



**City of Seattle**

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**Department of Planning and Development**  
D. Sugimura, Director

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

**Application Number:** 3015656  
**Applicant Name:** Chip Kouba  
**Address of Proposal:** 151 12<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a six-story congregate residence with 93 sleeping units in an environmentally critical area. 965 sq. ft. of retail to be located at grade.

The following approvals are required:

**SEPA-Environmental Determination** (Seattle Municipal Code SMC 25.05)

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

Site Description:

The subject site is located on the northwest corner of E Fir Street and 12<sup>th</sup> Avenue. The site consists of one vacant lot. From the southeast street corner the lot grade slopes up 22 feet toward the northwest corner of the site adjacent to the alley.

The site is zoned Neighborhood Commercial Three with a Pedestrian Overlay (NC3P-65), as are the properties to the north, south and east. To the west, across the alley, zoning transitions to Midrise (MR) multifamily.



ECAs:

Steep Slope Environmentally Critical Areas have been identified on site (ref. ECA Exemption completed under DPD project 6310152).

Access:

The site is bordered by E Fir Street on the south, 12th Avenue on the east and an existing improved alley on the west. (Ref. ECA Exemption completed under DPD project 6310152).

Public Comment:

The Notice of Application comment period ended on October 23, 2013. Three 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 September 9, 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.

As indicated in the checklist, this action may 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Environmentally Critical Area Code (SMC 25.09), 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. Additional discussion of short and long term impacts is found below.

### Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Noise - The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends.

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 and Design Review process 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 Trip Generation and Parking Demand Analysis (Memorandum from Dan McKinney, dated September 18, 2013).

The 151 12<sup>th</sup> Avenue development is anticipated to generate 623 new daily trips, 47 new AM peak hour trips, and 58 new PM peak-hour trips per ITE data. However, the project is to be developed as affordable housing and it is likely there will be less vehicle ownership. Data provided from PSRC's Journey to Work Report (September 2002) states the development is more likely to only generate 209 new daily trips, 16 new AM peak-hour trips and 19 new PM peak hour trips.

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

The Trip Generation and Parking Demand Analysis noted that the residential peak parking demand for this development is 27 vehicles. The proposal does not include parking. The overflow peak parking demand is therefore 27 spaces.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in the Capitol Hill/First Hill Urban Center. This site is located in that Urban Center, and the project is mostly residential with some commercial. 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.

### 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**

None required.

Signature: \_\_\_\_\_ (signature on file) Date: February 3, 2014  
Lindsay King, Senior Planner  
Department of Planning and Development

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