



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 Numbers: 3005544

Applicant Name: Alex Rolluda, Rolluda Architects, for Abu-Bakr Mosque of Seattle

Addresses of Proposals: 4912 S. Willow Street

SUMMARY OF PROPOSED ACTION

Land Use Application for future construction of a new 17,130 sq. ft. religious facility (Abu-Bakr Mosque). The project includes demolition of one single family structure; one single family structure (known as 4918 S. Willow Street) will remain. Parking for 34 vehicles will be accommodated on site.

The following approvals are required:

Administrative Conditional Use - To establish an institution other than a public school not meeting development standards in a Lowrise-3 zone.
Chapter 23.45.122, Seattle Municipal Code

SEPA Environmental Determination—SMC 25.09

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The project site is located within a Lowrise-3 zone in southeast Seattle. The two parcels that comprise the site are currently occupied by single family residences. The larger of the two sites, is 30,209 square feet in size and contains a single-family residence that will be demolished to make way for the mosque and parking lot. The second site is 10,021 square feet in extent and is developed with a single-family residence which will remain as a residence for the Imam (Mosque leader).

The site slopes approximately 40 feet from the northeast corner to the southwest corner and serves to lessen the visual impact of the parking lot on the north side of the proposed structure as well as the structure itself on single-family zoned properties to the north and east.

The site lies within a strip of multifamily zoning (Lowrise 3) that runs on either side of the Rainier Avenue S. right-of-way which is located approximately ninety feet west of the west property line. S. Willow Street marks the dividing line between the Lowrise 3 zone and a strip of more intense commercial zoning (Neighborhood Commercial 3) that continues south along Rainier Avenue. The area in the general vicinity is characterized by a mix of multifamily residential structures, commercial structures and single-family residences. Away from Rainier Avenue S. the zoning and development is single family.

Proposal Description

The applicant proposes to construct a new, 2-story, with mezzanine, 17,130 square-foot mosque that will serve as an Islamic center for the Somalian Community in Seattle. There will be a dining hall, kitchen, classrooms, and library at the basement level. Prayer hall and office will occupy the main level. The house addressed as 4918 S. Willow Street will remain and be used as the Imam's (mosque leader's) residence. Parking for 5 vehicles will be located south of the mosque; parking for an additional 29 vehicles will be provided to the north of the mosque. Access to the rear parking lot will be along a driveway abutting the commercially-zoned property directly to the west of the site.

Public Comment

Notice of the proposed project was published on December 7, 2006, with a revised notice published on December 14, 2006, with a comment period running through December 27, 2006. Two written comments were received during the public comment period. Two questioned the adequacy of available overflow street parking; one affirmed its adequacy.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS

A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The Master Use Permit process shall be used to authorize these uses.*

The Land Use Code allows this use in multifamily zones outright, but requires an Administrative Conditional Use approval when institutions do not meet development standards.

B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.*

This proposal is subject to SMC 23.45.122, Institutions other than public schools not meeting development standards (Dispersion requirements).

C. *The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

This decision shall be based on whether the proposed use meets the criteria for establishing a specific conditional use as described in SMC 23.45.122 A through D.

The criteria shall be satisfied, and the project will be conditioned to prevent any detriment to the public welfare or injury to surrounding properties.

D. *In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.*

The criteria described in SMC 23.45.122 A through D is used to evaluate the proposal and condition if necessary to protect other properties and the public interest.

E. *The Director shall issue written findings of fact and conclusions to support the Director's decision*

This report satisfies the above criterion.

F. *Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit.*

This is a new institutional use and a new conditional use permit has been applied for; therefore, this criterion is not applicable.

ANALYSIS-ADMINISTRATIVE CONDITIONAL USE

Multifamily Zones

Section 23.45.090 of the Seattle Municipal Code provides that establishment of an institution not meeting development standards may be permitted as an administrative conditional use subject to the requirements of Section 23.45.122.

SMC 23.45.122 provides criteria to be used to evaluate and/or condition this proposal. They are categorized as: A) Bulk and Siting; B) Dispersion Criteria; C) Noise; D) Transportation Plan. Each of these criteria will be analyzed below.

A. **Bulk and Siting**: In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution with the residential scale and character of the surrounding area.

The applicant is not requesting modifications from the required applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks.

- B. Dispersion: An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.

There is another institution, the Brighton Presbyterian Church, also known as the Vietnamese Presbyterian Church, located within 600 feet of the proposal site. As noted in the discussion under “D. Transportation Plan,” below, the parking proposed on site (34 spaces) is projected to meet the estimated peak parking demand for regular functions at the mosque. Provision of an institutional policy detailing procedures for notifying users of Abu Bakr Mosque of alternative modes of transportation and various parking options will also be a condition of the Master Use Permit.

Likewise, as noted in the discussion below, the Traffic Impact Analysis & Transportation Plan submitted for the project indicates that trips and traffic flow will be within acceptable limits. Nearby streets and signalized intersections would continue to operate at an acceptable level of service. Traffic safety hazards would not be substantially aggravated by this project. Most importantly, the traffic generated by activities at the mosque is not expected to coincide with traffic generated by the nearby existing Presbyterian Church. The peak hour trips for the Abu Bakr Mosque will occur on Friday afternoons at approximately 1:30 PM, whereas the church will generate the majority of its trips on Sundays. Additionally, traffic for the mosque will access the site from S. Willow Street connecting to a major arterial, Rainier Avenue South, within one hundred feet to the west. According to the Traffic Impact Analysis & Transportation Plan prepared for the project, 40 percent of trips are expected to be generated to and from the east along S. Willow Street, while 60 percent of the anticipated trips would be to the west and along Rainier Avenue S. where impacts would be quickly dissipated. Although the northeast corner of the mosque property is contiguous with the southwest corner of the church property, traffic to and from the on-site church parking lot at the corner of S. Holly Street and 51st Avenue S., is from 51st Avenue S., connecting primarily to S. Holly Street and Rainier Avenue S. which is one block to the west.

Again, as noted immediately below, any noise generated from the normal use and functions on the proposal site is deemed unlikely to significantly impact the surrounding residential area.

- C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards, the location of refuse storage areas, or parking development standards, design modification, and fixing of hours of use of area.

Any noise generated from the proposal is unlikely significantly to impact the multi-family residential buildings or commercial buildings within the immediate neighborhood. The topography associated with the site, with the parking area and mosque itself located below the level of single-family lots to the north and east provides some natural buffering of noise associated with vehicular ingress to and egress from the site, which will be of a limited nature during the week. Access to the parking lot for 29 vehicles will be by means of a driveway that abuts commercially-zoned properties to the west. It seems unlikely that any noise generated by worship, fellowship or social service social activities within the mosque itself will have perceptible impacts at the property lines or will exceed in volume ambient disturbance levels. The noise impact associated with the worship space and function, although involving the greatest number of expected participants, would appear to be minimal external to the building. Noise impacts associated with activities on site will be effectively enclosed with existing and supplemental landscaping. No further mitigation is warranted.

- D. Transportation Plan. A transportation plan is required for new institutions and those proposing expansions of more than 4,000 square feet and/or requiring the addition of 20 or more parking spaces. The Director shall determine the level of detail to be disclosed based on the probable impacts and/or scale of the proposal. The transportation plan may consider the following elements, as well as other similar factors: traffic, parking area, parking overflow, safety, and availability of mass transportation.

The applicant submitted a Transportation plan as required for the proposal. The Traffic Impact Analysis & Transportation Plan prepared by Raid Tirhi, PE, dated October 15, 2006, was submitted to DPD in support of MUP 3005544 on November 17, 2006. According to projections contained in that study, with the new project on S. Willow Street, traffic would increase by only 156 daily trips; the total net new trips generated from the site would be nine PM peak hour trips. This new trip generation is considered insignificant and would dissipate imperceptibly onto the roadway network.

It is the City's policy to minimize or prevent adverse parking impacts associated with development projects. The location of the proposed mosque is within a vicinity of the City where streets are not generally overly hard-pressed to absorb additional parking spillover from new projects. The Land Use Code (SMC 23.54.015 Chart A) would require one parking space per eighty square feet of auditorium assembly area, 2,600 square feet, or thirty four spaces for the proposal. Pursuant to SMC 23.45.122, when permitted in multi-family zones as a conditional use, the Director may modify the parking requirements for a religious facility, including decreasing on-site parking if the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers.

According to the Traffic Impact/Parking Study & Transportation Plan for the Abu Bakr mosque, the proposed parking for 34 vehicles on site is projected to meet the estimated peak parking demand for average weekday/regular functions at the facility. Any overflow of vehicles for Friday worship services would be accommodated by attendees utilizing available street parking in the vicinity. According to the Traffic Impact Analysis & Transportation Plan, a survey was conducted on Friday, October 13, 2006, at 1:00 PM in order to document on-street parking availability. The survey indicated that more than 70 unoccupied spaces were available along 51st Avenue S. within an area two blocks from the proposal site. There were at least 10 available spaces on the block of S. Willow Street between Rainier Avenue S. and 51st Avenue S.

There are two major Islamic religious holidays per year when on-street parking demand could likely be increased. The Transportation Plan suggests (p.4) that on such occasions the mosque administration should advise mosque patrons to be solicitous not to block neighboring driveways or mailboxes. This provision for an institutional policy detailing procedures for notifying users of the mosque of neighborhood parking etiquette should further contribute to alleviating potential impacts on the availability of on-street parking in the neighborhood.

The site is conveniently served by Metro bus routes #7 and #9, along Rainier Avenue South with headways of 10-15 minutes, and within a quarter of a block walking distance to the site. As noted in the Traffic Plan, carpooling is encouraged by the mosque administration and husband, wife and children normally arrive at the mosque in one vehicle

It is further expected that the population participating in mosque activities will take advantage of pedestrian as well as transit opportunities. As noted in the Traffic Plan (p.5), “in accordance to the religious teachings of Islam, a person is rewarded (by God) on every step they take to the house of God” and “members of the community are often reminded by the religious leader to walk to the site.”

Adverse parking impacts are not generally anticipated as a result of this proposal. Provision of an institutional policy detailing procedures for notifying users of the mosque of alternative modes of transportation and detailing neighborhood parking etiquette should be adequate to deal with occasional potential impacts.

DECISION-ADMINISTRATIVE CONDITIONAL USE

Based on the foregoing analysis and review, the proposal, as conditioned below, satisfies all relevant requirements of SMC 23.45.116 and 23.45.122 which govern administrative conditional uses in multi-family zones. The proposal, as conditioned, is not expected to be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the institution will be established, and should be **GRANTED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 17, 2007. The information in the checklist, project plans, 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.

Many environmental concerns have been addressed in the City’s codes and regulations. These codes/regulations include, but are not limited to, the Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Puget Sound Air Pollution Control Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term). The SEPA Overview Policy (SMC 25.05.665)

discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 23.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short-term Impacts

The following short-term, temporary or construction-related impacts are expected: decreased air quality due to dust and other suspended air particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment; potential soil erosion and potential disturbance to subsurface soils during grading, excavation and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent the site; increased noise and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and in some case mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering street to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (Construction related noise). Compliance with these codes and ordinances will reduce or eliminate most of the short-term impacts to the environment.

Environmental Health

Concern is raised by demolition of one of the two existing single-family residences on site with respect to air quality and environmental health impacts. In particular is the concern for materials containing asbestos which could be disturbed and released into the air/environment during demolition. The Puget Sound Clean Air Agency has jurisdiction over this impact. But there is no reliable means of triggering the involvement of this agency other than by requiring the project proponent to notify the agency of the proposal. Project approval has been made contingent upon such notification.

Noise

Due to the proximity of residential uses, the regulations of the Noise Ordinance are not found to be adequate to mitigate possible noise impacts. Pursuant to SEPA Overview Policy (SMC 25.05.665) and SEPA Construction Impacts Policy (SMC 25.05.675B), further mitigation is warranted. The hours of demolition and construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and Saturdays between the hours of 9:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work, for example landscaping planting, after approval by DPD.

Earth/Soils

Approximately 5,800 cubic yards of excavation is proposed with this project. Significant erosion is not anticipated during or following construction, but compliance with the Stormwater, Grading and Drainage Control Ordinance will guarantee adequate mitigation of any erosion impacts. No further mitigation under SEPA appears warranted.

Construction Vehicles

Existing City of Seattle regulations (SMC 11.62) require truck activities to utilize arterial streets in so far as possible. The proposal site is located within one hundred feet of one primary arterial, Rainier Avenue S., and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by the enforcement of SMC 11.62.

Existing City of Seattle regulation (SMC 11.74) also provide that material hauled in trucks not be spilled during transport. The City requires a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks. This will minimize the amount of dust and spilled material from the truck bed en route to and from the site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Worker Parking

To ensure that construction vehicles and equipment do not further limit on-street parking availability, the applicant or responsible parties shall assure that construction vehicles and equipment are parked on the proposal site or at other off-street locations for the term of construction.

Pedestrian Circulation

The area has a moderate volume of pedestrian activity. Measures to mitigate impacts on pedestrian circulation shall be required pursuant to SMC 25.05.675B2f. The applicant or responsible parties shall assure alternate safe, convenient and adequate pedestrian routes as needed during construction and shall take all measures to minimize the time such disruption of normal pedestrian pathways may occur.

Long-term Impacts

Potential long-term or use impacts anticipated by the proposal are not considered significant because they are minor in scope and the level of adversity is mitigated by compliance with city codes and ordinances. Baseline levels of noise, energy consumption, air quality, and solid waste generation will not alter substantially. The parking and traffic impacts associated with the proposed uses can be accommodated by a continuing emphasis on pedestrianism and reliance on alternative modes of transportation, including carpooling and public transportation. The Abu Bakr Mosque will steward an ongoing program dedicated to parking management and the continued use of alternate means of transportation. The Administrative Conditional Use portion of this analysis addresses these parking and transportation issues.

Housing

One of the two existing single-family residences will be demolished with site development. It is the policy of the City of Seattle to encourage preservation of housing opportunities, especially for low-income persons, and to ensure that persons displaced by redevelopment are relocated. SEPA policy also states that compliance with legally valid City ordinance provisions relating to housing relocation, demolition, and conversion shall constitute compliance with this housing policy. The demolition of this single-family residential structure is regulated under Seattle's Tenant Relocation Assistance Ordinance. The applicant must comply with the legally valid City ordinances and no further mitigation is required.

Conclusion

The project is anticipated to have several long term impacts, including an increase in traffic and an increase in on-street parking demand around the site as discussed under the Administrative Conditional Use Analysis. These impacts are not considered to be sufficiently adverse to warrant conditioning. Other impacts not noted here as mitigated by codes, ordinances, or conditions (increased bulk and scale, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions. Several adopted Codes and Ordinances, as well as other agencies will appropriately regulate and mitigate other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). As conditioned below, pursuant to the Administrative Conditional Use authority, other impacts would be adequately mitigated. No further mitigation pursuant to SEPA authority is warranted.

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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] 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 43.21C.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 of any demolition, grading or construction permit.

1. A PSCAA Notice of Intent shall be filed with DPD prior to commencing demolition activities.

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. If more than one street abuts the site, conditions shall be posted at each street. 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. To further mitigate the noise impacts of the demolition process and construction activity, the hours of demolition and construction-related activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature after approval from the Land Use Planner.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

Signature: _____ (signature on file) Date: May 3, 2007
Michael M. Dorcy,
Senior Land Use Planner