



City of Seattle
Edward B. Murray, Mayor

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

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3016468
Applicant Name: Marcy Shaw
Address of Proposal: 6525 34th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow twelve townhouse structures with a total of 39 dwelling units. Parking for 38 vehicles to be located within the structures and covenant parking for 13 spaces to be located within a below-grade garage at 3300 NE 65th St. Two buildings to be demolished. Pending Lot Boundary Adjustment # 3016366. The project proposal had a Streamlined Design Review component.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Zoning: Lowrise Two Residential Multifamily (LR2).

Uses on Site: The former Children's Home Society.

Site and Area Characteristics:

The site comprises approximately 47 percent of the 142,267 square foot parcel or roughly 66,456 sq. ft. of the larger 3.4 acre property. This central portion of the full block site descends approximately 17 feet from west to east. Bordered on the west and east by 32nd Ave. NE and 34 Ave NE respectively, the site's north and south neighbors are private properties controlled by the same ownership. A north-south aligned alley begins at NE 68th St and terminates at the north end of the subject site. The area possesses an abundant amount of large trees including seven designated exceptional. The site has no mapped environmentally critical areas (ECA).

The zoning classification, multifamily Lowrise Two (LR2), lies sandwiched between a Single Family 5000 zone (SF 5000) directly to the north and a Neighborhood Commercial One zone with a 30' height limit (NC1 30) adjacent to the south. The LR2 zone extends to the east across 34th Ave NE and north along 35th Ave NE. To the south the NC1 30 zone stretches from the intersection at 35th Ave NE and NE 65th St. to past 32nd Ave NE to include the Bryant Café. Single Family 5000 (SF 5000), the predominant zoning designation in the vicinity, surrounds the LR2 and NC1 30 zones.

The project site lies within the Bryant/Ravenna neighborhood in Seattle's northeast quadrant. The neighborhood possesses a mix of mostly single family homes, a small amount of townhouses between 34th and 35th Ave NE and a mix of institutional and small scale commercial uses facing NE 65th St. and 35th Ave NE. The homes in the area represent common architectural styles built throughout the 20th century. The nearby institutional buildings, including the NE Branch Library, Assumption – St. Bridget School and Church, the Theodora Apartments, Wedgwood Unitarian Church and Beth Shalom Congregation, were for the most part constructed in the mid-20th century embodying a regional inflection to modern architecture. NE 65th St. and 35th Ave NE, designated city arterials, connect Magnuson Park to Green Lake in the east west directions and University Village/University Washington to the Lake City neighborhood in the north south directions.

Proposal Description:

The applicant proposes to construct 12 townhouses with a total of 39 dwelling units. Parking for 38 vehicles will be located with 26 of the structures and covenant parking of 13 spaces will be located in the below-grade garage of the adjacent mixed use development at 3300 NE 65th St. The complex has two, three-sets of townhouse structures facing 32nd and 34th Avenues NE. Another set of six structures internal to the site face a north south oriented lawn roughly aligned with the alley to the north. A driveway extends from the alley's terminus into east and west branches that connect eight of the proposed structures. The 26 units within the eight structures have garages integrated into the units. Pathways and two exceptional trees will grace the lawn.

Public Comment:

The comment period for the proposal commenced on May 8, 2014. The Department received numerous emails / letters as well as calls from neighbors and others concerned about the project. The correspondents wrote about inadequate amounts of parking proposed for the site, problems with spillover parking into the neighborhood, traffic congestion produced by nearby institutions on NE 65th and 68th Streets and the ramifications for traffic safety.

Other issues identified include the need to retain trees on site, to build structures sympathetic to the surrounding Tudor style houses, to maintain the peacefulness of the landscaping and to ensure sufficient infrastructure capacity.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 17, 2014. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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 certain limitations and/or circumstances (SMC 25.05.665 D 1-7) 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 Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related air quality, grading, noise, construction impacts, traffic and parking impacts.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Should asbestos be identified on the site, it must be removed in accordance with the PSCAA and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. This will assure proper handling and disposal of asbestos.

Construction Impacts

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.

Noise

Noise associated with construction of the townhouses could adversely affect surrounding uses in the area, which include residential and commercial uses. Although there are nearby residential uses, the Noise Ordinance is found to be adequate to mitigate the potential noise impacts.

Grading

Excavation will consist of approximately 5,479 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. 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 minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction, a temporary increase in traffic volumes to the site will occur, due to travel to the site by excavation workers and the transport of construction materials. Approximately 5,479 cubic yards of soil are expected to be excavated from the project site. The soil removed for excavation will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 548 round trips with 10-yard hauling trucks or 274 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM. Truck access to and from the site shall be documented in a construction traffic management plan to be submitted to DPD and SDOT. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

The Street Use Ordinance also includes regulations that mitigate dust, and mud. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval 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; increased demand for parking; and increased light and glare.

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 which requires on site collection of stormwater with provisions for controlled tightline 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 and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, greenhouse gas emissions, plants and animals, traffic, and parking impacts warrant further analysis.

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.

Plants and Animals

The area within the Lowrise zone possesses 50 trees on the site, according to Urban Forestry Services, Inc. Seven trees are considered exceptional based on DPD's Director's Rule 16-2008. In addition, the arborist identified one grove containing 12 trees that overlaps onto the area of the block zoned as SF 5000. An exceptional tree cannot be removed unless it is in poor condition or prevents the applicant from reaching the zone's maximum floor area ratio (FAR) (based on Seattle Municipal Code 25.11.070A.2). Of the seven exceptional trees, the applicant proposes to preserve three trees including a Douglas fir, a Deodar cedar and an American Elm. The grove would also remain intact. Of the four trees proposed to be removed, an American Elm (labeled # 539) is considered unhealthy by the certified arborist. Three Quaking Aspens (#540, 541 and 542) on the west side of the property would be removed due to the inability of the design to accommodate the maximum permitted building FAR. These Quaking Aspens will be replaced with a transplanted Red Oak (#549) from the parking lot in the NC zoned portion of the block. The crown area of the red oak greatly surpasses the total area of the aspens. In addition, three new Red Oaks of 2.5 inches caliper will be planted in the LR zone.

The Northeast Design Review Board during their review of the mixed-use proposal on the adjacent NC1 3- site requested the preservation of a cluster of ten non-exceptional trees on the LR site near the boundary of the two zones. The applicant has determined that the retention of this cluster under the current design would not survive the impacts from construction, grading and utilities. The applicant proposes to replace these ten trees with two 14 to 15 foot height Western Red Cedars, a six foot Shore Pine and a Forest Green Oak.

During site demolition, grading and construction, the applicant need to follow the “Exceptional and General Tree Protection outlined on pages 5-8 of the report titled “Polygon Homes-Bryant Heights LLC LR Project Tree Protection Report and Response to DPD Zoning Correction Notice # 1 Memo for Project # 3016468 Seattle, Washington” (dated August 19, 2014) and the General Tree Protection Guidelines in the same report.

Transportation

Transpo Group, the applicant’s traffic and parking consultant, estimates that the 39 residential units would generate an average of 183 net new daily trips including 17 net new PM peak hour trips. The addition of the vehicle trips would not likely cause any study intersections to degrade to an unsatisfactory level of service (LOS).

No SEPA mitigation of traffic impacts to the nearby intersections is warranted.

Parking

The 39 townhouses would have a parking supply of 39 parking spaces. Thirteen of the townhouses would have two car garages, another 13 would have one vehicle garages and another 13 townhouses would have parking spaces in the mixed-use structure’s below-grade garage immediately to the south on the same block. According to the transportation consultant, a deficit of five parking spaces would be produced based on the project’s demand. Due to this deficit, a parking survey was conducted to determine the availability of on-street parking supply in the area during the peak period of parking demand for the project. Streets immediately adjacent to the project block have a 102 parking space supply during the overnight peak period. The consultant calculated that with the anticipated demand would produce a 49 percent on-street parking utilization with the project. The adjacent streets would be able to accommodate the potential parking spillover.

No SEPA mitigation of parking impacts is warranted.

DECISION

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.

- [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 43.21.030(2) (c).

CONDITIONS - SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

1. A construction traffic management plan shall be submitted to DPD and SDOT prior to the beginning of construction. This plan will identify off-street construction worker parking, construction materials staging area; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.
2. Identify all exceptional trees and groves using protection using “Exceptional and General Tree Protection” on pp. 5-8 of the titled “Polygon Homes-Bryant Heights LLC LR Project Tree Protection Report and Response to DPD Zoning Correction Notice # 1 Memo for Project # 3016468 Seattle, Washington” (dated August 19, 2014) and the General Tree Protection Guidelines in the same report.

During Construction

3. Implement tree protection guidelines as identified in “Polygon Homes-Bryant Heights LLC LR Project Tree Protection Report and Response to DPD Zoning Correction Notice # 1 Memo for Project # 3016468 Seattle, Washington” (dated August 19, 2014) and the General Tree Protection Guidelines in the same report.
4. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 4:00 PM.

Prior to Building Permit Final

5. Install the following trees: two 14 to 15 foot height Western Red Cedars a six foot Shore Pine and a Forest Green Oak in the southeast corner of the site.
6. Replant a Red Oak (#549) from the NC portion of the site and plant three new Red Oaks of 2.5 inches caliper in the LR zone.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) at the specified development stage, as required by the Director’s decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: _____ (signature on file) Date: January 20, 2015
Bruce Rips, Land Use Supervisor
Department of Planning and Development

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.