



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**

**Project Number:** 3004119  
**Applicant:** Julian Weber  
**Address of Proposal:** 2601 3<sup>rd</sup> Ave W

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to allow two duplex townhouse structures (total four units) in an environmentally critical area. Parking for four vehicles to be provided within the structures. Project includes demolition of the existing structures.

This review contemplates a future unit lot subdivision.

The following approval is required:

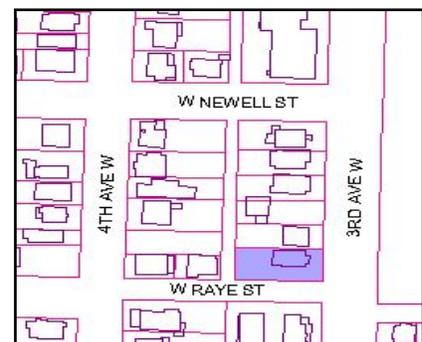
**SEPA – Environmental Determination - (SMC Chapter 25.05)**

**SEPA DETERMINATION:**  Exempt  DNS<sup>1</sup>  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

**Site Description and Area Development**

The subject site is located on the northwest corner of the intersection of W Raye St and 3<sup>rd</sup> Ave W and is 5,815 square feet in size, with a zoning of Multi-family Lowrise 1 (L-1) zone. The density limit for the zone is one dwelling unit per 1,600 square feet of lot area. The site is rectangular in shape with approximately 50



<sup>1</sup> Project #6068567 grants an ECA exemption that allows for the complete development of the Steep Slope Critical Areas.

feet of street frontage along 3<sup>rd</sup> Ave W and 117 feet of street frontage along W Raye St, both rights-of-way are developed with paved roadways and are proposing abutting sidewalks.

The site is vegetated with shrubs and spread out over the entire lot; and has an elevation change of 28 feet from the northeast corner of the site to the southeast corner of the site. A residential structure currently occupies the development site.

### Proposal Description

The applicant proposes to construct two duplex townhouse structures (total four units) in an environmentally critical area. Pedestrian access for Unit A is from 3<sup>rd</sup> Ave W and for Units B, C and D is from W Raye St. Vehicular access to the proposed site will be available through 10' driveway located on the northern portion of development site and parking would be provided within the proposed structures. Project includes the demolition of the existing structures. The site will be re-graded to accommodate new development, which will include excavation of approximately 195 cubic yards.

### Public Comments

The public comment period for this project ended February 22, 2006. The application was deemed complete on January 31, 2006 and notice of application was given on February 9, 2006. DPD received no comments regarding this proposal.

### ANALYSIS - SEPA

The development site is located in a steep slope critical area, thus the application is not exempt from SEPA review. An Environmental Critical Areas (ECA) Exemption Requests & Modifications to Submittal Requirements was applied for and conditionally waived. The ECA Steep Slope Development Standards were waived pursuant to 25.09.040 on December 29, 2006, but the Geological Hazard Areas Development Standards as well as other applicable ECA standards will apply to the project. 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 environmental impacts from this project was made in the environmental checklist submitted by the applicant (dated January 31, 2006) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with 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, that "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.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

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 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. 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 Air Pollution Control 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.

#### Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with geologic hazard areas and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted an application for an ECA exemption under project #6068567 in December 29, 2005—that grants complete development of the ECA Steep Slope Critical Areas. 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, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) 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; therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

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; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

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. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. 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. Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

The anticipated future land use activity at the development site which includes a Lot Boundary Adjustment and Unit Lot Subdivision have been evaluated and has been determined will not have an adverse impact. The creation of unit lots or adjusting property boundary lines constitutes no physical activity which would warrant additional scrutiny subject to SEPA policies.

**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 decision 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.303(2)(C).

**CONDITIONS – SEPA**

None.

Signature: \_\_\_\_\_ (signature on file)  
Colin R. Vasquez, Senior Land Use Planner

Date: July 10, 2006