the structures.

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 involving another agency with jurisdiction.

**BACKGROUND DATA**

Site visit: September 19, 2006  
Zoning: Residential, Multifamily Lowrise 3 (L-3)  
Uses on Site: Vacant lot.

**Substantive Site Characteristics:**

This 8,606 square foot subject site is a rectangular corner lot that fronts on 27<sup>th</sup> Avenue S to the west, S Andover Street to the south, and a gravel alley to the east. Its general location is just west of Martin Luther Way Jr S. The site is located within an area zoned Residential, Multifamily Lowrise 3 (L-3) which continues to the north. The area adjacent to the south is zoned

Residential, Multifamily Lowrise 2 (L-2) and the area adjacent to the west is zoned Single Family Residential 5000 (SF 5000). The site slopes moderately from the west down to the east, with an elevation change of approximately 16 feet over the 102 foot length of the lot. The site is located in a mapped critical area due to potential landslide, known slide area, and wetland.

Proposal Description:

The applicant proposes to construct two, 4-unit townhouses on an 8,606 sq. ft. lot which is located within an environmentally critical area. Pedestrian access for the proposed 4-unit townhouse building on the western portion of the lot will be from 27<sup>th</sup> Avenue S. Pedestrian access for the proposed 4-unit townhouse on the eastern portion of the lot will be from the alley and the vehicular easement. Vehicle access will be provided by a driveway which runs west of the alley to an area between the proposed buildings. Parking for eight vehicles will be provided by attached garages within the proposed townhouses. Development may include future unit lot subdivision.

Public Comment:

The comment period for this proposal ended on August 30, 2006. During this period, no public comment letters were received.

**ANALYSIS – SEPA**

The proposal site is located in a mapped environmentally critical area due to potential landslide, known slides, 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 SEPA checklist submitted by the applicant and dated August 2, 2006 and subsequently annotated by the Land Use Planner. There were additional reports submitted with this application: a.) a geotechnical report dated January 24, 2006; and b.) a wetland delineation report dated March 17, 2006. The information in the SEPA checklist, the geotechnical report, the wetland report, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

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 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).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use, 2) Building Code (construction measures in general), 3) Regulations for Environmentally Critical Areas; and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

#### Earth

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 environmental specialist. Although this site shows a mapped wetland on the City’s GIS map, the department’s environmental specialist concurred with the findings of the report that there is no regulatory wetland at this 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.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides 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 that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces, and 2) increased demand on public services and utilities. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface; and the Regulations for Environmentally Critical Areas.

### 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

None required.

Signature: \_\_\_\_\_ (signature on file) Date: September 27, 2007  
Janet L. Wright, Land Use Planner  
Department of Planning and Development

JLW:bg