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: 3003278

Applicant Name: Brain Palider, Architect, for John Mastandrea

Address of Proposal: 13524 Linden Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application for a six-story building containing 1,673 sq. ft. of ground floor retail and 148 residential units on floors two to five. Parking for 202 vehicles will be provided at and below grade.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC) Development Standard Departures from the Land Use Code are requested as follows:
1. Width of the Commercial Street Front
2. The Square Footage of the non-residential space standard

SEPA Environmental Determination: pursuant to SMC Section 25.05

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] EIS

[X] DNS with conditions

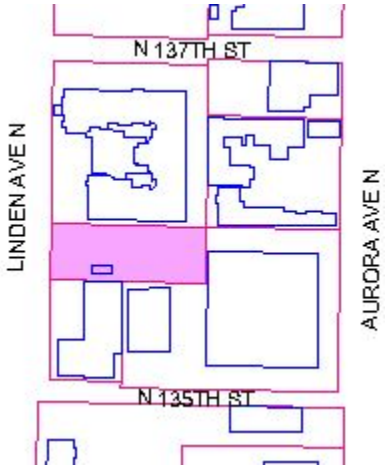
[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

- Early Notice DNS published March 8, 2006

BACKGROUND INFORMATION:

The subject site, measuring approximately 100 feet in width and 300 feet in depth, is located on the east side of Linden Avenue N approximately 93 feet from the intersection of Linden Avenue N and N 135th Street in the Broadview-Bitter Lake-Haller Lake Neighborhood Plan Area.

The site is zoned Commercial 1 with a sixty five-foot height limit (C1-65). There is no alley. There are two main east/west streets; N 137th Street and N 135th Street that provide vehicular access to Aurora Avenue N located a block east of the site. The site is currently vacant but has been used previously as a parking lot for trailer trucks. It has a gentle slope on the western portion but the rest of the site is fairly flat to the eastern part of the lot.



Development in the vicinity is primarily a mixture of retail, service businesses and multifamily uses. Abutting the site to the north is Linden Square Apartments and to the south is an office building. To the east, the site abuts some commercial uses (Office Depot) along Aurora Avenue N. To the west of the site across Linden Avenue N are the Linden Park Condominium and Park Plaza condominiums. Other uses in the vicinity include senior citizen housing (Four Freedom House). Bitter Lake Park is located on N 130th Street southwest of the site. To the east, Aurora Avenue North is an area characterized by auto-oriented shopping and commercial activity. The large commercial developments give way to a more eclectic mix of uses and structures, many of which are residential. Linden Avenue North and North 130th Street are designated as arterial streets and contain some overflow traffic from Aurora Avenue N.

PROJECT DESCRIPTION

The applicant proposes to construct a 6-story building consisting of approximately 1,673 square feet of ground floor retail and 148 apartments units above with 202 parking spaces to be provided in below grade parking garage. Direct vehicular access would be available from Linden Avenue N located west of the site. Vehicular access to parking will be via a 20-foot wide driveway located along the south property line. In addition, the proposal includes right-of-way improvements on Linden Avenue N, and the creation of widened sidewalk, pedestrian street lighting, landscaping, and a public "plaza" area between the sidewalk and the proposed building per recommendation of the Broadview/Bitter lake/Haller Lake Neighborhood Plan.

PUBLIC COMMENTS

Three members of the community attended the Early Design Guidance meeting held on October 10, 2005. Comments and concerns offered were as follows:

- One member noted that the applicant should consider requesting an easement agreement with the neighboring businesses in order to provide access directly from Aurora instead of accessing the site from Linden Avenue N.
- Some comments expressed concerns that Linden Avenue is already a congested roadway. The proposed development would exasperate the problem by increasing the number of cars on that street. There was lot of concerns focused on traffic impact in the neighborhood. Many delivery trucks use Linden Avenue to access abutting commercial uses fronting on Aurora Avenue N.

- Concerns about safety for the residents especially for residents living in the apartment building across Linden Avenue to the west.
- Some residents raised the issue and reminded the applicant that Linden Avenue Street Improvement Project was conceived as a way to improve Linden Avenue to a boulevard street status in order to address potential traffic problems in the area. The Interurban Trail is also a component of the project.

Five members of the community attended the initial recommendation meeting held on August 28, 2006. Comments and concerns offered were similar to the EDG meeting as noted above, with added design comments as follow:

- Concern about crime and drug activities in the area.
- Suggesting that roof top open space should be located more towards Linden than Aurora because of the traffic noise on Aurora
- Concern that the lack of commercial parking space on the site will create parking impacts along Linden Avenue N and around the surrounding streets in the area.
- Concern about the ability of developing good pedestrian connection in the neighborhood

Three members of the public attended the final recommendation meeting held on December 11, 2006. Comments and Concerns offered were as follows:

- Concerns about high traffic impacts on the neighborhood including residence along North 37th Street to the north.
- Some comments applauded the design as a welcome improvement to the neighborhood.

The SEPA comment period for this proposal ended on October 12, 2005. No comment letter was received.

ANALYSIS – DESIGN REVIEW

Design Guidance and Board Recommendations

At the Early Design Guidance meeting, four alternative design schemes were presented. All of the options include 100% lot coverage of the ground floor level with residential units above, below grade parking and ground floor commercial space. The preferred design scheme proposed modulation of the residential portion of the building to reduce the bulk and scale of the building. The design proposed modulation on the northern side of the building to allow sunlight into the open space at the Linden Square Apartments. Modulation in the form of individual decks is used generously on the north, south as well as the western façades to further breakup the scale posed by the length of the proposed building. Common open spaces are proposed on the second level and on roof top decks and private usable open spaces are proposed on private decks. Entrance to the residential units is located to the northern portion of the west façade and is marked by a pair of trellises on the front. The commercial entrance consists of lower canopy flanked on both sides by tall storefront windows. The parking entrance to the underground garage is located on the southern corner of the west façade and as designed, the garage entry dominates the west facade. As a result of the underground parking garage design, the lower portion of both the north and south facades of the building has a solid blank wall. The architect has employed the different materials and design techniques to add a more human scale to the walls.

At the Initial Recommendation meeting, the next iteration of that design was presented to the Board. The project design has a predominantly split face concrete block material at the base and metal and horizontal board siding materials on the residential portion above. The right-of-way is shown with wide sidewalk, pedestrian street lighting and landscaping and a public plaza area between the street and the proposed building. The redesign of the right-of-way plaza area was geared towards creating a more open area to the street to create a visual relationship between the commercial space and the streetscape. Additionally, suggested changes on the portion of the plaza include providing amenities such as lights on the plaza, and making the decks on the second level viable so that people using the decks could look into the plaza area to discourage loitering by the homeless and transients in the area.

At the recommendation meeting the design presented to the Board included more detail treatment of blank facades on both the north and south elevation of the building, the redesign of plaza area on the right-of-way and the redistribution and simplification of the building materials and colors. The Board was pleased with the refinements made to the design and applauded the responsiveness of the design to the guidance provided at the previous meeting

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comments, the four 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.

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-4 Human Activity
New development should be sited and deigned to encourage human activity on 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 cited 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 is concern focused on a number of issues regarding the design of the plaza. The Board was concerned that providing a space for retail customers that did not have hidden corners will not negatively impact the design and use of the plaza. The Board indicated that they would entertain design options with some range to consider. As a result, three design options were proposed. Among these options, both the applicant and the Board preferred option A. In the preferred option, the residential entry at the northeast corner of the building is connected to the pedestrian pathway consisting of some curving stairs that decent gradually towards the sidewalk along linden Avenue N. The sides of the pedestrian pathway are landscaped to create distinctive separation and direct residential visitors to the residential entrance.

The entrance to the retail space fronts an open plaza area, in the right-of-way and consists of benches and trees and planter boxes. The Board feels that the plaza area should be differentiated from the driveway located to the south of the plaza. The Board discussed the question of whether the trees on the plaza would be planted on planted boxes or on grade.

At the initial recommendation meeting, the Board was pleased to see that the architect had explored some additional ideas for the plaza and had attempted to provide a design which successfully responds to the SDOT and DPD Guidelines for designing elements in the right-of-way. The Board was pleased to see the design changes to the plaza which showed distinct separation between the residential and commercial portions of the building. The pedestrian pathway on the north section of the site truly provides a way to identify the residential entrance from the commercial portion of the building.

The Board strongly agreed that the architect should try to replicate the elaborate landscaping proposed on the north side of the plaza on the south side to try to differentiate the driveway and the plaza and reduce the apparent blank walls on the plaza.

At the final Recommendation meeting, the Board was pleased with the response presented by the architect. In addition, four Board Members recommended that the design should be modified to include the following:

1. **Trees on the plaza should be installed at grade with metal grades.**
2. **Eliminate two proposed planters in front of the commercial storefront.**
3. **Bigger trees in combination with bollards should be installed along the southern edge of the plaza to differentiate the plaza and the driveway and prevent vehicles from parking in the plaza area.**
4. **The plaza should be designed with irregular scoring pattern to delineate a sitting area from a walking area.**

B Height, Bulk and Scale

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 design objective should be to generously use modulation on the building to create visual interest and respect the neighbors to the north and the south. In addition, modulation should be used to help break up the height, bulk and scale of the building especially on the north and south facades abutting neighboring uses in the area.

The Board was less than enthusiastic about the initial design renderings and stated that the material and color should be used to create a framing effect to address the structure height, bulk and scale.

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.

The Board expects to review a design using high quality materials and architectural details that includes a variety of features along the length of the building, which integrates the ground level with upper floors. The Board also wants a well design retail space at the ground level that helps animate and activates the street front.

At the initial recommendation meeting, the design showed similar materials but applied differently. The color palette consists of gray horizontal lap siding, blue metal siding, red board and batten siding for the apartment units above. The overhead canopy is metal over the commercial entrance and wooden trellises are used to accentuate the residential entrance to the north.

At the final recommendation meeting, the Board applauded the much-simplified elevation design and redistribution of materials. The color and material board presented by the architect helped the board to understand the mix of colors and materials. However, the Board recommended that the design should be modified to include the following:

- **a) Change the color of the window trim to the same color of the window panel.**
- **b) Differentiate the color and contrast between window frame and the wall siding.**
- **c) At the base, provide a darker color for the split face concrete.**
- **d) The deck railings below should be of the same color as the ones above.**

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.
D-7 Personal Safety and Security
Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board noted that the design has provided very distinct entrances for the residential and for the commercial section of the building. Because the commercial storefront is recessed from the street, the improved design of the plaza is geared towards keeping open the space and providing some pedestrian amenities to enhance the use of the space. The plaza area should be made viable for pedestrian as well as tenants of the building. The blank wall on both lower portion of the north and south facades are screened with trellises and green wall to break the apparent blank.

At the initial recommendation meeting; the Board noted that the plaza area should be well-lighted at night to enhancer personal safety and security of the pedestrian and tenants of the building.

At the final recommendation meeting, the Board recommended that the design provide an ornamental metal fence on the blank wall to create a more residential appearance.

E Landscaping

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.

E-3 Landscape Design to Address Special Site Conditions
The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

At the initial recommendation meeting, the landscape design showed street trees along Linden Avenue N, raised concrete planters on the plaza, flower plantings on both sides of the residential entrance, and a mixture of trees in planters and shrubs on the first floor of the residential units above.

See discussion under site planning above.

Development Standards Departures:

Two departures were requested at the time of the Recommendation meeting.

Commercial Street Front-Width (SMC 23.47.008 B): The applicant proposes a development standard departure to reduce the commercial street front width from 80% after deducting 22 feet curb cut (99' 6" – 22' = 77' 6" x 80% = 62' 0"). The project proposes 52' 4" (67.5%) commercial street front on Linden Avenue N. Otherwise the residential entrance would be under sized for 148 units building if 80% requirement is met. In addition, the Design Review Board noted that the residential entry should be prominent on Linden Avenue so as to reinforce the presence of the residential uses. The Board initially expressed concern with the location of the residential entry and wanted this entrance to be prominent when viewed from Linden Avenue N. The Board agreed that the redesign of the plaza to separate the residential entrance from the plaza area and the retail space is a strong gesture that complements the pedestrian environment, provide public amenities to foster the viability of the plaza area and helps to open the retail storefront to the street. Avenue N. The five Board members voted unanimously in favor of the departure (A-1, A-3, A-6, C-2, C-4).

Area of Commercial Space - (23.47.008. B): The code requires the nonresidential space to extend at least thirty (30) feet in depth at the street level from the street front façade of the structure, provided the minimum required depth may be averaged to be not less than fifteen (15) feet. Thus, the required commercial space is 1,680 square feet. The project design proposes to reduce the area of the commercial space from 1,680 square feet to 1628 square feet having a difference of 52 square feet of commercial space. The rationale being that the refuse and recycling access pathway was widened to meet the Land Use Code requirements due to the limited site width. Applicant indicated that alternate storage room would further restrict conformance to commercial space standards. The five Board members voted unanimously in favor of the departure for the same reason provide above (A-1, A-3, A-6, C-2, C-3, C-4, D-6, E-2).

Summary of Departures;

Development Standard	Requirement	Proposed	Rationale by the Applicant	Board's Recommendation
SMC 23.47.008B: Eighty (80) percent of structure street front façade at street level shall be occupied by nonresidential uses	Commercial frontage after 22' curb cut reduction. = 77.5. 80% x 77.5' = 62.0'	52' 4" = 67.5%	Residential entry will be undersized for 148 units if full 80% non residential frontage was provided	Board voted unanimously to recommend approval of this departure.
SMC 23.47.008B The square footage of the nonresidential space standard	Minimum required depth = 30'. Averaged to a minimum of 15'. Area of nonresidential space is 1,680 SF	Area of non-residential Space 1,628 SF less 52 SF.	To provide enough room for locating the trash receptacle.	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 four 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 satisfaction of the Guidelines – A-1, A-3, A-4, A-5, A-6, A-7, A-8, B-1, C-2, C-3 C-4, D-1, D-2, D-6, D-7, E-2, E-3).*

DIRECTOR'S 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. DPD has worked with SDOT to secure conceptual approval for all plaza elements in the right-of-way. 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:

- The design should be changed to show that the trees on the plaza be installed at grade with metal grades.
- The two planters on the front of the commercial storefront should be eliminated from the design
- Bigger trees in combination with bollards should be installed along the southern edge of the plaza to differentiate the plaza and the driveway and prevent vehicles from parking in the plaza area.
- The color of the window trim should be changed to the same color of the window panel.
- The design should differentiate the color and contracts between window frame and the wall siding.
- The design should provide a darker color than shown in recommendation meeting #3 graphics of the split face concrete at the base of the building
- On the north, south and west facades, the decks below should be of the same color as the ones above.
- The design should provide an ornamental metal fence on the blank wall.

The Director of DPD accepts the Design Review Board's recommendations and **conditionally approves** the proposed design as presented at the December 11, 2006 meeting.

ANALYSIS - SEPA

The initial disclosure of the potential environmental impacts of this project was made in the environmental checklist prepared by Brian Palidar on January 28, 2006. 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 or 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 Grading Ordinance (Storm water runoff, temporary soil erosion, and site excavation), 2) Street Use Ordinance (tracking of mud into public streets, and obstruction of right-of-way during construction), 3) Noise Ordinance, 4) Land Use Code and 5) Building Code and 6) Seattle Energy Code. Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts.

Short – Term Impacts

The following temporary construction-related impacts are expected: temporary soil erosion; decreased air quality due to dust and other suspended air particulates; 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 permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A**.**

Noise-Related Impacts

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties to the west, across Linden Avenue N, are developed with multifamily residential and single family homes and will be impacted by construction noise. Pursuant to SEPA authority, the applicant shall be required to limit periods of construction to between the hours of 7:00 a.m. and 6:00 p.m. during non-holiday weekdays and 9:00 a.m. to 6:00 p.m. on Saturday. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

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 safety of surrounding areas (25.05.675 R).

Since the proposal site is located on the east side of Linden Avenue N, construction vehicles associated with demolition, excavation and materials delivery in and out of the construction site may cause traffic congestion on the street and may periodically impact traffic on N 135th Street, N 137th Street and on Linden Avenue N. However due to the relatively minor scope of work and limited duration of construction activities, no SEPA-related conditioning is warranted.

Long-Term Impacts

Potential long-term or use related impacts anticipated by this proposal include: increased bulk and scale on the site; 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, residents 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.

Height, Bulk and Scale

The proposed 6-story project will be located in a Commercial 1 zone with a sixty-five foot height limit (C1-65). All abutting property is zoned C1-65. A Lowrise 3 zone is located across Linden Avenue N to the west.

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 Polices…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 building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Parking

The parking impacts were examined in a Traffic Impact Study and Parking Demand Analysis prepared by Gibson Traffic Consultants dated September 9, 2005. The proposed project will provide a total 202 off-street parking spaces in two and half floors in an underground parking garage and the Land Use Code requires a total of 185 parking spaces for the proposed project. The parking analysis estimated future parking demand using Parking Generation manual published by Institute of Transportation Engineers (ITE), 3rd Edition, 2004. The peak parking demands for the 148 residential apartment units would be 178 vehicles. The study also estimated the peak parking demand for the nonresidential space to be 5 vehicles. Thus, the overall peak parking demand for the proposed project would be 183 vehicles. The project will provide 202 off-street parking spaces so all the parking demand is expected to be met on site for this project.

ITE data is typically collected in suburban locations with little or no access to transit, so it's likely that demand will be less in an urban location with access to transit. This site is served regularly by transit; METRO route 358 operates along Aurora Avenue North. This bus route has stops near the project site with a walking distance 0.2 miles from Aurora Avenue N to Linden Avenue N and has headways of 15 to 30 minutes at noon during the week. The route travels from the north neighborhoods to and from downtown Seattle**.**

No demand for on-street parking is anticipated from this project; therefore, no SEPA conditioning is required to mitigate parking impacts.

Traffic

The traffic impacts were examined in a Traffic Impact and Parking Demand Analysis prepared by Gibson Traffic Consultants dated September 9, 2005. The analysis estimated trip generation from the proposed project was based on trip rates published by the Institute of Transportation Engineers (ITE) in Trip Generation (7th Edition, 2003) for apartments (land use code 220) and for retail (land use code 820). According to the study, the 148 apartment units would generate a total of 995 daily vehicles trips; 75 vehicles trips are estimated to occur during the AM peak hour traffic and 92 during the PM peak hour. The proposed 1,673 square foot retail space would generate 71 daily vehicles trips, 1 vehicle trip estimated to occur in the AM peak hour and 4

vehicular trips estimated to occur in the PM peak hour. The study assumed a 5% transit reduction because there would likely be some transit trips by apartment residents who could easily walk to Metro bus stop on Aurora Avenue N only 0.2 miles east of the project site.

The study also assumed a standard pass-by rate of 25% for retail trips diverted from the existing traffic stream on Linden Avenue N. With pass-by and internal trip credits, the proposed mixed-used development would generate 1,005 new daily trips, 74 vehicles trip are estimated to occur during AM peak hour hours and 91 new vehicle trips are estimated to occur during the PM peak hours on an average weekday.

Based on existing peak-hour traffic volumes and patterns from the August 2005 traffic monitoring ™ counts, and location of the retail destination in the vicinity, a trip distribution was developed that showed a fairly even split of site traffic to the north (45%) and to the south (55%) on Linden Avenue N. The count showed that 40% of the trips would continue south on Linden Avenue N to N 130th Street with 15% using N 135th Street east to Aurora Avenue N. Similarly, 31% of the trips would primarily continue north on Linden Avenue N to N 145th Street, although 10% of some inbound traffic would use N 137th Street from Aurora Avenue N and 4% would use N 137th Street from the west to directly access the site.

The Traffic Impact Study analysis estimated the trip distributions, applied the trip generations and estimated the future 2007 traffic conditions. The summary of weekday PM Peak hour Level of Service (LOS) at four intersections is shown in the following table below:

			FUTURE 2007 CONDITIONS			
	EXISTING CONDITIONS		Without Project		With project	
Intersection	LOS	Delay	LOS	Delay	LOS	Delay
1. N 135th Street @ Aurora Ave N	B	18.8 sec	C	20.2 sec	C	21.6 sec
2. N 135th Street @ Linden Ave N	B	11.8 sec	B	12.1 sec	B	12.7 sec
3. S 137th Street @ Linden Ave N	A	9.7 sec	A	9.8 sec	A	10.0 sec
4. N 138th Street @ Linden Ave N	B	10.3 sec	B	10.4 sec	B	10.8 sec

The estimates showed that daily traffic on N 135th Street would increase by an estimated 200 daily and 16 PM peak hour trips with the project and traffic volumes would remain low to moderate with an Average Week Day Traffic (AWDT) of 1,700 to 2,600 between Aurora Avenue N and Linden Avenue N. Peak-hour traffic operations at the Aurora Avenue N/N 135th Street signalized intersection would continue at Level of Service (LOS) C with the project. All other off-site intersections would operate at LOS B or better in 2007 with or without the project. In summary, peak traffic flow conditions on Aurora Avenue N, Linden Avenue N, N 135th Street, N 137th Street and N 138th Street would be accepted at LOS D or better with the project per City of Seattle Standards. Therefore, no mitigation of project impacts is necessary pursuant to 23.52.004.

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 and as updated in the issued MUP plans.

3. 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

Update the Master Use Permit plans to include the following:

4. The design shall show that the trees on the plaza be installed at grade with metal grades.

5. The two planters on the front of the commercial storefront shall be eliminated from the design

6. Install bigger trees in combination with bollards along the southern edge of the plaza to differentiate the plaza and the driveway and prevent vehicles from parking in the plaza area.

7. The color of the window trim shall be changed to the same color of the window panel.

8. The design shall differentiate the color and contracts between window frame and the wall siding.

9. The design shall provide a darker color of the split face concrete at the base of the building

10. On the north, south and west facades, the decks below shall be of the same color as the ones above.

11. The design shall provide an ornamental metal fence on the blank wall.

CONDITIONS – SEPA

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. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including and not limited to demolition, grading, deliveries, framing, roofing and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm 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. (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).

    Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan Shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

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 this sidewalk is temporarily necessary, for structural modification or other purposes may overrule this condition.

Prior to Issuance of the Building Permit

14. The applicant 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.

Prior to issuance of Certificate of Occupancy

15. Prior to issuance of certificate of occupancy, the proponent will be required to contact Christopher A. Ndifon, Land Use Planner, 206-684-5046, or Vincent T. Lyons, Design Review Manager, 206-233-3823.

Signature: (signature on file) Date: April 19, 2007
Christopher A. Ndifon, Land Use Planner

CAN:bg

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