



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: 3004497
Applicant Name: Brittani Ard
Address of Proposal: 1948 9th Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application for one three-story, three-unit townhouse and one three-story, two-unit townhouse. Surface parking will be located on site. Parking for five vehicles to be provided within the structures. Project includes 60 cubic yards of grading.

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.

**Early Notice DNS published 30 March 2006.

BACKGROUND DATA

Site & Area Description

The subject site is the second parcel south of West Crockett Street on 9th Avenue West, which is a considerably sub-standard street, not even providing adequate roadway width (approximately 15 feet provided) to meet zone requirements (18 feet required; 20 if less than 18 provided). It presently has a triplex structure, which is proposed to be rebuilt. The site rises about 8 feet in elevation from north to south; however, no portion is designated environmentally critical or appears to meet standards for such designation. There is an approximately 16-foot wide alley serving the property in the rear.

The entire area around the site is similarly zoned (L2), and is developed with a mixture of single family and small multi-family residential developments.

Proposal

The proposal is to essentially demolish the existing triplex and construct a new triplex served by access from 9th Avenue West, and to construct a duplex in the rear of the property with vehicular access served by the alley. There are numerous zoning concerns identified in a correction notice presently out to the applicant. However, all such issues must be resolved prior to issuance of the Master Use Permit, and none of the issues substantially alter the SEPA analysis, environmental determination, or conditioning. Whether 4 or 5 units may be built on the site does not matter from the SEPA perspective; indeed, the worst (five-unit) case is shown on plans presently and provides the most conservative basis for evaluation.

Public Comment

Eleven persons had commented on the proposal as of 8 June 2008, when the draft report was written. Most comments were in the form of email, and several people exchanged several emails with DPD representatives. The substance of concerns addressed:

- Construction impacts (blockage of alley, particularly given simultaneous construction across the alley; noise; traffic and parking)
- Impacts to historic cobblestone street
- Soil stability issues as they might affect 1960 9th Avenue W, and adjacent alley
- Impact upon Environmentally Critical Area (steep slope) to north
- Removal of at least 4 Douglas firs
- View obstruction
- Inadequacy of proposed parking on site
- Impacts on on-street parking
- Mis-characterization of triplex portion of project as a “remodel”
- Non-compliance with zoning requirements (especially regarding access & density)
- Cumulative impacts of construction of units in the area
- Representations made in SEPA checklist

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant 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) 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) mitigation can be considered.

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, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personnel can be accommodated and managed within the adjacent right-of-way. Therefore, no further mitigation will be required.

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department’s conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:00 A.M. and 6:00 P.M. After the structure is totally enclosed (and only while it is totally enclosed), interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow quiet work which will not be audible within nearby residential units as determined by the undersigned Land Use Planner following a written request received at least 3 days prior to requested work date.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Notice of the demolition of the existing residential structure is required by the PSCAA and the proposed demolition is subject to all applicable regulations and practices required by the PSCAA.

There are no short term impacts identified with the creation of (unit lot) short subdivisions. Short term impacts are associated with the construction of the structures and have been analyzed and discussed with no further conditioning is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased on-street parking demand; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

Concerns have been expressed about parking impacts of the project. Five spaces parking spaces are required by the Land Use Code (SMC 23.54) and 5 spaces are proposed for the development. According to the Institute of Transportation Engineers (ITE) 3rd Edition (2004), for residential condominium/townhouse land uses the average parking supply ratio is 0.98 spaces per dwelling unit. The proposed number of parking spaces equals the demand as shown in the analysis above, and as a result no substantial parking impacts are anticipated by the proposal.

The long-term impacts are typical of multifamily structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). No additional substantial land use impacts are likely to result; hence, there is no need for additional mitigation pursuant to SEPA authority.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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.

