



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: 3003578
Applicant Name: Brittany Ard
Address of Proposal: 522 26th Avenue South

SUMMARY OF PROPOSED ACTIONS

Land Use Application to establish use and construct three single-family dwelling units with attached garages and one, 2-unit townhouse with parking located within the structures (total of five units). Existing structure to be demolished.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity

The site is in a LDT zone with a neighboring L1 zone on the other half of the block. There are no mapped or observed environmentally critical areas on the site. There is no alley in this block. The site is located on 26th Avenue South between south King Street and South Lane Street. The zoning in the vicinity is varied. There are multifamily and single family zones within one block.

Proposal

The applicant proposes to establish use for and construct three single-family dwelling units with attached garages and one, 2-unit townhouse with parking located within the structures. Pedestrian access will be from the street and a shared interior court.

State Environmental Policy Act (SEPA) review is required for this project because the proposal will establish more than four dwelling units in the LDT zone. Unit lot subdivision is contemplated for the property in the future.

Public Comment

Several comment letters were submitted during or after the official comment period which ended November 30, 2005. The letters brought to light the desire of some to preserve this house and property. It was in part because of the letters that the property underwent review by the Historic Preservation Board.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated October 15, 2005. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) 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 such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

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 Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation. Further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located adjacent to residential receptors that would be adversely impacted by fugitive emissions and construction noise. Therefore, additional discussion of air and noise impacts is warranted.

Air

Grading will contribute to concentrations of suspended particulate matter. The construction contractor must comply with the Puget Sound Clean Air Authority 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.

Construction would require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality, but the amount of emissions caused by the construction 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 is warranted.

Plants

The three SDOT –maintained red oak trees will need to be preserved and protected during construction. A Tree Protection Plan, approved by SDOT, Bill Ames, will need to be in place prior to any work on the site. This will be a condition of the project.

Noise

Most of the earth moving activity will involve loud equipment and activities. This construction activity will have an adverse impact on nearby residences. Because of the proximity of nearby residences, the Department finds that the limitation of the Noise Ordinance is inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05) 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.

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 to 8:00 p.m., and Saturday construction from 9:00 a.m. to 6:00 p.m. Extended weekday hours or Saturday work must be approved by the Department on an emergency, case-by-case basis prior to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit. In addition, after the buildings are fully enclosed, on a floor-by-floor basis, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department required.

Long-term Impacts

Plants

There are three SDot maintained red oak trees that are located in the public right of way. They have an average diameter of 14 inches. These trees are to be preserved and driveway access and water meters, and all other utilities, need to be evaluated by SDOT, Bill Ames, in order to not damage the trees. SDOT will continue to maintain these trees in the public right of way.

Historic Preservation

As required under SMC 25.05.675, and the DPD-DON Interdepartmental agreement on review of historic buildings during SEPA review, a project that proposes the demolition of a structure or structures over 50 years old must be referred to the City of Seattle Department of Historic Preservation. After review and review of public comment letters the Department of Neighborhoods staff found that the building on this site may meet the criteria for possible landmark status, as detailed in SMC 25.12. Accordingly, the project was required to nominate the building for review from the Landmarks Preservation Board. At the January 17, 2007 meeting of the City's Landmarks Preservation Board, the Board voted to deny the nomination of 522 26th Avenue South. The majority opinion to deny the nomination was based on the finding that this property does not meeting any of the designation standards of SMC 25.12.350.

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 not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single-family 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); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes or conditions (increased ambient noise; increased demand on public services and utilities; increased airborne emissions; increased light and glare) are not sufficiently adverse to warrant further mitigation by condition.

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 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 43.21.030(2) (c).
- [] 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(2)(C).

CONDITIONS - SEPA

Prior to the demolition permit:

1. A Tree Protection Plan, approved by SDOT, and delivered to the planner will need to be in place prior to any work on the site.

During Construction:

The following condition(s) to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. Since two streets abut the site, conditions shall be posted at each street. The conditions shall be printed legibly on placards available from DPD, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

2. The applicant shall limit excavation, foundation and external construction work for this project to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. The Department reserves the right to allow weekday construction to 8:00 p.m., and Saturday construction from 9:00 a.m. to 6:00 p.m.
3. Extended weekday hours or Saturday work must be approved three days in advance by the Planner (Holly Godard (206) 615-1254) on a case-by-case basis prior to such work if required for critical construction activities of an emergency nature.

4. Tree Red Oak trees in the planting strip will be protected during construction as per the Tree Protection Plan approved by SDOT. SDOT intends to continue maintenance of these trees.

Signature: _____ (signature on file)
Holly J. Godard, Land Use Planner
Department of Planning and Development

Date: April 12, 2007

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