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: 3008422

Applicant Name: Brittani Ard

Address of Proposal: 3650 Courtland Place South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, 2-unit townhouse structures (4 units) in an environmentally critical area. Parking for four vehicles will be located within the structures. Existing residential structure to be removed.

The following approvals are/is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

This 5,100 square foot subject site, of Lots 17 and 18 of the York Addition (the future "parent lot"), is a rectangular site that fronts on Courtland Place S. The subject site is located in Rainier Valley of Seattle, just north of South Charlestown Street and east of the Rainier Valley Square Shopping Center. The parcel has approximately 60 feet frontage and no curb. The alley is platted but not in use. The parcel is zoned Lowrise-2 (L-2), and presently a single family structure and shed exist on the site. The site is within a mapped environmentally critical area due to steep slopes and landslide prone soils.

Development in the Vicinity

The zoning of this site is the same as this section of Courtland Place South. To the south of South Charlestown Street and due east the density decreases to Single Family zone and as expected the zoning two blocks east is Commercial for Rainier Avenue which includes the Shopping Center. Existing and current proposals for this section of Courtland Place South involve the building of multi-family residential units.

Proposal Description

The applicant proposes to build 2-two unit townhouse structures in an environmentally critical area (total of 4 units). The project includes future unit lot subdivision (MUP 3009332). The building permit is #6183887. A demolition Permit #6183889 was issued June 10, 2008.

Vehicular access for required parking is located in the proposed concrete drive from Courtland Place South. Parking is proposed to be provided within the structures. Future provision for parking for the proposed unit lots will be via an ingress, egress, and parking and pedestrian access easement(s).

The project includes future unit lot subdivision.

Public Comments

The public comment period for this project ended on July 10th, 2008. No comments were received.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 15, 2008 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, Mark K. Dodds, P.E. Geotechnical Engineering Report (4-27-2008), project plans, 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.

The project includes future unit lot subdivision. Such division of land is strictly for purposes of ownership, and has no substantial impacts on any element of the environment.

Short-term Impacts

The following temporary or construction-related impacts are expected: 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; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

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 ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA's 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 Air Pollution Control 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 and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that some grading will be undertaken during construction, additional analysis of air quality and grading impacts is warranted. Also, on-street parking can be somewhat limited in the vicinity due to the nature of land uses and the street system, thus additional analysis of construction worker parking is warranted.

Noise - There will be excavation required to prepare the building site and foundation. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjoining single family zoned area. Due to the proximity of other 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.

Earth/Soils - The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes and/or a history of unstable soil conditions. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Any additional information required to show conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

An Environmentally Critical Area (ECA) Steep Slope Variance and Restriction was waived April 3, 2008.

Based on the submitted documents, 'steep slope' areas along the east property line appeared to be less than 20 feet in height and limited in length. Further, the submitted letter report by Mark Dodds, P.E. dated April 2, 2008 had implied that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, the ECA Steep Slope Development Standards (i.e. threshold disturbance level of 30 percent of the Steep Slope Critical Areas and requirements for a Steep Slope Area Variance) are waived for the development associated with DPD Application No. 6149909. All other ECA Submittal, General, and Landslide-Hazard, and development standards will apply for this project. An updated soil report will be required to address all geotechnical aspects of the proposed development.

All other ECA Submittal, General, and Landslide-Hazard, and development standards will apply for this development.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Prior to Issuance of a Building Permit

A Geotechnical Engineering Report provided by Mark K. Dodds, P.E. of June 05, 2008 (Job #80402) and/or other alternative report approved by DPD will be reviewed in conjunction with construction permits.

Grading- Approximately 307 cubic yards of excavation is proposed. The maximum cut will be to 4.25' depth.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62. This immediate area is not subject to traffic congestion during the p.m. peak hour. Pursuant to SMC 25.05.675 B (Construction Impacts Policy and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted. For the duration of the grading activity, the applicant/responsible party shall cause grading truck trips to cease during the hours between 4 p.m. and 6 p.m. on weekdays. This condition will assure that truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Activities

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to show conformance with DR 3-93 and the ECA ordinance prior to issuance of the Master Use Permit. The ECA Ordinance and Director's Rules 3-93 provide for extensive review and conditioning of the project prior to issuance of building permits; therefore, no further conditioning for soils or grading activities is warranted pursuant to SEPA policies.

Greenhouse Gas

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.

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 and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and 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.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline 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 long term impacts and no further conditioning is warranted by SEPA policies.

Traffic and Transportation - Traffic generation was estimated by consulting the ITE Trip

Parking – On site spaces will be provided.

Future Unit Lot Subdivision - The project includes future unit lot subdivision. Such division of land is strictly for purposes of ownership, and has no substantial impacts on any element of the environment.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist with submittal of the Greenhouse Gas Worksheet 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

None.

Signature: (signature on file) Date: August 11, 2008
Carreen N. Rubenkonig, Land Use Planner
Department of Planning and Development

CNR:ga
H:Rubenkonig/Documents/DECISIONS/MUP3008422