



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: 3007973

Applicant Name: Brittani Ard for Dan Duffus, Soleil, LLC.

Address of Proposal: 1548 NW 61st Street

SUMMARY OF PROPOSED ACTION

Land Use Application to construct six (6) two-story cottage housing units, including surface parking for six (6) vehicles. The existing single family structures at 1542 and 1548 NW 61st Street are to be demolished.

The following approval is required:

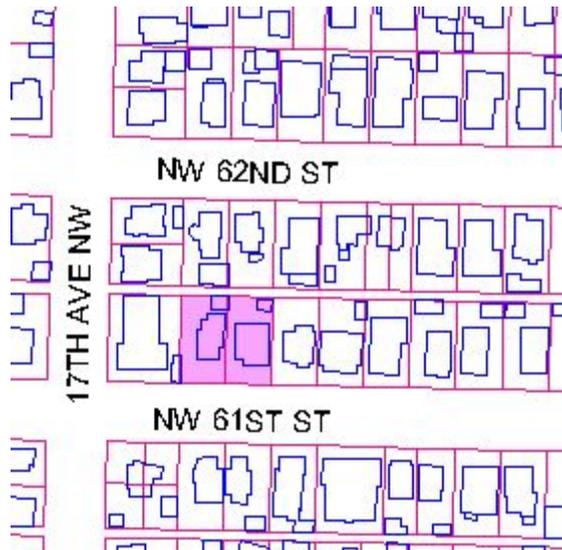
SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION:

Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.



BACKGROUND DATA

Site and Vicinity Description

The subject site is located on NW 61st Street, in a residential area of Ballard. The development site consists of two 50 foot wide by 95 foot deep lots (Lots 20 and 21 of Block 19 in Gillman Park Addition), for a total of 9500 square feet in area. Site improvements currently include a single family structure plus garage on each lot. The block is served by a 10 foot paved alley at the rear of the properties.

The site is zoned Multifamily Lowrise/Duplex Triplex (LDT), as is the surrounding area. Existing development in the vicinity consists of single family residences, newer townhouses, and a 16-unit apartment building just west of the site.

Northwest 61st Street is a fully improved residential access street 65 feet in width with sidewalks on both sides of the street.

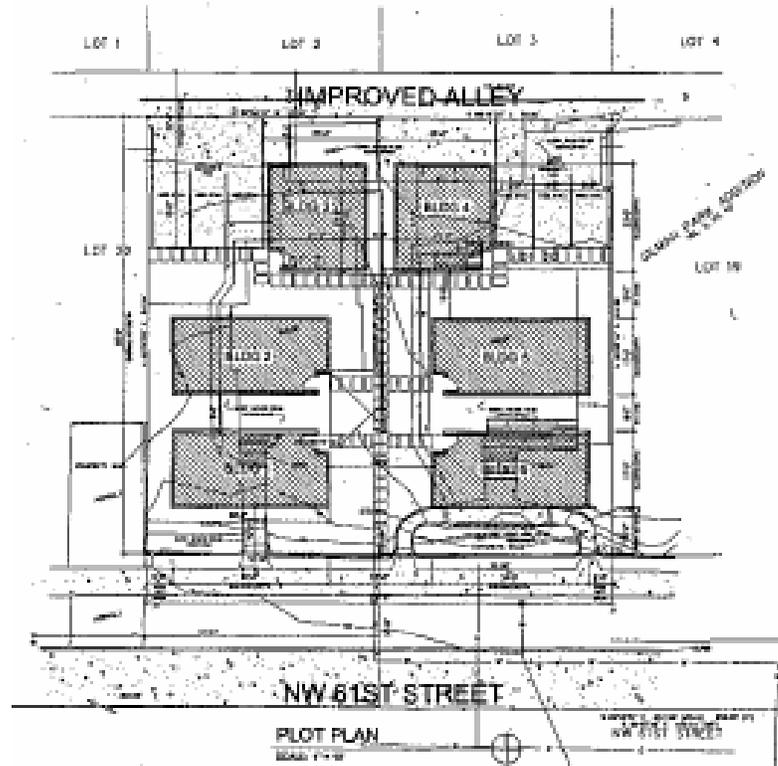


Proposal

The applicant proposes to construct six (6) individual two-story “cottage houses”, with surface parking for six vehicles on-site. Vehicular access to the development is proposed from the alley. The existing single family structures and accessory garages are to be demolished.

Public Comments

Public notice of the proposal ended September 26, 2007. The Department received one comment letter related to the application. The respondent expressed concerns about the accuracy of the survey, the number of units proposed, and how garbage will be handled since the project is above the street, with no garbage service on the alley.



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 September 25, 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 single family structures 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 that 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 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 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 20 and 21 are currently developed with single family houses, dating to 1910 and 1902 respectively. Information on the structure and history of the houses was submitted to the Department of Neighborhoods (DON) Landmarks Preservation Board Coordinator to determine eligibility for landmark status. The DON analysis indicates that the structures do not meet the standards for designation as landmarks. No SEPA mitigation is warranted for historic preservation.

Traffic and Parking

The surrounding area is well served by transit and includes Metro bus stops on 15th Ave NW within a block 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. Six parking spaces are required for this proposal, and six 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.

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Signature: (signature on file) Date: April 24, 2008
Holly E. Anderson, Land Use Planner
Department of Planning Development