



City of Seattle

Gregory J. Nickels, Mayor
Department of 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: 3008188
Applicant Name: David Bennett
Address of Proposal: 2523 13th Avenue S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, 3-unit townhouse structure with three parking spaces located within the structure and two, single family dwelling units with two surface parking spaces in an environmentally critical area.

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 Description

The subject site consists of two vacant midblock L1-zoned parcels on 13th Avenue South facing the steep slope to the west down to I-5. Adjacent properties are similarly zoned. The one to the north is also vacant. The site is mapped as having Environmentally Critical Areas (ECA's) – steep slope, potential slide, and wildlife habitat. However, a limited steep slope exemption has been granted. Seattle Parks Department owns all of the properties downhill to the west. The one to the south has a triplex on it. A mix of single family and multifamily developed prevails on the hillside of 13th; on the opposite is a very large multifamily complex.

Proposal Description

(See summary of proposed action.) Access would be taken from 13th Avenue South along the south property line, to parking under the triplex structure (but not fully enclosed) for the east units, and surface parking would be provided for each house. Code-complying open space would be provided for each unit. A large side yard would be provided to the north, in the steep slope/buffer area.

Public Comments

None.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist, project plans, geotechnical and habitat reports, and the experience of the lead agency with 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) 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: temporary soil erosion, decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; and increased noise. Due to the temporary nature and limited scope of these impacts, they are not considered significant; however air quality and noise warrant additional discussion and may require mitigation.

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 watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the 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 to the environment but additional conditioning pursuant to SEPA policies is warranted.

Air Quality

Excavation and grading to prepare the site is expected to temporarily add suspended particulate matter to the air. The construction contractor must comply with the Puget Sound Clean Air Agency (PSCAA) regulations, which require that reasonable precautions be taken to avoid dust emissions. These precautions may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and by covering dusty truckloads.

Construction worker vehicles as well as any trucks or equipment, including generators and compressors would emit air pollutants that would contribute slightly to the degradation of local air quality, but the amount of emissions caused by the construction related vehicles and equipment would be insignificant compared to the amount of emissions generated by the existing traffic sources in the project area. No further mitigation pursuant to SEPA Air Quality Policies (SMC 25.05.675A) is warranted.

Construction Impacts: Greenhouse Gases

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.

Noise

Noise associated with the grading and excavation for site and foundation preparation and construction of the buildings could adversely impact the surrounding residential uses. Due to the proximity of these residential uses, the Department finds the limitations of the Noise Ordinance are not adequate to mitigate these potential noise impacts. The SEPA Construction Impact policies, (SMC 25.05.675B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit grading and construction activities to non-holiday weekday hours between 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays).

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction timeframe, may need to be completed after regular construction hours. Therefore, the Department reserves the right to allow weekday construction (on a case by case basis) outside the specified hours noted above. The above condition may also be modified to permit low-noise exterior work such as hand installation of landscaping after approval from DPD. After the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the

site; 3) increased traffic and parking demand due to residents and visitors; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are typical of single family cluster developments and are not considered significant because the impacts are minor in scope.

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 (storm water runoff from additional site coverage by impervious surface), the Land Use Code which controls density, lot coverage, setbacks, building height, light and glare, and other development standards, and the City Energy Code which will require insulation for outside walls and energy efficient windows. Parking and Bulk and Scale impacts are further addressed below; however, compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of the long-term impacts. No further conditioning is warranted by SEPA policies.

Plants and animals

The City's SEPA policy regarding plants and animals is to assess the extent of adverse impacts and need for mitigation. To address this, the applicant secured a Priority Habitat and Species report from the Washington State Department of Fish and Wildlife, indicating no habits or species considered sensitive to human development within 1 mile of the site. (Pertinent here, though technically part of an ECA rather than SEPA analysis: The ECA ordinance devolves substantive matters to a Director's Rule, which is not yet conceived. Hence, there is no separate substantive wildlife habitat issue arising from the ECA Ordinance.)

Parking

It is the standard practice for the Department to assume that the estimated parking demand for residential development (ground related or single family units) would be approximately 1.25 spaces per unit. Based on the 5 units, the estimated parking demand for this development would be for 7.5 spaces. One parking space is proposed within each of the units, for a total of 5 on site parking spaces. The anticipated spillover onto the City streets will be 2-to-3 vehicles. This may pose difficulties for people to find parking, but the impact is not substantial enough for additional SEPA conditioning to be warranted.

Long-term Impacts: Greenhouse Gases

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to 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.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. No conditions or mitigating measures pursuant to SEPA policies is necessary.

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

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 waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to nonholiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. Saturday (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturday). This condition may be modified at DPD's sole discretion to allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping), again at DPD's sole discretion. Any request for approval of work outside the limited construction hours shall be submitted 5 working days in advance of the date of desired work.

Signature: _____ (signature on file) Date: July 14, 2008
Paul Janos, Land Use Planner for
Department of Planning and Development

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