



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: 3007269
Applicant Name: Jessica Knutson for Noland Homes, LLC
Address of Proposal: 13823 Greenwood Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to construct two, four-unit ground-related residential structures. Parking for one vehicle to be provided within each unit (total of eight vehicles to be provided on-site). Existing structures to be removed. Project includes 180 cubic yards of grading. 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
[X] DNS with conditions
[] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The subject site is located at the intersection of North 140th Street and Greenwood Avenue North, in Seattle’s Broadview neighborhood. The corner lot is 9,350 square feet in area and is currently developed with a triplex structure constructed in 1963. An alley exists immediately west of the site, mid-block between Greenwood Avenue North and Palatine Avenue North. The alley is an unimproved grass access utilized by the surrounding residents as a



walkway from surrounding properties to North 140th Street.

The site is zoned multifamily Lowrise (L2), as are properties further north and south along this stretch of Greenwood Avenue North. Continuing north past this zone along Greenwood Avenue North the zoning changes to Neighborhood Commercial with a height limit of 40 feet (NC2-40); further south past the L2 zone zoning changes to a higher intensity Lowrise zone (L3). East and west of the subject site the zoning is Single Family with a minimum lot size of 7,200 (SF 7200). Development in the vicinity reflects current zoning designations, and consists of single and multi-family structures of varying age and architectural style.



Greenwood Avenue North is a 90 foot wide principal arterial with no sidewalks or curbing. North 140th Street is a 60 foot wide unimproved residential access street, unimproved with no curb, sidewalk, or gutters. The site includes two mature evergreen trees in the southwest corner of the lot; the trees are a 20 inch Douglas Fir (*Pseudotsuga menziesii*) and a 16 inch Western Red Cedar (*Thuja plicata*).

Proposal

The applicant proposes to construct two, four-unit ground-related residential structures with attached garages, all of which would be accessed via a 10 foot shared ingress, egress from North 140th Street. The existing triplex and accessory structures are to be removed.

Public Comments

Public notice of the proposal ended August 15, 2007. The Department received three comment letters during the public comment period. All of the comments focused on one area of concern, namely that of the alley to the west of the subject site. Respondents are concerned that the alley, which has provided public access to North 140th Street for surrounding residents for decades, not be improved or developed by private property interests¹. Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, 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 (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated May 30, 2007), and supplemental information in the project file submitted by the applicant. 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.

¹ *Staff note:* The area west of the subject site is a platted alley. The Seattle Department of Transportation (SDOT) has no plans, at present, to improve this platted right-of-way.

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 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: decreased air quality due to increased dust and other suspended air particulates during construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel.

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 Seattle Building Code provides for construction measures in general. Finally, the Seattle 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 on 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 on the environment, as well as appropriate supplemental mitigation.

Air Quality, Environmental Health

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 (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities which produce airborne materials or other pollutant elements to be contained within a temporary enclosure. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality.

Given the age of the existing structure on site, the building 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. As a condition of this land use application, the Department will require that the applicant submit to this Land Use

Planner a copy of the PSCAA “Notice of Intent to Demolish”. Additionally, a copy of the notice shall be posted on-site and made available for review by Agency inspection personnel.

Given the demolition activity is anticipated to be of short duration, the project’s anticipated adverse air and environmental health impacts will be adequately mitigated.

Noise

Noise associated with construction of the buildings could adversely affect 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.

Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 a.m. to 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 a.m. and 6:00 p.m. 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. Requests 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.

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 the SEPA height, bulk and scale policy.

Traffic

This surrounding area is well served by transit, and includes seven Metro bus stops within a two block radius of the site. The amount of traffic expected to be generated by this proposal is within the capacity of the streets in the immediate area and therefore, no SEPA mitigation is warranted for traffic impacts.

There will be increased parking demand created by the project and it is the City's policy to minimize or prevent adverse parking impacts associated with development projects. The project will provide parking for eight (8) vehicles within the structures, which is adequate parking for the proposed project, and as such, would not create an at-capacity parking situation.

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.

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.

- 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 Master Use Permit

1. The applicant has agreed to retain the existing trees located in the southwest corner of the property. As such, tree protection measures are warranted to protect the two trees prior to trenching, tunneling, or excavation of any kind during any portion of construction of the proposed structures. The applicant shall:
 - a. Revise the plan set to show all existing trees, along with their common and botanical names and dimensions (as currently hand-written on the plan set);

- b. Revise the plan set (Landscape Plan, sheet L2.00) to show the two trees located in the southwest corner of the property;
- c. Revise the plan set (Site Plan, sheet A1.00) to show that the two trees located in the southwest corner of the property **are to remain**.
- d. The applicant or responsible party(s) shall establish a tree-protection zone around the two trees in the southwest corner of the property. A chain link fence shall be provided and maintained around the drip lines of both trees prior to, and throughout, all construction activities;
- e. Once the protection zone has been established, contact Bill Ames, SDOT Urban Forester, 684-5693, for final inspection.

Prior to Issuance of Demolition Permit

2. The owner(s) and/or responsible party(ies) shall submit a copy of the Puget Sound Clean Air Agency (PSCAA) "Notice of Intent to Demolish" to the undersigned Land Use Planner. *Additionally*, a copy of the Notice of Intent shall be kept onsite and available for review by Agency inspection personnel.

During Construction

3. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to *non-holiday* weekdays from 7:00 a.m. to 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 a.m. and 6:00 p.m. 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.

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Signature: _____ (signature on file) Date: December 6, 2007
Catherine McCoy, Land Use Planner
Department of Planning Development

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