



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**

Project Number: 3006417
Applicant: Ester Katsaros for Aedifex, Inc.
Address of Proposal: 3618 Courtland Place South

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for future construction of seven townhouse units (one, 3-unit townhouse and one, 4-unit townhouse structures) in an Environmentally Critical Area (ECA). Accessory parking will be provided within each unit. Project includes demolition of one existing single family residence under separate permit.

The following approval is required:

SEPA – Environmental Determination - (SMC Chapter 25.05).

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

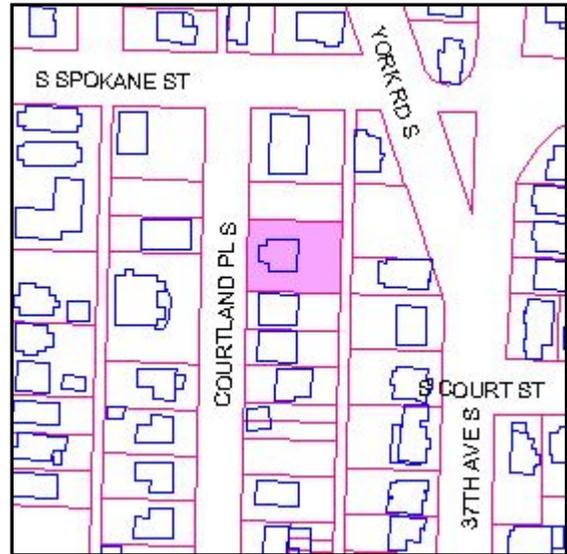
**Early Notice DNS published May 3, 2007.

BACKGROUND DATA

Site and Vicinity Description

The development site is nearly square in shape, (80 feet x 102 feet) occupying a total land area of approximately 8,160 square feet, in the Rainier Valley Neighborhood of South Seattle. The

subject site is located along the eastside of Courtland Place, between South Spokane Street to the north and South Charlestown Street to the south in a Multifamily Lowrise Two (L2) zone, with a minimum lot area requirement of one unit per 1,200 square feet. The site is currently developed with one single family structure on a moderately vegetated lot, owned by Aedifex, Inc. The development site is also located within the North Rainier Hub Urban Village, and South Seattle Reinvestment Area and Rainier/Genesee Business District. The site is mapped as an Environmental Critical Areas (ECA) 40% Steep Slope by DPD; after review of an ECA Exemption & Modification request (permit #6120734), DPD determined that the portion of the site deemed steep slope was in fact created by previous grading and/or construction activities along the right-of-way. (See SEPA analysis for additional, comments.)



The site moderately slopes downward from its northeast corner to the southwest corner, approximately twenty-six feet over a distance of 130 feet. There are no discernable characteristics associated at the development site other than the house previously mentioned. It is anticipated that the primary access to the development site will be from Courtland Place, a partially development street with paved roadway and sidewalks. Courtland Place is a street that provides limited access to the development site in this south end neighborhood. Fronting the subject property along its east property line is an unimproved alley with access to South Spokane and South Charlestown Streets. Across the alley's centerline to the east, the zoning designation changes to Single Family 5,000. Vehicle access to the subject lot's block front is limited, because of the layout, design, and road improvements in the street system. The streetscape is open and airy due to the limited number of mature trees in the area and width of the right-of-way. Grass and gravel is the predominate feature in the planting strips located within the right-of-way on either side of the street.

Zoning in the area is predominately residential in this expansive area, north of South Charlestown and west of 35th Avenue South (two blocks west of Courtland). Included in this area is the less dense Single family 5,000 zone (SF 5000). A mixed of modest and expensive residential structures dominate this SF 5000 area. Also, located in the vicinity, approximately four blocks to the northwest is Seattle Public School's John Muir Elementary School. As previously mentioned, the subject lot is located in a modestly sized Multifamily Lowrise 2 (L-2) zone where single family styled structures dominate the immediate vicinity. A mixture of turn of the century (1900) and post World War II homes are found in abundance in this particular area as well.

Rainier Avenue South, a primary arterial street is located to the west a distance of over 1,000 feet which is the principal transportation corridor to the development site. A large area south of South Charlestown Street is dedicated to commercial use within a Commercial One zone with a height limit of 40 feet (C1-40), and Commercial Two with a height limit of 65 feet (C2-65).

Rainier Valley Square Shopping Center is located in this area. The shopping center has frontage along Rainier Avenue which supports an array of small and large businesses. The blocks southwest of the development site are currently undergoing a significant transformation as new mixed-use developments have recently been constructed or are under review. Surrounding the shopping village are residential zones similarly scaled to that found on the north side of South Spokane Street.

Proposal Description

A total of seven dwelling units are proposed to be constructed in an (Geologic Hazard Areas) environmentally critical area. The applicant proposes to construct two, 3-story multifamily structures at the development site; one, 3-unit townhouse structure will be adjacent to Courtland Place South. The second structure, located directly behind the first structure will be a 4-unit townhouse abutting the alley. Vehicular access to the proposed site will be available through Courtland Place South located near the north property line. Parking for the dwelling units shall be provided within the proposed structures. The Project includes the demolition of one existing single family dwelling unit and an accessory concrete terrace garage. The site will be re-graded to accommodate the new development, which will include excavation of approximately 3,500 cubic yards and fill. Future development activity at the subject site may include the creation of five unit lots (Unit Lot Subdivision).

Public Comments

Date of Notice of Application: May 3, 2007

Date End of Comment Period: May 16, 2007

Letters 0

Issues: No letters were received by DPD, during the public comment period that ended on May 16, 2007, and through to the time of decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated January 12, 2007) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant 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 (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water 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 workers’ vehicles. 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, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personal can be accommodated at the development site and any spillover can be managed within the South Courtland Place and surrounding streets. Therefore, no further mitigation will be required.

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department’s conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:00 a.m. and 6:00 p.m. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Air and Environmental Health - Given the age of the existing structures on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (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 Sections 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 demolition permit, if necessary. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

There are no short term impacts identified with the creation of (unit lot) short subdivisions. Short term impacts are associated with the construction of the structures and have been analyzed and discussed with no further conditioning is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: 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 in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Earth - The development site contained a mapped Environmental Critical Areas 40% Steep Slope (Section 25.09.020.C SMC), which prompted the applicant to submit a ECA exemption request from 40% Steep Slope standards (#6120734), due to what appeared to be previous grading activity. The applicant submitted documentation including a Geotechnical Engineering Study for the proposed two townhouse structures. The study was prepared by Liu & Associates, Inc. and contained an assessment and conclusions concerning the proposed townhouse development.

On January 26, 2007, DPD concluded that the small area of steep slope located in the southwestern portion of the development site was created by previous grading and/or construction activities along the public right-of-way. However, all over ECA submittal, general and landslide hazard, and development standards still apply.

The Geotechnical Engineering Report determined that the site is suitable for the proposed development, provided that the recommendations in the report are fully implemented during

construction. The test borings uncovered dense to very-very dense sandy soils and the very-hard silt soils that are capable of providing good support for the proposed townhouse structures. Groundwater was encountered in the test borings as well. Groundwater seepage out of cut slopes can cause erosion and sloughing. Therefore, grading and foundation should be carried out between April 1 through October 31 to minimize potential erosion and slide. At the time plans are submitted for this work they will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will make any additional requirements as necessary prior to issuance of the grading and building permits. Therefore, no conditioning for grading activities in the steep slope area is warranted pursuant to SEPA policies.

Height, Bulk, and Scale - The design of each of the two buildings (containing a total of seven units) is similar in footprint and proportion to what would otherwise be allowed by Code. The new buildings will be arranged near the front and rear property lines with a twenty-two foot wide parking court separating each building, with a setback of 15 feet from the west property line and 15 feet from the east to reduce the appearance of bulk along South Charlestown Street. The impact of bulk is further reduced on surrounding properties by the spatial arrangement of the structures and the topographic conditions in the vicinity. The second building in the rear sets above the three-unit structure, affecting a terrace look from the west perspective. In the short term, the net impact will be out of scale to the existing residential stock in the immediate area, but as development occurs in the future, it will be in keeping with L2 development standards. As designed, the proposal will minimally impact upon the pedestrian activity along the sidewalk. To the west and south larger scaled projects will continue to dominate the visual field within the vicinity of the development site. Across the alley to the east, in the single family zoned area, lots sit at a higher elevation which will minimize potential adverse visually impacts of adjacent multifamily developments. The addition of two, three-story ground related structures containing a total of seven units on the block are in scale and is anticipated to pose no adverse impacts.

As viewed from the east across the alley and to the north orientation, the proposed three-story structures will have minimal impact. The structures will be sited approximately 15 feet away from the Courland Place frontage. The area between the proposed structures and property line will be landscaped to further obscure visual impacts at the property's edges. This alone has achieved a reduction of its visual presence to the street system. Each of the proposed buildings will have a pitched roof, double-hung windows with trim, and will be modulated. These design elements break up the appearance of bulk of the facades and will mitigate the height, bulk, and scale impacts of the structures. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation - The Institute of Transportation Engineers (ITE) Trip Generation Manual (7th Edition) estimates that Townhouse units generate approximately 5.9 vehicle trips per day. The availability and proximity of transit to downtown and south end employment centers will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready access to Metro bus stops within the Rainier Avenue right-of-way, with connections to Interstate Five and 405 (I-5 & I-405). The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

Parking - The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. Seven off-street parking spaces will be provided at the development site, one within each new unit for a parking ratio of one space per unit, which meets code requirements and is expected to accommodate parking demand generated by the seven dwelling units most of the day. One ten foot wide curb cut is proposed to be located essentially in the same location as the existing curb cut which will result in no net change in available on-street parking. On-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking which may exist. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

There are no long term impacts identified with the creation of (unit lot) short subdivisions. Long term impacts have been analyzed and discussed above with no further conditioning warranted.

CONCLUSION - SEPA

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

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decision 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.303(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.303(2)(C).

CONDITIONS - SEPA

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of any Permit to Grade or Construct

1. Submit an ECA covenant for Potential Landslide areas.

2. All recommendations from the geotechnical report regarding mitigation of erosion and potential landslide shall be followed, in addition to compliance with the provisions of the Development Standards for Potential landslide set forth in the Regulations for Environmentally Critical Areas (SMC 25.09.060 and 80) outlined in the analysis above.

Prior to Issuance of Construction Permit

3. The owner(s) and/or responsible party(s) shall submit a copy to DPD of any required PSCAA Notice of Intent to Demolish.

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 weatherproofing material and shall remain in place for the duration of construction.

4. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and Saturdays between 9:00 a.m. and 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature to allow low noise exterior work (e.g., installation of landscaping) or to allow work which cannot otherwise be accomplished during the above hours upon submittal of a noise mitigation plan and after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: _____ (signature on file) Date: July 19, 2007

Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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