



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

Record Number: 3039004-LU
Applicant: Bradley Khouri
Address of Proposal: 5047 44th Ave NE

SUMMARY OF PROPOSAL

Land Use Application to allow 1, 3-story single family residence and 2, 3-story townhouse buildings (5 units total). Parking for 5 vehicles proposed. Existing buildings to be demolished.

The following approval is required:

I. SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION

- ☒ Determination of Nonsignificance (DNS)
 - ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.
 - ☐ No mitigating conditions of approval are imposed.
- ☐ Determination of Significance (DS) – Environmental Impact Statement (EIS)
- ☐ Determination made under prior action.
- ☐ Exempt

BACKGROUND

Streamlined Design Review (SDR) of the proposed development was completed under related record number 3038948-EG. The response to SDR guidance will be reviewed under building permit record 6878368-CN.

SITE & VICINITY

Site Zone: Lowrise 1 (M)
Zoning Pattern: (North) Lowrise 1 (M)

(South) Lowrise 1 (M)
(East) Lowrise 1 (M)
(West) Lowrise 1 (M)

Lot Area: 7,826 sq. ft.

Site Description: Located on the south corner of the intersection of Sand Point Place NE and 44th Ave NE in the Laurelhurst neighborhood, the subject site is currently developed with an existing four-plex residential structure built in 1962. Three Norway spruces site at the northern end of the property. The triangular property slopes downward southeast to northwest approximately ten feet.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

Environmentally Critical Areas: No mapped environmentally critical areas are located on the subject site.

PUBLIC COMMENT

The public comment period ended on August 3, 2022. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to potential archeological findings.

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 July 9, 2019. 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 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 - 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.

However, the amount of excavation and size of construction will result in a small and temporary increase in truck trips. 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 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise zones. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts and no additional SEPA conditioning is necessary to mitigate noise impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy).

Environmental Health

Construction activity has the potential to result in exposure to asbestos and lead. 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.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the [Toxic Substances Control Act \(TSCA\)](#), [Residential Lead-Based Paint Hazard Reduction Act of 1992 \(Title X\)](#), [Clean Air Act \(CAA\)](#), [Clean Water Act \(CWA\)](#), [Safe Drinking Water Act \(SDWA\)](#), [Resource Conservation and Recovery Act \(RCRA\)](#), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: the Renovation, Repair and Painting Program (RRP), and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

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; 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, historic resources, and transportation may warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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.

Historic Resources – Architectural

The existing structure on site is more than 50 years old. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 100/23). 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.

Historic Resources – Archaeological

Information on file indicates the project is located in an area with a high probability for having unknown archaeological deposits (Letter, Duwamish Tribe, August 1, 2022). Further review by the state Department of Archaeology and Historic Preservation (DAHP) indicates that while the site is within a high-risk area, the relatively small project footprint and level of existing development lowers the risk that archaeology will be impacted (Email, DAHP, March 21, 2023). Recommendations include preparation of an Inadvertent Discovery Plan (IDP). These findings and recommendations were discussed with a representative of the Duwamish Tribe. The recommendation for submittal of an IDP will be required as a condition of this decision to be followed during construction.

Since the information showed there is probable presence of archaeologically significant resources on site, Section B of Director's Rule 2-98 applies. Pursuant to SMC 25.05.675.H (Historic Preservation Policy) and consistent with Section B of Director's Rule 2-98, the conditions listed at the end of this decision are warranted to mitigate impacts to potential archaeological resources.

Transportation

The traffic analysis (10th Edition Trip Generation Manual, ITE, September 2017) indicated that the project is expected to generate a net total of 38.72 daily vehicle trips, with 3.23 net new PM Peak Hour trips and 2.58 AM Peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including Sand Point Way NE and NE 50th St, and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. No 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).

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 Master Use Permit:

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of Demolition, Grading, or Construction Permit:

2. Provide an Inadvertent Discovery Plan for archaeological resources prepared by a qualified professional.

During Construction:

3. Construction activity shall occur in accordance with the Inadvertent Discovery Plan. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall also:

- a. Stop work immediately and notify the SDCI land use planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- b. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Irving Chu, Land Use Planner
Seattle Department of Construction and Inspections

Date: April 27, 2023

IC:bg

Chu/3039004-LU Decision