



City of Seattle

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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:** 2502136  
**Applicant Name:** Andrew Novion for Roy E. Bishop  
**Address of Proposal:** 13800 Greenwood Avenue North

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use and construct two (2) three-story, four-unit townhouse structures (totaling eight (8) units) with parking for eight (8) vehicles located within the structures. Existing triplex structure to be demolished.

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.

**BACKGROUND INFORMATION**

Site and Vicinity Description

This approximately 9,866 square foot (sq. ft.) rectangular site is located in a Lowrise 2 (L-2) zone, situated on the northeast corner of Greenwood Avenue North and North 138<sup>th</sup> Street. An existing two-story triplex building is currently located on the subject site. The site is accessed via a curb cut on North 138<sup>th</sup> Street.

Greenwood Avenue North is an improved street with some curb, sidewalk, and gutters in front of the subject site. No sidewalks or curbs are located along the west side of Greenwood Avenue North, across from the subject site. It is classified as a principal arterial street, pursuant to SMC Chapter 23.53. North 138<sup>th</sup> Street is a non-arterial street, paved roadway with gutters but no curbs nor sidewalks.

A portion of the site is identified as Environmentally Critical Area (ECA)-Steep Slope along the rockery on the east property line. The portion of the site covered by vegetation, building footprint and asphalt slopes gently upwards from Greenwood Avenue Northwest towards the east and abruptly slopes upward at a 6' rockery. Site elevations range from a high of approximately 450' along the east side of the site to a low of approximately 437' along the west side of the site.

Adjacent zoning surrounding the site is as follows:

North	Lowrise 2 (L-2)
East	Single Family Residential (SF 7200)
South	Lowrise 2 (L-2)
West	Lowrise 2 (L-2)

Adjacent uses are as follows

North	Apartments
East	Single Family Residence
South	Apartments
West	Apartments

Proposal

The applicant proposes to construct two (2) three-story, four-unit townhouse buildings (totaling eight (8) units) in an environmentally critical area (Steep Slope) with parking for eight (8) vehicles to be located within the structures. Vehicle access to the eight (8) parking spaces will be via a driveway from North 138<sup>th</sup> Street. The existing triplex structure will be demolished. Proposal includes grading of approximately 328 cubic yards (cu. yds.) of material at the base of the designated ECA steep slope area to allow for the proposed buildings' foundations, vehicular and pedestrian accesses. Proposed street improvements include the following which will be required as part of this project: a new planting strip with street trees and sidewalk improvements along that portion of the property fronting on Greenwood Avenue North and North 138<sup>th</sup> Street.

The applicant has submitted a Lot Boundary Adjustment (LBA) application with DPD (#2502790) that is currently being reviewed. This LBA proposal includes adjusting the property line between the subject site (Parcel B) and the adjacent property to the north (known as 13803 Greenwood Avenue North-Parcel A) to create the following property areas: Parcel A: 9,015 sq. ft. and Parcel B: 9,682 sq. ft. The proposed residential development on the subject site (Parcel B) will be based on the proposed

square footage of the LBA. It is expected that the LBA will be recorded with King County prior to the issuance of this application.

It is anticipated by the applicant that future development activity at the subject site will include the creation of individual unit lots (Unit Lot Subdivision). The applicant has also submitted a Master Use application to demolish the existing triplex located on the adjacent property north of the subject site (13803 Greenwood Avenue North-#2502159) and construct a new townhouse cluster housing development. This proposal is dependant upon vehicular and pedestrian easements from the owner of the subject site to allow for vehicular access from North 138<sup>th</sup> Street and pedestrian access from both North 138<sup>th</sup> Street and Greenwood Avenue North.

### Public Comments

The required public comment period ended on July 13, 2005. DPD received no written comments regarding this proposal.

### ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 3, 2005. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant, and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action will 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. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Additionally, given the relationship of this project and an adjacent project to the north (refer to MUP #2502159); the discussion below will consider the cumulative impacts and the need for mitigation (SMC 25.05.670 Cumulative effects policy).

### Short-term Impacts

The following temporary demolition and construction activities on this site and the site to the north 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, and a small increase in traffic and parking impacts due to construction related vehicles. 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 noise, air quality, earth, streets and parking impacts.

### Noise

Noise associated with construction of the townhouse buildings on the subject site and the northern proposal could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment, registering 60 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment; to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the proximity of the project site and the northern proposal to nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site and the northern site. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day.)

### Air Quality

Construction on this site and the site to the north will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations requires activities which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is

present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

### Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement, the applicant submitted the following items prepared by Jeong S. Liu, Ph.D, P.E.: geotechnical engineering study dated May 30, 2005, an addendum report dated September 8, 2005 and a correction response to the DPD geotechnical reviewer dated October 9, 2005. These reports evaluate the soil and site conditions and provide recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction.

The summary of the findings of the report, addendum report and correction response are the following: "The test pits excavated on the subject site and the adjacent site to the north encountered peat deposit mainly along the west side of the site with maximum thickness to about 9.25' at the southwest corner of the site. Groundwater was not encountered in any of the six (6) test pits excavated." The geotechnical report further states, "Sloped cuts are required to remove these unsuitable soils and backfill with structural fill. It is our judgment that provided the recommendation in our reports and our excavation plan is followed, the areas disturbed by construction will remain stable and will not increase the potential for soil movement." The submitted reports, which are located in the project file, further details the specific requirements for proper installation of permanent foundation; slabs-on-grade and retaining walls; temporary shoring techniques; excavation and slope techniques; excavation and shoring monitoring; and drainage considerations.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Streets and Parking

This proposal includes on-site excavation on this site and the northern site. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R). The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s)

is adequately controlled with a street use permit through the Seattle Department of Transportation (SDOT.).

Construction of the project and the project to the north is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personnel can be accommodated and managed on-site and within the North 138<sup>th</sup> Street right-of-way. Therefore, no further mitigation will be required.

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal and the northern proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased demand on public services and utilities; and increased energy consumption.

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. However, due to the size and location of this proposal, traffic and parking impacts; and height, bulk and scale warrant further analysis.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual (7<sup>th</sup> edition) estimates that townhouse units generate approximately 5.86 vehicle trips per weekday and low-rise apartments generate approximately 6.59 vehicle trips per weekday. Based on these estimates, both townhouse developments would generate approximately 93.76 (94) trips per day. A total of six (6) apartment units currently exist on the subject site and the adjacent property to the north. Therefore, an estimate of 39.54 (40) vehicle trips per weekday exists now. The table below illustrates the existing and proposed trip generation estimates:

<b>Trip Generation Estimates</b>	
Use(s)	Trips per weekday
<b>Existing</b>	
Two (2) three-unit apartment buildings	40
<b>Proposed</b>	
Two (2) eight-unit cluster townhouse developments	94
<b>Net Increase</b>	<b>54</b>

It is estimated that fifty-four (54) additional vehicle trips will be generated during the weekday. Due to the close proximity of the proposed townhouse developments to existing bus stops to Downtown will make it likely that there will be fewer vehicle trips than from development sites located in outlying suburban areas on which the ITE generation equation is based. The subject site and the proposal to the north will have immediate access to Greenwood Avenue North-a principal arterial. Given the net increase in vehicle trips for the two sites is minimal, it is expected that the amount of traffic generated by both proposals combined is within the capacity of the streets in the immediate area. Thus, no SEPA mitigation of traffic impacts is warranted.

### Parking

The Land Use Code requires a total of sixteen (16) parking spaces for both proposals. The submitted MUP plans indicate sixteen (16) parking spaces are provided. Based on past City experience with multifamily housing demand, it is expected that this project will generate a residential parking demand of approximately 1.25 spaces per unit. Using this multiplier, the estimated parking demand for sixteen (16) dwelling units would be twenty (20) parking spaces. As a result, a small amount of spillover parking (approximately four (4) vehicles) is expected on the surrounding street system. Parking is prohibited along this stretch of Greenwood Avenue North. However, based upon a site visit by the DPD Land Use Planner, an evaluation of available on-street parking along North 138<sup>th</sup> Street and in the vicinity demonstrated ample street parking for the neighborhood. As a result, on-street parking capacity is sufficient to meet any additional spillover parking which may occur. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

### Height, Bulk, and Scale

Section 25.05.675 of the Seattle SEPA Ordinance provides policy background for reviewing the height, bulk and scale of a project. The Land Use Code which implements these policies controls height, bulk and scale but cannot anticipate or address all substantial adverse impacts resulting from incongruous height, bulk and scale. These proposals are on sites which have unusual topographic features. There is an approximately 6' abrupt grade change between the project sites and the neighboring sites to the east. The neighboring sites to the east, whose westerly property line spans the entire width of both subject sites, each contains a single family residence and are zoned SF 7200. Both projects are in an L-2 zone. These conditions warrant further analysis.

The design of two (2) buildings each on the subject site and the neighboring property to the north (four (4) buildings containing a total of sixteen units) is similar in proportion and materials, but reduces the appearance of bulk through use of gabled roof schemes and modulation. The four (4) buildings will be orientated along the north/south axis separated by a 22' wide interior vehicle access court and pedestrian paths from both streets. These townhouse developments has been designed to minimize height, bulk and scale in relation to the neighboring properties north, west, east and south of the development. The proposal includes pitched roofs, windows with trim, identifiable covered entrances, modulation and landscaping. In addition, the easternmost townhouse buildings will be setback 25' from the eastern property line/SF 7200 zone boundary and constructed at a minimum of 8' lower than the neighboring single family residences to the east. These combined design elements break up the appearance of bulk of the facades and will mitigate the height, bulk and scale impacts of the structures.

Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Summary

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

**DECISION - SEPA**

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the 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 43.21C.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 the issuance of the Building Permit

1. The owner(s) and/or responsible party(s) will be required to submit a copy of the Puget Sound Clean Air Agency notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day.)

Signature: (signature on file) Date: December 1, 2005

Tamara Garrett, Land Use Planner  
Department of Planning and Development

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