



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

Project Number: 3030857-LU
Applicant Name: Brian O'Connor
Address of Proposal: 2637 NW 59th St

SUMMARY OF PROPOSAL

Land Use Application to allow a 3-story, 7-unit townhouse building. No parking provided. Existing building to be demolished.

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-Significance

- 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.

SITE AND VICINITY

Site Zone: Multi-Family Lowrise [LR2 (M)]

Vicinity Zoning Pattern: The site sits in a Multi-Family Lowrise zone that extends a block and a half south or so and a block north. 28th Ave NW marks a zone change, with a large Single Family 5000 zone to the west. 26th Ave NW marks another zone change, to Multi-Family Residential Lowrise [LR3(M)] to the east.



Environmental Critical Areas: None mapped.

Site Description: The midblock site is 50' wide by 100' deep and is almost entirely flat. A single-family house sits on the site that was built in 1900.

Vicinity Description: The site is located in southwest Ballard, just south of the Ballard Community Center. Residential development, of both new construction and historic character, surround the property. This area of Seattle has seen a rapid increase in new construction and density in its Lowrise zones.

PUBLIC COMMENT:

The public comment period ended on September 12, 2018. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to lack of parking in the area and increased on street parking demand from the proposal, increased traffic, and pedestrian safety concerns due to added cars on the road. Comments also related to concern over added density, loss of trees and vegetation, the viability of the proposed bicycle parking, support for providing no off street parking, lack of green space on site, and concern over site access for construction vehicles with a private alley located at the rear of the site. Comments were also received that are beyond the scope of this review and analysis.

I. ANALYSIS – SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 7/1/2018. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the 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, 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, air quality, greenhouse gas emissions, 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, 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 and timed or metered 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.

However, the amount of excavation and size of construction will result in a small and temporary increase in truck trips and demand for on-street parking. Any closures of the public right of way will require review and permitting by Seattle Department of Transportation. Additional mitigation is not warranted per SMC 25.05.675.B.

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 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise zones.

If extended construction hours are needed to address an emergency, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts and no additional SEPA conditioning is necessary to mitigate noise impacts per SMC 25.05.675.B.

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, and 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 emissions, historic resources, parking, and traffic warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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.

Historic Preservation

The existing structure on site is more than 50 years old. This structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 119-year-old structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 427/18). Per 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 no further conditioning is warranted per SMC 25.05.675.H.

Parking

The proposed development includes seven residential units with zero off-street vehicular parking spaces. The traffic and parking analysis (King County Multi-Family Residential Parking Calculator, Version 2.0) indicates a peak demand for approximately six vehicles from the proposed development. Peak residential demand typically occurs overnight.

The proposed development peak demand of six parking spaces would not be accommodated by the proposed zero parking off-street spaces in the development, resulting in a spillover demand for six on-street parking spaces.

Per SMC 25.11.070.A.3.b, in order to preserve an exceptional tree a reduction in the parking quantity required by Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid

the tree protection area. The applicant has reduced the required off street parking spaces to zero in order to preserve the existing exceptional Weeping Giant Sequoia on site.

No further mitigation is required pursuant to SMC 25.05.675.M because spillover parking is minimal.

Transportation

The Traffic Impact Analysis (Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Edition, Volume 2) indicated that the project is expected to generate a net total of 51 daily vehicle trips, with four net new PM Peak Hour trips and three AM Peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including 28th Avenue Northwest, Northwest 59th Street, and 26th Avenue Northwest and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

Plants and Animals

Mature vegetation is located on the site, including one exceptional tree. The location of this tree is shown in the MUP plan set. The applicant submitted an arborist report [Tree Inventory – 2637 NW 59th St., Seattle, WA., revised on July 31, 2019] and identified the exceptional tree [Weeping Giant Sequoia, 12” DBH] on the MUP plan set. SDCI’s Arborist has reviewed the information.

The proposal includes retention of the exceptional tree. In order to mitigate impacts to the exceptional tree under SMC 25.05.675.N, a condition for a tree preservation plan is warranted. The tree preservation plan shown on sheet 07 of the MUP plan set uploaded to the record by the applicant on 10/18/2019 will be required on any demolition, excavation, shoring, and construction permit plans.

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 a demolition, grading, or construction permit

1. Include on the plans the tree preservation plan shown on sheet 07 of the approved MUP plan set.

During Construction

2. Install tree protection fencing at the tree dripline and the SDCI Tree Protection requirements placard on the fencing, available here:
<https://www.seattle.gov/Documents/Departments/SDCI/Codes/TreeProtectionAreaSign.pdf>.

Ellen Aebischer, Land Use Planner- Green Building
Seattle Department of Construction and Inspections

Date: November 14, 2019

EA: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 SDCI 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.