



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: 3005203
Applicant Name: Andrew Novion
Address of Proposal: 307 N 138th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, three-story, four-unit townhouse structures (total of eight units) with parking for eight vehicles to be located within the structures. Existing three unit apartment building to be demolished under a separate permit.

The following approval is required:

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

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS

[X] DNS with conditions

[] DNS involving non exempt grading or demolition
or involving another agency with jurisdiction.

*Early Notice DNS published August 17, 2006.

BACKGROUND INFORMATION

Site & Vicinity Description

The subject property is located in a Multifamily Lowrise 2 (L-2) zone on the south side of N 138th Street, approximately 63 feet from the corner of Greenwood Avenue N and N 138th Street. The rectangular shaped 9,315 square feet site has approximately 75 linear feet frontage on N 138th Street and approximately 135 feet lot depth.

The site is generally described as Lots 1 and 2, Block B, S Allen's Addition to the City of Seattle. North 138th Street at the project location is paved but not developed with curbs,

sidewalk and gutters on both sides of the street. The subject property is developed with a 3 unit apartment building. Direct vehicular access is available from N 138th Street to the site. The site slope along the front with an elevation change of approximately 4 feet at the front property line on N 138th street, then relatively level, with an approximate drop of 2 feet along the rear to the south of the lot. The L-2 zone abuts Single Family 7200 zone to the east and Single Family 7200 zone to the west across Greenwood Avenue N. Development in the immediate vicinity is predominantly a mixture of single family and multifamily residential uses. Bitter Lake is located one block south of the site across N 137th Street.

Proposal

The applicant proposes to construct two three story, four-unit townhouse structures for a total of eight units. Parking for each unit will be provided within the buildings. The existing 3 unit apartment building will be demolished and removed from the site. The applicant proposes to apply for a unit lot subdivision. (SEPA's not required for ULSP unless the site is an ECA).

Public Comments

The public comment period for this project started on August 17, 2006 and ended on September 30, 2006. No comments were received.

ANALYSIS - SEPA

The initial disclosure of the potential environmental impacts on this project was made in the environmental checklist prepared by Andrew Novion on July 25, 2006. The information in the checklist, the supplemental information submitted by the application, field inspection and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) 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, that "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 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for identified impacts. Specifically these are the Stormwater, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion) and the Building Codes (construction standards). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Thus mitigation pursuant to SEPA is not necessary for these impacts. However, more discussion of some impacts is appropriate.

Short-term Impacts

The following temporary construction related impacts are expected; temporary soil erosion; decreased air quality due to dust and other suspended air particulates; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and non-renewable resource. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Air Quality Impacts

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 will require activities which produce airborne materials or other pollutant elements to be contained within temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicles frames and tires, which could deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires one foot of freeboard in truck containers while in transit and the clean up of adjacent roadway and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes.

If asbestos is contained within the structure, an adverse impact to air quality could be created if the asbestos is not properly removed. 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, PSCAA regulations require control of fugitive dust to protect air quality. A condition will be included pursuant to SEPA authority under SMC 25.05.675A requires that a copy of a PSCAA permit (if necessary) be submitted to DPD before issuance of a demolition permit. This will assure proper handling and disposal of asbestos, if it is encountered on proposed site.

Noise-Related Impacts

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties to the east are developed with single family homes and will be impacted by construction noise. Pursuant to SEPA authority, the applicant shall be required to limit periods of construction as described at the end of this decision.

Erosion

Erosion is anticipated during site excavation and grading. Compliance with the Stormwater, Grading and Drainage Control Ordinance, which requires compliance with standard excavation and containment of stormwater runoff from exposed soils, will provide adequate mitigation of erosion impacts (SMC 23.05.675 B. and F).

Street and Sidewalks

It is the City's policy to minimize or prevent adverse traffic impacts that would undermine the stability or safety of the surrounding area (25.05.675R). The Street Use Ordinance includes regulations, which mitigate dust, mud, and circulation. Temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through Seattle Department of Transportation (SDOT). In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. Off-site parking on N 138th Street is limited. However, other nearby streets are not at capacity and they can accommodate increased parking demand during construction; therefore, no additional mitigation is warranted under SEPA.

Long-term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale impacts; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; increased drainage due to storm water runoff and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope. Although not significant, these impacts are adverse and in some cases, mitigation is warranted.

Light and Glare

The proposed project will have exterior lighting, which could affect nearby residents. However, the Land Use Code requirement for shielding and reorienting exterior lighting to minimize impacts on surrounding properties is sufficient mitigation of this impact (SMC 23.45.045). No further mitigation under SEPA is warranted.

Bulk and Scale

The new townhouse structures will have a maximum height of approximately 35 feet to the top of the roof ridge. Along the rear property line a combination of six-foot high fence and landscaping consisting of a mixture of 18" Juniper and 4" Boston Ivy including four 2" caliber Japanese Maple would be used to separate the site from the abutting multifamily zoned lot to the south. Similarly the abutting single family residences east of the site would be screened with similar landscaping and fence to provide separation and setback from the property line. The anticipated aesthetic or bulk and scale impacts are adequately mitigated by the requirements of the Land Use Code, including landscaping. There are no unusual conditions and, therefore, no further mitigation is necessary under SEPA.

Parking

The site plan indicates that eight parking spaces would be provided on site with one parking space within each townhouse unit. The Land Use Code requires eight parking spaces for this eight unit residential development.

The Institute of Transportation Engineers (ITE) studies that indicate peak-parking demand for townhouse projects in multifamily zones has been based on the average rate of approximately 1.2 spaces per household. It is estimated that peak parking demand for eight units residential project would occur during the evenings on weekdays and on weekends. Peak parking demand for the proposed eight-unit townhouses is estimated to be about ten parking spaces. With eight parking spaces provided on-site, it is estimated that two vehicles would be accommodated on adjacent N 138th Street because the street is not at full capacity. Based on the above analysis no unusual parking condition exist that warrants additional parking mitigation under SEPA.

Traffic

According to the Institute of Transportation Engineers Trip Generation Manual, 6th edition, the eight units are expected to generate an average of five trips in the a.m. peak hour occurring between 7 a.m. and 9 a.m. and seven trips in the p.m. peak hour between 4 p.m. and 6 p.m. This is not expected to have a significant adverse impact on traffic conditions or reduce the level of service at nearby intersections. Therefore, no mitigation under SEPA is warranted for this project.

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 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 a Demolition Permit

1. Prior to the commencement of demolition activities, the proponent will be required to submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Conditions of Approval During Construction

2. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including and not limited to demolition, grading, deliveries, framing, roofing and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm 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. Request 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: February 28, 2008
Christopher A. Ndifon, Land Use Planner
Department of Planning and Development

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