



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:** 3009237  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 1114 14<sup>th</sup> Ave

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to allow two townhouse structures (one, 3-unit and one, 2-unit) in a Lowrise 1 zone. Surface parking for five vehicles to be provided. Existing structure to be demolished.

**SEPA - Environmental Determination** - Chapter 25.05.340, Seattle Municipal Code.

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

**BACKGROUND DATA**

**Site and Vicinity**

The site is a 7,350 sq. ft. parcel (60 x 122.5) located just east of the First Hill district of Seattle, on 14<sup>th</sup> Avenue, south of E. Union St. 14<sup>th</sup> Avenue is fully developed street with curbs, sidewalks and street trees. A small brick retaining wall borders the street; the front yard slopes up to the house. A concrete alley provides access to the rear of the property on the east. The alley is platted at 16', although the portion which is concrete is less than the total width. According to county records, the existing structure on the site was built in 1901 and contains six residential units. The site also contains mature conifer trees along the northern border. There are no mapped or observed environmentally critical areas on the site.

The adjacent properties are zoned Lowrise One multifamily (L1), as is the subject property; the properties in the north half of the block are zoned Lowrise Three (L3) multifamily. The area is developed with a mixture of residential densities and structure types, including houses from the early 1900s, many converted to multi-plexes. The Helen apartments is located across the street and to the north, a 38-unit stately brick complex dating to 1909; a new townhouse development has recently been built several properties to the north; and an apartment complex with ground floor retail is under construction on the northeast corner of E. Union and 14<sup>th</sup> Avenue.

### Proposal

The applicant proposes to remove the existing structure and construct one triplex and one duplex for a total of five units. Five surface parking spaces are proposed off the alley. The triplex is proposed on the west side of the site facing the street with open space for each unit in front. The duplex would sit on the east/alley side of the site with open space for one unit on the north side of the dwelling, and open space for the other unit at the east. The site was originally designed with a triplex and two single family units, but a large cedar tree located on the northeast portion of the site is considered exceptional, and is required to be retained. Revising the eastern portion of the design with a duplex instead of two single family units allows the tree to be preserved.

The units are proposed to be three stories high, with stair penthouses accessing roof decks and partial green roofs. The triplex has large skylights providing natural light for the kitchen and living area on the top floor. The duplex has a more traditional arrangement with the bedrooms on the top floor. Pedestrian walkways at the north and south of the site provide access from the duplex to the street. A maximum cut of 4.25' is proposed, with 426 cubic yards of excavation. Approximately 4,974 sq. ft. of impervious area would be constructed.

State Environmental Policy Act (SEPA) review is required for this project because the proposal will establish more than four dwelling units in the Lowrise 1 zone.

### Public Comment

No comments were received during the official public comment period which ended August 13, 2008.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated June 24, 2008. 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 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: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction vehicles and personnel; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation. Further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located adjacent to residential receptors that would be adversely impacted by fugitive emissions and construction noise. Therefore, additional discussion of air and noise impacts is warranted.

### Air

Grading will contribute to concentrations of suspended particulate matter. Fugitive dust impacts would be limited in area and duration. The construction contractor must comply with the Puget Sound Clean Air Authority 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. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and by covering dusty truckloads.

Construction would 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, but the amount of emissions caused by the construction 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 is warranted.

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.

SMC Chapter 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. This requirement minimizes the amount of spilled material and dust from the truck bed en route to or from a project site.

Because this regulation provides for adequate mitigation of air quality impacts, no further conditioning is warranted pursuant to SEPA policies.

### Noise

There will be excavation required for preparation of the site and foundation(s). Additionally, as development proceeds, noise associated with construction of the townhouse structures could adversely affect the surrounding residential 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), further mitigation is warranted. In addition 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 also 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, and hand installation of landscaping shall not be limited by this condition.

### Construction Vehicle Traffic

The Street Use Ordinance requires sweeping or watering streets for dust suppression, washing of truck tires on-site, removing debris, and maintaining the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long-term Impacts

In addition to the short-term/construction impacts, the development of the project may result in long-term impacts. Potential long-term impacts may include: 1) increased bulk and scale and loss of vegetation on the site; 2) increased surface water runoff from greater site coverage by impervious surfaces; 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.

The long-term impacts are typical of residential development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); the Seattle Energy Code (long-term energy consumption); and the Land Use Code.

### Bulk and Scale

Of the potential long-term impacts, increased bulk and scale on the site warrants attention. Many of the surrounding residential buildings are older, 2-story structures with pitched roofs and moderate setbacks. In contrast, the proposed development will maximize the 25 foot height limit with three floors, including a sloped lot bonus on the downhill/street side of the development, 3' parapets, and a 9' stairway penthouse to the roof-top decks. While this is a moderate increase in bulk and scale, the surrounding area has zoning that allows similar or greater height and bulk. As such, this long-term impact is not considered significant. Additionally, since the existing structure was constructed in the early 1900s, it was evaluated to see if it met the criteria for historic preservation, but was not considered historically significant.

Several mature conifer trees on the site will be removed. The Land Use Code requires that exceptional trees on site be preserved and that a certain "green factor" be met with the overall landscaping. While most of the existing trees will be removed, a large cedar tree in the northeast corner meets the criteria for exceptional trees and will be preserved. New trees will be planted and the street trees will remain. The green roof and roof-top open space increase the usable open space. The requirements of the land use code are considered sufficient to mitigate the impacts regarding vegetation loss.

### Traffic

Areas designated as Multi-Family Residential in the City's Comprehensive Plan and Land Use Code have been so designated because of their proximity to major streets and neighborhood services. Therefore, streets in these areas generally have higher traffic volumes. There is no indication that the expected increase in traffic from this 5-unit residential development will cause significant adverse impacts on the surrounding streets. Therefore, no conditioning is warranted.

### Parking

The parking requirements of SMC 23.54 require a minimum of one parking space per unit of ground-related multi-family housing when the number of units is less than 10. Therefore, the code requires a total of five parking spaces for the proposed development. The applicant has proposed five parking spaces. The existing structure has only two parking spaces, so the amount of parking will increase by three spaces. While surrounding streets do contain a lot of excess on-street parking, given that the existing number of spaces is increasing relative to the number of units, no significant increase in parking impact is anticipated.

### Air Emissions

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.

The other impacts not discussed here in detail, including increased ambient noise; increased demand on public services and utilities; increased local airborne emissions; and increased light and glare, are not sufficiently adverse to warrant further mitigation by condition.

## **CODE REQUIREMENT**

To facilitate tracking of the code requirement regarding retention of an exceptional tree on the site, the requirement is stated here for the record.

Per SMC 25.11.070, and Director's Rule 6-2001, the Western Red Cedar tree located in the NE corner of the site (referred to on plan sheet A1.0 as T6 , a 40" Western Red Cedar, and measured at 53" by the City Arborist), is required to be protected during construction and retained. Tree protection notes are reflected on the plans.

## **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 43.21.C), 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 43.21.030(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).

## **SEPA CONDITIONS**

### *Conditions of Approval 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. 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.

The owner(s) and/or responsible parties shall adhere to the following condition:

1. In addition 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 also 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, and hand installation of landscaping shall not be limited by this condition.

Prior to Issuance of Construction Permit

2. The owner(s) and/or responsible party(s) shall submit a copy to DPD of any required PSCAA Notice of Intent to Demolish.

Signature: (signature on file)

Holly E. Anderson, Land Use Planner  
Department of Planning and Development

Date: February 16, 2009

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