



City of Seattle

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: 3007472
Applicant Name: Jeff Wegener
Address of Proposal: 610 Melrose Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one 2-unit townhouse, and one 3-unit townhouse over below grade parking garage for 5 vehicles in an environmentally critical area. The project includes grading soil equaling approximately 900 cubic yards.

The following approvals are required:

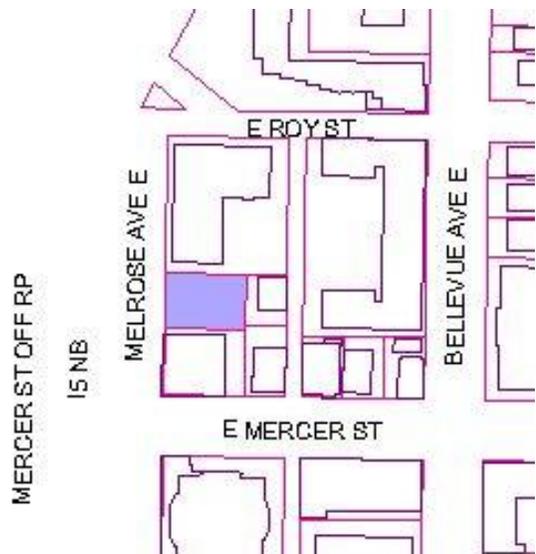
SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code – ECA Only.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: Lowrise 3 (L-3)

Prior Uses on Site: The site is currently vacant. A one-story wood frame single-family house was originally constructed in 1905. The house was damaged by fire and a Director’s Complaint was filed March 27, 1991 (File AB911280) because the structure was deemed unfit for human habitation or other use. A hearing was held in accordance with SMC 22.208 on April 4, 1991. It was determined at the hearing the structure was unfit for human habitation and the cost of repair was over 50% of the structure’s replacement value. The Order of the



Director was issued April 5, 1991 ordering the owner to either repair or demolish the structure. A Limited Certificate of Compliance was issued on June 4, 1991 and noted that all violations had been corrected.

Location: The rectangular shaped lot is located midblock between East Mercer Street and East Roy Street. Interstate 5 lies directly to the west and is below Melrose Avenue East.

Substantive Site Characteristics:

The lot is approximately 4,400 square feet in size and slopes upward from Melrose Avenue East to the southeast approximately 28 feet. The site has been mapped as a Steep Slope Environmentally Critical Area (ECA). Melrose Avenue East is improved with sidewalks, curbs and gutters. There is a mapped landslide hazard area Environmentally Critical Area (ECA) due to steep slope. The applicant was granted an ECA Exemption (Project #6129834) from complying with the Steep Slope ECA development standards (SMC 25.09.180). The project still requires ECA review under the potential landslide hazard ECA development standards (SMC 25.09.080).

The surrounding areas to the north, and east are zoned Lowrise 3 (L-3) and generally developed with multi-family structures. The area to the south across East Mercer Street is zoned Midrise (MR) and developed primarily with multi-family residential uses.

Proposal Description:

The proposal is to cut into the slope and construct an underground parking garage with one two-unit and one three-unit townhouse over the common parking garage. Parking for five cars will be provided in an underground garage below both structures. The townhouses will have reserved parking for one car per unit and trash and recycling containers and mechanical equipment within the underground parking garage. Supplemental landscaping is proposed on a substantial portion of the area designated as open space between the two structures. Pedestrian walkways will run along the west and south sides of the site, connecting to Melrose Avenue East via an external stairway located at the front of the parking garage. The applicant has indicated an intention to apply for a unit lot short plat for the purpose of allowing separate sale of each townhouse unit.

Public Comment:

The public comment period expired on August 8, 2007. No comments were received in regard to this application.

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 submitted by the applicant dated June 28, 2007. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The future unit lot subdivision is also contemplated in this analysis.

The development site is located within an Environmentally Critical Area (ECA), thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to:

- 1) Documenting whether the proposal is consistent with the City's ECA regulations in SMC 25.09; and
- 2) Evaluating potentially significant impacts on the critical area resource, in this case a landslide-prone area, not adequately addressed in the ECA regulations.

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.

Short-term Impacts

The following temporary or construction-related impacts are expected: risk of erosion during periods of earth disturbance, the possibility of off-site sedimentation and temporary loss of vegetation. Several adopted codes and Director's Rules provide mitigation for some of the identified impacts. Under SMC 25.09.060 G grading in environmentally critical areas is limited to a window between April 1st and October 31st.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. 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.

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 Engineering Department, and no further SEPA conditioning would be needed.

The proposal 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 proposal 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. and Saturdays from 9:00 A.M. to 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.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 and 3-2007 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. A "Geotechnical Engineering Study" prepared by Dennis M. Bruce, P.E., dated May 10, 2007, was submitted with this application and is undergoing separate geotechnical review by DPD. An ECA exemption from the steep slope requirements was issued for the site on June 7, 2007.

The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the ECA and no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts to the environmentally critical area are also anticipated as a result of this proposal including increases in carbon dioxide and other greenhouse gas emissions and increased surface water runoff due to greater site coverage by impervious surfaces. Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant impacts to the ECA due to the relatively minor contribution of emissions from this specific project. Several adopted City codes and/or ordinances provide mitigation for the identified impacts due to increased surface water runoff. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. 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.

Drainage

Rain water on roofs and on the driveways is the major source of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. No drainage will be directed to the adjoining streets. Verification of an appropriate stormwater control system and its proposed location of connection to the public system will be required to be shown on the construction plans. No additional mitigation measures will be required pursuant to SEPA.

Height, Bulk, and Scale

The site is separated from the nearest residential uses by an alley to the east and Interstate 5 to the west which provide buffers to minimize the impact of new development on neighboring properties. The proposed structures will not block air or light to the structure on the lot to the south. The proposed townhouses will be similar in scale and massing to other residential structures in the vicinity. It will have a well-defined character which complements the architectural character and siting pattern of neighboring buildings in terms of articulation, style, roof forms, fenestration and materials. There are no sensitive height, bulk or scale impact issues which have not been address through the design of the project. Furthermore, due to the small size of the project, this analysis is limited to evaluating impacts with respect to the environmentally critical areas. 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 estimates that apartment buildings generate 6.1 vehicle trips per day per unit. Based on the estimates in the Trip Generation Manual the 5 units would generate approximately 30.5 vehicle trips per day. The availability and proximity of transit 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. A bus stop is located nearby and the proposed units are within walking distance from Downtown Seattle. The site has ready vehicle access to three arterials, (Broadway, Olive Way, and Pike Street) and a freeway (Interstate 5). The volume of traffic along Melrose Avenue is moderate and nearby intersections operates at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. Therefore, 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. The 5 parking spaces provided on-site in the parking garages would meet the code requirement and are expected to accommodate the parking demand generated by the project. Car ownership by the occupants of the units is anticipated to be lower than average due to the centralized location of the building,

accessibility to transit, and proximity to downtown. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans, geotechnical report 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 and this analysis, this action will result in probable adverse impacts to the environment. The future unit lot subdivision will not result in any short or long term impacts on the environmentally critical area. 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 requirement of the State Environmental Policy Act (RCW 43.21.C), 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 43.21.030(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

During Construction

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

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.

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 am to 6:00 pm and Saturdays from 9:00 am to 6:00 pm. Interior work using equipment within a completely enclosed structure, such as but not limited to compressors, portable-powered and pneumatic

powered equipment may be allowed provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and 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.

Signature: _____ (signature on file) Date: May 13, 2010
Craig Flamme, Land Use Planner
Department of Planning and Development

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