

The site is relatively flat, with no substantial topography. The vegetation on site includes a vine maple tree at the northeast corner, a Douglas fir on the northern boundary and several evergreen trees on the southern area of the lot. The site is located within a mapped environmental critical area due to Blue Heron habitat. It is within the 500 ft. heron habitat management area and is thus subject to DR 5-2007.

Area Development:

Development in the vicinity consists primarily of single-family and multifamily residences on lots of varying shapes and sizes.

Proposal Description:

The applicant proposes to remove the existing 4-unit apartment building and to construct two, 4-unit townhouse structures.

Public Comment:

The comment period for this proposal ended on February 27, 2008. During this period, two comment letters were received.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on December 27, 2007 and annotated by the Land Use Planner. The information in the checklist, the supplemental information 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.

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 (SMC 25.05.665) mitigation can be considered. A more detailed discussion of the potential impacts from this development proposal follows.

Short-Term Impacts

Construction Activity

Construction activities, including demolition of the existing structure will create noise impacts. Excavation will be required to prepare site. 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 to non-holiday weekdays, as conditioned below.

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.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning is needed.

The demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Parking utilization along streets in the vicinity is moderate, and although the scale of the project is moderate in size, the duration of construction is expected to extend for several months. However, the temporary demand on the on-street parking in the vicinity due to construction workers' vehicles is not expected to be significant and there is transit service available on NW 85th Street.

There is the potential for erosion during construction. However, temporary erosion control is regulated through Director's Rule 26-2000 regarding Best Management Practices for Construction Erosion and Sedimentation Control Plans and is sufficient to mitigate any short-term construction impacts to the earth. Thus, no mitigation pursuant to SEPA is warranted.

Air

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. No unusual circumstances exist which warrant additional mitigating, per the SEPA Overview Policy.

Plant and Animals

The proposal site is located within an environmentally critical area due to Blue heron habitat. The trees on the site are not actively used for nesting per discussion with Washington Dept of Fish and Wildlife; however, the Douglas fir located adjacent to NW 85th Street must be retained at least until the completion of the nesting period per the standard Heron management plan provided in Director's Rule 5-2007.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of low density residences and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (minimum lot area, vehicle access to parking); and the Seattle Energy Code (long-term energy consumption). Earth-related impacts may result in the long-term and are mitigated by the Critical Areas Ordinance. An analysis of impacts associated with specific SEPA policies follows.

Plants

The Vine Maple located in the northeast corner was determined by the forester for the Seattle Department of Transportation to meet the qualifications for an exceptional tree per Director's Rule 6-2001; therefore, this tree is required to be retained. The Douglas fir located on the northern portion of the lot adjacent to NW 85th Street did not meet the criteria for an exceptional tree per Director's Rule 6-2001. The Douglas fir is also not a tree actively used for nesting by the Blue Herons, therefore, it is not required to be retained according to the Washington Dept of Fish and Wildlife for the life of the project, however, it cannot be removed during the nesting program (see Short-term Impacts).

Parking and Traffic

The Land Use Code requires each house to have one offstreet parking space so the minimum number of parking spaces will be provided. The Institute of Transportation Engineers (ITE) Manual estimates that a townhouse unit generates approximately 5.9 vehicle trips per day. These approximately 47 trips per day that will be generated by the proposed development will not be a significant increase to the total number of vehicle trips along N^W 85th Street. For these reasons, no mitigation of parking or traffic impacts is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated from the proposal. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. The identification of the exceptional tree on the site and requirement for its retention is listed as a SEPA condition for this development proposal.

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 43.21C), 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 Master Use Permit

1. On the final plans, show the retention of the Vine maple and the protection area and measures during the construction process per a qualified professional;
2. Provide a copy of the recorded vehicular easement and revise the legal description to include the easement.
3. Provide a landscaping plan to meet the requirement for replacing the two healthy 24” western cedars which will result in a similar tree canopy upon maturity.

During Construction

- 4) 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.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

5. Any clearing, grading or outside construction shall be done outside of the Great Blue Heron nesting season (February 1 – July 31). The Washington Department of Fish and Wildlife may approve an alternative site-specific plan.
6. The Douglas fir located adjacent to NW 85th St. must be retained at least during the Great Blue Heron nesting season (February 1 – July 31) pursuant to DR 5-2007.

Signature: _____ (signature on file)
Janet L. Wright, Land Use Planner
Department of Planning and Development

Date: June 30, 2008