



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: 2502003
Applicant Name: Andrew Novion for Kohary Construction, LLC.
Address of Proposal: 3839 Evanston Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of four, two-unit townhouses in an Environmentally Critical Area (total of eight dwelling units). Parking for eight vehicles is to be provided within the structures. Existing seven unit apartment building will be demolished. A unit subdivision application for the property will be made under separate permit.

The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, SMC

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 and area description

The 10,000 square-foot site is located in a Lowrise 3 (L3) zone on the corner of N. 39th St. and Evanston Ave. N. The site slopes from the northeast corner to the southwest, alley down to the front property line approximately 10 to 15 feet. There is a mapped Environmentally Critical Area (ECA) due to the presence of steep slopes on the southwest corner of the site. The applicant was granted a Limited Exemption from the steep slope standards of the ECA Ordinance on April 4, 2005 (DPD No.

2502608.) Surrounding properties are also zoned Lowrise Three. The site is currently occupied by a seven-unit apartment building which will be demolished.

Proposal Description

The applicant proposes to construct four three-story, two-unit townhouse structures with attached garages, for a total of eight dwelling units with parking for eight vehicles. Open space for the units is to be provided on the site perimeter and between Buildings 1 and 2 and between Buildings 3 and 4. Vehicular access for all four units will be from Evanston Ave. N. There is no alley.

The applicant has indicated that he will also apply for a permit to subdivide the existing lot into eight unit lots per SMC 23.24.045, under separate permit. The impacts of that future land use action are anticipated in the SEPA analysis and determination below.

Public Comments

One comment letter was received during the public comment period which ended on May 18, 2005. The neighbor expressed concerns about the perceived lack of available on-street parking in the area.

ANALYSIS - SEPA

Although the proposal site received a Limited Exemption from the Steep-slope development standards of the Environmentally Critical Areas Ordinance, it is still subject to other Landslide-Hazard and other applicable ECA submittal and development standards. 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 included 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 April 22, 2005. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, 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 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 3-93 and 3-94 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.

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 landslide potential and/or a history of unstable soil conditions. A "Geotechnical Evaluation – South Retaining Wall: 3839 Evanston Ave. N., Seattle, WA," prepared by Dennis M. Bruce, PE, of Shoreline, Washington and dated January 19, 2005, was submitted with this application and is undergoing separate geotechnical review by DPD. The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review 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 ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; 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.

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 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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 2c.
- 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 2c.

CONDITIONS - SEPA

None required.

Signature: _____ (signature on file) Date: October 27, 2005
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

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