



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: 2501866
Applicant Name : Andrew Novion
Address of Proposal: 5415 Baker Avenue NW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow construction of one, three-unit townhouse structure and two single family homes in an environmentally critical area. Parking will be located within the structures (five spaces). Project includes 375 cubic yards of grading. Existing structure to be demolished.

The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, SMC

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

[] DNS with conditions

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

BACKGROUND DATA

The through-lot site slopes down approximately 50 feet from east to west, between Baker Avenue NW and 3rd Avenue NW; westerly portions of the site are designated as an environmental critical area (steep slope). Site zoning is L1; zoning to north, south and west is L1. Zoning across Baker Avenue NW to the east is Single Family. The immediate area is a mix of single family homes, single family homes converted to multi-family use, and multi-family structures.

The proposal is adequately described in the notice.

Public Comments

Four comment letters were received, all expressing concerns about stability of the steep slope, especially as might impact adjacent residences. Additional concerns include excess density, proposed structure bulk and height, inadequacy of existing sewer infrastructure, impacts of additional traffic, increased parking demand, and traffic safety.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. 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/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 are expected: temporary soil erosion, decreased air quality due to suspended particulates 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; and increased noise. Due to the temporary nature and limited scope of these impacts, they are not considered significant; however air quality and noise warrant additional discussion and may require mitigation.

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 Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. 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 but additional conditioning pursuant to SEPA policies is warranted.

Air Quality

Excavation and grading to prepare the site is expected to temporarily add suspended particulate matter to the air. The construction contractor must comply with the Puget Sound Clean Air Agency (PSCAA) regulations, which require that reasonable precautions be taken to avoid dust emissions. These precautions may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and by covering dusty truckloads.

Pursuant to SEPA authority under SMC 25.05.675, the project will be conditioned to require compliance with all PSCAA regulations. This will assure proper handling and disposal of asbestos if it is encountered during the demolition of the existing buildings. A copy of any required PSCAA Demolition Permit(s) or equivalent authorization shall be submitted to DPD prior to issuance of the Master Use and Construction permit for this project.

Construction worker vehicles as well as any trucks or equipment, including generators and compressors would emit air pollutants that would contribute slightly to the degradation of local air quality, but the amount of emissions caused by the construction related vehicles and equipment would be insignificant compared to the amount of emissions generated by the existing traffic sources in the project area. No further mitigation pursuant to SEPA Air Quality Policies (SMC 25.05.675A) is warranted.

Noise

Noise associated with the grading and excavation for site and foundation preparation and construction of the buildings could adversely impact the surrounding residential uses. Due to the proximity of these residential uses, the Department finds the limitations of the Noise Ordinance are not adequate to mitigate these potential noise impacts. The SEPA Construction Impact policies, (SMC 25.05.675B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit grading and construction activities to non-holiday weekday hours between 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays).

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction timeframe, may need to be completed after regular construction hours. Therefore, the Department reserves the right to allow weekday construction (on a case by case basis) outside the specified hours noted above. The above condition may also be modified to permit low-noise exterior work such as installation of landscaping after approval from DPD. After the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to residents and visitors; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are typical of single family cluster developments and are not considered significant because the impacts are minor in scope.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are the Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface), the Land Use Code which controls density, lot coverage, setbacks, building height, light and glare, and other development standards, and the City Energy Code which will require insulation for outside walls and energy efficient windows. Parking and Bulk and Scale impacts are further addressed below; however, compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of the long-term impacts. No further conditioning is warranted by SEPA policies.

Parking

It is the standard practice for the Department to assume that the estimated parking demand for residential development (ground related or single family units) would be approximately 1.25 spaces per unit. Based on the 5 units, the estimated parking demand for this development would be for 6 spaces. One parking space is proposed within each of the units, for a total of 5 on site parking spaces. The anticipated spillover onto the City streets will be one vehicle. The surrounding street system can accommodate the anticipated spillover; therefore, no additional SEPA conditioning is needed.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. No conditions or mitigating measures pursuant to SEPA policies is necessary.

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.

- [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 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

Prior to Issuance of the Master Use Permit

1. Submit a copy to DPD Land Use Planner of any required PSCAA Demolition Permit(s) or equivalent authorization(s).

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. The hours of construction activity shall be limited to nonholiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. Saturday (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturday). This condition may be modified at DPD's sole discretion to allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping), again at DPD's sole discretion. Any request for approval of work outside the limited construction hours shall be submitted 5 working days in advance of the date of desired work.

Signature: _____ (signature on file) _____ Date: September 4, 2006
Paul Janos, Land Use Planner
Department of Planning and Development

PJ:bg