



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: 3005734
Applicant Name: Linda Stone
Address of Proposal: 4310 Linden Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use and construct four, three-story, two-unit townhouses with parking located within the structures (totaling eight units). Existing single family residences (2) and detached garages (2) to be demolished. This review contemplates a future unit lot subdivision.

The following approval is required:

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

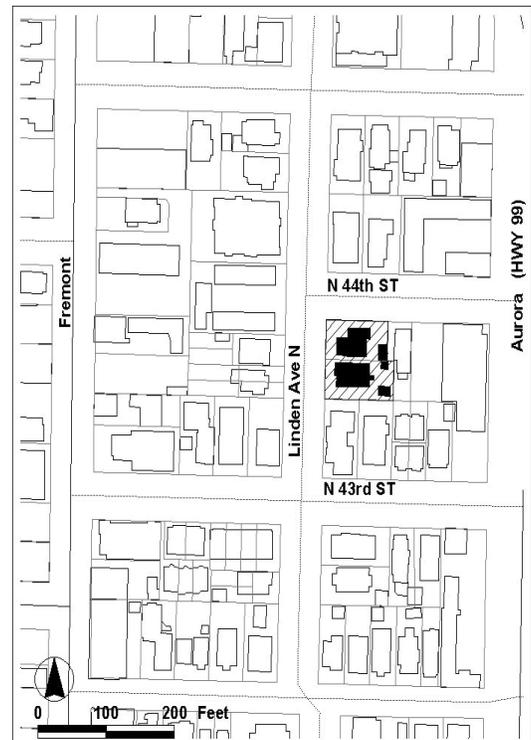
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 9,500 square foot property is located at the southeast corner of North 44th Street and Linden Avenue North in Seattle’s Fremont neighborhood. The access streets of North 44th Street, Linden Avenue North, and North 43rd Street and are improved with concrete curb, gutter, planting strip, and sidewalk. Fremont Avenue, a monor arterial, is to the west; aurora Avenue, a principal arterial, is due east. The site is currently developed with two single family residences, each with detached garages. There are numerous trees on site, including Sumac, Red Cedar, Hemlock, and Madrona varieties.

The subject property is located in a multi-family Lowrise 2 (L-2) zone, which continues one block to the north, to the west, and south. Lowrise 3 (L-3) and Commercial zones are located to the east, and along Aurora Avenue.



Surrounding uses consist of single family, multi-family, and commercial development.

Proposal

The applicant proposes to demolish the existing single family residences and detached garages, and construct four two-unit townhouses with vehicular access from North 44th Street. Parking for each unit will be provided within the structure. The applicant has proposed to retain one existing 10" Hemlock located at the southeast corner of the site. All other trees on the site will be removed and replaced with new landscaping.

Public Comments

Public notice of the proposal was first issued on October 5, 2006, and included an extension which ended November 1, 2006. Two comment letters were received, both of which expressed concerns regarding parking availability in the vicinity, as well as traffic impacts with the addition of eight new townhouses. Mention was also made of the high rate of burglaries in the neighborhood, with an emphasis on safety features for the structures, such as special lighting and security options.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated September 6, 2006), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, 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/circumstances mitigation can be considered (SMC 25.05.665 D1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

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 supplemental mitigation.

Air Quality, Environmental Health

Demolition and transport will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities which produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Demolition could 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.

Given the age of the existing structures on site, they may contain asbestos, which could be released into the air during demolition. The PSCAA, the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA "Notice of Intent to Demolish" prior to issuance of a DPD demolition permit. Additionally, a copy of the asbestos survey and Notice of Intent shall be kept onsite and be available for review by Agency inspection personnel.

So conditioned, and given the demolition activity is anticipated to be of short duration, the projects' anticipated adverse air and environmental health impacts will be adequately mitigated.

Noise

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 all work not conducted entirely within an enclosed structure (e.g., excavation, foundation installation, framing and roofing activity) shall be limited to non-holiday weekdays between the hours of 7:30 a.m and 6:00 p.m., and Saturdays from 9:00 a.m. to 5:00 p.m. This condition may be modified to allow work of an emergency nature, or to permit low-noise exterior work (e.g., installation of

landscaping) after prior approval is secured from the undersigned Land Use Planner (or his/her successor).

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.

Plants and Animals

The applicant proposes to retain an existing Hemlock tree located in the southeast corner of the site. All other trees will be removed and replanted with new trees and vegetation, including eighteen (18) caliper inches of trees, and 124 shrubs. Trees have been proposed as prescribed by the Land Use Code (SMC 23.45.015, and Director's Rule 13-92).

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 eight (8) vehicles within the structures, which is adequate parking for the proposed project, and as such, would not create an at-capacity parking situation.

Traffic

The applicant has stated that the proposed development would generate a total of approximately 53 vehicle trips per day, five (5) peak vehicle trips. Fifty-three vehicle trips per day would likely have minimal effect on the existing traffic patterns in this area. 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; reviewed the project plans and any additional information in the file; and any

comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, 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

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.

- 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 Master Use Permit:

1. Any plan changes shall be reflected in the construction permit for application number 6103827.

Prior to Issuance of any Permit to Construct or Demolish

2. The owner(s) and/or responsible party(ies) shall submit a copy of the Puget Sound Clean Air Agency (PSCAA) "Notice of Intent to Demolish" to the undersigned Land Use Planner (or his/her successor). Additionally, a copy of the asbestos survey and Notice of Intent shall be kept onsite and be available for review by Agency inspection personnel.

During Construction

3. The hours of all work not conducted entirely within an enclosed structure (e.g., excavation, foundation installation, framing and roofing activity) shall be limited to non-holiday weekdays between the hours of 7:00 a.m and 6:00 p.m., and Saturdays from 9:00 a.m. to 5:00 p.m. This condition may be modified to allow work of an emergency nature, or to permit low-noise exterior work (e.g., installation of landscaping) after prior approval is secured from the undersigned Land Use Planner (or his/her successor).

Signature: (signature on file) Date: April 16, 2007
Catherine McCoy, Land Use Planner
Department of Planning and Development

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