



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

**Project Number:** 3038567-LU  
**Applicant Name:** Julian Weber  
**Address of Proposal:** 5046 35<sup>th</sup> Avenue South

**SUMMARY OF PROPOSAL**

Land Use Application to allow 2, 3-story townhouse buildings (6 units total); one, 3-story single family residence and seven Accessory Dwelling Units. Parking for 6 vehicles proposed. Existing single-family residence to remain.

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.

**BACKGROUND**

The site was granted relief on steep slope development by the SDCI Geotechnical Engineer on 8/31/2021:

*“ECA review is required. Based on a review of the submitted information and the City GIS, SDCI concludes that the ECA Steep Slope Areas on, and adjacent to, the site appears to have been created by previous legal grading associated with site development and qualifies for Relief From Prohibition On Steep Slope Development, as described in SMC 25.09.090 B2b. The geotechnical engineering report and topographic survey are required for to be uploaded to the portal for 6827500-CN for permit intake. Except as described herein, the remaining Environmentally Critical Areas requirements apply.”*

**SITE AND VICINITY**

*Site Zone:*

Residential Small Lot (RSL (M))

*Zoning Pattern:*

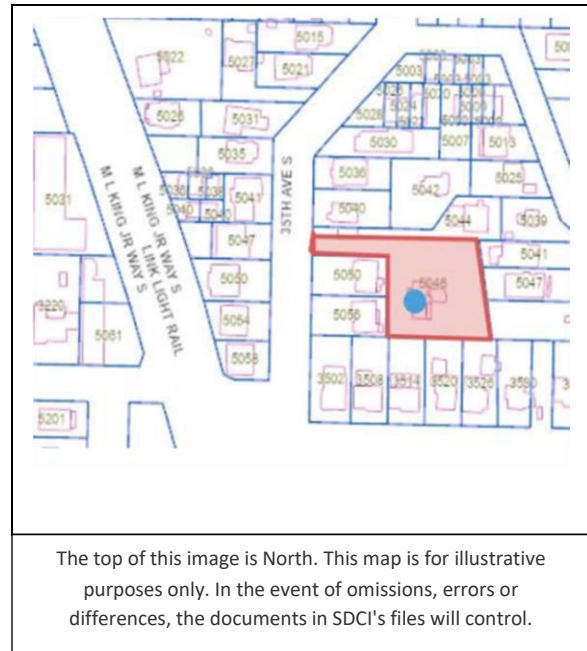
The project site is located within an area of Residential Small Lot zoning with the immediately adjacent lots all zoned RSL. Moving to the east, the zoning designation shifts to multifamily Lowrise (LR2) east of Renton Ave S before transitioning to Neighborhood Commercial zoning along Rainier Ave S. To the west, the zoning designation shifts to multifamily (LR3) and Neighborhood Commercial (NC2) along the Martin Luther King Jr Way corridor.

*Environmentally Critical Areas:*

Steep Slope

*Site Description:*

The project site is an L-shaped or flag lot with frontage along 35<sup>th</sup> Ave S which provides access. Approximately 22,428 square feet in area, the site possesses a single-family home built in 1956. Mature trees exist on the site, including one Exceptional tree, a 34" Silver Maple.



**PUBLIC COMMENT:**

The public comment period ended on 11/17/2021. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. Public comment focused on concern with the removal of existing trees.

**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 10/8/2021. 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 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays.

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

*Earth*

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 (Geotechnical Engineering Study, Geotech Consultants Inc., April 5, 2021). The study has been reviewed and approved by SDCI'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).

*Long Term Impacts*

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including the following: 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 and plants and animals warrant further analysis.

*Greenhouse Gas Emissions*

Operational activities, primarily vehicular trips associated with the project's residents 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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

*Plants and Animals*

Mature vegetation is located on the site, including 32 trees and one Exceptional tree. The applicant submitted an arborist report (Tree Protection Plan Report, Greenforest Incorporated, 9/30/2022) and identified the on-site Exceptional tree (34" Silver Maple) and the two off-site Exceptional trees (both 36" Western Red Cedar) on the MUP plan set. SDCI's Arborist has reviewed the information.

The proposal includes retention of the one on-site Exceptional tree and two off-site Exceptional trees. In order to mitigate impacts to the Exceptional Tree(s) under SMC 25.05.675.N, a

condition for a tree preservation plan is warranted. The tree preservation plan shown in the arborist report (Tree Protection Plan Report, Greenforest Incorporated, 9/30/2022) 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).
- ☐ 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. The plans shall show the tree preservation plan, consistent with the arborist report on file with SDCI (Tree Protection Plan Report, Greenforest Incorporated, 9/30/2022).

Allison Whitworth, Senior Land Use Planner  
Seattle Department of Construction and Inspections

Date: February 9, 2023

AW:bg

Whitworth/3038567-LU Decision