



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: 3004589

Applicant Name: Kelly Foster

Address of Proposal: 7011 Linden Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow three townhouse structures which include one, 5-unit structure and two, 2-unit structures for a total of nine units with parking for nine vehicles located within the structures. The existing structures are to be demolished.

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 involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: Residential, Multifamily Lowrise 2 (L-2).

Date of Site Visit: September 10, 2006.

Uses on Site: Three, one-story apartment buildings with a total of 11 housing units.

Substantive Site Characteristics:

This 10,260 square foot subject site is a rectangular corner lot that fronts on Linden Avenue North to the east, N. 71st Street to the north, and an unpaved alley to the west. Its general location is one block west of Aurora Avenue N (SR 99) and Green Lake. The site is located within an area zoned Residential, Multifamily Lowrise 2 (L-2) which extends to the east and northeast. The area adjacent to the north is zoned Residential, Multifamily Lowrise 3 (L-3). The areas adjacent to the south and west of the site are zoned Residential, Single-Family 5000 (SF5000). The uses in the area include a combination of single-family and multiple-family residences.

The majority of the site is relatively flat, and it is upraised approximately 4-6 feet from the sidewalk to the east. The environmental checklist states that the steepest slope on the site is 5%. The site is not located in any mapped environmentally critical area. The existing vegetation includes shrubs, lawn, and a few deciduous and evergreen trees.

There are three, one-story apartment buildings with a total of 11 housing units. There are no garages within or adjacent to these structures.

Proposal Description:

The applicant proposes to demolish the existing multifamily structures, and construct one, 5-unit structure and two, 2-unit structures for a total of 9 housing units. The five-unit townhouse is proposed to be located on the eastern portion of the lot, adjacent to Linden Avenue N, and the two, 2-unit townhouses will be located adjacent to the alley, to the west of this structure. Vehicular access to all units will be provided via an easement which runs east off of the alley to an area between the proposed buildings. There will be nine parking spaces provided within the proposed structures.

Public Comment:

The comment period for this proposal ended on December 4, 2006. During this period, three written comment letters related to this project were received.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the 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 August 4, 2006. 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. A more detailed discussion of some of the potential impacts from this short plat follows.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project, such as: the Noise Ordinance, the Critical Areas Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. In addition to these applicable codes, further mitigation has been imposed for construction activity in order to lessen the impact upon the neighboring residential area through a condition of this land use decision.

Noise

Construction activities, including demolition of the existing structure will create noise impacts. Excavation will be required to prepare site. As development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays, as conditioned below.

Long-Term Impacts

Long-term or use-related impacts include increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and 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 multifamily structures and will be mitigated by the City's adopted codes and/or ordinances. Specifically these include: the Stormwater, Grading, and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); the Land Use Code (minimum lot area, vehicle access to parking); and the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

Earth

This site is relatively flat, with no significant topography. No geotechnical report was required. The applicant stated in the environmental checklist that there will be approximately 50 yards of grading and that all dirt will stay on site to be used as fill. Regarding erosion control, the applicant stated in the environmental checklist that the project will comply with City of Seattle requirements for erosion control and will "install and maintain all erosion control measures during the site disturbance portion of the construction schedule."

Plants and Animals

The site currently contains deciduous and evergreen trees, shrubs, grass, and other types of vegetation. However, most of this vegetation is to be removed with the proposed construction of the three buildings and access driveway. The applicant indicated that there are no known endangered plant species on the site. The applicant has indicated that no birds or animals have been observed on or near the site or are known to be on or near the site. During the staff site visit, no birds or animals were observed; however, it is assumed that songbirds occasionally visit the site or nearby sites.

The applicant will be planting new vegetation per an approved landscaping plan, which will also include street trees.

Parking and Traffic

The Land Use Code requires each housing unit to have at least one off-street parking space. The existing apartment buildings with a total of eleven units at the subject site have had no off-street parking, so all of the parking was previously accommodated by on-street parking. The proposed buildings will have parking within each townhouse unit, providing nine parking spaces for the nine units. This proposed project will thus have nine off-street spaces where previously none was provided, thus, reducing the impact on on-street parking. The parking utilization along Linden Avenue N is below capacity, therefore, any spillover parking from the proposed new units will be able to be accommodated.

The Institute of Transportation Engineers (ITE) Manual (7th edition) estimates that townhouse units generate approximately 5.9 vehicle trips per day. The availability and proximity of transit to downtown and other employment areas, such as, the University District and downtown will make it more likely that this development will generate fewer than this number of vehicle trips. The ITE figure is based more upon developments in outlying areas. Therefore, the amount of traffic to be generated by this proposed project is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

This project will include improvements to the alley adjacent to the west of the project site. The alley will be paved a width of 12 feet for the length of the project site; the southern portion of the alley beyond the property boundary will remain unpaved.

Summary

In conclusion, several adverse effects on the environment are anticipated as a direct impact of the proposed construction. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. In addition, a SEPA conditions have been added to the decision to provide additional mitigation as needed.

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

During Construction

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Activities that generate minimal noise, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: _____ (signature on file)

Date: March 26, 2007

Janet L. Wright, Land Use Planner
Department of Planning and Development