



City of Seattle

Gregory J. Nickels, 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: 3003380
Applicant Name: Darby Lippencott
Address of Proposal: 4527 NE 55th Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to establish use for one three-unit townhouse and two single family residences (total of five units) with parking for seven vehicles located within the structures. Existing four-unit multifamily structure to be demolished. A building permit application (#6066369) is being reviewed.

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
 or involving another agency with jurisdiction.

* Early Notice DNS published October 25, 2005

BACKGROUND INFORMATION

Site & Vicinity Description

The 7,458 square foot proposal site is located on the south side of NE 55th Street approximately 125 feet from the “T” intersection of NE Tulane Place and NE 55th Street. The existing lot is essentially rectangular and measures 61.31 feet wide and 126.26 deep. The site is zoned

Multifamily Lowrise 1 (L-1). The subject site is currently developed with a four unit apartment building. The existing apartment building would be demolished and removed from the site under a separate permit. There is no alley. Vehicular access to the site is from N.E 55th Street. The site is relatively flat from the front to the rear property line abutting a gradual slope in a portion of the Burke Gilman trail to the east. The few trees existing on the site are located along the rear property line as part of the landscape buffer from the traffic noise on Sand Point Way NE. The site is not located within any mapped or observed Environmentally Critical Area (ECA).

Abutting the site to the east along the Burke Gilman Trail is an identified wetland.

The L-1 zone abuts the Single Family 5000 (SF-5000) zone to the north, east and west and LDT zone to the south. Development in the immediate zone and vicinity is predominantly a mixture of single family and multifamily residences uses.

Proposal

The applicant proposes to construct two single family dwellings and one three unit townhouse structure for a total of five units. Parking for each unit will be provided within the buildings. The existing four unit apartment building will be demolished and removed from the site. There an existing wetland abutting the subject property located entirely along the Burke Gilman Trail to the east. The applicant proposes to apply for a unit lot subdivision. This SEPA review will consider the environmental impacts of the future application, thus it will not be necessary to require another SEPA review.

Public Comments

The public comment period for this project began on October 13, 2005 and ended in October 26, 2005. No comments were received.

ANALYSIS - SEPA

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist prepared by Rod Novion on September 12, 2005. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with 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, that "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 (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for identified impacts. Specifically these are the Stormwater, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion) and the Building Codes (construction standards). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Thus mitigation pursuant to SEPA is not necessary for these impacts. However, more discussion of some impacts is appropriate.

Short-term Impacts

The following temporary demolition and construction related impacts are expected; temporary soil erosion; decreased air quality due to dust and other suspended air particulates; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and non-renewable resource. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Construction Impacts

Some short-term noise impact from demolition and construction is anticipated. Construction noise could result in periodic increases in speech interference and annoyance in surrounding residential buildings. The restriction in the Noise Ordinance will not adequately mitigate construction-related noise on adjacent residential uses. Therefore, in addition to compliance with the Noise Ordinance (SMC 25.05), the applicant will be required to limit construction activity to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition shall be required pursuant to the SEPA authority to mitigate noise impacts during construction (SMC 25.05.675).

Erosion

Erosion is anticipated during site excavation and grading. Compliance with the Stormwater, Grading and Drainage Control Ordinance, which requires compliance with standard excavation and shoring practice and containment of stormwater runoff from exposed soils, will provide adequate mitigation of erosion impacts (SMC 23.05.675 B. and F).

Street and Sidewalks

It is the City's policy to minimize or prevent adverse traffic impacts that would undermine the stability or safety of the surrounding area (25.05.675R). An excavation permit controls the proposed on-site excavation. The Street Use Ordinance includes regulations, which mitigate dust, mud, and circulation. Temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through Seattle Department of Transportation (SDOT). In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. Off-site parking exists on NE 55th Street. Since this and other nearby streets are not at capacity and can accommodate increased parking demand during construction, no additional mitigation is warranted under SEPA.

Long-term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale impacts; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; increased drainage due to storm water runoff and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope. Although not significant, these impacts are adverse and in some cases, mitigation is warranted.

Light and Glare

The proposed project will have exterior lighting, which could affect nearby residents. However, the Land Use Code requirement for shielding and reorienting exterior lighting to minimize impacts on surrounding properties is sufficient mitigation of this impact (SMC 23.45.045). No further mitigation under SEPA is warranted.

Bulk and Scale

The new townhouses will have a maximum height of approximately 35 feet to the top of the roof ridge. The building height will be comparable with single-family buildings in the area. Along the rear property line a green belt of shrubs and trees separates the site from the Burke Gilman Trail to the south. The two proposed single family structures are setback 10' 6" and 10' 11" from the front property line respectively, 5' 6" side setbacks and 20" rear setbacks, with required open spaces. Although the new building may affect local views, neither Seattle's Land Use Code nor Seattle's SEPA Ordinance provides for the protection of private views. The anticipated aesthetic or bulk and scale impacts are adequately mitigated by the requirements of the Land Use Code, including landscaping. There are no unusual conditions and, therefore, no further mitigation is necessary under SEPA.

Drainage

It is the City's policy to protect wetlands, riparian corridors, lakes, drainage basins, and wild life habitat (SMC 23.05.675C2). An identified wetland currently exists along the Burke Gilman Trail south of the rear property line. Though the wetland is not within the project site, its proximity to proposed development may result in other forms of pollutions to the wetland. The DPD's Wetland Biologist recommends that the applicant provides a five foot landscape strip with native vegetation such as: Vine Maple, Oregon Grape, Cascara, Nootka Rose, Salal and/or Evergreen Huckleberry. This condition shall be required pursuant to SEPA authority to mitigate drainage impacts to the wetland.

Parking

The site plan indicates that seven parking spaces would be provided on site. The applicant is proposing to build two single family dwellings and one 3-unit townhouse structures for a total of 5-units. The parking demand for the proposed five dwelling units is estimated to be 1.4 parking spaces. According to information provided on the site plan, enough parking is provided on site to meet the anticipated parking demand. Therefore, no mitigation under SEPA warrants additional parking mitigation.

Traffic

According to information on the SEPA checklist submitted by the applicant, the proposed two single family dwellings and one 3-unit townhouse structure are expected to generate 30 peak hour traffic volumes occurring daily. This is not expected to have a significant adverse impact on traffic conditions or reduce the level of service at nearby intersections. Therefore, no mitigation under SEPA is warranted for this project.

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 requirements of the State Environmental Policy Act (RCW 43.21C), 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 43.21C.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).

CONDITIONS SEPA

Prior to Issuance of Land Use Permit

1. The applicant must provide a revised landscape plan that includes native vegetation such as Vine Maple, Oregon Grape, Cascara, Nootka Rose, Salal and/or Evergreen Huckleberry to further mitigate drainage impacts to the wetland.

Prior to Issuance of Building Permit

2. The applicant must provide a revised landscape plan that includes native vegetation such as Vine Maple, Oregon Grape, Cascara, Nootka Rose, Salal and/or Evergreen Huckleberry to further mitigate drainage impacts to the wetland.

Conditions of Approval During Construction

3. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and is not subject to the additional noise mitigating conditions.

Prior to Final Inspection

4. The landscaping required under conditions #1 and #2 must be planted.

Signature: (signature on file)
Christopher A. Ndifon, Land Use Planner
Department of Planning and Development

Date: February 20, 2006