City of Seattle
Edward B. Murray, 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: 3015115

Applicant Name: Jeffery Degen, Degen and Degen

Address of Proposals: 3310 NE 125th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 6-story congregate residence with 150 bedrooms in an environmentally critical area. 2,222 sq. ft. of retail and 2 live-work units (1,985 sq. ft.) will be located at grade. Parking for 51 vehicles will be located within the structure.

The following approvals are required:

SEPA-Environmental Determination (Seattle Municipal Code SMC 25.05)

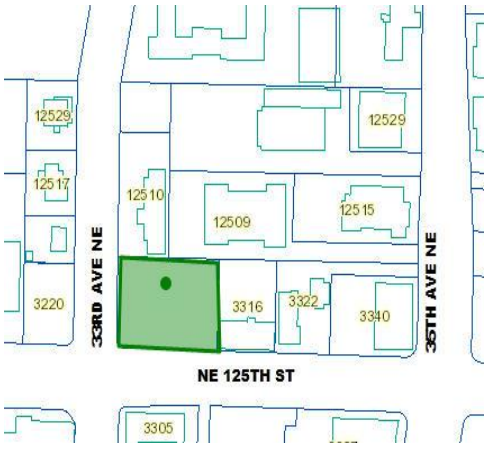
SEPA Determination: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

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

Site Description:

The subject site is located on the northeast corner of 33rd Avenue E and NE 125th Street. The site is one vacant lot. The site is predominantly flat but contains a concrete retaining all along the north property line for the east portion of the site. The concrete wall is approximately six feet high. The property is located within the Lake City Hub Urban Village. NE 125th Street is a principal arterial and a Frequent Transit Service Corridor.



The site is zoned Neighborhood Commercial Three with a Pedestrian Overlay (NC3P-65), as are the properties to the east. To the north zoning transitions to Neighborhood Commercial Three (NC3-65). To the south, across NE 125th Street zoning transitions to Neighborhood Commercial Two with a Pedestrian Overlay (NC2P-40). To the west across 33rd Avenue NE zoning transitions to Commercial One (C1-65).

Steep Slope, Riparian Corridor and Flood Prone Environmentally Critical Areas have been identified on site (ref. ECA Exemption completed under DPD project 6358931). DPD

Geotechnical Engineers have determined that no Environmentally Critical Area review is required on the basis of Potential Landslide. The historic topographic maps of the project area are not sufficiently accurate to confirm that the former stream banks were inclined steeply for a height of 10 feet. For this reason, the site will not be designated as a Potential Landslide Area. The riparian corridor has been identified surrounding a culvert that runs parallel with 33rd Avenue NE. Water in culverts are not regulated as riparian watercourses per SMC 25.09.020 D5. The flood prone designation has since been removed from the site, FEMA Flood Insurance rate map (FIRM) of 2000 indicates the site has been revised to not be in a 100 year flood plane area and will not be regulated per SMC 25.09.020 B.

Public Comment:

The Notice of Application comment period ended on November 20, 2013. Seven public comments were received.

SEPA ANALYSIS

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)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 16, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the 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 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.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities 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, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: 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. The following analyzes construction-related noise, air quality, greenhouse gas, earth and soils, as well as mitigation.

Noise - The project is expected to generate loud noise during demolition, grading and construction.

The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. If extended construction hours are desired, the applicant may seek approval from DPD through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts.

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 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).

Earth / Soils – 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 in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study. The study has been reviewed and approved by DPD's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

No additional conditioning is warranted pursuant to SEPA policies.

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; 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.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Environmentally Critical Areas Code, the Drainage Code which requires on site detention of Stormwater with provisions for controlled tight line 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 impacts, although some impacts warrant further discussion.

Greenhouse gas 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 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).

Parking and Traffic - The applicant submitted a traffic analysis by Heffron Transportation, dated January 23, 2014.

The study estimated daily, AM peak hour and PM peak hour vehicle trip volumes using rates from the Institute of Transportation Engineers' Trip Generation Manual. This set of calculations essentially treated each bedroom as a unit, which likely substantially overstates the volume of traffic the project is likely to generate. Based on these assumptions, the project is expected to generate 800 daily vehicle trips, with 61 of these occurring in the AM peak hour and 74 in the PM peak hour. Two pieces of information suggest that the actual trip generation is likely to be much lower. (1) ITE's Parking Generation Manual indicates that the typical urban apartment in their parking survey had 1.9 bedrooms. If this same bedrooms/unit ratio holds for their trip generation database, all of the above trip generation estimates could be divided by 1.9 for a more realistic estimate. (2) The Heffron study cites a trip generation and parking survey done for a similar project in Redmond, associated with the same entity that will be operating the Lake City facility. Trip counts at the Redmond facility resulted in a PM peak hour trip rate of 0.11 vehicle trips per "mini-suite," which are of a similar size to the bedrooms proposed for this project. This is much lower than the PM peak hour rate of 0.47 trips/unit used in the above calculations. (Of the total 74 PM peak hour trips cited above, 72 would be residential-based trips, and 2 would be retail-based trips.) Taking these potential adjustments into consideration, it is reasonable to assume that the proposed project will generate about half as many trips as the ITE calculations would indicate: roughly 400 daily vehicle trips, 30 AM peak hour trips, and 37 PM peak hour trips. It should be noted that, even with the higher estimates used in the traffic analysis, no transportation-related impacts are anticipated from the project.

DPD's Transportation Planner has reviewed the Transportation Impact Analysis and determined additional SEPA mitigation is not necessary.

Using ITE's Parking Generation Manual and vehicle-ownership rates for the project's Census Tract, the Heffron study notes that the project could have a peak parking demand of 106 vehicles during the overnight hours. As they note, this is unlikely to occur. Citing data from the Redmond study mentioned above, they note that about 30% of the residents at that site own vehicles. Based on this, they suggest that a vehicle ownership rate of 0.33 vehicles/bed would be more appropriate for this project; such a rate would result in a peak parking demand of 50 vehicles. Parking demand also can be estimated by starting with the vehicle ownership rate per rental unit from the 2000 Census (0.7 vehicles, as noted in the Heffron study), and adjusting it to account for the average 1.9 bedroom count in the typical urban apartment unit, as noted by ITE. This results in a vehicle/bedroom estimate of 0.37; applied to the residential portion of the proposed project, this produces an estimate of 56 vehicles at peak times. As the project is proposing 51 parking spaces, it is likely that all or almost all of the project-generated parking demand can be accommodated on-site. If small amounts of parking spillover occur overnight, it is anticipated that this spillover will be accommodated on nearby streets. During the day, some residents are likely to use their vehicles to commute to work or run errands; this will result in on-site parking spaces being available for the project's retail users.

SMC 25.05.675.M provides no SEPA authority for mitigation of residential parking impacts for portions of urban villages within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot. This site is located in the Lake City Hub Urban Village and a mapped frequent transit service overlay. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from the residential components of this project, even if impacts were identified.

Shadows on Open Spaces – It is the City's policy to minimize or prevent light blockage and the creation of shadows on open space most used by the public. SMC 25.05.675 Q2c states the decision maker shall assess the extent of adverse impact sand the need for mitigation. The analysis of sunlight blockage and shadow impacts hall include an assessment of the extent of shadows, including times of the year, hours of the day, anticipated seasonal use of the open spaces, availability of other open space sin the area, and number of people affected.

Seattle Parks Department has purchased a parcel directly north of the subject lot proposed for development. The Park is not yet developed nor designed by the Seattle Parks Department. A shadow impact study provided by the applicant has been reviewed by DPD. The shadow impacts of the proposed structure on the park, while impactful, provide areas for sunlight at all times of day during the likely anticipated seasonal use of the open space from Spring until Fall.

No additional conditioning is warranted pursuant to SEPA policies.

Height, Bulk and Scale –SMC 23.41.004 A states the requirements for design review. The proposed 6-story congregate residence with 150 bedrooms, 1,990 sq. ft. of retail and 2 live-work units (1,985 sq. ft.) does not exceed the code specified thresholds to require the design review process and this project is therefore exempt from Design Review.

The project design includes features to mitigate the wall facing the future park. The concrete wall has been setback 1'-10" from the property line to support a multistory green wall trained within a steel mesh cabling system covering a concrete scored wall. The open garage wall includes five integrated art screens, the screens are 9 feet by 9 feet, and two screens are 15 feet by 9 feet. The art screens are anticipated to be laser cut meets sheet s with an art profile attached to a steel angle fame to cover the concrete opening. These elements will be required as condition of approval of this project.

Environmental Health – The applicant has submitted a Phase I Environmental Site Assessment Report prepared by James P Hurley Co. dated December 12, 2000. The report identifies the presence of contaminated soils created by a gasoline service station that existed onsite from 1958 until approximately 1976. If not properly handled, existing soil contamination could have an adverse impact on environmental health.

Mitigation of soil contamination and remediation is the jurisdiction of Washington State Department of Ecology ("Ecology") Model Toxics Control Act. The applicant has submitted a cleanup plan to the Department of Ecology for the site proposed for development. In a letter dated January 31, 2008 Ecology provides the opinion that the contamination area is larger than the site proposed for development. Ecology believes a complete site characterization and cleanup is necessary to meet the substantive requirements contained in the MTCA. Ecology stated the cleanup action for the soil contamination within the property addressed at 3300 NE 125th Street was sufficient.

Ecology's jurisdiction and requirements for soil remediation will mitigate impacts associated with contamination. Pursuant to The City's SEPA Overview Policy SMC 25.05.665.E Ecology's review of the proposed cleanup activities at this site are assumed to be sufficient.
No additional conditioning is warranted pursuant to SEPA policies.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are anticipated to be non-significant.

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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS - SEPA

For the Life of the Project

1) The green wall and art pieces to be located on the north wall (as shown on page A4.3 and A5.52) will be required to be installed and maintained for the life of the project.

Signature: (signature on file) Date: August 14, 2014
Lindsay King, Senior Planner
Department of Planning and Development

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