



**City of Seattle**  
Edward B. Murray, Mayor

---

**Department of Construction and Inspections**  
Nathan Torgelson, Director

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

**Application Number:** 3017573  
**Applicant Name:** John Triegeer, JT Architecture  
**Address of Proposal:** 1249 5<sup>th</sup> Avenue North

**SUMMARY OF PROPOSAL**

Land Use Application to allow three, three-story structures containing two townhouses (for a total of six units) in an environmentally critical area. Parking for 12 vehicles to be provided below grade. Existing structure to be demolished.

The following approvals are 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 25.06.660, the proposal has been conditioned to mitigate environmental impacts

**BACKGROUND**

The project was subject to and completed Streamlined Design Review (SDR) pursuant to SMC 23.41.018. The following adjustments are proposed: (1) a 50% reduction to the side setback along the north property line (SMC 23.45.518); and (2) a reduction in the setback required for garage doors in lowrise zones (SMC 23.45.536.E.). After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Planner provided siting and design guidance, and identified the Citywide Design Guidelines of highest priority for this project.



The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 31, 2015. The Seattle Department of Construction and Inspections (Seattle DCI) 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 air quality, construction impacts, and earth/soils.

#### Air Quality/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, they are not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

#### 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. Pursuant to *Construction Impacts Policy* SMC 25.05.675.B, additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

### 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 choose one: 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones. If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.B).

### Earth/Soils

Excavation to construct the residential structures will be necessary. Excavation will remove an estimated 3,600 cubic yards of material from the development site. Soil, gravel and similar materials may be imported to or exported from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and 160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either: 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the impacts associated with the grading/excavation impacts of the project is warranted pursuant to SEPA policies (SMC 25.05.675.D).

The ECA Ordinance and Director's Rule (DR)5-2016 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (GEOGroup Northwest, Inc. June 10, 2014). The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing *Grading and Stormwater Codes* will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

### Environmental Health

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition.

The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

### 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; 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, air quality, historic resources, height bulk and scale, parking, plants and animals, and transportation warrant further analysis.

#### Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and 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, they are not expected to be significant, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F.

#### Historic Preservation

The existing structure on site is more than 50 years old. These structures were 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 104 year old structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 377/16). 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.

#### Height, Bulk, and Scale

The proposal has gone through the streamlined design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for any new project proposed on the site. 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 additional mitigation is not warranted under SMC 25.05.675.G.

### Parking

The proposed development includes six residential units with 12 off-street vehicular parking spaces. The number of proposed parking spaces accommodates all of the anticipated parking demand. No additional mitigation is warranted per SMC 25.05.675.M.

### Plants and Animals

Mature vegetation is located on the site, including several trees and two exceptional trees. The location of these trees is described in the *Tree Inventory* (Henegar, Kyle. August 1, 2014). The applicant submitted an arborist report (Lange, Ken. July 25, 2016) and identified the exceptional trees (Lawson Cypress (37-inch diameter at breast height (dbh)) and Pacific Dogwood (nine-inch dbh) on the MUP plan set. Seattle DCI's Arborist has reviewed the information.

The arborist report (Lange, Ken. July 25, 2016) claims that the Lawson Cypress is a hazardous tree as defined by SMC 25.11.020, and the Dogwood is in a state of decline/disease with no chance of recovery. Seattle DCI has reviewed the proposal and determined that the landscape plan proposes new trees that will replace and exceed the canopy of the existing tree at maturity, consistent with SMC 25.11.090. No mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

### Transportation

The SEPA Checklist (July 31, 2015) indicated that the project is expected to generate a net total of 24 daily vehicle trips. The additional trips would have minimal impact on levels of service at nearby intersections and on the overall transportation system. Impacts are not expected to be significant; therefore, no further mitigation is warranted per SMC 25.05.675.R.

## **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).
- Mitigated 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 Demolition, Excavation/Shoring, or Construction Permit**

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>. The Construction Management Plan shall include a Haul Route and a Construction Parking Plan.

Carly Guillory, Land Use Planner  
Seattle Department of Construction and Inspections

Date: September 1, 2016

CG:drm

K:\Decisions-Signed\3017573.docx

## **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 Seattle DCI 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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.