



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: 3006340
Applicant Name: Stephanie Van Dyke for the Seattle Housing Authority
Address of Proposal: 12546 33rd Avenue Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 1,545 cubic yards of grading in an environmentally critical area. Project includes relocation of 29 parking stalls. Project also includes exterior and interior building alterations on all floors.*

*Note: the project description has been revised from the original notice of application.

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

This approximately 92,158 square foot (sq. ft.) site is situated on the east side of 33rd Avenue Northeast, just one block east of Lake City Way Northeast. The parcel is located within a split zone district: the east 120' of the property is in the Lowrise 2 (L-2) zone and the remaining portion (which ranges between 236.18' to 418.21' in length) of the property is in the Neighborhood Commercial 3 (NC3-65') zone. Development on the site consists of the following structures: a seven-story apartment building (12546 33rd Avenue Northeast) with a surface parking area consisting of twenty-eight (28) parking stalls; and, a one-story triplex building (12531 35th Avenue Northeast) with an attached carport.

The site is accessed via three curb cuts along 33rd Avenue Northeast, two curb cuts along 35th Avenue Northeast and an access easement via 35th Avenue Northeast. 33rd Avenue Northeast is a non-arterial street, partially improved with curbs, sidewalks and gutters on alternating sides of the street. Alternatively, 35th Avenue Northeast is an arterial improved with curbs, sidewalks and gutters on both sides of the street.

The topography of the site slopes gently downwards across the site from 35th Avenue Northeast to the westernmost property boundary. The site is modestly vegetated with mature trees, shrubs and grass cover throughout the site. Just north of the existing building, an isolated area has been identified as Environmentally Critical Area (ECA)-Steep Slope. The applicant has been granted a limited exemption from ECA steep slope development standards for all work associated with this project (#3006340) but ECA review is still required for the building permit application. The westerly portion of the site has been identified as ECA-Riparian Corridor. During the review of this application, the DPD Senior Ecologist has granted an ECA exemption for the Riparian Management Area. Per the DPD Senior Ecologist, the creek is located in a pipe and is not by definition a Riparian Corridor. In addition, a small portion of the outer riparian buffer is located on the property but is across 33rd Avenue Northeast.

Adjacent zoning surrounding the site is as follows:

North	Neighborhood Commercial 3 (NC3-65')
East	Lowrise 2 (L-2)
South	Neighborhood Commercial 3 (NC3-65')
West	Commercial 1(C1-65')

Adjacent uses are as follows:

North	Office
East	Multi-family Residential
South	Office
West	Retail

Proposal

The applicant proposes to grade approximately 1,545 cubic yards (cu. yds.) of material and construct a soldier pile retaining wall along the subject site's northern and easterly property lines in order to create a surface parking area for twenty-nine (29) vehicles accessory to the existing Seattle Housing Authority apartment building (Lake City House) for low-income elderly residents. The existing surface parking area which contains twenty-eight (28) parking stalls will be removed and a gate will be erected to restrict vehicular access. Proposed vehicular access to the new surface parking area will be via an existing widened curb cut situated along 33rd Avenue Northeast. A new (secondary) covered entry is proposed along the building's northern façade. The existing concrete patio courtyard area will be removed from the northern area of the site and relocated along the structure's southern façade. A new bicycle parking area will also be created along the structure's southern façade. The proposal includes minor interior alterations and exterior alterations such as brick façade repairs, window replacements, balcony railing replacements and roof repairs. Landscaping consisting of trees, shrubs and ground cover are proposed.

Public Comments

The required public comment period ended on May 30, 2007. DPD received one written comment letter with a sixty-six (66) signature attachment from the Lake City House Resident Council regarding this proposal. The residents voiced concerns regarding the relocation of the accessible outdoor patio area and possible adverse impacts to special needs residents' (with medical conditions such as Asthma, Allergies, Emphysema, etc.) health caused by vehicle emissions from the relocated vehicles.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 31, 2007. The information in the checklist, public comment, 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; reviewed the project plans and any additional information in the file; and considered public comments received regarding this proposed action. 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, and 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 construction activities on this site could result in the following adverse impacts: construction dust and stormwater runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related air quality, noise, earth and grading impacts.

Air Quality

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations requires activities which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes.

During construction, on-site activity could contribute to slight increases in localized vehicle emissions but it is not expected that these emissions would result in a violation of any local ambient air quality standards. Current codes are adequate to provide mitigation. Therefore, no further mitigation is warranted.

Noise

Noise associated with construction of the soldier pile walls on the subject site could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment, registering 60 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment; to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the proximity of the project site to nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of demolition activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day).

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement, the applicant submitted a Geotechnical Report prepared by James A. Mattoon, P.E. (Shannon & Wilson, Inc.) dated November 24, 2006. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction.

The summary of the findings of the report is the following: "The subsurface explorations indicate that seepage zones and groundwater may be encountered close to elevations 172 to 180 feet. Groundwater may vary with the seasons." The geotechnical report further states, "A new retaining wall is proposed to support the proposed excavation for the parking area. We understand that the proposed maximum wall height is 15 feet. In our opinion, a soldier pile and lagging wall is a feasible retaining system to support the excavation." The submitted report, which is located in the project file, further details the specific requirements for seismic design criteria; lateral pressures and lateral resistance for retaining walls; wall drainage; grading; earthwork; loads on buried pipes; and construction considerations.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the Stormwater, Grading and Drainage Control Code (SGDCC) (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The SGDCC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Possible excavation based on geotechnical design recommendations and the import of fill to achieve the proposed grade will be necessary. The maximum amount of grading proposed is approximately 11.34' and will consist of an estimated 1,545 cu. yds. of material for the subject site. The soils report indicates that most of the on-site soil to be excavated should be suitable for reuse as structural fill provided that the soil is kept free from specific material. However, imported structural backfill should be used if the on-site soil becomes too difficult to compact or site space limitations prevent stockpiling. If the soil removed will not be reused on the site, it will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en-route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; and increased energy consumption.

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 tightline 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. However, due to the size and location of this proposal, air quality and parking impacts warrant further analysis.

Air Quality

The proposed surface parking area will abut the existing residential structure's northernmost façade. Potential air pollution from the proposed parking area that could affect on-site residents with medical concerns (such as asthma, allergies, emphysema, etc.) includes emissions from vehicles. Current federal and state regulations are likely to provide adequate mitigation for impacts on air quality through restrictions on vehicular emissions. Additionally, SHA will accommodate the needs of residents at the subject site should any resident have a medical condition that arises as a result of the location of the parking lot. No further mitigation pursuant to SEPA authority at SMC Section 25.05.675.A is warranted.

Parking

The Land Use Code requires a total of twenty (20) parking spaces for the proposal. The submitted MUP plans indicate twenty-nine (29) parking spaces for the low income elderly multifamily structure are provided. The Institute of Transportation Engineers (ITE) Parking Generation manual, 3rd edition estimates an average rate of 415 parking spaces per Senior Adult Housing dwelling unit. Using this multiplier, the estimated parking demand for 116 dwelling units would be forty-nine (49) parking spaces. As a result, the estimated parking spillover demand of forty-nine (49) would exceed the twenty-nine (29) parking spaces being provided onsite for the subject proposal. Field observations on a weekday (Thursday, late afternoon) by the DPD Land Use Planner showed an adequate supply of available parking on-site and unrestricted on-street parking within 800' of the subject site. Based on the Planner's field observations and in consultation with the DPD Transportation Planner, it was determined that there will be sufficient on-site parking and adequate on-street parking to accommodate unanticipated parking impacts. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

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

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. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day.)

Signature: (signature on file)
Tamara Garrett, Land Use Planner
Department of Planning and Development

Date: July 23, 2007