



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

Application Number: 3012553  
Address of Proposal: 5020 California Avenue SW  
Applicant: Doug Hofius

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a six story, 101 unit apartment building with 4,000 sq. ft. of retail at grade. Parking for 95 vehicles to be located within the structure. Design Review conducted under Project #3008044.

**ORIGINAL PROJECT DESCRIPTION:** Land Use Application to allow a six story, 91 unit apartment building with 4,000 sq. ft. of retail at grade. Parking for 95 vehicles to be located within the structure. Review includes demolition of nine residential units within three structures<sup>1</sup>.

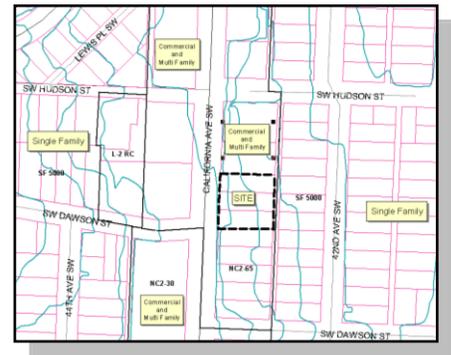
The following Master Use Permit component is required:

**SEPA - Environmental Determination** pursuant to SMC 25.05

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

**SITE & VICINITY**

The 22,125 square-foot site consists of three parcels and is located along the California Avenue SW neighborhood commercial corridor, immediately west of a single-family residential zone. Prior to demolition, the site contained three structures functioning most recently for multi-family, single-family, and small-scale commercial uses. The site shares street frontage to the west with California Avenue SW and utilizes an existing and fully-improved alley to the east for vehicular access.



<sup>1</sup> Design Review was done under A/P 3008044. Design Review Conditions imposed under that application applying to this proposal.

The site exhibits a falling grade change from east to west of approximately 24 feet, trending lower towards California Avenue SW from the adjacent single-family zone residences to the east. There are no environmentally critical areas (ECAs) located on the site. An identified ECA steep slope exists north of the site; however the subject properties are located further south than any potential buffer for this area.

The site is zoned Neighborhood Commercial 2 with a 65-foot height limit (NC2-65) and a floor area ratio (FAR) of 4.75 for structures that contain both residential and nonresidential uses. Similar zoning exists along the east and west sides of California Avenue SW between SW Edmunds Street to the north and SW Dawson Street to the south. An existing alley located approximately 150 feet east of California Avenue SW delineates a zoning transition from NC2-65 to Single Family 5,000 (SF5000). Areas along the east and west sides of California Avenue SW south of SW Dawson Street are zoned primarily NC2-30. Surrounding land uses include a mix of multi-family and single-family residential structures, with commercial uses located along both sides of California Avenue SW.

The multi-family residential buildings in the vicinity of the site vary in terms of construction age, although most properties in the immediately vicinity were constructed between the 1960's and 1990's. Most of the single family homes to the east appear to be of early to mid-20<sup>th</sup> century construction.

California Avenue SW is fully improved with curbs, gutters, sidewalks, and landscape strips along both sides of the pavement. Limited on-street parking is available along both sides of this street, between SW Hudson Street and SW Dawson Street. Vegetation on the site consists primarily of grass and shrubs, with a few mature trees located on the northern-most parcel.

Bus stops are located on California Avenue SW, with a northbound stop immediately south of the site at Dawson Street SW and a southbound stop west of the site at SW Hudson Street.

## **PROPOSAL**

The proposed development includes the construction of a mixed-use building featuring street-level commercial space along California Avenue SW with approximately 101 apartment units above. The proposal would utilize an existing alley immediately east of the site for vehicular access to an at-grade parking structure within the building.

### **Notice of Application and Comment Period**

Public notice of the Land Use Application was given on August 4, 2011. The public comment period ended on August 17, 2011. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

## ANAYSIS—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 (Seattle Municipal Code Chapter 25.05) because the proposal project is located in a commercial zone and the additional dwelling units proposed exceeds four dwelling units.

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant dated July 12, 2011 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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. Adverse impacts are anticipated from the proposal. Thus, a more detailed discussion of some of the impacts is appropriate and is noted below.

### Short -Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; decreased air quality due to dust and other suspended air particulates; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; consumption of renewable and nonrenewable resources; and removal of ground water. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Filing of a Notice of Intent to that agency will alert them of the development proposal and help insure air quality impacts during demolition and construction are controlled. To insure this outcome SEPA Construction Impacts authority will be imposed to require the owner or developer of the proposed project to file a Notice of Intent with the PSCAA prior to beginning any work on the site.

Greenhouse Gas Emissions

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.

Street and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at site could adversely affect the surrounding residential uses. Due to the proximity of these 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.

All construction activities are subject 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 7:00 am to 7:00 pm. Interior work that involves noisy construction equipment, including electrical compressors, may be allowed on Saturdays between 9:00 am and 7:00 pm 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 DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the **Noise Abatement Coordinators** (as noted in the conditions) at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

### Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. SEPA mitigation of parking impacts during construction appears to be unwarranted.

### Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the project's 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.

### Light and Glare

Due to the building's siting and a common open space area design as proposed, together with its adjacency to multi-family and single-family uses, a SEPA condition will be imposed to require all exterior building and site lighting to be screened from direct view and of moderate intensity to limit impacts beyond the site.

### Parking

Onsite parking is proposed at a ratio of 1.07 spaces per residential unit, which is greater than the Code requirement of 1.00 spaces per unit. The experience of DPD has determined that this ratio of spaces to units can reasonably be expected to meet the project-generated parking demand. No SEPA based conditioning of parking impacts appears warranted.

Traffic and Transportation

Traffic will increase over existing conditions due to the net increase of 82 dwelling units on the site. However, it must be acknowledged that the site is presently under-developed. Although neighbors have expressed concern over traffic levels, this development is not anticipated to cause significant adverse impacts in terms of roadway congestion or safety. No SEPA based conditioning of traffic impacts appears warranted.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

**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.

**CONDITIONS – SEPA**

The following condition(s) to be enforced during demolition/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 applicant/responsible party shall:

Prior to Building Permit Issuance (including demolition)

1. The owner or developer of the proposed project shall file a Notice of Intent with the PSCAA prior to beginning any work on the site.

