



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: 3005485

Applicant Name: Steve Lampert for Lumen II, LLC

Address of Proposal: 5961 Delridge Way SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, 4-unit and one, 2-unit townhouses, (6 units total) in an Environmentally Critical Area. Parking for six vehicles to be provided within the structures*. Project related to 3004197 and Lot Boundary Adjustment 3005682.

*Project description revised since original notice.

The following approval is required:

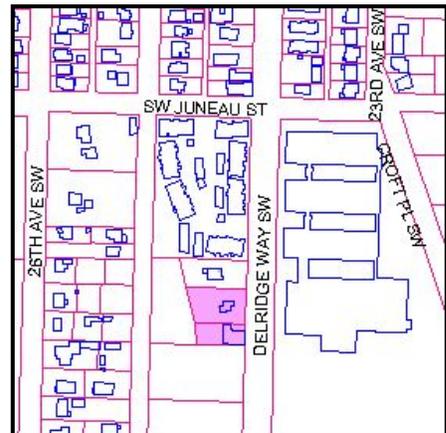
SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: 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 property is located on the west side of Delridge Way Southwest, midblock between Southwest Juneau Street on the north and Southwest Graham Street on the south. Delridge Way SW is improved with curbs and sidewalks. From the property line at Delridge Way SW to the west property line, the site descends approximately 28 feet to Longfellow Creek and is within a mapped Environmentally Critical Area – Steep Slopes,



Riparian Corridor and Wetland. The steepest portion of the slope occurs within the western one-third of the property. Trees are scattered within the creek buffer and along the northern property line. There is a mature stand of cedar approximately in the center of the two development sites.

The subject property is located in a multi-family Lowrise 1 zone (L-1), as are the lots immediately abutting the site. Abutting the site to the north is the companion project proposing nine townhome units and north of that is the Longfellow Creek Apartments, an 83-unit Seattle Housing Authority complex. To the south of the site is the Longfellow Creek Greenspace which includes an interpretive nature trail. All of the surrounding blocks are zoned Single Family 5000 (SF5000). Directly across Delridge Way SW to the east is Borden Junior High School which occupies approximately 15 acres.

Proposal

The applicant proposes to construct one, 4-unit townhouse and one, 2-unit townhouse structures, for a total of six units. The structures will be three stories in height. Parking for six vehicles will be provided on site in garages within the proposed structures. Proposed access is via Delridge Way Southwest. The property will be the subject of a future unit lot subdivision application, under separate permit.

Public Comments

The public comment period for this project ended on November 29, 2006. Eight comment letters were received by DPD including letters from the Longfellow Creek Watershed Council Stewards and Seattle Public Utilities, Science, Sustainability and Watersheds Division. The majority of comments expressed grave concern for the continued health of Longfellow Creek and the impact of the development on water quality and wildlife habitat. Other comments concerned additional traffic, noise and loss of views. The project was noticed again on September 23, 2007 because the environmental signs had inadvertently been taken down. No further comment was received.

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 August 31, 2006. The information in the checklist 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. A Critical Area Report and Enhancement Plan, prepared by ESA Adolphson was submitted October 2007 that details the site conditions with regard to the wetland, wetland buffer, riparian corridor and steep slopes and proposes an enhancement and long-term monitoring plan.

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 (SMC25.05.665) mitigation can be considered. 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 ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified riparian corridors and wetlands. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Riparian Corridor and Wetland

The area of disturbance during construction to construct storm water detention will be within the 100 foot riparian corridor but about 80 feet from the top of the bank for Longfellow Creek. There will be construction activities within the Limited Riparian Development Area and to some extent within the wetland buffer. A Critical Area Report and Enhancement Plan, dated October 2007 details and the construction impacts, mitigation (restoration) and a long-term monitoring and maintenance plan. A recorded covenant protecting the riparian corridor and wetland buffer will be required.

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 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., Saturdays from 9:00 A.M. to 6:00 P.M. This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work (e.g., installation of landscaping) after approval from DPD (3 days advance notice required).

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.

Riparian Corridor and Wetland Buffer

A recorded covenant protecting the riparian corridor and the wetland buffer along with a monitoring plan will be required before issuing any building permits. A Special Environmental Inspector will be nominated to carry out monitoring activities.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. 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.

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.

[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 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 LU Permit Issuance

1. In accordance with SMC 25.09.335, a permanent covenant and survey shall be recorded in the King County Office of Records and Elections that describes and delineates all required non-disturbance areas (steep slopes, riparian corridor, wetland and wetland buffer), that prohibits development on and any disturbance of them, and that prohibits considering them for development credit in future plans or development.

Prior to Building Permit Issuance

2. The applicant shall nominate a Special Environmental Inspector and submit an Environmental Inspection Schedule to the City's Wetland Biologist. The Special Environmental Inspector shall oversee the implementation of the Enhancement Plan and long term monitoring of the riparian corridor and wetland buffer.

During Construction

3. The 75-foot designated non disturbance area of the Riparian Corridor and shall be fenced with a highly visible and durable protective barrier and shall be maintained throughout construction to prevent access and to protect the environmentally critical areas.
4. The use of grading, concrete delivery and concrete pumping equipment in the project area shall be limited to the hours of 7:00 a.m. to 6:00 p.m. on non-holiday weekdays.

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

Date: January 31, 2008