



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3018806
Applicant Name: Scot Carr of Public47 Architects
Address of Proposal: 1622 Aurora Avenue North

SUMMARY OF PROPOSAL

Land Use Application to allow a five story building containing 39 apartments and three live-work units, in an environmentally critical area. Parking for 32 vehicles will be provided below grade.

The following approvals are required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

** Departures are listed near the end of the Design Review Analysis in this document*

SEPA DETERMINATION:

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND

The subject site was granted Relief from Prohibition On Steep Slope Development by the Seattle DCI Geotechnical Engineer on November 14, 2014 and an updated approval was granted on March 30, 2015 under Project Number 6439228:

“ECA review is required. The November 14, 2014 decision was based on information pertaining to a property to the north of the subject property. Additional information was

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, 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, greenhouse gas emissions, earth/soils construction traffic and parking impacts, as well as mitigation.

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 and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited on-street parking. Additional parking demand from construction vehicles would be 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.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a

Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at:
<http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays in Commercial Zones.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at:
<http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Earth / Soils

The ECA Ordinance and Director's Rule (DR) 5-2016 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 (Geotechnical report, HartCrowser, April 14, 2016) and (Geotechnical report, HartCrowser, June 6, 2016). These studies have been reviewed and approved by Seattle DCI'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. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with 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, greenhouse gas, height bulk and scale, public views, parking, traffic, plants and animals warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction 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 no further mitigation is warranted pursuant to SMC 25.05.675.A.

Height, Bulk, and Scale

The proposal has gone through the Streamlined Design Review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Streamlined Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 42 residential units with 32 off-street vehicular parking spaces. The traffic and parking analysis reports (Heffron Transportation Inc, Trip Generation and Parking Demand Analysis, August 29, 2016) and (Heffron Transportation Inc, Transportation Concurrency Analysis, October 19, 2016) indicates a peak demand for approximately 35 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The proposed development peak demand of 35 parking spaces would not be accommodated by the proposed 32 parking off-street spaces in the development, resulting in a spillover demand for 3 on-street parking spaces. Due to the minimal net addition of parked vehicles associated with the project and the availability of transit, the proposal is anticipated to have a minimal impact to on-street parking utilization parking availability. The Seattle DCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.M.

Plants and Animals

Mature vegetation is located on the site, including one exceptional tree. The applicant submitted an arborist report (Arborist Report prepared, Greenforest Inc., October 23, 2015 and identified the exceptional tree as a 33" Bigleaf Maple (*Acer macrophyllum*) on the MUP plan set. Seattle DCI's Arborist has reviewed the information.

The removal of this tree was reviewed during the Streamlined Design Review pursuant to SMC 25.11.080. The Director may permit the removal of an Exceptional tree avoiding development in the tree protection area could not be achieved through the development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012, a reduction in the parking requirements of Section 23.54.015, and/or a reduction in the standards of Section 23.54.030. Removal of the tree as related to the proposed design is discussed in the Streamlined Design Review Report dated 4/15/2016.

Seattle DCI has reviewed the proposal and determined that the landscape plan proposes new trees that will replace and exceed the canopy of the existing tree at maturity. No mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. Aurora Ave N is a SEPA Scenic Route. The applicant provided studies showing the proposed development in relation to the designated public views in SMC 25.05.675.P. The proposed development is located in a manner that maintains a view of water and skyline along Aurora Ave N.

The proposed development does not block views of any nearby historic landmarks.

Additional mitigation is not warranted under SMC 25.05.675.P.

Transportation

The Traffic Impact Analysis reports (Heffron Transportation Inc, Trip Generation and Parking Demand Analysis, August 29, 2016) and (Heffron Transportation Inc, Transportation Concurrency Analysis, October 19, 2016) indicated that the project is expected to generate a net total of 460 daily vehicle trips, with 49 net new PM Peak Hour trips and 29 AM Peak hour trips. The additional trips are expected to distribute on various roadways near the project site, including Aurora Avenue N, Garfield St and Dexter Ave N and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The Seattle DCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

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

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Magda Hogness, Land Use Planner _____ Date: November 10, 2016
Seattle Department of Construction and Inspections

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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 Seattle DCI 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.