



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:** 3006065  
**Applicant Name:** Brittani Ard for Umani LLC  
**Address of Proposal:** 819 NW 97<sup>th</sup> St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use and allow future construction of three two-unit townhouse structures (total six units) with parking for six vehicles located within the structures. The existing triplex is to be demolished. Unit lot subdivision of the property is proposed under Project #3006517 for the purposes of sale of the individual townhomes.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

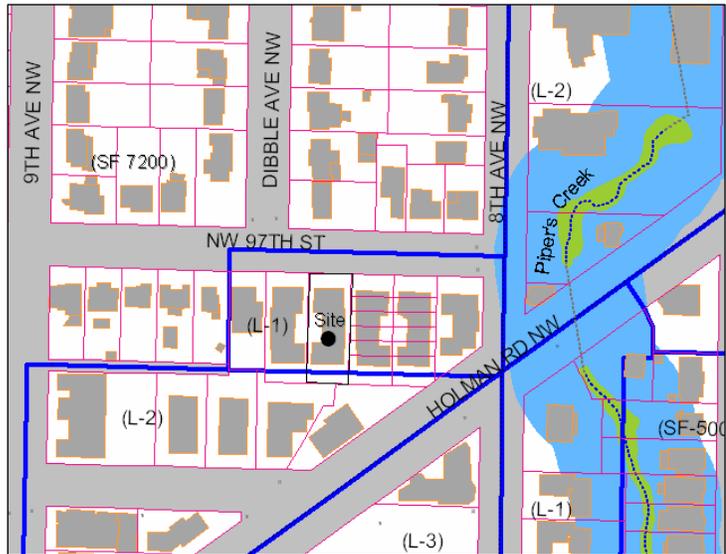
**SEPA DETERMINATION:**  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Site & Area Description

The subject property is located on NW 97<sup>th</sup> Street, several properties west of Homan Road NW. The site is approximately 60' wide and 152' deep and includes a vacated alley toward the back of the lot. The site includes in all 9,149 s.f. and is zoned primarily L-1, which allows a density of one unit for each 1,600 s.f. of land area. About 16' of land at the back of the property is zoned L-2, but since this is within the rear yard setback, it does not affect the overall allowed density. The street lacks curb, gutter and sidewalks. The triplex located on the property is currently vacant.

The properties immediately to the east and west are zoned multi-family Lowrise 1, while properties across the street and at the west end of the block are zoned single family (SF-7200). The property to the south is zoned multi-family Lowrise 2 (L-2). Development is consistent with the zoning: 4-plexes to the south, single family across the street and up the block, and the properties immediately to the east contain newly developed townhouses.



The area is close to Piper's Creek. A small shopping area with grocery store and other services is located within walking distance on Holman Road; there is a bus stop nearby on 8<sup>th</sup> Ave NW.

### Proposal

The applicant proposes to construct three two-unit townhouse structures, for a total of six units. Vehicular access is proposed from NW 97<sup>th</sup> street via an access easement. The structures are proposed to be three stories in height, with one parking space for each unit located in garages within the structures. The project includes the demolition of the existing triplex. A unit lot subdivision of the property is proposed under separate permit for the purpose of sale of the individual townhomes.

### Public Comments

The public comment period for this project ended on January 3, 2007. Two comments were received on the project; concerns were expressed regarding parking, lack of sidewalks and storm sewers, retention of trees, and the amount of development with the adjacent projects.

### ANALYSIS – SEPA

The initial disclosure of potential impacts from this project was made in the environmental checklist submitted by the applicant (dated 11/13/06) 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

Since the project exceeds the exempt level of 4 units in an L-1 zone, an environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). 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 SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, 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 regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05.794). However, due to the proximity of residential uses, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

### Pedestrian Safety

The road is a two lane road with no sidewalk or drainage improvements. The asphalt road ends abruptly. No pedestrian facilities are available on either side of the street. The level of traffic on the street is relatively low; however, safety would be enhanced by providing for pedestrian circulation past fixed objects, such as dumpsters, that might be placed in the right-of-way adjacent to the site during construction. This condition shall be in addition to any SDOT requirements for dumpster location and general construction staging.

### Noise

Excavation will be required to prepare the building sites and foundations for the new buildings. Additionally, as development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. Hours of construction will therefore be limited as detailed at the end of this decision.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. Compliance with these requirements will sufficiently mitigate impacts to air quality. A condition will be included pursuant to SEPA authority under SMC 25.05.675 A to require that a PSCAA Notice of Intent be filed prior to commencing any demolition activities.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and limited increase in demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of many, but not all, long term impacts. Further discussion of some of these items is warranted.

### Traffic and Pedestrian Environment

Looking cumulatively at this development and the newly constructed townhouses to the east, a total of 23 units are being constructed. Each of the four lots originally contained a triplex. With 12 units being removed, the net increase is 11 units.

Traffic added by this six-unit development was estimated at 10-30 trips per day. Applying this trip ratio to the net increase of 11 units, the total trips per day calculates to between 18 and 55 new trips. While this does not exceed the capacity of the street for automobile traffic, the increased traffic will result in more auto-pedestrian conflicts due to the lack of pedestrian facilities and since considered individually, each project does not require sidewalks.

Cars currently park perpendicular to the street, forcing pedestrians into the two-lane road. Auto-pedestrian conflicts also occur when parked cars back onto the street. Perpendicular parking adjacent to driveway intersections can also lead to decreased visibility for cars entering traffic. The greatest potential for conflict is likely in the morning peak when children may be walking to school and commuters are leaving for work.

The Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) provides for mitigation where cumulative effects of multiple projects create impacts not anticipated by each project individually (SMC 25.05.670).

According to the applicant, and based on the completed adjacent projects, SDOT is requiring a 5' paved shoulder with rolled edge. However, vehicles will continue to park perpendicular to the road, including on the 5' widened shoulder, unless a landscape buffer or other means is provided to separate the pedestrian area from parking at the street edge.

To provide for pedestrian safety, a suitable design shall be submitted providing for a five foot wide (5') asphalt pedestrian path, separated from the street and street parking by a five foot (5') landscaping buffer, including street trees.

### Parking

Parking is provided at a ratio of 1 space per unit, similar to the ratio for the existing/former triplexes being demolished. The average peak parking demand for a Townhouse unit is estimated at 1.22 spaces per unit for an urban environment such as this, based on data from the Institute of Traffic Engineers, Parking Generation Manual, 3<sup>rd</sup> Edition, 2004. At a spillover rate of .22 spaces per unit, .66 spaces would be added by the subject site and a total of 2.4 spaces cumulatively for the 11 added units in this project and adjacent townhouses.

The requirement for a separated pedestrian path discussed above will require re-orienting the parking from perpendicular to parallel, reducing the amount of available on street parking in front of this lot from approximately 4 cars to 2 cars. Based on an evening site visit, available parking on 97<sup>th</sup> is limited, partially due to the drainage swale on the north side of NW 97<sup>th</sup> street, and landscaping to the street edge that reduces the area for on-street parking. However, adjacent side streets such as Dibble Ave NW and 8<sup>th</sup> Ave NW were viewed to have on-street parking capacity. The cumulative spillover impact of 4.4 cars (2.2 new cars, plus 2 spaces lost to reorientation) is not considered to be a significant adverse impact requiring mitigation.

### Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action will result in adverse impacts to the environment. However, the anticipated short-term and long-term impacts can be mitigated through the certain conditions which have been discussed and are stated below.

Other than these specific conditions, codes and development regulations applicable to this proposed project will provide sufficient mitigation of other potential impacts pursuant to the SEPA Overview Policy (SMC 25.05.665).

### **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 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 2C.
- [ ] 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 2C.

### **CONDITIONS – SEPA**

#### Prior to Issuance of Demolition Permit

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

#### Prior to Issuance of Building Permits

2. Prior to Building Permit issuance, a design shall be submitted to SDOT and attached to the Building Plans for street edge improvements, per SDOT standard plan 030, including a 5' asphalt pedestrian path, located 2' from the property line, and separated from the shoulder by a 5' planting strip, including street trees.

#### During Construction

3. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

