



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: 3005539/3004451
Applicant Name: Jeff Wegener
Address of Proposal: 4511 & 4519 4th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, three-story, two-unit townhouse structure and two, three-story, three-unit townhouse structure (total of ten units) with parking for ten vehicles to be located within the structures.

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.

* Early Notice DNS published August 19, 2006.

BACKGROUND INFORMATION

Site & Vicinity Description

The subject property is located in a Multifamily Lowrise 1 Residential Commercial (L-1/RC) zone on the west side of 4th Avenue NE, approximately 124 feet from the corner intersection of NE 45th Street and 4th Avenue NE. The rectangular shaped 15,810 square feet parent site has approximately 153 linear feet frontage on 4th Avenue NE and approximately 101 feet lot depth.

The site is generally described as Lots 5, 6, 7, 8, Block 2, Daniel's University Grove to the City of Seattle. Fourth Avenue NE at the project location is developed with curbs, sidewalk and gutters on both sides of the street. The subject property was used as a parking lot but is currently vacant. Direct vehicular access is available from 4th Avenue NE via an existing alley to the site. The site is flat from the street to rear property line where there exists a low retaining wall.

In July 18, 2006, the applicant submitted an application to DPD for a Lot Boundary Adjustment on the subject property. The Lot Boundary Adjustment was approved and a Permit #3005386 was issued for two parcels of land with the following sizes, Parcel A) 7,767.2 square feet and Parcel B) 7,717.4 square feet.

The proposal site of Project #3005539 is the newly created Parcel A, of LBA Permit #3005386, which is located on the southern portion of the existing parent lot. The 7,767.2 square foot rectangular site measures 76.16 feet wide by 101.99 feet lot depth.

Similarly, the proposal site of Project #3004451 is the newly created Parcel B, of Permit #3005386 which occupies the northern half of the parent lot. The 7,717.4 square feet rectangular site measures 75.65 feet in width by 101.98 feet lot depth.

Vehicular access to both project sites would be from an existing alley to the south. The proposed driveway easement within the subject sites will provide vehicular access to each townhouse unit. The L-1/RC zone abuts the Single Family 5000 (SF5000) zone to the north, west and east and NC3P-40 zone to the southeast and NC3-40 zone to the south. Development in the vicinity is predominantly a mixture of single family and multifamily residential and commercial uses especially along NE 45th Street to the south.

Proposal

Project #3005539 will construct one, three-story, two-unit and one, three-story, three-unit townhouse structures for a total of five townhouse units on this site. Parking for five vehicles will also be provided within each unit. Similarly, Project #3004451 will construct one, three-story, two-unit and one, three-story, three-unit townhouse structures for a total of five townhouse units on this site. Parking for five vehicles will be provided within each townhouse unit. Vehicular access to each townhouse unit will be available through a common driveway easement off the existing alley south of the site(s). The applicant proposes to apply for a unit lot subdivision. This SEPA review will consider the environmental impacts of the future application, thus it will not be necessary to require another SEPA review.

Public Comments

The public comment period for this project began on August 9, 2006 and ended August 30, 2006. A written request to extend the comment period by 14 days was received on August 29, 2006. No written comments were received. However, phone calls from a respondent expressed concern about the encroachment of proposed development on the single-family lot abutting the site to the north.

ANALYSIS - SEPA

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist prepared by Jeff Wegener on July 25, 2006. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with 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, 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. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for identified impacts. Specifically these are the Stormwater, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion) and the Building Codes (construction standards). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Thus mitigation pursuant to SEPA is not necessary for these impacts. However, more discussion of some impacts is appropriate.

Short-term Impacts

The following temporary construction related impacts are expected; temporary soil erosion; decreased air quality due to dust and other suspended air particulates; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and non-renewable resource. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Construction Impacts

Some short-term noise impacts from construction activities are anticipated. Construction noise could result in periodic increases in speech interference and annoyance in surrounding residential buildings. The restriction in the Noise Ordinance will not adequately mitigate construction-related noise on adjacent residential uses. Therefore, in addition to compliance with the Noise Ordinance (SMC 25.05), the applicant will be required to limit construction activity to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. This condition shall be required pursuant to the SEPA authority to mitigate noise impacts during construction (SMC 25.05.675).

Erosion

Erosion is anticipated during site excavation and grading. Compliance with the Stormwater, Grading and Drainage Control Ordinance, which requires compliance with standard excavation and containment of stormwater runoff from exposed soils, will provide adequate mitigation of erosion impacts (SMC 23.05.675 B. and F).

Street and Sidewalks

It is the City's policy to minimize or prevent adverse traffic impacts that would undermine the stability or safety of the surrounding area (25.05.675R). The Street Use Ordinance includes regulations, which mitigate dust, mud, and circulation. Temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through Seattle Department of Transportation (SDOT). In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. Off-site parking on 4th Avenue NE is limited. However, other nearby streets are not at capacity and they can accommodate increased parking demand during construction; therefore, no additional mitigation is warranted under SEPA.

Long-term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale impacts; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; increased drainage due to storm water runoff and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope. Although not significant, these impacts are adverse and in some cases, mitigation is warranted.

Light and Glare

The proposed project will have exterior lighting, which could affect nearby residents. However, the Land Use Code requirement for shielding and reorienting exterior lighting to minimize impacts on surrounding properties is sufficient mitigation of this impact (SMC 23.45.045). No further mitigation under SEPA is warranted.

Bulk and Scale

The new townhouse structures will have a maximum height of approximately 35 feet to the top of the roof ridge. The building height will be comparable with single-family buildings in the area. Along the rear property line a six-foot high fence and a green belt of shrubs and four Magnolia trees and one large maple trees would be used to separate the site from the single

family zone to the west. Similarly the abutting single family residences north of the site would be screened from the site by proposed trees and shrubs within the required open space to provide separation and setback from the property line. Although the new building may affect local views, neither Seattle's Land Use Code nor Seattle's SEPA Ordinance provides for the protection of private views. The anticipated aesthetic or bulk and scale impacts are adequately mitigated by the requirements of the Land Use Code, including landscaping. There are no unusual conditions and, therefore, no further mitigation is necessary under SEPA.

Parking

The site plan indicates that ten parking spaces would be provided on site with one parking space within each townhouse unit. The Land Use Code requires ten parking spaces for this ten unit residential development.

In the experience of DPD, peak-parking demand for townhouse projects in multifamily zones has been based on the average rate of approximately 1.0 space per household. It is estimated that peak parking demand for ten units residential project would occur during the evenings on weekdays and on weekends. Peak parking demand for the proposed ten-unit townhouses is estimated to be 10 parking spaces. With ten parking spaces provided on-site, there would be no spill over city streets. The current use on the site was vacant and not generating any parking demand. Based on the above analysis no unusual parking condition exist that warrants additional parking mitigation under SEPA.

Traffic

The current use on the site was vacant and not generating any traffic impact in the vicinity. According to the Institute of Transportation Engineers Trip Generation Manual, 6th edition, the ten units are expected to generate an average of five trips in the a.m. peak hour occurring between 7 a.m. and 9 a.m. and seven trips in the p.m. peak hour between 4 p.m. and 6 p.m. This is not expected to have a significant adverse impact on traffic conditions or reduce the level of service at nearby intersections. Therefore, no mitigation under SEPA is warranted for this project.

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 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 43.21C.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

Conditions of Approval During Construction

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including and not limited to demolition, grading, deliveries, framing, roofing and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, 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. Request for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: (signature on file)
Christopher A. Ndifon, Land Use Planner
Department of Planning and Development

Date: February 26, 2007