



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: 3007770
Applicant Name: Daniel Stewart
Address of Proposal: 12548 35th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow four, 2-unit townhouse structures (8 units total) in an environmentally critical area. Parking for 10 vehicles to be provided, two surface and eight within the structures. Existing triplex to be demolished. Future unit lot subdivision anticipated.

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 another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 12,911 square foot mid-block property is located on 35th Ave NE between NE 125th St and NE 130th St. The site is a 'flag lot' with 20 feet of street frontage at 35th Ave NE, leading to a larger area in the back. 35th Ave NE is paved with curbs, gutters, and sidewalks. The site is occupied by one existing triplex apartment building.

The subject property is located in a Multi-family Lowrise 2 Residential zone (L-2), which continues to the north, south, and west along parts of 35th Ave NE. Single Family Residential with a 7,200 square foot minimum lot size (SF 7200) is located to the east. Surrounding uses consist of a mixture of single family and multi-family development.

The site includes steep slope environmentally critical areas. The proposal was granted an exemption from Steep Slope Development Standards under 6140872, but is still subject to environmental review under SEPA.

Little Brook (a tributary of Thornton Creek) is located approximately 480 feet to the west. A wetland is located approximately 650' to the southwest. The subject property is outside of any required buffers for these environmentally critical areas.

Proposal

The applicant proposes to construct four, 2-unit townhouses with 10 surface parking spaces, all accessed from a curb cut at 35th Ave NE. Environmental review includes consideration of the potential impact from the amount of dwelling units and potential impact to the steep slopes on site as well as a future unit lot short plat.

An application for a unit lot subdivision will be submitted separately. Construction of the eight townhouses is under review with building permit application 6140872.

Public Comments

Public notice of the proposal was issued on October 25, 2007 and notice of a revised application was issued on November 8, 2007. No public comments were offered.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated September 14, 2007), and supplemental information in the project file submitted by the applicant's agent. 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.

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, "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.

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. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

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. 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. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

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.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 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. The applicant has submitted "Geotechnical Engineering Report, Proposed Townhomes, 12248-35th Avenue NE, Seattle, Washington," prepared by Ground Engineering Inc. for Copestone Development dated September 12, 2007. This report has been reviewed by geotechnical engineers in DPD.

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, no additional conditioning is warranted pursuant to SEPA policies.

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 shall be limited as conditioned below.

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. Construction of the proposed structures is being reviewed under building permit application 6140872. Setbacks, modulation requirements and roof pitch requirements will be met. Open space will be provided as prescribed in the Land Use Code. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Parking

There will be increased parking demand created by the project. The project will provide parking for 10 vehicles. The Institute of Transportation Engineers (ITE) Parking Manual 3rd Edition indicates that residential use in an urban setting would generate peak demand for approximately 8 vehicle parking spaces (one space per residential unit). The Land Use Code requires 8 parking spaces.

The applicant has proposed 10 parking spaces, which exceeds Land Use Code requirements and the parking demand indicated by the ITE Parking Manual. Therefore, no parking impact is anticipated to occur as a result of this proposal.

Traffic

The applicant has stated that the proposed change of use would generate a total of approximately 16 vehicle trips per day.

The Institute of Transportation Engineers (ITE) Trip Generation Manual 7th Edition notes that the proposed use would generate approximately 54 vehicle trips per day and 5 peak hour trips.

- Vehicle trips per day:
 - 6.72 trips per residential unit x 8 units.
- Peak hour trips:
 - 0.67 trips per residential unit x 8 units.

54 vehicle trips per day and 5 additional trips at the peak hour would likely have little effect on the existing traffic patterns in this area. Thus, the noted traffic-related impacts of the proposed completed project are not considered adverse and no further mitigation is warranted under SEPA (SMC 25.05.675.R).

Air

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption are expected to result in increases in carbon dioxide and 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.

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.

- [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

During Construction

1. 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 by the Land Use Planner (Shelley Bolser, (206) 733-9067 or shelley.bolser@seattle.gov) 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)
Shelley Bolser AICP, Land Use Planner
Department of Planning and Development

Date: June 30, 2008