



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:** 3006468

**Applicant Name:** Charles Shugart for Gary Noyes, NW Pacific Development, LLC

**Address of Proposal:** 8414 Linden Avenue North

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow construction of two four-unit townhouse structures with parking for eight vehicles, one within each unit. Existing residential structures 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

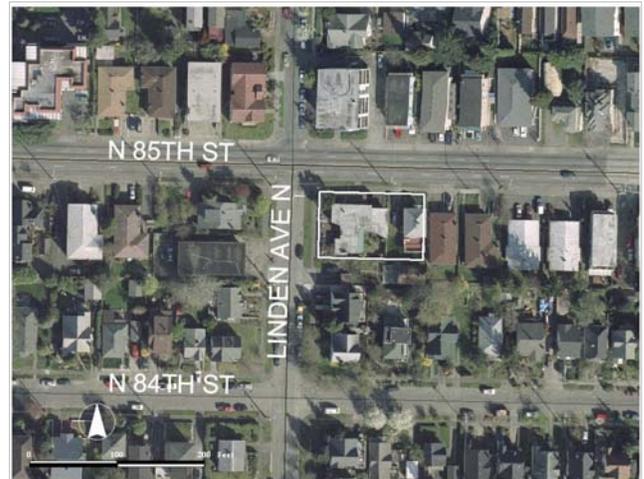
DNS with conditions

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

**BACKGROUND DATA**

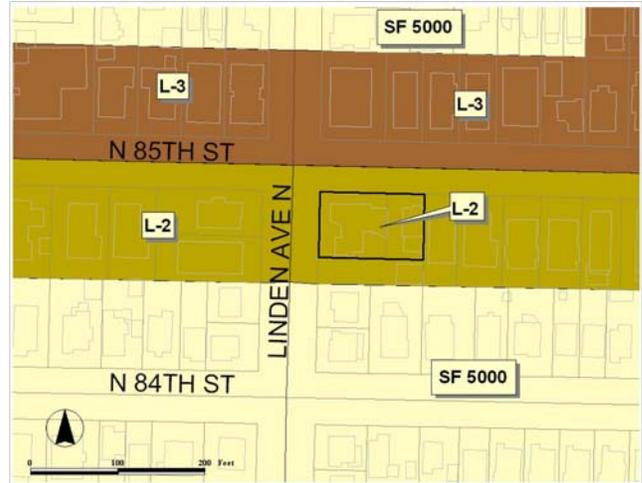
**Site & Area Description**

The subject site is located at the southeast corner of the intersection of North 85<sup>th</sup> Street and Linden Avenue North, in the Aurora-Licton Springs Residential Urban Village. The site includes two



contiguous parcels for a total of approximately 9,090 square feet. North 85<sup>th</sup> Street and Linden Avenue North are both arterial streets, principal arterial and collector arterial respectively. Both streets are improved with concrete curbs, gutters, planting strips and sidewalks. There is no alley adjacent to the property. Each of the two parcels is currently developed with a single family structure.

The site slopes approximately 10 feet from the northwest corner of the site to the southeast. A Metro bus stop is situated along North 85<sup>th</sup> Street, just north of the subject site.



The subject properties are located in a Multi-family Lowrise 2 zone (L2), which continues to the east and west along North 85<sup>th</sup> Street. North of North 85<sup>th</sup> Street the zoning changes to Lowrise 3 (L3). North and south of these two Lowrise zones is Single Family residential zoning (SF 5000). Surrounding uses consist of single family, multi-family, and commercial development.

### Proposal

The applicant proposes to construct two four-unit, three story, townhouses with attached garages, all of which would be accessed via a shared ingress/egress easement from North 85<sup>th</sup> Street. Parking will be provided on-site, within each unit. Two existing single family structures are to be demolished.

### Public Comments

Public notice of the proposal ended on May 16, 2007. DPD received two comment letters. The letters referred to 1) retaining an existing (previously topped) tree located in the northwest corner of the lot, and 2) neighboring property owner conflicts. Both letters can be found in the Land Use application file, which is available for review at the Public Resource Center (PRC), 700 Fifth Avenue, Suite 2000 – <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>.

### 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 (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist (dated February 26, 2007), 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 clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665 D). 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: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise, and consumption of renewable and non-renewable resources.

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 to 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 to the environment as well as mitigation.

### Air Quality

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 requires watering the site, as necessary, to reduce dust (SMC 15.22). Demolition will also require the use of heavy trucks and smaller equipment such as generators and compressors. These engines will emit air pollutants that may contribute slightly to the degradation of local air quality. Since the demolition activity will be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

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 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 DPD demolition permit. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

### Noise

Excavation will be required to prepare the building sites and foundations for the new buildings. Additionally, as development proceeds, 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 construction activity shall be limited as detailed at the end of this report. This condition may be modified to permit low-noise exterior work (e.g., installation of landscaping) after obtaining approval from DPD.

### 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 SEPA policies (25.05.675 G).

### Parking

There will be increased parking demand created by the project. The project will provide parking for 8 vehicles. Adequate parking is provided for the proposed project under the Land Use Code.

Traffic

The applicant has stated that the proposed change of use would generate a total of approximately 16-24 vehicle trips per day. Twenty-four vehicle trips per day would likely have little 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.

**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 any Permit to Construct or Demolish

1. The owner(s) and/or responsible party(ies) shall submit to the Land Use Planner reviewing this application a copy of the PSCAA “Notice of Intent to Demolish” prior to issuance of a demolition permit.

During Construction

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.

