



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

DPD Project Number: 3009450
Clerk's File Number: 309681
Applicant Name: Grace Manzano and Brent Middleswart
for Seattle Public Utilities
Address of Proposal: 106 30th Ave E.

SUMMARY OF PROPOSED ACTION

Council Land Use Action to expand existing public utility service (stormwater facility).
Determination of Non-Significance prepared by Seattle Public Utilities.

The following approvals are required:

SEPA to approve or condition pursuant to [25.05.660](#) – Seattle Municipal Code (SMC)
Chapter [25.05](#)

Council Land Use Action – Council Concept Approval for a City facility
(SMC [23.76.036 B](#)).

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

[X] DNS with conditions

[X] DNS¹ involving non-exempt grading, or demolition or
involving another agency with jurisdiction.

¹ Seattle Public Utilities published its Determination of Nonsignificance on March 27, 2008.

BACKGROUND DATA

Project Description

The applicant proposes a stormwater control project intended to improve the management of peak stormwater events in Madison Valley. The project involves regrading the site to create a 12'-deep depression with sides sloping at about 25%, installation of plantings, a pedestrian walkway, and other landscape amenities.

This project is an expansion of an existing stormwater control project (DPD #3004117).

Vicinity and Site

The site is located at the southeast corner of E John St and 30th Ave E, in the Madison Valley neighborhood. The site is bounded by 30th Ave E to the west, E John St to the north, and E Denny Way to the south, and single family properties to the east. There is no alley. All adjoining rights-of-way are fully developed streets, with curbs, sidewalks, and street trees. 30th Ave E and E Denny Way are nonarterials. E John St. is classified as a collector arterial.

The site is zoned Single Family Residential with a 5000 sq.ft. minimum lot size (SF 5000). Surrounding properties are similarly zoned. The property is not located in any Urban Village.

The site is regularly shaped, approximately 400' by 110', or about 44,000 square feet, with its longer dimension along 30th Ave E. The site is generally flat. As its name suggests, the neighborhood is located in a valley that drains north, through the Arboretum. The site consists of low-lying land that has historically drained only poorly. All of the site is designated as an Environmentally Critical Area on City maps (liquefaction-prone area), presumably due to undifferentiated fill materials imported to the site prior to construction of the existing homes.

The site is currently occupied by an existing stormwater control project, installed in 2006 (DPD project #3004117). Six single family homes once occupied the site, and were purchased by Seattle Public Utilities. Recently, SPU obtained an abatement order to demolish the two remaining homes, in accordance with SMC [23.40.006](#).



Figure 1. Local topography



Figure 2. Aerial view

Public Comment:

DPD published notice for the proposed project on October 23, 2008. The public comment period ended on November 5, 2008. DPD received no comment letters.

ANALYSIS – COUNCIL LAND USE ACTION

As documented by Seattle Public Utilities (SPU), this immediate neighborhood has experienced substantial drainage problems in recent years, resulting from relatively extreme storm events and an identified lack of local capacity to store storm runoff during such events. Resultant flooding in turn caused backups of sewer lines in several homes. SPU staff report that their department has paid damage claims and has worked with the surrounding community to identify and develop interim and long term solutions intended to prevent such flooding in the future. Where originally SPU identified the stormwater overflow basin as its interim solution, it now considers the project to be a permanent fixture. The expanded basin would be capable of storing about 1.8 million gallons of stormwater.

The proposal is to expand an open, grassy depression with gradual side slopes. In a large storm, estimated to be once every four years, the basin would fill with stormwater. After the storm, the water would be drained into existing pipes under 30th Ave E within 1-2 days. The grassy area would remain completely drained during dry conditions and average rainstorms. The area would be open, unfenced, and plans show a pedestrian path around its perimeter with park benches. Existing sidewalks and street trees would be removed, to be replaced with new sidewalks and plantings.

SPU seeks no waivers or modifications of standards, as the project would meet all applicable Land Use Code development standards.

Recommendations to Council are outlined in SMC [23.76.050 A](#), which charges the Director to draft an evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable City policies. Seattle's [Comprehensive Plan](#) identifies policies that speak to various issues addressed by the proposed stormwater overflow basin.

Though the subject site is not to be designated as a City park, the space is proposed to be open, grassy, and accessible to neighbors and the general public for their passive use and enjoyment. This status fits within Urban Village policies UV 55 and 56.

Related to the proposal's function as a utility, the project meets Comprehensive Plan policies U3 and U4 (maintenance of utilities, reliability, and improvements to deficiencies in utility service), as well as policy U17 (coordination with community representatives) and U19 (incorporation of accessible open space).

The proposal is consistent with the City's applicable land use policies, in that it seeks to develop a public facility that is appropriately sited and designed to afford passive recreational opportunities while also offering some measure of protection from further flooding to surrounding single family properties.

RECOMMENDED DECISION – COUNCIL CONCEPT APPROVAL

DPD recommends that Council **GRANT** the proposal to expand a stormwater overflow basin on the subject site.

RECOMMENDED CONDITIONS – COUNCIL CONCEPT APPROVAL.

None.

ANALYSIS – SEPA

The City of Seattle requires a State Environmental Policy Act (SEPA) analysis for a development that involves more than 500 cubic yards of grading, according to Director's Rule [15-2007](#) and SMC [25.05.800 A2e](#). The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on March 25, 2008. Seattle Public Utilities also published its Determination of Nonsignificance on January March 27, 2008, and received no appeals. DPD's review of this application is pursuant to SMC [25.05.660](#) – substantive authority and mitigation.

DPD received no comments from the public. DPD staff visited the site in December 2008. The available information and the experience of the lead agency in similar situations form the basis for this analysis. This report anticipates short- and long-term adverse impacts from the proposal.

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; potential soil erosion during excavation and general site work; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, "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 limitations. 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, SMC [22.800](#) (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of most potential adverse impacts. Thus, mitigation pursuant to SEPA is generally not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

Air. Construction activities including 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.

Construction noise. Noise associated with excavation could adversely affect surrounding uses in the area, which include residential uses. Due to the proximity of the project site to the residential uses, DPD finds the limitations of the Noise Ordinance 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 all work (excavation) should be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or his successor). Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be considered only when the owner(s) and/or responsible party(ies) provide three (3) days prior notice to allow DPD to evaluate the request. See Table 1 and Condition #1 below. No further mitigation is warranted in this regard.

Parking. DPD staff visited the site during the day on a weekday, which coincides with the period when most proposed construction activity is likely to occur. On-street parking supply was relatively ample in the vicinity of the project, and most surrounding properties provide on-site parking for one or two vehicles. Recent aerial views of the site also appear to support this conclusion. Construction activities are likely to limit parking along the periphery of the site, and construction vehicles are likely to use some existing on-street parking over the course of site preparation. Parking volumes generated by construction activity are not likely to exceed current capacity. DPD therefore concludes that no mitigation is warranted.

Construction vehicles. Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. The subject site abuts 30th Ave E, E Denny Way, and E John St, and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). East Madison St, to the north, is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the removal of material from the site and can be expected to generate truck trips to and from the site. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. According to the submitted SEPA checklist, the project is likely to generate 730 truck trips during the construction period, to remove about 6,000 cubic yards of excavated soils.

For the duration of the grading activity, DPD recommends that the applicant(s) and/or responsible party(ies) be required to 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 PM peak traffic in the vicinity (Condition #2). 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 minimizes the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g. increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Long-term Impacts

Few long-term or use-related impacts are anticipated from the proposal. Impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities, loss of vegetation) are not sufficiently adverse to warrant conditioning.

CONDITIONS – STATE ENVIRONMENTAL POLICY ACT (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. The applicant(s) and/or responsible party(ies) shall limit the hours of all work (excavation) to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays² to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner or his successor. Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon whether the owner(s) and/or responsible party(ies) provide three (3) days' prior notice to allow DPD to evaluate the request.

Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

Table 1. Non-holiday work hours. Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

2. For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause grading truck trips to and from the project site to cease during the hours between 4 p.m. and 6 p.m. on weekdays.

Signature: _____ (signature on file) Date: January 12, 2009
 Scott A. Ringgold, Land Use Planner
 Department of Planning and Development

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² Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>