



# City of Seattle

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Gregory J. Nickels, Mayor

## Department of Planning & Development

D. M. Sugimura, Director

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

**Application Number:** 2500626

**Applicant Name:** Chris Ginsberg

**Address of Proposal:** 41 B West Etruria Street

#### SUMMARY OF PROPOSED ACTION

Master use permit to establish use for the construction of a 3-story, three (3) unit townhouse in an environmentally critical area (Potential landslide area). Parking would be provided within each unit in the structure. Project includes the demolition of existing structures on the site (sheds).

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  
   another agency with jurisdiction.

\*Early Notice DNS published March 10, 2005.

#### **BACKGROUND DATA**

##### Site and Vicinity Description

The 3506-sq. ft. subject site is a L-3 zone property located on the south hillside of West Etruria Street midblock between 3<sup>rd</sup> Avenue W and Queen Anne Avenue N. The rectangular-shaped site has 58-feet of frontage on a 16-foot wide paved alley, which provides the only access via 3<sup>rd</sup> Avenue W to the site. The property is described as Lot 11 and 12, Block 61, Denny and Hoyts Addition to the City of Seattle. The site slopes gradually from the alley to the west. Due to relatively slide prone soils and slopes of 15% or greater, the site is located in an ECA potential slide prone area.

Properties in the vicinity are Lowrise 3 (L-3) zoned except for a Lowrise 2 (L-2) zone abutting across the alley to the south and MIO -37/L-3 to the north. Development in the zone and vicinity is predominantly a mixture of single family and multifamily residential uses except for Seattle Pacific University located 800 feet to the northwest.

### Proposal

The applicant proposes to construct a three-story, three (3) unit townhouse in an environmentally critical area (potential landslide area). The project includes parking for two vehicles to be located within the structure and accessed from the alley abutting the site to the south.

### Public Comments

No public comments were received during the comment period ending on March 23, 2005.

### ANALYSIS - SEPA

The proposed construction of three dwelling units on the subject site would be categorically exempt from SEPA review but for the presence of an identified Environmentally Critical Area (ECA) on the lot (*SMC 25.05.800.A.2*). The scope of environmental review of the proposed construction within the identified environmental critical area is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws. (*SMC 25.05.908.B*)

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Chris Ginsberg dated February 5th, 2004. The information in the checklist, 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 or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the potential impacts is appropriate.

#### Short-term Impacts

The following temporary or construction-related impacts on the critical area are expected: increased potential for erosion.

Adopted codes and/or ordinances provide mitigation for the identified impacts. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provides 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 current proposal involves the grading to accommodate excavation for the foundation of the structures with cuts up to 155 cubic yards and a back fill of 225 cubic yards to level grade on uphill side of the structure with no imported material required. 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. These Code provisions also provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. The ECA Ordinance and Directors Rule (DR) 3-93 and 3-94 regulate development and construction techniques in designated ECA's. The Building Code provides for construction measures in general. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environmentally critical area.

#### Earth/Soils:

The ECA Ordinance and DR 3-93 provide that a soils report and or a geotechnical and engineering study may be required to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes and/or a history of unstable soil conditions. The proponent has submitted a soils report (prepared by Shannon & Wilson, Inc, Geotechnical and Environmental Consultants) for the sites as they currently exist in their developed states and with consideration of the proposed development. All recommendations within the soils report should be strictly adhered to.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Any additional information required 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 used. Therefore, due to the developed nature of the sites and surrounding neighborhood and the limited areas within the landslide prone areas, no additional earth/soils-related conditioning is warranted pursuant to SEPA policies.

#### Long-term Impacts

Potential long-term impacts on the critical area that may occur as results 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 impact is minor in scope.

This impact is 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 - 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.

Signature: (signature on file) Date: September 22, 2005  
Christopher Ndifon, Land Use Planner