



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: 3017469
Applicant Name: John Treiger of JT Architecture
Address of Proposal: 714 North 95th Street

SUMMARY OF PROPOSAL

Land Use Application to allow a three story structure with 41 small efficiency dwelling units. No parking proposed.

The following approvals are required:

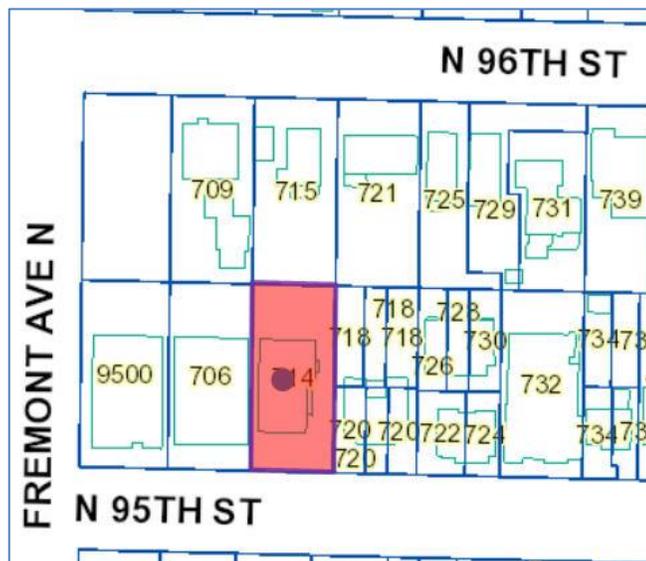
SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

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

Site Zone: Lowrise-2 (LR2)

Nearby Zones: (North) Single Family (SF) 5000
(South) LR2
(East) LR2
(West) LR2

Lot Area: 8,100 square feet



Site Development

Current Development:

The subject site currently contains a multi-family structure containing three units with surface parking for three vehicles.

Surrounding Development and Neighborhood Character:

Development along North 95th Street consists primarily of two and three story multi-family structures and townhomes.

Background

This Master Use Permit was submitted on July 17, 2014 and proposed a three-story structure containing four congregate care residences with nine rooms each. DPD noticed the application on August 14, 2014. During the same month, a Hearing Examiner issued a decision affecting this proposal, ruling that residential unit configurations, such as the one proposed, must be configured for use as separate dwelling units and regulated accordingly.

On September 23, 2014, the applicant was asked to reconfigure the project to comply with the recent ruling, or wait for new legislation to be adopted that would allow Small Efficiency Dwelling Units (SEDUs). The applicant modified the project to comply with the SEDU legislation, and the revised project was noticed on January 5, 2015 for Streamlined Design Review (SDR).

I. ANALYSIS - SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature or 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 *SEPA 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 (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts 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. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

PUBLIC COMMENT:

During the comment period in August 2014, a request for a public meeting was received. This public meeting was held June 2, 2015. Public comment received during the public comment periods, at the public meeting and in writing included:

- Suggested project have one on-site parking space per dwelling unit.
- The following are of prime importance: public safety, streets, sidewalks, and open ditches. [mentioned several times]
- Commented that the Aurora-Licton Springs Urban Village designation for this neighborhood is not appropriate.
- Stated that the project is too dense for the neighborhood; too many people will live in the building.
- Supported the housing type (SEDUs) stating they are a good option, providing affordable housing for people who may not otherwise be able to afford nice neighborhoods like this one.
- Concerned about trash on the sidewalk.
- Concerned about moving trucks in the street.
- Concerned that nearby streets are not adequately lit at night.
- Noted the proposed roofline is not compatible with the existing neighborhood.
- Encouraged a three story structure with a three-foot parapet to reduce shadow impacts and impacts from height, bulk, and scale.
- Encouraged protection of the existing tree on the north property line.

A. SHORT-TERM IMPACTS

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include 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/or 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, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air Quality/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. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy SMC 25.05.675.A*.

Noise

Noise associated with construction could adversely affect surrounding uses in the area, which include residential uses. Due to the scale of the project, the requirements of the *Noise Ordinance* are found to be adequate to mitigate the potential noise impacts. A Construction Management Plan shall be submitted to the Seattle Department of Transportation and may include identification of hours of construction, noise generation, and/or methods of management as required by SDOT. SEPA conditioning is not warranted to mitigate noise impacts pursuant to *SEPA Policy SMC 23.05.675.B*.

Parking and Traffic

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities. The Street Use Ordinance contains regulation that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through SDOT. SEPA conditioning is not warranted pursuant to *SEPA Policy SMC 25.05.675.B*

Approximately 1,100 cubic yards of soil are expected to be excavated from the project site. The soil removed for the structure will not be reused on site, requiring disposal off site. Excavation and fill activity will require approximately 110 round trips with 10-yard hauling trucks or 55 round trips with 20-yard hauling trucks. Compliance with the *Street Use Ordinance* is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. SEPA conditioning is not warranted pursuant to *SEPA Policy SMC 25.05.675.B*

B. LONG –TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment; however, height, bulk and scale, historic preservation, and parking and traffic warrant further analysis.

Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy SMC 25.05.675.A*.

Parking and Traffic

Based on the Parking Assessment (Transportation Engineering Northwest, January 2015) , the project is expected to generate spillover parking demand for about five vehicles. The peak demand is expected to occur in the late evening/overnight hours. The on-street parking utilization study conducted by the traffic consultant indicated that current evening parking utilization within 800-feet of the project site is 78 percent.

The DPD Transportation Planner reviewed the information and has determined that while these impacts are adverse, they are not expected to be significant. Furthermore, no SEPA authority is provided for mitigation of the impact of development on parking availability for residential uses at this location within the Aurora Licton Residential Urban Village. No mitigation for parking is available or warranted pursuant to *SEPA Policy SMC 25.05.675.M*.

Summary

In conclusion, several adverse impacts to the environment are anticipated to result from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - STATE ENVIRONMENTAL POLICY ACT (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 (Revised Code of Washington (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 Environmental Impact Statement (EIS) is not required under RCW 43.21.030(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).

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.

SEPA - CONDITIONS OF APPROVAL

None.

Signature: Denise R. Minnerly for Date: October 12, 2015
Carly Guillory, Land Use Planner
Department of Planning and Development

CG:drm

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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.