



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:** 2407129  
**Applicant Name:** Missy Everson  
**Address of Proposal:** 1540 15<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of two, 3-story 4-unit townhouse buildings in an *Environmentally Critical Area*. Parking for four vehicles to be provided within each structure, for a total of eight parking spaces. The project was originally proposed to establish use for future construction of a single 3-story 8-unit townhouse building in an *Environmentally Critical Area*.

The following approval is required:

- **SEPA - Environmental Determination-** to allow construction of a multi-family residential structure in *Steep Slope* and *New Potential Slide* Environmentally Critical Areas. (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.

**BACKGROUND DATA**

Site and Vicinity Description

The approximately 12,612 square foot site is located on the east side of 15<sup>th</sup> Avenue South in a Multifamily Lowrise 2 (L2) zone. The site is “L” shaped with the base of the “L” forming the property line along 15<sup>th</sup> Avenue South; the long axis of the “L” extends eastward along the south property boundary and downhill from the level portion facing 15<sup>th</sup> Avenue South and proposed

for development. The site contains designated Environmentally Critical Areas (ECA) – *New Potential Slide* and *Steep Slope*. The *New Potential Slide* area comprises most of the long axis of the “L” beyond the base and the *Steep Slope* area comprises the same area and a small amount of the eastern portion of the base. The ECA areas extend downhill beyond the site to the northeast, southeast, and east. The site is undeveloped.

The surrounding parcels are similarly zoned L-2 and contain residential structures of various ages and sizes, although most are multi-family.

### Proposal

The revised proposal is to construct two, 3-story 4-unit townhouse buildings. Both structures will be parallel to 15<sup>th</sup> Avenue South with vehicle driveway access extending from 15<sup>th</sup> Avenue along the north property boundary to a central auto court that will give access to 8 garage parking spaces (one at the lowest level of each townhouse).

Each unit will provide ground level open space. A small portion of the northeast townhouse unit and its open space area are proposed at the top of the steep slope, comprising less than 30 percent of the *Steep Slope* area.

### Public Comment

The public comment period ended April 27, 2005. Numerous comment letters were received from 7 individuals regarding anticipated on-street parking impacts from the proposal. In summary, the comments stated the project will generate more parking demand than it will provide capacity for on-site, claiming each two-bedroom unit could likely have two vehicles and then additional guest vehicles; this would make it difficult for local residents to find off-street parking. Some letters stated that 15<sup>th</sup> Avenue South, which is a day-time Residential Parking Zone (RPZ) and has parking on the east side only, is currently beyond 85 percent capacity for parking in the evenings.

### **ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required for the construction of more than 6 units in an L-2 zone and when the site contains *Environmentally Critical Areas* pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 25, 2005. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action will not result in adverse impacts to the environment.

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 (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

### Construction (Short-term) Impacts

The following temporary or construction-related impacts are expected: increased traffic and demand for parking from construction equipment and personnel; increased noise, and erosion and other adverse impacts from construction excavation and grading.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. General on-street parking is regulated by the Parking Enforcement Unit of the Seattle Police Department. Parking in Residential Parking Zones (RPZ's) is regulated by the Seattle Department of Transportation (SDOT). The Street Use Ordinance regulates the use of the public right-of-way for construction delivery, staging, and sidewalk closures. The Noise Ordinance regulates the time and amount of construction noise that is permitted. 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. 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, because the area surrounding the project site is substantially residential and public comment about high parking demand on near-by streets, further analysis of construction impacts is warranted.

### Parking

Numerous public comment letters stated that demand for on-street parking in the immediate vicinity is very high and consequently finding parking is often difficult. The surrounding neighborhood contains a substantial number of multi-family residences and the Amazon.com headquarters is near-by. On-street parking is prohibited on the east side of 15<sup>th</sup> Avenue South adjacent to the site and to the north and south.

Information was submitted via public comment about a City of Seattle conducted City Neighborhood Parking Study of 1999 that found a 91 percent peak on-street parking utilization. A Residential Parking Zone is in effect in the immediate vicinity.

During all phases of construction increased parking demand is expected from construction personal. The number of construction employee vehicles is not expected to be large, due to the relatively small scale of this project. The Seattle Department of Transportation (SDOT) administers the RPZ program and street use permitting in general. Temporary parking permits (maximum of five (5) for 60 days each and renewable) are available for essential construction vehicles, such as subcontractor vehicles carrying equipment and materials, but not general employee parking. Any temporary no-parking area in front of the project site will be permitted and controlled by a SDOT Street Use Permit. On-street general employee parking for contractors or subcontractors will have to be outside of the RPZ boundaries.

To assure conformance with the RPZ program regulations the project is *Conditioned* as follows:

- The general contractor shall notify all employees and subcontractors of the RPZ prohibition on non-essential employee parking in the surrounding RPZ. Any on-street parking in the RPZ considered “essential” shall be determined as such by SDOT and receive a temporary RPZ parking permit.

### 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. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m., Saturdays from 9:00 A.M. to 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 (e.g., installation of landscaping) after approval from DPD (3 days advance notice required).

### Earth

Improper excavation and grading and the control of on-site drainage over exposed soils and onto the site’s *Steep Slopes* could precipitate unwanted erosion, earth movement, and / or flooding on-site and onto adjacent properties.

The City’s Stormwater, Grading and Drainage Control Ordinance (SMC 22.800) and Regulations for Environmentally Critical Areas (SMC 25.09) provide extensive requirements and standards for excavation, grading, control of on-site drainage and the development of sites with *Steep Slopes* and with *New Slide Potential*. The submitted plans were reviewed by DPD’s drainage review engineers and approved for conformance with SMC 22.800. A geo-technical study was submitted with this proposal and reviewed by the City’s geo-technical engineer for adequacy and conformance with all relevant City Codes. Based on this review, no mitigation is warranted for these issues.

### 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; adverse impacts on the site’s *Steep Slope*; increased bulk and scale on the site; and increased demand for parking.

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 and regulates grading and excavation; Regulations for Environmentally Critical Areas, which regulate the extent of development on *Steep Slopes*; the Building Code, which sets building structural requirements for construction in various types of

soil and slope conditions; the Land Use Code, which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development; the Land Use Code parking requirements for on-site parking; and, SDOT regulations and controls of on-street parking. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of these long term impacts. However, because of the extent of public comment and concern about on-street parking impacts, further discussion of this issue is warranted.

The proposed 8 unit townhouse development will provide the minimum Code required on-site parking of 1 parking space per unit for a total of 8 parking spaces. Numerous public comments expressed concern that the two bedroom units could result in 2 vehicles per unit, plus vehicles for occasional guests. This number of vehicles, and possible extra vehicles, could therefore increase demand for on-street parking. The concern was that this increased demand could stress a perceived on-street parking shortage as described earlier in this document.

City Comprehensive Plan Policies seek to balance support for private vehicle use through requirements for on-site and the control of off-site parking with the equally important goals of supporting the use of alternative modes of transportation (walking, biking, and public transportation) and supporting housing affordability through the minimization of the development costs of on-site parking. Within this framework SEPA policies seek to minimize or prevent adverse parking impacts associated with development permits. Toward this end, a multi-family development project may be conditioned to mitigate these impacts only where on-street parking is at capacity, as defined by the Seattle Department of Transportation (SDOT) or where the development itself would itself cause on-street parking to reach this capacity.

Based on the provided information, the applicant was directed to conduct an on-street *Parking Utilization Study* of the streets within 800 feet of the project site. Eight hundred feet is the accepted distance considered feasible for a resident or guest to be expected to walk, according to consultation between the land use planner and DPD's transportation planner.

A Parking Utilization Study (the Study), by Transportation Engineering NorthWest, LLC, dated July 8, 2005 was submitted October 20, 2005. The Study was conducted at 6:30 PM on the week nights of Wednesday and Thursday July 6<sup>th</sup> and 7<sup>th</sup>, 2005. The Study did not include day time hours because the RPZ effectively controls the demand for parking during that time. It is during the evening hours when local residents and guests are likely to create parking demand.

The Study found that within an 800 foot distance from the site to the north, west and south (to the east is a steep slope and no pedestrian access to Sturgis Avenue South and other streets, which are at the base of the natural barrier of this north to south slope) there are 152 on-street parking spaces. The Study reported a usage of 88 spaces on July 6<sup>th</sup> and 85 spaces on July 7<sup>th</sup> for an average of 87 spaces, which results in a utilization rate of 57 percent. To adjust for possible anticipated demand from this project and nearby development currently under review or approved by DPD (a comment letter stated that another 17 units will be added in three developments) the Study then added a demand for 8 spaces to the average utilization results (approximately one-half of a theoretical demand of 2 spaces per unit, with one space per unit provided on-site, as required by Code) with the result of a 63 percent utilization rate ( $95 / 152 =$

63 percent). The Study results are less than the 75 percent utilization rate the City considers on-street parking to be “at capacity”.

To verify the Study results, the project land use planner did a sample survey of the study area at 10:30 PM on Wednesday November 16, 2005. A later evening time was picked in the hope of capturing more demand for resident parking due to the likelihood of more residents being home later in the evening. As a sample, this verification study only included the streets within up to 600 feet from the project site.

The DPD sample survey counted 97 on-street spaces and 63 vehicles parked at that time. This is a 65 percent utilization rate. Eight additional spaces were added to adjust for a future additional 17 units, for a total of 71 units and a utilization rate of 73 percent, again less than the 75 percent necessary for parking to be “at capacity”.

The Study and verification results indicate moderately high demand for area parking. However, allowing this level of demand is consistent with City goals and policies to restrict supply for the purpose of supporting alternatives to single-occupancy vehicle usage, and minimizing parking cost impacts on housing affordability while balancing the need for new development to provide for a reasonable amount of on-site parking. Consequently, no mitigation for parking impacts 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 requirement of the State Environmental Policy Act (RCW 43.21.C), 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**

#### *Construction Conditions*

1. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:
  - Surveying and layout;

- Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

Any conditions to be enforced during construction shall be posted at each street abutting 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. The conditions shall 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 construction.

2. The general contractor shall notify all employees and subcontractors of the RPZ prohibition on non-essential employee parking in the surrounding RPZ. Any on-street parking in the RPZ considered "essential" shall be determined as such by SDOT and receive a temporary RPZ parking permit.

Signature: (signature on file)  
Art Pederson, Land Use Planner  
Department of Planning and Development

Date: May 4, 2006