



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3007199  
**Applicant Name:** Brittani Ard for Dan Duffus, Soleil, LLC.  
**Address of Proposal:** 2203 Northwest 60<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to construct nine (9), two-story cottage housing units, including surface parking for nine (9) vehicles. The existing single family structure and accessory structures on lot 10, and the circa 1910 structure, the Michael Maier Lodge of the Rosicrucian Order, occupying lots 11 and 12, are to be demolished.<sup>1</sup>

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.

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<sup>1</sup> The entire development site consists of lots 10, 11, 12, Block 34, Gilman Park Addition.

**BACKGROUND DATA**

Site and Vicinity Description

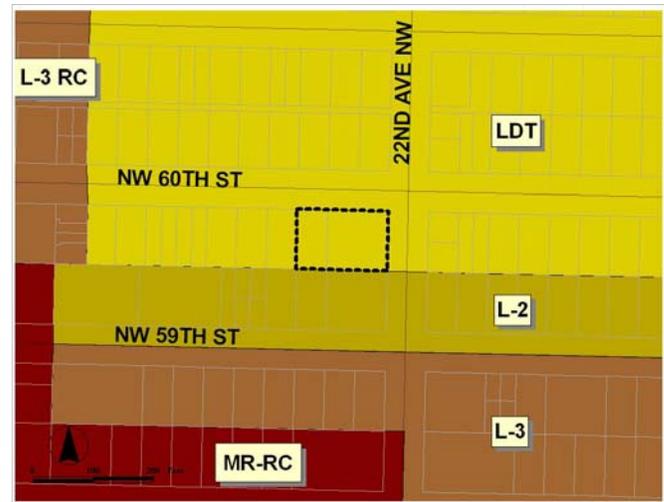
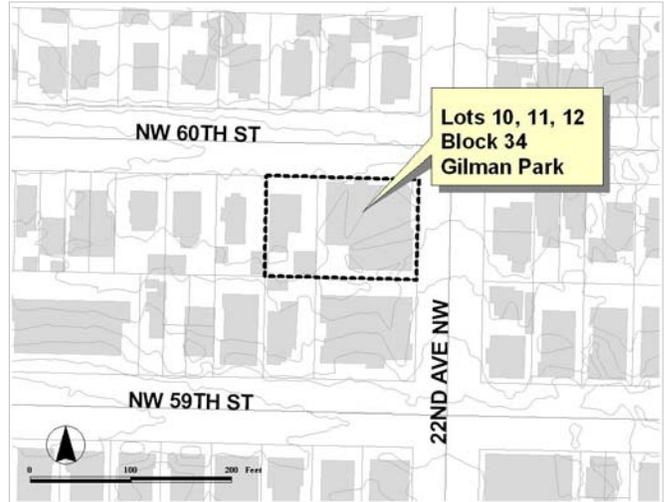
The subject site is located at the intersection of Northwest 60<sup>th</sup> Street and 22<sup>nd</sup> Avenue Northwest in Seattle’s Ballard neighborhood. The development site consists of three lots measuring 14,991.92 square feet in area. Site improvements currently include a single family structure and a circa 1910 single story, partially submerged structure currently known as the Michael Maier Lodge.

The site is zoned Multifamily Lowrise/Duplex Triplex (LDT), as are properties north and east of the site. South of the site the zoning transitions to more intense categories: Lowrise (L2, L3), Midrise/Residential-Commercial (MR R/C); and Neighborhood Commercial with a 65 foot height limit (NC3 65). Development and uses in the vicinity are consistent with the surrounding zoning and include primarily single and multi-family structures. Distinguishing landmarks in the area include the Ballard Commons Park and the Ballard Public Library, one and two blocks south of the site, respectively.

Northwest 60<sup>th</sup> Street and 22<sup>nd</sup> Avenue Northwest are both fully improved residential access streets. Both rights-of-way are 65 feet in width with 30 foot wide roadways; on-street parking exists along both sides of each street. A landscaped traffic circle is located at the point of intersection of Northwest 60<sup>th</sup> Street and 22<sup>nd</sup> Avenue Northwest.

Proposal

The applicant proposes to construct nine (9) individual two-story “cottage houses”, with surface parking for nine vehicles on-site. Access to the 14,491.92 square foot development site will be from both Northwest 60<sup>th</sup> Street via a 20 foot driveway, and from 22<sup>nd</sup> Avenue Northwest via a 12 foot driveway. The existing single family structure and single-story lodge are to be demolished (Permit No. 6148582).



Public Comments

Public notice of the proposal ended September 26, 2007. The Department received one comment letter related to this land use application. The respondent asked for clarification regarding density requirements for cottage housing development in LDT zones. The individual also expressed support for the development proposal. Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

**ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), 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 annotated environmental checklist (dated August 23, 2007), supplemental information from the Seattle Department of Neighborhoods (DON), and information in the project file submitted by the applicant. 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 clarifies the relationship between codes, policies, and environmental review (SMC 25.05.665). 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, "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 (SMC 25.05.665 D1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short - term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolition, excavation, and construction; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel; temporary soil erosion; removal and disposal of potentially harmful materials; conflict with normal pedestrian movement adjacent to the construction site; and the consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Seattle Building Code provides for construction measures in general. Finally, the Seattle Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts on the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05.794). However, due to the proximity of surrounding residences, further analysis of construction impacts is warranted. The following is an analysis of the short term impacts on the environment, as well as appropriate supplemental mitigation.

### *Air Quality, Environmental Health*

Demolition and transport of the materials from the lodge and the single family structure will create dust leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance requires watering of the site, as necessary, to reduce dust (SMC 15.22). The Puget Sound Clean Air Agency requires that reasonable precautions be taken to avoid dust emissions (PSCAA regulation 9.15). In addition to spraying water or chemical suppressants, this may require activities which produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality.

The applicant submitted an asbestos survey, conducted on June 19, 2007, by Asbesto-Test, Inc.<sup>2</sup> Asbestos Containing Materials (ACM) were found to exist in samples taken of the floor tiling, black mastic, ACM TSI wrapping, chimney/flue patching, window glazing, and roofing surface of the Michael Maier Lodge. All asbestos referred material was removed from the site in accordance with current Labor & Industry and PSCAA regulations.<sup>3</sup>

The PSCAA, the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. As a condition of this land use application, the Department will require that the applicant submit to this Land Use Planner a copy of the PSCAA "Notice of Intent to Demolish". Additionally, a copy of the notice shall be posted on-site and made available for review by Agency inspection personnel.

Given the demolition activity is anticipated to be of short duration, the proposal's anticipated adverse air and environmental health impacts will be adequately mitigated.

### *Noise*

Noise associated with demolition of the existing structures and construction of the cottages could adversely affect surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 a.m. to 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays

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<sup>2</sup> "Asbestos Survey: 2206 NW 60<sup>th</sup> ST., Seattle, WA 98107". Asbesto-Test, Inc. June 19, 2007.

<sup>3</sup> Memo submitted to DPD from Cedar sound Building Co, LLC. Donny R Murray, Manager. September 14, 2007.

between 9:00 a.m. and 6:00 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

### Traffic

Existing ordinances require truck activities to use arterial streets to the greatest extent possible (SMC 11.62). For the removal and disposal of the spoil materials, SMC 11.74 provides that material hauled in trucks shall be secured in a manner as with safety chains, covered, tied down, confined or otherwise secured “as to prevent the material from spilling, escaping, or being deposited outside the vehicle”.

The Street Use Ordinance requires sweeping or watering of streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. These ordinances provide adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long - term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

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 tight line 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. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

### Historic Preservation

Lots 11 and 12 are currently developed with a 6,682 square foot single-story structure, circa 1910, formerly in use as a religious institution known as the Michael Maier Lodge. The structure has not been designated as a historic landmark under the City’s Landmark Ordinance, and based on analysis of information submitted to the Department of Neighborhoods Landmarks Preservation Board Coordinator, it is unlikely that the building would meet the standards for designation as an individual landmark. No SEPA mitigation is warranted for historic preservation.

### Traffic and Parking

The surrounding area is well served by transit and includes Metro bus stops within two blocks of the site. The amount of traffic expected to be generated by this proposal is within the capacity of the streets in the immediate area. There will be increased parking demand created by the project and it is the City's policy to minimize or prevent adverse parking impacts associated with development projects. Nine parking spaces are required for this proposal, and nine surface parking spaces are being provided (SMC 23.54.015). No SEPA mitigation is warranted to mitigate impacts related to traffic and parking.

### Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant, reviewed the project plans and all additional information in the file, and comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### **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 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 43.21C.030 2C.
- 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 2C.

### **CONDITIONS - SEPA**

#### *Prior to Issuance of Demolition Permit*

1. The owner(s) and/or responsible party(ies) shall submit a copy of the Puget Sound Clean Air Agency (PSCAA) "Notice of Intent to Demolish" to the undersigned Land Use Planner. *Additionally*, a copy of the Notice of Intent shall be kept onsite and available for review by Agency inspection personnel.

#### *During Construction*

2. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to *non-holiday* weekdays from 7:00 a.m. to 6:00 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 a.m. and 6:00 p.m. once the shell of the structure is

completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: \_\_\_\_\_ (signature on file) Date: December 24, 2007  
Catherine McCoy, Land Use Planner  
Department of Planning Development

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