



# 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:** 2307472

**Applicant Name:** Kelly Byrne

**Address of Proposal:** 3023 30<sup>th</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Master use permit to establish use for the construction of a two-story, two (2) unit townhouse with parking within the structure in an environmentally critical area (Potential landslide area). Existing two unit apartment building to remain and the existing detached 2 car garage to be demolished and replaced with two surface parking spaces.

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 September 23, 2004.

**RELATED PROJECT:**

Project # 2308016, ECA exemption waived steep slope development standards but ECA review is required due to General, Landslide Hazard area and applicable development standards.

## **BACKGROUND DATA**

### Site and Vicinity Description

The 6143.76 sq. ft. proposal site is located on the west side of 30<sup>th</sup> Avenue W approximately 225 feet from the intersection of 30<sup>th</sup> Avenue West and West Barrett Street in the Magnolia Neighborhood of Seattle. The subject site is zoned Multifamily Lowrise One (L-1), as are all the lots within the block bounded to the north by West Dravus Street, east by 30<sup>th</sup> Avenue W, west by 31<sup>st</sup> Avenue W and south by West Barrett Street. The rectangular-shaped site has approximately 53 linear feet of frontage on 30<sup>th</sup> Avenue W and approximately 116 feet lot depth. The site is presently developed with a duplex located on the hill facing 30<sup>th</sup> Avenue NE with a low facing hillside to the west. The topography slopes generally from east to west as majority of the western portion of the site contains slopes in excess of 40 percent. Access to the proposal site will be from W Barrett Street to an existing 16-foot wide alley located west of the site. The L-1 zone is surrounded to the north, east, west and south by single family residences. Development in the zone and vicinity is predominantly a mixture of single family and multifamily residential uses.

### Proposal

The applicant proposes to construct a two-story, two (2) unit townhouse with parking for two vehicles to be provided within the structure in an environmentally critical area (potential landslide area). Access to the proposed four parking spaces will available via a 16-foot alley located on the west of the side.

### Public Comments

The public comment period for this project began on September 23, 2004 and ended on October 6, 2004. One comment letter was received. The respondent expressed concerns regarding the recent growth in the number of townhouse development on adjacent property within the block in the past two years. He further expressed concerns that these developments including this proposal will create parking and traffic impacts, problem with low visibility especially for cars exiting the alley onto W Barrett Street, and safety concerns for residents in the area.

## **ANALYSIS - SEPA**

The proposal site is located in a landslide-prone area, 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 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 on this project was made in the environmental checklist prepared by the applicant dated July 28, 2004. The information in the checklist, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the applicant, and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action will 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 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. Short-term and long-term adverse impacts are anticipated from the proposal.

#### Short-term Impacts

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use; 2) Building Code (construction measures in general); 3) Regulation for Environmentally Critical Areas, and 4) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

#### Earth

The ECA Ordinance and Director's Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by "The Riley Group", Inc, dated October 14, 2004. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permit.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide 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 Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

The potential long-term impact on the environmentally critical area that may occur as a result of this project is 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: May 30, 2005  
Christopher Ndifon, Land Use Planner