



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3005720
Applicant Name: Jennifer McCully for Kohary Construction
Address of Proposal: 9213 Roosevelt Way Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to construct one single family structure, one two-unit townhouse structure, and one four-unit townhouse structure (for a total of seven residential units). Parking for seven vehicles will be provided within the structures. The demolition of existing commercial structures was approved under Project Nos. 6115393 and 6115394. This review contemplates a future unit lot subdivision.

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 INFORMATION

Site and Vicinity Description

The subject site is an 8,223 square foot rectangular site, zoned Lowrise 2 Residential Commercial (L-2 RC), and located in Seattle's Maple Leaf neighborhood. The lot fronts on Roosevelt Way Northeast, midblock between Northeast 92nd Street and Northeast 94th Street. Development on the site recently

consisted of three commercial structures in use as automotive retail sales and services (Interstate Batteries Auto Repair Center).

Roosevelt Way Northeast is one of Seattle's principal north-south arterials, and is sixty feet in width at this location. There are two mature deciduous trees located in the right-of-way along Roosevelt Way Northeast; otherwise the site is almost entirely covered with non-natural impervious materials.

Zoning along this stretch of Roosevelt Way Northeast is, like the subject site, L-2 RC and extends north from Northeast 91st Street to Northeast 98th Street, for a span of approximately six blocks. The zoning changes to Single Family (SF 5000) on either side of this L-2 RC corridor.

Land uses north and south along Roosevelt Way Northeast, and surrounding the subject site, reflects area zoning, which includes a mix of single and multi-family residences, and commercial uses such as bicycle sales and repair shop, and a furniture and upholstery shop.

Proposal

The applicant proposes to demolish the existing commercial buildings and construct one single family structure, one two-unit townhouse structure, and one four-unit townhouse structure (for a total of seven residential units). Parking for seven vehicles will be located within the structures.

The proposal includes grading of approximately 245 cubic yards of material for the proposed buildings' foundations, vehicular and pedestrian access, and parking. Proposed street improvements include the following which will be required as part of this project: a new six foot wide sidewalk and six foot wide planting strip along that portion of the property fronting on Roosevelt Way Northeast.

It is anticipated that future development activity at the subject site will include the creation of individual unit lots (Unit Lot Subdivision).

Public Comments



Figure 2. Aerial Photo of Project Site

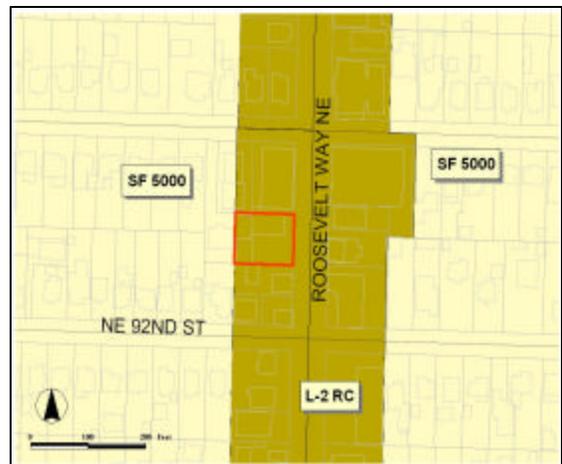


Figure 2. Zoning Map

The extended public comment period ended on January 3, 2007. DPD received no written comments regarding this proposal.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated October 5, 2006 submitted by the applicant. The information in the checklist, consultation with subject experts and City staff, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project 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) 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 mitigation can be considered (SMC 25.05.665 D). 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: decreased air quality due to increased dust and other suspended air particulates during construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel.

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 debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency (PSCAA) 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 on the environment. Most of these impacts are minor in scope and are not expected to have

significant adverse impacts (SMC 25.05.794). However, due to the proximity of surrounding residences, further analysis of construction impacts is warranted. The following is an analysis of the short term impacts on the environment, as well as appropriate mitigation.

Noise

Noise associated with construction of the buildings could adversely affect the surrounding residential uses. The Noise Control Ordinance effectively addresses most noise impacts. However, some noise impacts are not addressed by the Noise Control Ordinance, such as the continual or repetitive noise of a project's operation (SMC 25.05.675 L). Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential construction noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665), the SEPA Construction Impacts Policy (SMC 25.05.675 B), and the SEPA Noise Policy (25.05.675 L) mitigation is warranted.

Environmental Health

Development on-site formerly consisted of three commercial buildings which housed activities such as automotive repair and services. Based on a study conducted by Sound Environmental Strategies Corporation (SES), dated April 23, 2007, hazardous materials in the form of asbestos and petroleum contaminated soil (PCS) were found to exist on-site. The abatement, demolition and PCS cleanup of the site was completed between February 19 and March 16, 2007.

The cleanup action documented in the study was developed in accordance with the Model Toxics Control Act (MTCA), Chapter 173-340 of the Washington Administrative Code (WAC). The MTCA is the primary Washington State regulation governing the cleanup of sites affected by petroleum. On properties on which there have been releases, the owner/operator must comply with the MTCA Cleanup Regulation outlined in Chapter 173-340 of the WAC. Washington State Department of Ecology (Ecology) is responsible for the implementation of the MTCA regulations¹.

The study was submitted to DPD and Ecology, along with an application to enter the voluntary cleanup program and obtain approval of cleanup results. A number of additional investigations and studies were conducted prior to, during, and following the excavation and removal of contaminated soil, including the following:

- Limited Subsurface Site Assessment conducted by Urban Redevelopment, LLC, (March 25, 2006)
- Asbestos Hazard Emergency Response Act (AHERA) Good Faith Inspection (GFI) Survey Report, conducted by an SES AHERA accredited building inspector (January 29, 2007)

¹ Sound Environmental Strategies Corporation. (2007). *Voluntary Cleanup Action Report*. Prepared for Kohary Construction, April 23, 2007.

- A Health and Safety Plan was prepared in accordance with Chapter 296-62 of the Washington Administrative Code and 29 CFR 1910.120 Code of Federal Regulations.

SES provided environmental oversight on the asbestos removal, demolition of structures, and soil remediation activities. Confirmation data show the site soils to be in full compliance with MTCA cleanup levels for unrestricted land use². A copy of the report may be found in the Land Use Application file at DPD's Public Resource Center located in the Seattle Municipal Tower, 700 5th Avenue, Suite 2000 (www.seattle.gov/dpd/prc). No mitigation is warranted pursuant to the SEPA Environmental Health Policies (SMC 25.05.675 F).

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

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 which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Height, Bulk and Scale

There will be increased height, bulk and scale on this site due to the proposed project. Setbacks, modulation requirements and roof pitch requirements are being met. Open space is being provided as prescribed in the Land Use Code. The proposed development is allowed in this zone and no additional height, bulk, or scale mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Parking

There will be increased parking demand created by the project and it is the City's policy to minimize or prevent adverse parking impacts associated with development projects. The project will provide parking for seven (7) vehicles within the structures. Based on past City experience with multifamily housing demand, it is expected that this project will generate a residential parking demand of

² Ibid.

approximately 1.25 spaces per unit. Using this multiplier, the estimated parking demand for 7 dwelling units would be 10.5 parking spaces. As a result, a small amount of spillover parking, approximately 3 vehicles, is expected on the surrounding street system. Parking is allowed on this stretch of Roosevelt Way Northeast, and based upon a site visit by the DPD Land Use Planner; an evaluation of available on-street parking in the vicinity demonstrated adequate street parking for the neighborhood. As a result, on-street parking capacity is sufficient to meet any additional spillover parking which may occur. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Traffic

The applicant has stated that the proposed development would generate a total of approximately 44 vehicle trips per day. Forty-four vehicle trips per day would likely have minimal effect on the existing traffic patterns in this area. The site is accessed from a principal arterial, Roosevelt Way Northeast, and is served by two minor arterials on either side; 15th Avenue Northeast to the east, and 5th Avenue Northeast to the west. A Metro Transit bus stop is within one block of the subject site (route 68). Thus, the noted traffic-related impacts are not considered significant under SEPA (SMC 25.05.675 R).

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant, and has reviewed the project plans and any additional information in the file. As indicated in the SEPA analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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 43.21C.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

Prior to Issuance of Master Use Permit:

1. Any plan changes shall be reflected in the construction permits for Project Nos. 6110935, 6115391, 6115392. (non-appealable)

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.

2. 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. 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. Requests 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) Date: May 7, 2007

Catherine McCoy, Land Use Planner
Department of Planning and Development

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