



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:** 3006069  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 1766 Valentine Place South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 13 unit residential development in an environmentally critical area. The project will consist of two, 2-unit townhouse structures (four units) and nine single family residences. Surface parking for 13 vehicles will be located on the site. Environmental review includes full unit lot subdivision into 13 unit lots.

The following approval is required:

**SEPA - Environmental Determination** – Chapter 25.05, SMC

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

**BACKGROUND DATA**

Site Description

The approximately 22,368 square foot site is located in a Lowrise 1 (L1) zone on Valentine Place South and 20<sup>th</sup> Ave. S. between S. State St. and S. Grand St. in the North Rainer Urban Hub Village neighborhood. There is one single-family house located at 1761 20<sup>th</sup> Ave. S. with the rest of the property vacant. The site slopes eastward down towards the center of the block and a portion of the site is designated as an environmental critical area (steep slope). As Valentine Place S. angles eastward it slopes downward to the intersection with 20<sup>th</sup> Ave. S. and S. Grand St. and the land fronting 20<sup>th</sup> Ave. S. is mostly flat. Proposed automobile access to the site is predominately from 20<sup>th</sup> Ave. S. with a portion of the proposed access from S. Valentine St.

Site history includes dumping of construction waste materials and earth. Also, around late October 2005, several hundred cubic yards of fill were placed on the site.

### Area Development

Zoning in the immediate vicinity is Multifamily, Commercial, and Single-Family including the Lowrise 1, Commercial 1, and SF5000 zones. The immediate area is a mix of vacant land, single family homes, single family homes converted to multi-family use, apartments, and commercial structures. This proposal site has been designated an environmentally critical area due to steep slopes.

### Proposal Description

Land Use application to allow construction of two (2) duplex townhouses and nine (9) single-family dwellings in an environmental critical area. The proposal has changed since initial submittal and has added two (2) dwelling units. All parking for the proposed dwellings will be located outdoors with a majority of the vehicles in a common parking lot with five of the single-family units having outdoor parking located next to their units. Required automobile access is from two locations on S. Valentine St. with the majority of the units accessed from 20<sup>th</sup> Ave. S. The project includes approximately 457 cubic yards of cut and 137 cubic yard of fill. The applicant also indicates they will be applying for a full unit lot subdivision. The ECA steep slope development standards apply to this project and site, and this review will cover environmental review for any future unit subdivisions.

### Public Comments

No comment letters were received for the initial proposal during the official public comment period which ended June 27, 2007. No comment letters were received for the revised application which ended April 10, 2008.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 8, 2007 (revised March 5, 2008) and annotated by the Department. The information in the checklist, supplemental information provided by the applicant 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The development site is located adjacent to a residential area where construction of this scale would impact surrounding noise levels. The SEPA Noise Policy (SMC 25.05.675 B) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances adequately mitigate such impacts. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:00 A.M. and 6:00 P.M. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

The following temporary or construction-related impacts on the identified 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).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. 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 ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas 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 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.

Construction impacts including construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Earth/Soils

The ECA Ordinance and Director's Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA Ordinance, application of the Stormwater, Grading, Drainage Control Codes, and DR 33-2006) 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, and therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat, and greenhouse gasses.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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.

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 with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**

#### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise exterior work (e.g., installation of landscaping) after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: \_\_\_\_\_ (signature on file) Date: September 08, 2008

*Larry Falk*, Land Use Planner  
Department of Planning and Development

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