



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:** 3009238  
**Applicant Name:** Dan Duffus for Soleil Development  
**Address of Proposal:** 908 NW 51<sup>st</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow four residential units (cottage housing development). Surface parking for five vehicles to be provided. Review includes future unit lot subdivision. Existing single family residence to remain, for a total of five residential units.

The following approvals are 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**

Zoning: Lowrise 1 (L1)

Prior Uses on Site: One single family house to be retained.

Substantive Site Characteristics:

The 7,480 square foot rectangular site is one lot west of the intersection of 9<sup>th</sup> Avenue NW and NW 51<sup>st</sup> Street. The areas immediately adjacent to the site and across the streets are also zoned L1, while a half block to the south the zoning changes to Industrial Buffer (IB U/45).



The subject property has approximately 75 feet of frontage on the north side of NW 51<sup>st</sup> Street, which is developed with curbs, gutters, and sidewalks on both sides of the pavement at this location. There are no mapped or observed City of Seattle designated Environmentally Critical Areas (ECA) on the property.

#### Proposal Description:

The proposal is to add four cottage housing units to the site along the west and north sides of the existing house. The existing house was constructed in 1923 and has 870 sq. ft. of living space. The cottages will range in size from 560 sq. ft. to 597 sq. ft. Five surface parking spaces will be provided in a common parking area along the eastern portion of the site.

#### Public Comment:

The comment period for this proposal ended on October 1, 2008. During this period, three written comment letters related to this project were received. Comments were largely related to the proposed location of surface parking. Other comments related to lack of open space in the neighborhood.

#### ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 8, 2008. The information in the checklist, public comment, and the experience of the lead agency with 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, 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 (SMC 25.05.665 D1-7) mitigation can be considered, 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 construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

The impacts of increased traffic and parking demand from construction personnel, while not mitigated by codes, are not sufficiently adverse to warrant further mitigation by conditioning. However some of the other short term impacts warrant further discussion and review.

### Air Quality

During construction, dust resulting from demolition, excavation, and grading would contribute to concentrations of suspended particulate matter. The construction contractor would have to comply with the Puget Sound Air Pollution Control Agency's Regulation 9.15, which requires that reasonable precautions be taken to avoid dust emissions. This may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and covering dusty truck loads.

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 contribute slightly to the degradation of local air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No additional air quality conditioning is warranted for this project.

### Construction Noise

Most of the initial construction activity, including excavation and framing, will involve loud equipment and activities. This construction activity will have an adverse impact on the nearby residences. Because of the close proximity of the nearby residences, the Department finds that the limitation of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:00 a.m. and 6:00 p.m. After the structure is enclosed, interior construction may be allowed on Saturdays between 9am and 6pm with the written approval of the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations.

Additionally noise-producing equipment shall be shielded where possible to reduce impacts to adjacent properties. Where available, pneumatic equipment shall be used in construction activities in place of diesel equipment.

### Long-term Impacts

Long-term or use related impacts are also anticipated from the proposal which include increases in surface water runoff from greater site coverage; bulk and scale on the site and reduction in vegetation; pedestrian and vehicular traffic; parking demand due to residents and visitors; ambient noise due to increased human activity; airborne emissions resulting from additional traffic; demand on public services and utilities; light and glare; and 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 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.

### Air Quality

Longer term impacts of the proposal due to vehicular trips associated with the project and the projects' energy consumption include increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Seattle's SEPA Air Quality Policy (Section 25.05.675.1A.4). The Puget Sound Air Pollution Control Agency is responsible for monitoring air quality in the Seattle area, setting standards and regulating development to achieve regional air quality goals. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Height, Bulk and Scale

The extent to which the project's height, bulk, and scale are adverse, and further, to which conditioning or modification is warranted, must be based on adopted applicable city policies. There will be increased height, bulk and scale on this site due to the proposed project. Setbacks, modulation requirements and roof pitch requirements are being met. Open space is provided as prescribed in the Land Use Code. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy

### Parking

There will be increased parking demand created by the project. The project will provide parking for five vehicles. The Institute of Transportation Engineers (ITE) Parking Manual 3rd Edition indicates that residential use in an urban setting would generate peak demand for approximately five vehicle parking spaces (one space per residential unit). The Land Use Code requires five parking spaces. The applicant has proposed five parking spaces, which is the number required by the Land Use Code. Therefore, no parking impact is anticipated to occur as a result of this proposal.

### **Summary**

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, 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. Adverse impacts may be mitigated only if the decisionmaker finds that the applicable federal, state and regional regulations did not anticipate or are inadequate to address the particular impacts of a project. No unusual circumstances exist which warrant additional mitigation, pursuant to the SEPA Overview Policy.

## **DECISION**

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).
- 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*

1. Address all zoning corrections to the satisfaction of the Zoning reviewer.

### During Construction

The following condition 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. 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.

2. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 a.m. to 6 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 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 15, 2008  
Marti Stave, Land Use Planner  
Department of Planning and Development

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