



City of Seattle

Gregory J. Nickels, Mayor

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**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:** 2501271  
**Applicant Name:** Kelly Foster, Project Manager,  
For Howland Homes, L.L.C.  
**Address of Proposal:** 568 McGraw Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of one, three-story, four-unit townhouse building and one, three-story, five-unit townhouse building in an environmentally critical area (40% Steep Slope, Potential Slide). Parking for 11 vehicles to be provided within the structures and at grade. The project includes future demolition of an existing structure.

The following proposals are required:

**Design Review: pursuant to Seattle Municipal Code (SMC) 23.41 with Development Standard Departures:**

- 1). Departure from Side Setback (SMC Section 23.45.014) – To allow a decrease from the minimum side setback.

**Administrative Conditional Use:** - to allow single purpose residential structures in a C1-65 zone (SMC Section 23.47.006 B4).

**SEPA Environmental Determination:** pursuant to SMC Section 25.05.

**SEPA DETERMINATION:**  Exempt  DNS  EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

\*Early Notice DNS published September 28, 2005.

## **PROJECT AND VICINITY DESCRIPTION**

The proposal site is located at 568 McGraw Street on the north side of the street approximately 150 feet east of Aurora Avenue N. The site is split zoned, with much of the site in an L-3 zone, and with the western 25 feet in Commercial 1 zone with a sixty five foot height limit (C1-65). The polygon-shaped site is approximately 14, 962 square feet in area, with approximately 100-foot frontage on 6<sup>th</sup> Avenue N and approximately 175 feet in depth, with 160 feet fronting on McGraw Street. The subject site slopes gradually from west to east where it intersects with 6<sup>th</sup> Avenue N, an unimproved right-of-way. The proposed development would occupy the western portion of the site and no buildings will be constructed within the ECA Steep Slopes and the 15-foot steep slope buffer areas located at the top of the slope. The ECA steep slope area comprises approximately 3,800 square feet of the site.



Vehicular access to the project site is limited. The only available access to the site is northbound from Aurora Avenue N to McGraw Street. There is no feasible access from Dexter Avenue N to the site because of the steep slope. McGraw Street at the project location is a very narrow street with an existing right-of-way width of approximately 27 feet.

The site abuts on undeveloped City of Seattle property to the north. Although the zoning along Aurora is commercial, recent nearby development has been primarily residential. North of the proposal site is an existing apartment building known as “Windwatch Condominium”. McGraw Condominium is located across McGraw Street directly south from the subject site. Other development in the vicinity includes two single family residences located east of the site.

## **PROJECT DESCRIPTION:**

The proposal includes the demolition of the existing apartment building and the construction of two rows of townhouse structures containing nine dwelling units. The eastern row of townhouse structure located close to the slope and will contain five units, while the western row of townhouses will contain four townhouse units located closer to Aurora Avenue N. Vehicular access to the site will be via McGraw Street into an interior court yard between the two structures. Parking will be provided within each townhouse unit with two additional surface parking spaces located on the west side of the interior court yard.

Street improvement is proposed on McGraw Street and will involve construction of new sidewalks, curbs and gutters. Street trees to replace the two Maple trees removed from the site would be planted along the planting strip on McGraw Street. McGraw Street is not connected to 6<sup>th</sup> Avenue N because of the ECA steep slope on the section of the right-of-way to the east of the site. The Seattle Department of Transportation (SDOT) determined that the applicant should establish a pedestrian connection between McGraw Street and Dexter Avenue N to the east. The applicant has agreed to construct stairs from McGraw Street down the slope to 6<sup>th</sup> Avenue and to Dexter Avenue N to the east of the site.

## **PUBLIC COMMENT**

Approximately eleven members of the public attended the Early Design Guidance meeting held on August 3, 2006. Comments and concerns offered were as follows:

- Public echoed the concerns of the Board about saving the existing trees on McGraw Street.
- Concerns about parking and traffic impacts.
- Concerns about lack of visitors' parking.
- The project design should consider protecting views of abutting building in the area.
- The applicant should consider cleaning debris and garbage from the undeveloped steep slope area in the proposed site.
- Project design should consider constructing pleasant rooftop form as part of the proposed townhouse structures.
- Public would like the proponent to provide as part of the project a pedestrian stair down 6<sup>th</sup> Avenue to provide access to Dexter Avenue N.

Approximately three members of the public attended the final recommendation meeting held on April 5, 2006. The public comments and concerns related to design review offered were as follows:

- Residents of the abutting McGraw condominium to the south are concerned about view blockage from the proposed townhouses.
- The public is concerned that the applicant may not plant trees comparable to the existing trees being removed.
- Concerned about the potential wetland on the vacant site to the north of the site.

## **ANALYSIS – DESIGN REVIEW**

### **Design Guidance**

Four schemes were presented at the Early Design Guidance meeting. All the proposed schemes illustrate the alternative massing diagrams, building location and elevation drawings. The diagrams represented the neighborhood context and future conditions based on zoning. The applicant's preferred design scheme proposes to construct two townhouse structures containing a total of nine residential units with eleven parking spaces provided at surface and within the structures. The architects explained that proposal site is split zoned, with an L-3 zone occupying most of the site and 25 feet of the site zoned C1-65. Due to the setback from the ECA steep slope area to the east, the proposed townhouse development would encroach into the C1-65 zone, thus requiring Administrative Conditional Use (ACU) review pursuant to SMC 23.47.006B4. The architect identified several of the Multifamily and Commercial Design Review Guidelines as high priority in the design efforts. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comments, the Design Review Board members provided the siting and design guidance and identified by letter and number those siting and design guidance found in the City of Seattle's "*Design Review: Guidelines for Multifamily & Commercial Buildings*" of highest priority to this project.

On April 5, 2006, the Design Review Board reviewed the project design, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the Board's consideration. The design presented had evolved since the first meeting to include two townhouse structures containing a total of nine residential units. One five unit townhouse structure is located on the eastern portion of the site, while the other four unit townhouse structure is located on the western portion. Each of the structures will be three-stories in height and will incorporate rooftop decks to take advantage of the views to the east and north. A mixture of materials and colors on the different facades of the buildings is proposed consisting of painted 4" cement board siding with an intermittent painted 8" cement board siding at the bottom of each structure. Vinyl windows with painted flat cement panel siding and trim are featured prominently within the courtyard facades as well as on the eastern and southern facades along McGraw Street. Entrances to individual townhouse units are clearly identified and consist of clad wood and glass doors. The roof feature is a rectangular penthouse structure, which provides stairs access to the individual decks on top of the roof.

The Board generally agreed that the applicant has responded appropriately to the guidelines offered at the early design meeting and has developed a design that is reflective of the surrounding context. The Board stated that the material and color treatment on the different facades should be consistent and visually exciting. The Board felt that the western façade facing Aurora should be modulated with more windows to maximize the height and scale appearance of the façade.

## **A - SITE PLANNING**

### ***A-1 Responding to Site Characteristics***

*The siting of buildings should respond to specific site conditions and opportunities.*

### ***A-3 Entrances Visible from the Street***

*Entries should be clearly identifiable and visible from the street.*

### ***A-5 Respect for Adjacent sites***

*Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

### ***A-6 Transition between Residence and Street***

*For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.*

### ***A-7 Residential Open Space***

*Residential projects should be sited to maximize opportunity for creating usable, attractive, well-integrated open space.*

### ***A-8 Parking and Vehicle Access***

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

The Board initially indicated that the design of the townhouses should include preserving the two existing Maple trees located along the side property line. The SDOT street improvement proposes that the proponent dedicate 5 feet of the lot along the south property line. Due to the dedication, two existing Maple trees on both sides of the main entrance to the site would be removed and be replaced. Although the Board originally proposed that the design consider protecting these trees, the dedication of the site for street improvement necessitated that the two trees have to be removed. As a result, the Board was inclined to agree that the project should replace the existing trees with large canopy trees lining the side walk on McGraw Street.

The Board encouraged the applicant that providing wide large landscaping areas along the street on McGraw can be used as a trade off for reducing the setback along the north property line. The Board was very supportive of the proposed landscaping between the sidewalk and the proposed building footprint along McGraw Street as it set to reinforce protecting and screening of the entrances to the units on the south from McGraw Street... The space at the sidewalk level would be interactive and also protect and the privacy of townhouse units located at those corners of the building.

*At the Recommendation meeting: The Board recommended that the design should incorporate in the landscape plan large canopy trees to replace the two Maple trees being removed for proposed street improvement on McGraw Street. The street trees should line the sidewalk and the design should form a kind of gateway to the townhouses.*

## **B – HEIGHT, BULK AND SCALE COMPATIBILITY**

### ***B-1 Height, Bulk and Scale***

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.*

The proposed design will consist of 2, 3-stories townhouse structures with approximately 35 feet in height in both the L-3 zone and partially in C1-65 zone. Lower roof forms and open guardrails in the design are proposed to reduce the apparent height of the buildings.

East Elevation: In looking at the east elevation, the Board supported the use of materials, color and fenestration to create contemporary townhouse design. The east façade essentially consist of ivory green horizontal siding with a five clad wood and glass entry doors and four vinyl-glazed windows at the base. Above the base are series of fenestration which includes five bay projections of vinyl-glazed windows on sandy painted flat cement panel siding and trim with open rail parapet above. Each of the five-townhouse units has stair penthouses projecting above the roof of the buildings. The eggplant colored 4” cement board siding is used to breaks the scale of the façade into individual townhouse units.

Interior East Elevation: The Board noted that the interior elevation of building two is very contemporary, smooth and subtle but that the interior elevation of building one was lacking those characteristics. The Board would like to see the same elements and fenestration repeated on the opposite facade on building one to establish an interesting relationship between the two façade in the court yard.

*At the recommendation meeting: The Board recommended that the design extend the perception of the bay and carry the materials up to the top to accentuate the verticality of the building.*

South Elevation: The Board noted that the south elevation on McGraw Street is treated with to many different materials and color. The design of each of the facades consist of composition of a variety of design elements such as material and color occurring at random on both facades consists a series of fenestrations of Vinyl-glazed windows projections above and recessed entrance to the unit below. In addition, the Board noted that purple painted 4” cement board siding and the ivory painted 8” cement board siding materials are carried from the top of the building to the ground at random rather than in a integrated pattern to create character and visually attractive from McGraw Street.

*At the recommendation meeting: The Board recommended that the design needs to make the south elevation more cohesive and integrated rather than random. The window sizes and types should be more consistent on both buildings.*

**West Elevation:** The west façade has minimal amount of glazing because of its location next to Aurora Avenue N. The Board noted that the façade consisted of almost completely blank wall. The Board noted that the blank façade should have minimal glazing to express the units better and add human scale to the design. The Board further noted that they recognize the difficulty in building around Aurora Avenue, but they also recognize that even though people are driving, the streetscape is still important and the building should convey what is happening inside not by a blank façade.

*At the recommendation meeting: The Board suggested that punched openings with triple glazed walls would eliminate the appearance of blank wall on the west façade. This will benefit the residents by allowing some light into that part of the building.*

## **C - ARCHITECTURAL ELEMENTS AND MATERIALS**

### **C-2 Architectural Concept and Consistency**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

*Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

### **C-3 Human Scale**

*The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

### **C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

### **C-5 Structured Parking Entrances**

*The presence and appearance of garages should be minimized so that they do not dominate the street frontage of a building.*

The Board reviewed a design exhibiting contemporary townhouse building that employs building articulation, broken rooflines, individual chimneys, and consistent detailing in a pleasing composition. The Board noted that the materials and fenestration used to create contemporary townhouse design on the east elevation were of consistent detailing and form. The Board noted that the design should incorporate architectural features and elements such as glazing on the west elevation of building two to help achieve good human scale.

*At the recommendation meeting: The Board recommended that roof top projections such as stair penthouses and monitors should be composed of different materials and colors. The board recommended that the penthouses should be made of metal material and painted gray. The Board felt that there were too many different color changes in the design. The Board recommended that the building colors should be subtle, less divergent and less saturated. The predominant colors should be brown and purple.*

## **D – PEDESTRIAN ENVIRONMENT**

### **D-1 Pedestrian Open Spaces and Entrances**

*Provide convenient, attractive and protected pedestrian entries.*

### **D-2 Blank Walls**

*Building should avoid large blank walls facing the street, especially near sidewalks.*

### **D-6 Screening of Dumpsters, Utilities and Services Areas**

*Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.*

The Board noted that the proposed dedication of the lot for street improvement is an opportunity for the design to create a space between the right-of-way and the building that will be conducive to pedestrian or pedestrian activity.

*At the Recommendation meeting: The Board noted that the proposed dedication for street improvement including substantial landscaping along McGraw Street is a good response to these guidelines and works with the request for a side setback departure along the north property line. The Board noted a willingness to support a departure from this development standard if the design will enhance the McGraw Street frontage with generous landscaping to help the proposed townhouses fit into the surrounding residential neighborhood.*

## **LANDSCAPING**

### **E-1 landscaping to Reinforce Design Continuity with Adjacent Sites**

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

### **E-2 Landscaping to Enhance the Building and/or site**

*Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project*

*At the Recommendation meeting: The Board recommended that landscaping should reinforce the character of the townhouse units and the abutting streetscape. Additional screening should be provided along the west property line to soften vehicle noise on the open space area on the west side from Aurora Avenue west of the site.*

**DEVELOPMENT STANDARD DEPARTURE**

The following departure from the development standards was proposed:

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	BOARD RECOMMENDATIONS
<b>NORTH SIDE SETBACK, - SMC 23.45.014A</b>	6 feet minimum	1.6 feet	(1) Dedicate south side lot area for landscaping and planting of large canopy trees along the sidewalk.  (2) High quality building materials.  (3) High quality painting on the buildings.	Board voted unanimously to recommend approval of this departure.

**BOARD RECOMMENDATION**

After considering the proposed design and the project’s context, hearing public comments and reconsidering the previously stated design priorities, the five Design Review Board members agreed that the applicant addressed the design guidance provided in their previous meeting. The Design Review Board **recommends approval** of the design as shown in the updated Master Use Permit Plans. *(Based on Guidelines – A-1, A-3, A-5, A-6, A-7, A-8, B-1, C-2, C-3, C-4, C-5, D-1, D-2, D-6, E-1, E-1, E-2)*

**ANALYSIS & DECISION – DESIGN REVIEW**

DPD has reviewed the recommendations of the five Design Review Board members present at the Design Review meetings and finds that their recommendations are consistent with the City of Seattle Design Review Guidelines for Multifamily Buildings. The Master Use Permit (MUP) plans should be updated to incorporate the Board’s recommendations. In addition to the guidance noted above, the Board recommended that:

- Along McGraw Street side of the site, large canopy trees should be planted to replace the two Maple trees removed due to the proposed street improvement. The street trees should align with the sidewalk and the design should form a kind of gateway to the townhouses *(A-1, A-2, E-2)*.
- On the interior façade of building one, the design should extend the perception of the bay and carry the materials up to the top to accentuate the verticality of the building *(B-1, C-2)*.
- On the south facades, the window sizes and types should be designed to be more consistent on both buildings and the material treatment and color should be minimized *(C-2, C-4)*.
- The design of the west elevation should feature punched openings with tripled glazed windows to eliminate the appearance of blank wall. This will benefit the residents by allowing some light into that part of the building *(B-1, C-2, C-3, and D-2)*.
- Roof top projections such as stair penthouses and monitors should be of metal materials and painted gray. The building color should be subtle and should be predominantly brown and purple *(C-4)*.
- Provide additional screening along the west property line to soften vehicle noise on the open space area on the west side from Aurora Avenue N *(E-1, E-2)*.

## **DECISION – DESIGN REVIEW**

The Director of DPD accepts the Design Review Board’s recommendations and **conditionally approves** the proposed design as presented at the April 5, 2006 meeting.

## **CONDITIONS**

Design Review conditions are listed at the end of this report.

## **ANALYSIS – ADMINISTRATIVE CONDITIONAL USE**

Seattle Municipal Code Section 23.47.006A provides the general conditional use criteria that apply to all conditional use applications. In addition, Section 23.47.006 B.4 (SMC) provides specific criteria to be applied to an analysis of an application for single purpose residential uses in a C1 zone. Applicable criteria are stated in italics below, followed by analysis in each instance.

4. *Single-purpose residential structures may be permitted outright, permitted as an administrative conditional use or prohibited as provided by Section 23.47.004.E. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:*
  - a. *Due to the location or parcel size, the proposed site is not suited for commercial development; or*

The proposal site is approximately 14,962 square feet in size. The lot is split zoned, with about 82% or approximately 12,387 square feet of the site zoned Multifamily Lowrise 3 and about 17% or approximately 2575 square feet of the site is zoned C1-65'. The Commercial 1 portion of the site is 25 feet wide by 103 feet long on the western portion of the site. The commercially portion of the lot is small. Because of the small size of the commercially zoned lot, no viable commercial development can be accommodated in this location. Also, the site is located 150 feet from east of Aurora Avenue N with the only access available northbound access to McGraw Street. McGraw Street at the project location is narrow with no through access. As a result, access to the site is restricted and is used for local residential uses in the immediate vicinity. The access to the site is detrimental to this being used for a commercial use. Allowing residential development instead of a commercial development provides a meaningful use of the site and a smoother transition between the L-3 zone properties and other residential property just south and north of the site. Thus, this criterion is satisfied.

- b. *There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an “established commercial street front” may be intersected by streets or alleys, and some lots with no commercial use.*

The proposal site fronts on McGraw Street located along the south side property line and does not have any direct street frontage on Aurora Avenue N. On both sides of Aurora Avenue N near the proposal site, there is evidence of lack of commercial activity as the few structures which still exists are in disrepair or vacant. The existing development around the subject site and within the C1-65 zone within the vicinity of the site consists of multifamily residential uses. The Windwatch Townhouse Condominium located to the north of the subject site and McGraw Condominium to the south all front on Aurora Avenue N and zoned Commercial 1 with sixty five feet height limit (C1-65). McGraw Street, the only direct access to the site from Aurora Avenue N is not commercial street front as evidenced from the residential development on both sides of the street.

### **SMC 23.47.006.A CONDITIONAL USE GENERAL PROVISIONS**

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposed single purpose residential use would not be expected to cause material detriment to the public welfare or injury to property in the area.

2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

No adverse impacts are anticipated to occur as a result of the use in a commercial zone.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **APPROVED**.

### **ANALYSIS - SEPA**

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist prepared by Kelly Foster on September 8, 2005. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with 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, that "*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 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Several adopted City codes and/or ordinances apply to this proposal. Specifically these are: the (Storm water runoff, temporary soil erosion, and site excavation) and 2) Street Use Ordinance (tracking of mud into public streets, and obstruction of right-of-way during construction). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Thus mitigation pursuant to SEPA is not necessary for these impacts. However, more discussion of some impacts is appropriate.

### Short – Term Impacts

The following temporary construction-related impacts are expected on this site: temporary soil erosion; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

### Air Quality Impacts

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities which produce airborne materials or other pollutant elements to be contained within temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicles frames and tires, which could deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation materials while in transit and the clean up of adjacent roadway and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. If asbestos is contained within portions of the structure, an adverse impact to air quality could be created if the asbestos is not properly removed. Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, PSCAA regulations require control of fugitive dust to protect air quality. A condition will be included pursuant to SEPA authority under SMC 25.05.675A requires that a copy of a PSCAA permit (if necessary) be submitted to DPD before issuance of a demolition permit. This will assure proper handling and disposal of asbestos, if it is encountered on proposed site.

### Noise-Related Impacts

Residential and commercial uses in the vicinity of the proposal will experience increased noise impacts during different phases of construction on the site (demolition, excavation and shoring). Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of nearby residential uses additional measures to mitigate the anticipated noise impacts is necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is warranted. Therefore, as a condition of approval, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day).

### Street and Sidewalks

The Street Use Ordinance includes regulations, which mitigate dust, mud, and circulation impacts on adjacent streets and sidewalks during construction. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT). It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

Since the proposal site is located on the north side of McGraw Street large construction vehicles associated with demolition, excavation and materials delivery may cause traffic congestion on McGraw street and may periodically impact traffic delays for residents of the condominiums near the site. However due to the relatively minor scope of work and limited duration of construction activities, no SEPA-related conditioning is warranted.

### Earth

The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Geotechnical, Inc. dated June 17, 2005. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of the building permits.

### Long-Term Impacts

Potential long-term or use impacts anticipated by this proposal include: increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

### Parking

The site plan indicates that eleven parking spaces would be provided, two at grade and nine within each townhouse unit. The Land Use Code requires nine parking spaces for this nine unit residential development.

In the experience of DPD, peak-parking demand for residential projects in multifamily zones has been based on the average rate of 1.2 to 1.5 spaces per household. It is estimated that peak parking demand for nine units residential project would occur during the evenings on weekdays and on weekends. Peak parking demand for the proposed nine-unit townhouses is estimated to be 13 parking spaces. With eleven parking spaces provided on-site, there would be spill over parking demand of two vehicles onto city streets. It is anticipated that two vehicles would be accommodated on adjacent McGraw Street because the street is not at full capacity. The current use on the site was vacant and not generating any parking demand. Based on the above analysis no unusual parking condition exist that warrants additional parking mitigation under SEPA.

### Traffic and Transportation

According to the Institute of Transportation Engineers Trip Generation Manual, 6<sup>th</sup> edition, the nine units are expected to generate an average of five trips in the a.m. peak hour occurring between 7 a.m. and 9 a.m. and seven trips in the p.m. peak hour between 4 p.m. and 6 p.m. This is not expected to have a significant adverse impact on traffic conditions or reduce the level of service at nearby intersections. The current use on the site was vacant and not generating any traffic impact in the vicinity. Therefore, no mitigation under SEPA is warranted for this project.

### Height, Bulk and Scale

The proposed three-story townhouse project will be located partially in a Commercial 1-65 zone with majority of the development in the L-3 zone. Although the zoning along Aurora is commercial, recent nearby development has been primarily residential. North of the proposal site is an existing apartment building known as “Windwatch Condominium”, while McGraw Condominium is located south across McGraw Street directly from the subject site. Other development in the vicinity includes two single family residences located immediately east of the site and zone Lowrise-2.

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”* In addition, the SEPA Height, Bulk and Scale Policy states that *“(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.”*

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Design details, colors and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the buildings. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

### Other Impacts

Several codes adopted by the City will appropriately mitigate other long-term adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

### **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).

### **CONDITIONS – DESIGN REVIEW**

#### Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by Christopher A Ndifon, Land Use Planner, 206-684-5046, or by Vincent T. Lyons, Design Review Manager, 206-233-3823. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping) shall be verified by Christopher A. Ndifon, Land Use Planner, 206-684-5046, or by Vincent T. Lyons, Design Review Manager, 206-233-3823 at a Pre-construction meeting. The proponent must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on January March 27, 2006.
3. An appointment with the assigned Land Use Planner must be made at least three working days in advance of the meeting. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved. Embed updated colored elevation drawing in MUP plans and all subsequent Building Permit Plans.
4. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Issuance of Master Use Permit

5. Along McGraw Street side of the site, large canopy trees should be planted to replace the two Maple trees removed due to proposed street improvement. The street trees should line the sidewalk and the design should form a kind of gateway to the townhouses (A-1, A-2, E-2).
6. On the interior façade of building one, the design should extend the perception of the bay and carry the materials up to the top to accentuate the verticality of the building (B-1, C-2).
7. On the south facades, the window sizes and types should be designed to be more consistent on both buildings and the material treatment and color should be minimized (C-2, C-4).
8. The design of the west elevation should feature punch openings with tripled glazed windows to eliminate the appearance of blank wall. This will benefit the residents by allowing some light into that part of the building (B-1, C-2, C-3, D-2).
9. Roof top projections such as stair penthouses and monitors should be of metal materials and painted gray. The building color should be subtle and should be predominantly brown and purple (C-4).
10. Provide additional screening along the west property line to soften vehicle noise on the open space area on the west side from Aurora Avenue N (E-1, E-2).

**CONDITIONS – SEPA**

Prior to Issuance of a Demolition Permit

11. Prior to the commencement of demolition activities, the proponent will be required to submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

During Construction

The following condition(s) 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.

12. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day and Christmas Day).

13. The sidewalk along the project site shall be kept open and safely passable throughout the construction period. A determination by SDOT that closure of this sidewalk is temporarily necessary, for structural modification or other purposes, shall overrule this condition. Additionally, the proponent shall submit a construction-phase transportation plan to address street and sidewalk closures, as well as truck routes and hours of truck traffic for further mitigation of their identified impacts.

Signature: (signature on file)  
Christopher A. Ndifon, Land Use Planner  
Department of Planning and Development

Date: November 30, 2006