



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: 3003415

Applicant Name: Martha Barkman, for Harbor Properties

Address of Proposal: 901 8th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for a mixed-use building with underground parking, street level retail/commercial space of 3,977 square feet, three (3) live/work units totaling 2,277 square feet, and 87 residential units above the ground floor. Access to the three levels of underground parking for 92 vehicles would be to and from the alley.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

SEPA – to approve, condition or deny pursuant to 25.05.660 - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION:

Exempt DNS MDNS EIS

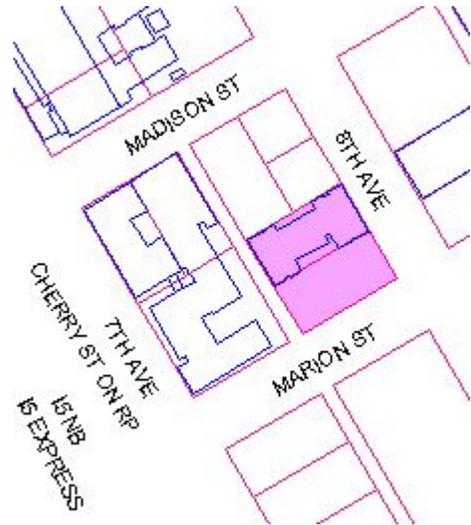
DNS with conditions

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

BACKGROUND DATA

The development site is comprised of the quarter block bounded by Marion Street on the south, 8th Avenue on the east, and the north/south alley intersecting the block midway between 7th and 8th Avenues. The area of the site totals 14,400 square feet. The site is zoned NC3-160, Neighborhood Commercial 3 with a 160-foot height limit.

Currently there is a five-story building and a surface parking lot on the site. While the site is relatively flat along 8th Avenue, it slopes down approximately six feet from east to west along Marion Street. The property is located within the First Hill Urban Center Village. The zoning to the north of the site and west of the alley, between the site and Interstate 5, is likewise NC3-160, as is the block immediately to the south of the site.



AREA DEVELOPMENT

To the north, east and south are numerous buildings which are part of the campuses of three major medical centers: Virginia Mason, Swedish and Harborview hospitals. A number of medical office buildings comprise the edges of these campuses. The Seattle University campus lies to the east, beyond the Swedish Hospital and Medical Center complex of buildings, just to the east of Broadway. Several institutions are located in the area, within short walking distance of the site: Trinity Episcopal Church, St. James Cathedral, the Frye Art Museum, O’Dea High School, the First Presbyterian Church and Town Hall.

Historically the neighborhood has provided close-to-downtown housing. A few large, substantial single family mansions remain from a century ago, notably the Stimson-Green mansion and the Dearborn house. Several wood frame apartments remain from the same era. A number of impressive brick apartment buildings, generally of 4, 5 and 6-stories, date from the late teens and twenties and define a distinctive multifamily residential character for the area. The northern half of the proposal site is occupied by one of these four-story brick residential/lodging buildings (destined for demolition), built in 1906 and converted to office use in more recent years.

The 300-foot plus swath cut along the western edge of the neighborhood in the early 1960s to create the Interstate 5 expressway destroyed a portion of this housing stock, effectively restricted direct access to the area and visibly re-enforced the physical separation of the neighborhood from the Downtown. Except for expansion connected to the various medical centers and some highrise residential apartment buildings, there has been relatively little development in the area in the past fifty years with the most significant development in the immediate vicinity of the proposal area has been the demolition of multifamily structures to make way for surface parking lots. Within the past year construction has commenced on a seventeen-story mixed commercial and residential building immediately to the east of this proposal, across 8th Avenue.

Proposal

The proposal for the site consists of a mixed-use building with street-level retail totaling 3,977 square feet along 8th Avenue, three live/work units totaling 2,277 square feet along Marion Street, and eight floors of residential units (for a total of 87), and two floors of underground parking to accommodate 92 vehicles. Access to and from the underground parking is proposed off the alley. Loading and building services, such as trash and recycle collection will be off the alley along the west side of the site.

Public Comments

Public comment was invited at initial application and at two design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. No written comments were received during the formal comment period for the project.

ANALYSIS - DESIGN REVIEW

At an Early Design Guidance Meeting, attended by four of the Design Review Board members for Area 7 (Capitol Hill) and held on January 18, 2006, the development team presented preliminary conceptual plans for a seven-story mixed-use, residential and commercial building with approximately 4,000 square feet of retail commercial space and three live/work units on the ground floor and approximately 86 residential units on floors 2 through 7. Underground parking for approximately 52 vehicles was to be located below ground.

Architect's Presentation:

After opening remarks by the developer of the site, Harbor Properties, NBBJ Architects made the substantive presentation at the meeting. The applicant proposes for this 14,400square-foot site a mixed-use building with underground parking, street level retail/commercial space and 3 live/work units and 103 "workforce" residential units above the ground floor. Access to the two levels of underground parking for 55 vehicles (subsequently changed to three levels of underground parking for 92 vehicles) would be to and from the alley.

In making their presentation, the development team referred to the vision of the First Hill Neighborhood Plan and noted that the proposal responded to the plan for creating a tree-lined residential street along 8th Avenue. While enlivening the pedestrian experience along that street by providing street-level retail use, the project would provide 103 "work force" residential units, within easy walking distance of First Hill's hospitals and medical offices as well as the central downtown area. Three live/work units were proposed along Marion Street, with access to these units provided from the main residential entry at the corner of Marion Street and 8th Avenue. There would be no direct access to the live/work units from the sidewalk along Marion Street.

The principal vehicular access to the site would be from the alley located midway between 7th and 8th Avenues.

The development team also referred some of the constraints of the site:—the proposal across the alley and the building under construction across 8th Avenue, and, more site-specific, the 7.5 percent slope from east to west along Marion Street. In addition, they identified four departures from development standards that would be sought for the preferred option:

- SMC 23.47.024 A , less than the required the amount of usable open space for the project
- SMC 23.47.008 D, upper level residential lot coverage to exceed 64 percent
- SMC 23.47.008 B7, entry to live/work units not from the street but from the lobby
- SMC 23.47.030 G, no sight triangle at vehicle exit

The development team also identified for the Board those Design Guidelines that they believed to be of highest priority for the project: A-2, A-3, A-4, A-10, C-2, C-3, C-4, D-1, D-2, D-6, D-7, and E-2.

BOARD CLARIFYING QUESTIONS AND COMMENTS

Following the development team’s presentation, the Board asked clarifying questions regarding the amount of parking proposed, the specific target population for the residential units, and the height of the terrace at the alley. The last question indicated an issue that would receive further comment during the Board’s subsequent deliberations, namely the relationship of the proposed live/work units with the Marion Street sidewalk and their apparent disengagement from the street as shown in the presentation.

PUBLIC COMMENTS

There were five members of the public present other than those representing the development interests. Part of the public comment was related to emphasizing the pedestrian character of the vicinity and the desirability of the street-level facades to relate to and reinforce that character. Questions were asked about the size and mixture of proposed residential units. It was noted that the addition of residential units at this site, together with those being constructed across 8th Avenue would mean a general enlivening of the streets in the immediate vicinity after 5:00 PM

BOARD DELIBERATIONS

General Directives

The four members of the Board expressed the following, generally shared, significant concerns regarding the proposal:

- *The live/work units proposed for Marion Street in the preferred option.* In the Board’s view these units need to relate to the street more directly. The Board expressed a reluctance to entertain a departure that would provide lobby-only access to these units. One member of the Board further stressed that the westernmost live/work unit should begin to engage not only the street but the alley; the proposal should explore a further engagement and tie-in of the podium/terrace space with the alley.

- *The retail space along the north side of the proposed structure, displaced from the street by the existing stair. The Board expressed their confidence that the architectural team could craft a favorable resolution for bringing the entire retail space to the street.*

Despite these reservations, the Board commended the development team on the clarity of their presentation. The Board thanked the applicants for their initial identification of Design Guidelines of priority for the project, even if the Board's own prioritizing of guidelines differed slightly (see below) from the applicant's.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily & Commercial Buildings* of highest priority to this project.

DESIGN GUIDELINES

A. Site Planning

A-1 Responding to Site Characteristics

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

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-3 Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities 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.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

The guidelines above were all chosen by the board to be of high priority. The Board expressed a desire that the design development should clearly demonstrate how it will substantially enliven both streets abutting this corner lot and convey a convincing and detailed sense of how the proposed live/work units can relate to enlivening the street level along Marion Street (and potentially the alley).

The desirable elements of the streetscape along 8th Avenue (the allee-effect created by more mature street trees in regular progression, noted in the Neighborhood Plan) should be enhanced and the relationship and interaction of sidewalk with the retail spaces provided at grade level in the proposed building should be so designed as to demonstrably enliven the pedestrian experience as called for in the Neighborhood Plan.

Human activity on the street should be promoted by the interface of sidewalk and retail spaces; the applicant should demonstrate how both the proposed retail spaces provide for an enlivening of the street.

The location and quality of usable open space for the residents should be considered a significant element of the design. While the direct opening of the interior, fitness/recreation space onto the terrace met with favorable Board reaction, one member of the Board suggested that there should be a fuller exploration of rooftop open space. This could be of even greater potential if there were a higher building, which would be allowed by the zone, proposed for the site.

The Board disapproved of the choice only to provide access to the live/work units proposed for Marion Street from the main lobby whose entry was off 8th Avenue.

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 was generally complimentary regarding the form the preferred option was taking, but with serious reservations expressed regarding the separation of units from the sidewalk provided by the proposed elevated podium and the deleterious effect this would have for enlivening the Marion Street experience.

The Board was not prescriptive regarding materials, but noted that the perceived character of the First Hill vicinity was attributable to a number of older buildings noted for their durability and attractiveness of materials and the fine detailing of their finishes. Architectural materials scale and details should be integrated within a building whose concept is appropriate for the site and its surroundings as well as its programmatic uses. The Board would expect to see samples of proposed colors and materials at the subsequent recommendation meeting.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

D-6 Screen Dumpsters, Utilities and Service Areas

D-7 Pedestrian Safety

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The design team was asked to provide studies of the proposed pedestrian environment on both street sides of the project and along the alley. They were asked to present details for a variety of streetscape amenities, including lighting, overhead weather protection and other elements calculated to generate a friendly and lively environment. Design development should address both the impact of an exiting stair along 8th Avenue and entries to the live/work units off Marion Street. Fuller details should be provided for the retail and main residential entries as well.

E. Landscaping

E-1 Reinforce existing landscape character of the neighborhood

Landscaping should reinforce the character of neighborhood properties and abutting streetscape.

E-2 Landscaping to enhance the building and site

Landscaping 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.

Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to an attractive and usable open space. The 8th Avenue experience envisioned in the Neighborhood Plan should be realized through street trees and the treatment of sidewalk and planting strip along 8th Avenue. Continuity should be established along Marion Street between the intersection with 8th Avenue and the landscaping proposed for the new, neighboring development to the west of the alley. The design should incorporate specific treatments to mediate the slope on Marion Street and to relate the proposed live/work units, perhaps by landscape and architectural layering, to the street. The Board expects to see a comprehensive Landscape Plan, one that treats not only on-site open space but street conditions and the edge where the proposed structure meets the public realm.

Departures from Development Standards:

The development team indicated that they were requesting four departures from Land Use Code development standards:

- SMC 23.47.024 A, less than the required the amount of usable open space for the project.
- SMC 23.47.008 D, upper level residential lot coverage to exceed 64 percent.
- SMC 23.47.008 B7, entry to live/work units not from the street but from the lobby.
- SMC 23.47.030 G, no sight triangle at vehicle exit.

The Board indicated their willingness to entertain the granting of the requested departures, provided the design development responded adequately to the Guidelines noted above as being of highest priority for the project and to the guidance of the Board had given regarding these Guidelines.

Following the Board deliberations it was noted by staff that a sight triangle is not a requirement for an alley entry/exit. It is expected that the design of the entry/exit will ensure for the safety of both the vehicles entering and exiting the proposed structure and pedestrians or vehicles which may use the alley. It was further noted that it was the expectation of the Design Review Board and DPD that the applicant proceed to further design development, including a demonstrable response to the guidelines and guidance noted above, and to a Master Use Permit application. Subsequent to a successful application, the proposal would be returned to the Design review Board for a recommendation of approval.

Recommendation Meeting

At a Recommendation Meeting of the Design Review Board for Area 7, held at Seattle Central Community College on Wednesday, May 17, 2006, the architect presented drawings and plans for a mixed-use, residential and commercial building proposed for the southwest corner of 8th Avenue and Marion Street. In making the presentation, the architectural team presented the Board with a refined and detailed development of the conceptual scheme that had been offered at the Early Design Guidance meeting as the preferred scheme for the site.

With some changes on location and configuration, and providing for a decreased number of residential units and an increased number of vehicle parking spaces, the proposed structure continued to provide retail frontage along 8th Avenue and a second-floor residential portion of the structure pushed to that street to provide a more substantial street presence. The upper floors were pulled back from both streets to form a curved residential tower, modest in height, but establishing a graceful presence on the quarter block it is proposed to occupy.

In response to the Board's earlier concern and directive that direct access be provided the live/work units from the sidewalk on Marion Street, the revised design showed three recessed entries to the units attained by stairs that linked them to the Marion Street sidewalk. Also in response to the Board's guidance, the retail space proposed for 8th Avenue continued to the north edge of the structure, with the exiting stair relocated to allow for this increase in transparency into the retail use along the street-level façade.

BOARD CLARIFYING QUESTIONS AND PUBLIC COMMENT

Prior to its deliberation, the Board asked several clarifying questions regarding the proposal and solicited comments from the public. Among the public comments, generally in favor of the design that had been developed and endorsing the direct access to the live/work units off Marion Street, was a continued emphasis on the importance of the 8th Avenue façade and street-level uses contributing to the desirable pleasant pedestrian experience along 8th Avenue.

BOARD DELIBERATIONS

General Directives

The four members of the Board present were agreed that the structure proposed for the site had undergone design development in tune with the Early Design Guidance indicated by the Board and in keeping with the guidance that had been given. The Board's remaining concerns were twofold. The first was that the live/work units proposed along Marion Street be given a chance to really function as live/work spaces and not as just residential units under another name. To this end the Board recommended refinements in development to provide adequate lighting and opportunities for easily affixing signage, if so desired by the tenants of the live/work units, to announce their "work" or commercial status to the street. A second concern was that the proposed retail space along 8th Avenue should further contribute to the enlivening of the pedestrian realm by providing clear, attractive and direct pedestrian access into the commercial space from the 8th Avenue sidewalk. The Board recommended to the Director that the proposal be approved with these suggestions for improvement to be recommended as conditions to temper the Board's overall approval of the project as presented.

In recommending approval of the project, the Board indicated that it was their understanding that the exterior colors and materials for the built project would be within the range of materials and colors presented to the Board at the meeting.

Development Standard Departures:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). The applicant identified the following departures from development standards, each of which was recommended by the Board for approval:

- SMC 23.47.024: requires usable open space for residents in the amount of 20 percent of the gross floor area in residential use; applicant is requesting a departure to allow 10.5 percent open space due to the quality open space that will be provided on residential patios at lower levels and rooftop deck;
- SMC 23.47.008D: limits residential lot coverage to 64 percent of lot above 13 feet; applicant proposes 80.7 percent lot coverage at the second residential level and 66 percent lot coverage at levels 3 through 7; the departure will allow for a visually taller base at levels 1 and 2 that is more in scale with existing neighborhood buildings and the overall tower massing at 66 percent coverage provides a better perceived set of proportions for the proposed structure;

- SMC 23.47.008 C2: requires a 13-foot floor to floor height for ground-floor commercial uses in mixed-use building; applicant is requesting a departure to provide a floor to floor height of 12-feet in a portion of the retail/commercial space and a 10-foot floor to floor height within the 3 live/work units; the reduction in height, it was proposed, would not be discernible within the two-story base external “read” of the building, and because of the sloped topography of the lot, the first floor ceiling would be 18 feet-6 inches above the lowest point on the site perimeter (at the corner of Marion Street and the alley intersection);
- SMC 23.47.008B7: requires that entrances to nonresidential uses at street level be no more than three feet above or below sidewalk grade; applicant proposes external entries to the three live/work units to be from 3-feet 6-inches to 7-feet above the Marion Street sidewalk; the departure will provide entries effectively linked to the sidewalk by means of attractive stairs, railing, lighting and landscaping;
- SMC 23.47.016E: prohibits blank facades at street level; the area beneath the live/work units on the south facing (Marion Street) façade is technically (by definition) a “blank façade,” but the applicant proposes that the integrated landscaping and stairs provide for a design solution that meets the guidance of the Board to effectively link the live/work units to the Marion Street sidewalk.

In their deliberation the Board members agreed that the requested departures provided for a better overall design of a structure for this site, one that better met the intentions of the design guidelines. They recommended approval of the five proposed departures.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board members present at the Design Review meeting and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings*.

Therefore, the proposed design is **approved** as are the recommended departures **approved** as presented at the May 17, 2006, Design Review Board meeting, with **conditions** as noted below.

ANALYSIS - SEPA

This analysis relies on the SEPA checklist submitted by the applicant and signed on April 14, 2006. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA

Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

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 specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The project is expected to have both short and long term impacts.

Short-term Impacts

Construction-Related Impacts

Demolition and Excavation

Excavation of approximately 13,400 cubic yards of earth on site will create potential earth-related impacts. A shoring system with tiebacks to retain the surrounding soils during excavation is proposed for the site. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of any contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

Traffic

It is anticipated that the proposal would require excavation of approximately 13,400 cubic yards of material, none of which is to be stockpiled on site. The excavated material would be exported to an as yet undetermined site. Truck trips related to demolition, excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled, however. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for localized traffic disruptions. It is expected that existing regulatory authority in place with Seattle Department of Transportation (SDOT) would allow for control through permitting review of use of surrounding streets to mitigate these potential impacts.

Public sidewalks are found on two abutting rights-of-way, Marion Street and 87th Avenue. Although neither street regularly handles large numbers of pedestrians, both sidewalks provide significant pedestrian pathways with significant utilization within the First Hill neighborhood. In particular, they provide paths for pedestrians traveling between the substantial number of surface parking locations just east of Interstate 5 in the First Hill neighborhood and Madison Street and destinations downtown. It is proper, therefore, to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained along the project site. It is desirable that the sidewalks abutting the project site along both 8th Avenue and Marion Street generally be kept open and safely passable throughout the construction period. It is also essential that pedestrian safety on these sidewalks be coordinated with current and proposed construction on nearby sites along 7th Avenue between Marion and Madison streets be kept open and safe. A condition to this effect shall be imposed on the construction phase of the proposed project.

Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) 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 may be 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 may be necessary. Therefore, as a condition of approval, the proponent will be required normally 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, Memorial Day, Independence Day, Labor Day,

Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they may be treated as regular weekdays, with work restricted to the hours of 7:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day).

Air Quality

Demolition and construction 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. Puget Sound Clean Air Agency urges that all diesel construction equipment used in this expansion in downtown Seattle make use of available ultra-low sulfur diesel fuel (less than 15% sulfur) as well as diesel retrofit or original equipment of oxidation catalysts or particle filters.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. 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.

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) before demolition. Since there is no permit process to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A, requiring a copy of the PSCAA Notice of Intent to be submitted to DPD before issuance of any demolition permit. This will ensure proper control of fugitive dust and proper disposal of asbestos, should it be encountered on the proposal site or adjacent right-of-way.

Long-term Impacts — Use-Related Impacts

Land Use

The proposed project, with its right-of-way improvements, street-level non-residential uses, entries along sidewalks, and residential use is consistent with the City of Seattle Comprehensive Plan (1994).

Traffic

The site is served by Madison Street, a major east/west arterial that lies just one block east of Interstate 5; it is also served by a northbound Madison Street expressway exit just one half block away. A southbound Interstate 5 exit terminates within two and one half blocks of the site. Those leaving the site in vehicles could access the freeway northbound three blocks from the site and southbound just two and half blocks from the site.

Vehicular access to the site would occur from the alley that extends from Madison Street to Marion Street. Those leaving the site in vehicles could access both streets directly from the alley. These streets, as well as 7th and 8th Avenues provide good vehicle access to local designations as well as freeway entrances.

The site currently is partially occupied by a surface parking lot serving 30 vehicles. The project is not expected to result in a significant increase in site-generated traffic. Since traffic to and from the site would be dispersed to several potential routes, the impacts of project-generated vehicular traffic on nearby intersections are not expected to be significant. It is the considered expectation of the applicant that location and the targeted residential population will result in reduced reliance on the automobile for regular commuting. The site is within easy walking distance to the downtown office core and to major hospitals and health care centers; it has easy public transportation connections for the entire region; the proposed grocery supermarket directly across the street in the soon to be completed new mixed-use structure should also serve to reduce the overall number of commuting trips originating at the proposal site. No further mitigation under SEPA authority seems warranted.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The screen-lines relevant to this project would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

Parking

Parking will be provided on site for both the live/work and residential uses. The site vicinity is well served by public bus transportation. Madison Street is a main east/west bus corridor to downtown Seattle, from where residents can easily access all transit routes that serve downtown and outbound destinations. Other city neighborhoods are easily accessed through numerous downtown connections that provide links with a wider regional transportation system.

The developer's prospectus includes the notion of providing housing for people who will often use public transit or walk to destinations including work and shopping. It is anticipated that the location of the site near transit and near a variety of essential services, will contribute to a lower percentage of auto ownership and use among prospective residential tenants. No further SEPA conditioning is warranted.

DECISION-STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS – SEPA

Prior to Issuance of any Construction, Shoring or Grading Permits

1. The applicant shall submit a copy of the PSCAA notice of construction.

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. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. Unless otherwise modified in a Construction Impact Management Plan approved by DPD prior to the issuance of a construction permit, the applicant shall be required to limit periods of all construction to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays and between 9:00 a.m. and 6:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as regular weekdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents' Day, and Veteran's Day. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate even moderate levels of sound, such as office or security functions, are not subject to this restriction.
3. The sidewalks along the project site in the 8th Avenue and Marion Street rights-of-way shall be kept open and made 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 temporarily override this condition.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of Building Permit other than Shoring or Grading

4. Show on the construction set of plans provisions for the attachment of signs on or near each of the three live/work pedestrian entries off Marion Street, provisions that are both durable and provide for facile attachment; in addition, provide durable external conduit, electrical wiring, etc., adequate to provide ample lighting for any proposed commercial signage located near the entries to each of the three proposed live/work units.

Prior to Issuance of Certificate of Occupancy

5. Construct a building with siting, materials and architectural details substantially the same as those presented at the May 17, 2006, Design Review Board meeting and as may have been revised per recommendations of the Board at that meeting or with subsequent DPD staff approval.

Signature: (signature on file)
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: August 10, 2006