



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:** 3008283  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 9417 Linden Ave N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow one, 4-unit townhouse and two, 2-unit townhouses for a total of eight townhouses. Parking for 8 vehicles to be provided on site. Existing structures to be demolished. This project includes future unit lot subdivision.

The following approval is required:

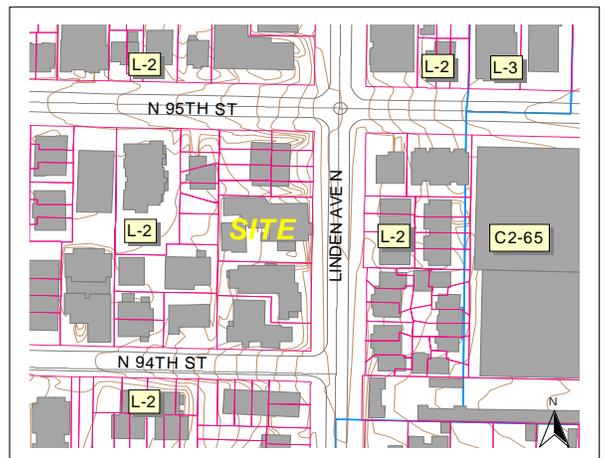
**SEPA - Environmental Determination - Chapter 25.05 SMC**

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

**BACKGROUND DATA**

**Site Location and Description**

The subject site is located midblock on Linden Avenue N between N 94<sup>th</sup> and N 95<sup>th</sup> Streets in the Aurora-Licton Springs residential urban village. The site is rectangular with an 85.5' width and depth of 110' for an area of approximately 9,350 square feet. The site is located in a Multifamily Lowrise-Two zone (L-2) that permits one residential unit per 1,200 square feet of lot area. This zoning continues across Linden to the east and on the blocks to the north and south.



The site slopes 14' upwards to the west (per survey) with the steepest slope adjacent to the street frontage. The adjacent streets are developed with curbs, gutters and sidewalks. The site is not mapped as an Environmentally Critical Area.

The site currently contains a duplex and single family residence which will be demolished. Because the buildings are over 50 years old they underwent landmark status review by the Department of Neighborhoods. DON determined that they were unlikely to meet the criteria for historic landmark status and approved their demolition.

### Proposal Description

The proposal is to develop one, 4-unit townhouse and two, 2-unit townhouses for a total of eight townhouses. Parking for 8 vehicles to be provided on site, four within attached garages and four surface spaces.

### Public Comment

Two comments were received during the comment period, which ended on April 2, 2008. The comments included concerns about the height of the propose structures, blockage of light and view for neighboring structures, the redevelopment occurring in the area, and the adequacy of the parking provided.

### 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 Chapter 25.05).

Disclosure of the potential impacts from this project was made in the Environmental Checklist prepared by the applicant dated February 18, 2008. The information in the SEPA checklist, the plans, 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, and 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 or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related impacts are expected: erosion due to construction related excavation; 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 regulates obstruction of the pedestrian right-of-way. Puget Sound Air Clean Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

### Greenhouse Gas Emissions

In addition 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.

### Noise

Most of the initial construction activities including excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on these nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit construction activities (including but not limited to demolition, grading, excavation, deliveries, concrete pouring, framing carpentry, roofing, and painting) to non-holiday weekdays from 7am to 6pm. Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>. 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

Compliance with the applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment, however due to the close adjacency of existing residential units on all sides of the project site conditioning pursuant to SEPA policies is warranted for construction noise impacts.

### Long Term Impacts

Long-term or use-related impacts anticipated by the proposal would primarily consist of increased bulk and scale on the site; increased demand for public services and utilities; increased traffic in the area and increased demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically the Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. The Stormwater, Grading and Drainage Control Code provides for erosion control and flooding prevention. City Energy Code will require insulation for outside walls and energy efficient windows.

The on-site 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

The anticipated future land use activity at the development site which includes a Unit Lot Subdivision has been evaluated and determined to not have an adverse impact. The creation of unit lots constitutes no physical activity which would warrant additional scrutiny subject to SEPA policies. Compliance with the above applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

### **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 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have significant adverse impacts 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).

### **CONDITION – SEPA**

#### *During Construction*

The following condition 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. 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 demolition, grading, excavation, deliveries, concrete pouring, framing carpentry, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>. 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 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)            
Marti Stave, Land Use Planner  
Department of Planning and Development

Date: November 27, 2008