City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3016401

Applicant Name: Jeff Wegener, Urban Build

Address of Proposal: 3006 31st Ave West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a three story duplex structure in an environmentally critical area. Surface parking for four vehicles to be provided. Existing duplex to remain.

The following approval is required:

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) Chapter 25.05.

This review contemplates a future unit lot subdivision.

SEPA DETERMINATION: [ ] Exempt [**X**] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

The 6,601 square foot site is located on 31st Avenue West, one lot north of West Barrett Street in the Magnolia neighborhood. Zoning is Lowrise 1, Multi-family Residential (LR1). The east portion of the site slopes steeply down from the alley toward the street on the west boundary of the site.

Proposed Use: The proposal is to construct a 3-story duplex on the rear portion of the parcel within the existing environmentally critical area. Surface parking for four vehicles is to be provided at the alley. The existing duplex with street frontage on 31st Ave West will remain.

Environmentally Critical Area: The site is mapped Environmentally Critical Area, Steep Slope. A Limited Steep Slope Exemption was granted to the project on December 10, 2013 under permit #6324767 as follows:

"ECA review is required. Based on a review of the submitted information, along with the City GIS system, DPD concludes that the steep slope areas on the property are less than 20 feet in height and are not located near other steep slopes. Consequently, the project qualifies for the limited Steep Slope Exemption Criteria, as described in SMC 25.09.180 B2c. For this reason, an ECA Steep Slope Area Variance is not required for this project. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply."

Public Comment: Notice of the application was published on January 9, 2014 and the comment period ended January 22, 2014. No comment letters were received regarding this proposal.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is 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, dated December 12, 2013, submitted by the applicant. 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 pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in 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. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

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: Stormwater Code (SMC22.800-808), the Grading Code (SMC 22.170), The Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Regulations for Environmentally Critical Areas (SMC 25.09).

Earth / Soils

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study. The study has been reviewed and approved by DPD's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Long-term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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 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 RCW 43.21C.030(2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and early review

CONDITIONS

None required.

Signature: (signature on file) Date: July 10, 2014

Marti Stave, Senior Land Use Planner
Department of Planning and Development

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