



City of Seattle

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: 3013456
Applicant Name: Amanda Black with Caron Architecture
Address of Proposal: 2017 East Spruce Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, three-story, three-unit rowhouse structure and one, three-story, six-unit rowhouse structure in an environmentally critical area. Surface parking for nine vehicles to be provided onsite. Existing structure to be removed. Review includes future unit lot subdivision.*

*Note – The project description has been revised from the following original notice of application: Land Use Application to allow one, 3-story, 3-unit rowhouse structure and one, 3-story, 6-unit rowhouse structure in an environmentally critical area. Surface parking for 9 vehicles to be provided. Existing structure to be removed.

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05).

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

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 12,800 square foot (sq. ft.) proposal site is a rectangular corner lot bounded by East Spruce Street to the north, 21st Avenue to the east, and residentially zoned sites to the south and west. The site is zoned Lowrise 2 (LR2) in the 23rd & Union-Jackson Residential Urban Village overlay. Existing development on this site consists of a two-story school administrative office building with a surface parking area.

Both East Spruce Street and 21st Avenue are improved streets with curbs, sidewalks, street trees and gutters abutting the subject site. These streets are classified as non-arterial streets, pursuant to SMC Chapter 23.53.

Existing vegetation consists of small to medium trees and an understory of brush near the easternmost property line. The topography of the site slopes gently west to east for most of the property. The immediate eastern portion of the lot includes an approximate 10' high, east facing slope that descends to a 4' tall rockery located along the eastern property line at a slope in excess of 40%. As a result, this portion of the subject site is designated as Environmentally Critical Areas (ECA)-Steep Slope. The applicant has been granted a limited ECA exemption (#6318854) from ECA steep slope development standards for all work associated with this project. This approval is conditioned upon the approval of building permits for a design that demonstrates that the proposed development will be completely stabilized in accordance with provisions of the ECA code. All other ECA Submittal, General, and Landslide-Hazard Development Standards and related criteria still apply.

Surrounding property north, east and west of the proposal site is also zoned LR2. Lowrise 3 (LR3) zoning is south of the subject property. Existing development in the vicinity of the proposal consists of a private school and low-income residential development (First Place) to the west; a multi-story apartment building to the south; residential properties (townhomes, apartments) and a private school (Indochina Chinese Refugee Association) across the street to the north; and City of Seattle Department of Parks and Recreation (DOPAR) property (Spruce Street Park) across the street to the east.

Proposal Description

The proposed project involves the construction of a nine-unit residential development comprising of one three-unit three-story rowhouse structure and one six-unit three-story-with-basement rowhouse structure. Nine parking spaces accessory to the residential use will be provided onsite at a surface parking area. Vehicular access to the proposed parking spaces will occur via a driveway from East Spruce Street. The existing two-story building will be demolished.

Construction of the buildings necessitates the removal of existing ground cover, shrubs and trees. Landscaping enhancements inclusive of trees, street trees, plantings, shrubs, and groundcover are also proposed. Site improvements including pedestrian pathways are included with this proposal.

The applicant has submitted applications to demolish the existing structure (#6386723) and construct the rowhouse buildings (#6318854). It is anticipated by the applicant that future development activity at the subject site will include the creation of individual unit lots (Unit Lot Subdivision).

Public Comment

The public comment period for this project ended August 8, 2012. DPD received no written comments regarding this proposal.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 18, 2012. The information in the checklist, supplemental information 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 the City's 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

Short - term Impacts

The following temporary or construction-related activities on this site could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, increased consumption of renewable and non-renewable resources, and a small increase in traffic and parking impacts due to construction-related vehicles. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. Further discussion of short-term construction related impacts follows.

Air Quality

Demolition of the existing structure, grading and construction activities will result in localized short-term increases in air particulates and carbon monoxide which could temporarily affect the quality in the vicinity. Demolition/construction activities that would contribute to these impacts include excavation, grading, soil compaction, and operation of heavy trucks and smaller equipment (i.e., generators and compressors). Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations requires activities which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

There is no indication of unusual short term adverse impacts. Current codes are adequate to provide mitigation and pursuant to the Overview Policy (SMC Section 25.05.665) and Air Quality Policy (SMC Section 25.05.675A). Therefore, no further mitigation is warranted.

Noise

The site abuts two streets (East Spruce Street and 21st Avenue). Residential properties are situated southwest, south and north of the project site and located in the same (LR2) or similar (LR3) zone as the project site. The Spruce Street Park, zoned LR2, is east of the site. Construction and human activity are identified as existing noise sources. The applicant asserts on the SEPA checklist that construction activity will be confined to following construction hours: 7:30 a.m. to 5:00 p.m.. No specific days are noted on the checklist.

Short-term noise and vibration from construction equipment and construction activity (e.g., backhoes, trucks, concrete mixers, generators, pneumatic hand tools, engine noise, back-up alarms, etc.); demolition of the existing structures; and construction vehicles entering and exiting the site would occur as a result of construction and construction-related traffic. Compliance with the Noise Ordinance (SMC 25.08) is required.

The Noise Ordinance states construction activities within 100' of occupied multifamily and neighborhood commercial zones (Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial) shall be limited to non-holiday weekdays from 7:00 a.m. to 7:00 p.m. and 9:00 a.m. to 7:00 p.m. on weekends and holidays. Impact construction work (pile driving, jackhammers, vector trucks, etc.) is further limited (8:00 a.m. – 5:00 p.m. weekdays and 9:00 a.m. – 5:00 p.m. weekends and holidays). It is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not justified for this project on this specific site. No further conditioning or mitigation is warranted.

Earth

Excavation of soil will be necessary to establish desired grades to allow for the structures' foundation at this ECA designated (Steep Slope) property. The maximum amount of grading proposed will consist of 135 cu. yds. of material. All of the onsite soil will be handled per a geotechnical engineer's recommendations.

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction/grading in potentially steep slope soil areas. Pursuant to this requirement the applicant submitted a geotechnical engineering report dated April 25, 2008 prepared by Andrew J. Walker, P.E. and Scott D. Dinkelman, L.E.G. (Golder Associates, Inc.). This report evaluated soil and site conditions and provided recommendations for general earthwork, erosion and drainage controls, grading, earthwork and foundation/retaining wall construction.

A DPD Geotechnical Engineer has reviewed the abovementioned soils report in association with submitted MUP plans and has deemed this soils report to be relatively complete for this proposal. The abovementioned soils report, soil report addendums, construction plans, and shoring of excavations as needed, are currently being reviewed again 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 assure safe grading and excavation proceed without undue risk to the property or to adjacent properties.

No additional conditioning is warranted pursuant to SEPA policies.

Construction-Related Streets, Parking and Pedestrian Circulation

Construction activities will necessitate occasional closures of adjacent roadways and sidewalks. Minor grading (excavation, export and import of approximately 135 cubic yards of soil) is proposed. This material would be trucked to and from the site. Construction vehicles are expected to enter the project site from a temporary construction entrance situated along either abutting street.

Construction of the project is proposed to last for several months. The demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Per the applicant, parking demand for construction workers will be accommodated and managed onsite.

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). The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation (SDOT). Parking demand for construction personnel has been adequately addressed. Therefore, no further mitigation will be required.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacturing 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 the project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Long - term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; minor increase in light and glare from vehicle traffic (headlights); and increased traffic and parking demand due to residents and visitors. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Historic Preservation

Section 25.05.675.H of the SEPA code describes the City's policies for protecting historical sites. *"It is the City's policy to maintain and preserve significant historic sites and structures and to provide opportunity for analysis of archeological sites.....For projects involving structures or sites which are not yet designated as historical landmarks but which appear to meet the criteria for designation, the decisionmaker or any interested person may refer the site or structure to the Landmarks Preservation Board for consideration.....On sites with potential archaeological significance, the decisionmaker may require an assessment of the archaeological potential of the site."*

SEPA provides authority to mitigate impacts to historic buildings (SMC 25.05.675.H.2.c). In this instance, the existing building addressed as 2017 East Spruce Street is not designated as historical landmark. However, because this proposal involves the demolition of a building which is more than 50 years old, historical information concerning this property was referred to the Department of Neighborhoods (DON) for review. The Historic Preservation Staff reviewed the information and determined that the structure would meet the standards for landmark designation and recommended a landmark nomination be presented to the Landmarks Preservation Board. At the November 6, 2013 meeting of the City's Landmarks Preservation Board, the Board voted to deny the designation of the Herzl Religious School/Odesa Brown Children's Clinic Building based on the finding that this property does not meet any of the designation standards of SMC 25.12.350.

Parking

The proposal site is situated within a multifamily zone (LR2), the 23rd & Union-Jackson Residential Urban Village, and near a frequent transit service corridor. No parking is required for the project per the Land Use Code (SMC 23.54). The submitted MUP plans indicate nine parking spaces will be provided onsite, accessory to the residential use.

Based on current City experience with multifamily housing demand, it is expected that this project will generate a residential parking demand of approximately one space per unit. Using this multiplier, the estimated parking demand for nine rowhouse units would be nine parking spaces. As a result of this calculation, no spillover parking is expected on the surrounding street system. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Greenhouse Gas Emissions

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 due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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.

- 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(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

None Required.

Signature: _____ (signature on file) Date: January 9, 2014
Tami Garrett, Senior Land Use Planner
Department of Planning and Development

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