



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: 3004295

Applicant Name: SMR Architects for Downtown Emergency Service Center

Address of Proposal: 5270 Rainier Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story building containing 50 low-income disabled residential units, 1,081 square feet of retail at ground level and 8,500 square feet of residential common and support area. Parking for 12 vehicles to be provided below grade within the structure. Existing billboard to be removed.¹

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC).

Design Review - Chapter 23.41, Seattle Municipal Code (SMC).

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

¹Project originally noticed as; Land Use Application to allow a four-story building containing 2,504 sq. ft. of retail at ground level and 60 low-income residential units above. Parking for 15 vehicles to be provided below grade within the structure. Existing billboard to be removed. Project includes 4500 cu. yds. of grading.

BACKGROUND DATA

Site & Vicinity Description

The subject site is located at the northwest corner of the intersection of Rainier Avenue South and 42nd Avenue South in the Columbia City/Hillman City neighborhood. The site is zoned Neighborhood Commercial 2 /Residential with a height limit of 40 feet (NC2/R-40) and is within the Columbia City Residential Urban Village and the Southeast Seattle Reinvestment Area (SESRA). The site area is 20,404 square feet.

The site is vacant with the exception of a billboard sign and is highly vegetated. The site topography is complex with about 23% of the site designated as 40% steep slopes and about 22% of the site covered by a fill pile which creates a mound in the middle of the site. The survey does not show any significant trees on site; however, there are 8 mature street trees (red maple) along Rainier Avenue which should be preserved according to the SDOT.

Surrounding property abutting the site is all zoned NC2/R-40, so the site is not considered to be on a zone edge. The less intense zones, Lowrise 2 and Single Family 5000 zoning is upslope and separated from the site by intervening property (see map).

Rainier Avenue South is designated a principal arterial and is fully improved. The existing street trees along Rainier Avenue South are to remain. Forty-second (42nd) Street is designated as a residential access street and is not fully improved. The project will be required to construct sidewalk, curb and gutter abutting the site. A 15 foot wide unimproved alley abuts the site on the north.

Project Description

The project consists of 50 studio apartments, 1,081 square feet of commercial space on the ground floor and 8,500 square feet of common area and support services also on the ground floor. The common area and support services areas consists of a kitchen, large dining room, offices, TV lounge, break room, storage and manager's office. The Parking for 12 vehicles will be provided below grade accessed from 42nd Street. The un-improved alley is expected to be landscaped and fenced, but not used for access. The primary building entry would be located at roughly the midpoint of the site, and all the apartment units would be on the upper floors. The majority of open space would be in the north and west portions of the site although a small portion would be provided along the east edge of the building.

The building is proposed to provide permanent, affordable housing for formerly homeless persons living with chronic mental illness. The common area and support services are meant to serve the tenants of the building and will not serve the general public. Because of the population being served the building will have staff on duty at all times and surveillance cameras will be discretely located around the site. Medical and other staff will be working in the facility to serve the needs of the tenants.

The primary finish materials consist of horizontal cementitious siding with 8 inch exposure on the main body of the building and 4 inch exposure on the upper levels. Panel siding is used to contrast bays and entries together with belly bands and window trim. The first floor windows on the east wing include aluminum storefront windows. Metal painted canopies are proposed over the main residential entry, the commercial corner entry and near the middle of the building. The street facing façade (east wing) features brick veneer on the first two floors and cementitious siding on the upper two floors. The facade is proposed to include detailing like solder course at window headers and sills, diamond pattern and cast stone insets.

Public Comment and Involvement

Public notice was provided for the Design Review meetings that were held by the Southeast Seattle Design Review Board (DRB) for Early Design Guidance (EDG) on May 23, 2006 and June 20, 2006; and for a Design Review Board Recommendation meeting on November 28, 2006. Additional comment opportunities were provided at the time of Master Use Permit application and at a SEPA public meeting.

Additionally, eleven other meetings were held in the community; five Community Relations Plan meetings hosted by the city of Seattle related to the funding offered through the Office of Housing; Columbia City Business Association; Hillman City Business Association; Rainier Valley Chamber of Commerce; Mount Baker Community Association; Hillman City Neighborhood Alliance; and State Senator Adam Kline (37th).

EDG: The May meeting was very well attended in that 54 people filled out the sign in form. Twelve people made comments to the Board. Many comments were not germane to design but related to and raised compliance questions related to the Columbia City Neighborhood Plan, Southeast Seattle Reinvestment Area, the Southeast Action Plan, and Seattle Office of Housing funding process, Housing and Urban Development regulations and zoning/use regulations. Many questions were raised about the permitting process and whether this project was on a “fast track”.

To summarize public comment obtained verbally and written, many people had concerns that the type of housing proposed and that the building does not fit well with their vision of the neighborhood because of the type of resident proposed together with the size of project. People raised questions about the scale of the project in both mass and unit count, fear for their safety because of the residents, lowering of property values and the general health of the community as a result of the project.

Others offered support of the project concept and provided design comments. There was mixed opinion on the desire to have ground level retail in the project.

A summary of comments related to design are:

a general feeling that the building needed to be sympathetic to the existing context, especially to the Columbia City historic district; that the building should be setback from the street to provide for more sidewalk space; wants the building to provide masonry at least at the base; pay particular attention to lighting and safety concerns; enhance the project with landscaping;

provide overhead weather protection; explore use of the alley; design an active street front with retail; avoid dark office spaces with blinds drawn; provide artwork and involve an artist early in the project design; provide recessed entries, retain the existing street trees; locate vaults away from street front.

Thirteen people attended the June meeting and made comments to the Board. Almost all the comments were germane to design, and the comments were very helpful for the Board in setting design guidance.

A summary of comments made relating to the design of the building are as follows:

Wants the design to include seating and places for residents to sit, smoke and hangout; concerned about this activity happening on the street and neighborhood; supports Board guidance to extend the building to the north; wants continuous overhead weather protection, recessed entries (angled instead of straight like Columbia City context); likes at grade entries with no ramps/steps; emphasize the main entry; hide the trash area from the street; better integrate the 42nd façade maybe with more brick; concerned that weather protection will enable smoking along street; project needs to accommodate delivery of food and supplies; wants sidewalks, parking and landscaping on 42nd street- asks about street improvements; residential deck over commercial might not be desirable for commercial space; building seems too vertical wants the bay width and colors to be more compatible with Columbia City context; wants local retail or commercial no big box/large retailers; wants the design to improve on the relationship to the low-funky feeling of Columbia City; comments that Rainier Court north of this project is too big and doesn't want that here; explore a change in colors-maybe make it one color.

Notice of Application: further notice and public comment opportunity was provided as required with the Master Use Permit application. The comment period ended on December 4, 2006 and many comments were received that raised concerns heard at the design review meetings. Subsequent to the comment period a citizen disclosed that the site contained a stream, however, DPD did not find any evidence of a stream on site based on DPD records and mapping.

DRB Recommendation meeting: the meeting was attended by 14 people and 11 people made comments. Comments germane to design were about lighting and landscape at the sidewalk, visibility and height, bulk and scale of the building. References were made to the Southeast Transportation Study, Crime Prevention Through Environmental Design and American with Disabilities Act.

SEPA Public Meeting: on January 25, 2007 a public meeting was held to hear public comment on the application. After a brief explanation of DPD process and decision framework comments were taken. Thirty four (34) people signed in as attending the meeting and 17 made comment. New and notable information shared included; the potential victimization of the proposed tenants; past use of the site as oil and gas distributor and potential for soil contamination; lack of notification for the project in other languages; and a request that no construction work occur on Saturday.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES:

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and Citywide Guidelines are described in more detail in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" (1998).

A. Site Planning

A-2 Streetscape Compatibility

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

A-5 Respect for Adjacent Sites

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

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. Parking and automobile access should be located away from corners.

The Board wants attention given to how this building relates to adjacent sites in that the existing built environment is underdeveloped with respect to the zoning. The Board suggested that the alley space could provide some transition.

The Board wants a street wall created for the length of the site. The Board noted that the west side of the site under concept D does not create a street wall and wants the gap closed similar to concept A and C.

The Board wants to see well designed open spaces that are designed for the users of this project.

The Board wants vehicular access to be from 42nd Avenue or from the alley; no access should be taken from Rainier Avenue S. The Board asked that use of the alley should be explored; provide a cross section of the alley at the next meeting and study whether it could be used for access or used in some other way.

The Board wants the design to better address the corner of 42nd and Rainier in that it is highly visible. The design must create a focal point and make the corner a feature of the building. The Board wants to see a retail entry at the corner to help create this focal point. The massing shown in concept D seems to distract from the idea of creating a strong corner feature in that the portion of the building at the corner is lower in height as compared to the rest of the structure. .

2nd EDG

The Board discussed design alternatives for the alley in response to the architect's presentation that disclosed the estimate for cost of alley improvement makes it not viable for the proponents. The Board consensus is that the alley must not become a "no man's land", but that the project needs to locate landscaping and fencing in a way that includes the alley space as part of the project and not a separate disconnected piece of land. The Board wants the alley space to be designed to be safe. Some members of the Board support full alley improvements, and the Board wants this to be continued to be explored in the hopes that a partial improvement would be feasible.

The Board likes the design of the corner with an entry and outdoor seating. The design needs to continue to refine this corner element.

C. Architectural Elements and Materials

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

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 wants the design to relate to the historic neighborhood context with texture and scale. The Board wants the building to step back the upper floors along Rainier to better relate to the datum prevalent in Columbia City commercial district. A change in materials where the floors step back would be appropriate to create a better transition. Also, the material choice should mirror or relate to the function change. The Board suggested using masonry on the base to better relate to the greater neighborhood context.

The Board emphasized the importance of designing a building that incorporates architectural features, elements and details that will achieve a good human scale. The Board noted that the façade length is fairly long and that the design should include modulation and recesses to reduce the perception of a monotonous façade. The Board wants the two building masses proposed to be unified or blended so they are not perceived as two separate structures.

2nd EDG

The Board was generally pleased with the design progression with respect to how the design relates to the Columbia City context but wants continued improvement. The Board wants the design to provide details that achieve a good human scale especially since the current design does not include a step of the upper floors. The Board suggested a continuous canopy along Rainier Avenue to break up the perception of a large façade, and to provide an amenity to pedestrians.

The Board suggested other methods that should be used to produce a good scale, like differing the window sizes between the upper and lower floors, and exploring the use of colors.

The Board wants the residential portion of the façade along 42nd Street to include some elements to break up the large expanse of flat wall. They suggested the use of a building bay to achieve this goal. The Board does not want the design to include a brick base on the residential portion of the façade along 42nd Street; they felt the termination of the brick base as presented is appropriate in that the commercial function of the building also terminates at this location.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

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-7 Personal Safety and Security

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

The Board wants the design to provide recessed entries and overhead weather protection along Rainier Avenue. Considering the slopes around the site and the probability of retaining walls, the Board wants the design to address any blank wall around the site and avoid a blank wall along Rainier Avenue.

The Board wants the design to enhance personal safety and security for the neighborhood and the residents. The Board wants the design to utilize lighting and other design features to address personal safety and security.

2nd EDG

The Board wants the design to include continuous overhead weather protection as described in this document. Personal safety and security features, like lighting must be included and described at the next meeting.

E. 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 plant material, special pavements, 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.

The Board wants the design to utilize the edges of the site to create a transition, enhance the site and address special site conditions. The Board wants to understand how the alley right of way could be utilized for landscaping.

2nd EDG

The Board liked the landscape concept but had many questions about how the “garden walk” would connect to the street and to the interior spaces of the building. The Board had questions about the character of the landscape spaces. In light of that, the Board needs to see a more comprehensive landscape presentation depicting character and explaining the connections, grades, location of gates, integration of lighting and other features in the landscape.

The Board thought the seat wall and trellis features proposed along Rainier Avenue South had potential to address their concerns about closing the gap on the west side of the site. The Board is particularly interested in how this area of the landscape integrates with the rest of the building and successfully provides the perception of continuing a street wall along Rainier Avenue South.

The Board wants the entry ramp abutting the west entry of the Rainier façade to be perceived as a plaza. The Board suggested adding a door into the meeting room space directly from the street, decreasing the guard rail element and possibly widening this area to create a genuine plaza space instead of an access ramp.

Design Review Board Final Recommendations

The applicant applied for the MUP (Master Use Permit) on September 5, 2006. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on November 28, 2006 to review the project design and provide recommendations. The four Design Review Board members present (Mona Campbell, Ann Beeman, Hiroshi Matsubara, Steve Sindiong) considered the site and context, the public comments, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. The Board recommended approval of the proposed project in that the project responded to the EDG.

The Board agreed that the project successfully “closed the gap” on the northwest portion of the site in that the cedar fence and trellis provides a sense of a street wall that was requested (A-2 Streetscape Compatibility). The design of the commercial space at the corner addresses the corner well with a visible entry, chamfer and patio space (A-10 Corner Lots). The landscape design includes improvement of the un-improved alley with native species plantings. A cedar fence is proposed along the alley threshold for security purposes and to unify the alley space with the project. The Board appreciated this response and agreed it met their guidance (A-7 Residential Open Space, E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites, E-2 Landscaping to Enhance the Building and/or Site and E-3 Landscape Design to Address Special Site Conditions).

The Board discussed whether the project met their guidance to design a project that fit into the neighborhood context of Columbia City, "...to relate to the historic neighborhood context with texture and scale." (C-1 Architectural Context and C-3 Human Scale). The Board appreciated the use of brick and detailing on the first two stories and thought it successfully fit the neighborhood context. The long façade is appropriately modulated and detailed and the two elements are successfully blended together. The Board liked the quantity of overhead weather protection and felt it met the intent of their guidance (D-1 Pedestrian Open Spaces and Entrances).

The Board discussed the general height, bulk and scale of the project and concluded that the project was not on a zone edge, and future development would likely be compatible with the scale of this project.

The Board discussed several subtle design issues relating to the integration of the pre-fab steel trellis at the corner. Some Board members felt it could be better integrated or removed; however, the Board decided not to recommend a condition relating to this issue. The Board also discussed the east side or back side of the project. Some Board members felt the scale of the building as viewed from the east could be softened or made more interesting. The Board discussed lightening up the color on the upper floor and/or changing the window sizes or fenestration. Again, the Board decided not to recommend a condition relating to this issue. .

The Board recommended a condition to provide a lighting plan to demonstrate compliance with guidance related to personal safety and security (D-7). The Board felt that the project could be designed to meet both LEED and CPTED requirements.

No design departures are proposed.

Recommended Conditions

1. To better meet guideline D-7 Personal Safety and Security, the design must include appropriate level of lighting (using crime prevention through environmental design standards as a guideline) at the street facades.

Director's Analysis

The Director concurs with the Design Review Board's recommendation to approve the proposed design with the above condition together with an added condition as discussed below. The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

Subsequent to the final review by the Design Review Board the developer made a decision to reduce the number of units from 60 to 50, reduce the amount of commercial space, and reduce the quantity of parking commensurate with the unit reduction. The revision to the proposal has minimal impact on the project aesthetic and design. The west portion of the building was presented as 4 stories, and was setback 28 feet from the north property line. The current proposal consists of 3 stories and is setback 41 feet from the north property line.

The Board provided specific design guidance with respect to creating a street wall along Rainier Avenue South. The building is setback a greater distance from the north property line; therefore requires a longer fence at the street property line to “close the gap”. In light of that, the prominence of the fence within the streetscape has been increased by 13 feet. To better meet the guidance provided by the DRB, the fence must be designed in a way that strengthens the edge, perhaps by adding concrete or brick piers in addition to the cedar material and trellis. The proposed landscape between the property line and fence must be designed to complement this concept.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**.

CONDITIONS

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

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklists submitted by the applicant dated September 5, 2006 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City’s code/policies and environmental review. The Overview Policy states, in part, “*Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation*”. The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

The applicable Neighborhood Plan, the Columbia City Neighborhood Plan was adopted on October 11, 1999 (119694) and is considered the “adopted” neighborhood plan within the Seattle Comprehensive Plan. The land use regulations, inclusive of the zoning, conform to the Seattle Comprehensive Plan. The principal purpose of the Comprehensive Plan (including the “adopted” Neighborhood Plan) is to provide policies that guide the development of the City in the context of regional growth management. The Comprehensive Plan is used by the City of Seattle to help make decisions about proposed ordinances, policies and programs. In this case, the Comprehensive Plan will not be used to review the specific development application.

The City also approved by resolution a work-plan matrix indicating the intent of the City concerning the implementation of specific recommendations from the neighborhood plan inclusive of the un-adopted portions. The City recognized by resolution the entire neighborhood plan and that it constitutes the continuing vision and desires of the community; however, it has not been adopted as City policy.

Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from grading and clearing and hydrocarbon emissions from construction vehicles and equipment; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Environmentally Critical Areas (ECA) ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA's with identified geologic hazards. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with earth/soils and noise warrant further discussion.

Noise

The project is expected to generate loud noise during grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. The surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7am to 6pm.

Earth/Soils

Portions of the site are designated as Environmentally Critical in that steep slopes are present. The ECA Ordinance and Directors Rules (DR) 33-2006 and 3-2007 require submission of a soil report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant submitted geotechnical reports dated April 10, 2001 and an update dated December 4, 2006 prepared by

Geotech Consultants, Inc. which were reviewed by the DPD Land Use Planner and DPD Geotechnical staff. DPD Geotechnical staff issued a limited ECA exemption because it was determined that the steep slopes areas on the property are less than 20 feet in height and appear to have been created by previous grading and construction activities. The construction plans (Project #6086808); including shoring of excavations as needed and erosion control techniques will be reviewed by DPD to ensure compliance with the ECA regulations. Any additional information required showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2007) will be required prior to issuance of the building permit. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased impervious surface; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

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 goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...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 proposed four-story project will be located in a Neighborhood Commercial 2/Residential zone with a 40 foot height limit (NC2/R-40). Surrounding property abutting the site is all zoned NC2/R-40, so the site is not considered to be on a zone edge. The less intense zones, Lowrise 2 and Single Family 5000 zoning is upslope and separated from the site by intervening property.

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Additionally, design details, colors, landscaping 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.).

Environmental Health

Geotech Consultants, Inc. was retained to perform a site investigation, evaluate soil and subsurface conditions. The results of their work are found in geotechnical engineering studies dated April 10, 2001 and December 4, 2006. Five test pits were dug and one boring was drilled on the property to determine soil condition and subsurface condition. The soil analysis did not find any evidence of soil contamination. Director's Rule 33-2006 requires geotechnical reports to disclose potential soil contamination if it is recognized as a potentially contaminated site. On March 6, 2007, Jess Harris spoke with Principal Engineer, Robert Ward of Geotech Consultants. The proposed site was discussed, and the potential for soil contamination raised by community members. Mr. Ward indicated that they did not encounter any environmental issues on site, and if so the soil logs and accompanying reports would have identified these issues.

The applicant also submitted a phase I Environmental Site Assessment (ESA) dated April 2001 and an update on February 14, 2006 both prepared by Garry Struthers Associates, Inc. ESA's are routinely performed to protect landowners from liability connected with commercial real estate transactions. The 2001 ESA states conformance with American Society of Testing and Materials (ASTM) Practice E 1727-00 which provides standard guidelines for the environmental assessments and facilitates in meeting environmental due diligence. The 2001 assessment included a site visit, soil samples and research of historical databases to provide risk information on the site and surrounding sites. The 2001 ESA executive summary states, "...Based on the findings and limitations of this Phase I ESA and the results of the soil sampling, no recognized environmental conditions were identified in association with the property. GSA has concluded that the property is most likely not impacted by hazardous materials or petroleum hydrocarbons..." The ESA found the presence of heavy oil and metals in one soil sample, but the levels are below the thresholds for clean up. A 2006 ESA update was performed to confirm that the status of the site had not changed, and concluded that the environmental conditions have not changed since 2001.

If the presence of hazardous substances is found at the site before or during construction then the applicant would be required to follow all applicable laws with respect to handling hazardous or toxic substances. The Department of Ecology (DOE) is the agency that regulates the removal of hazardous substances. It would be the responsibility of the applicant to perform the cleanup and removal properly, and in conformance with DOE rules and regulations.

Geotechnical analyses as well as environmental assessments of the site have been performed, and no evidence has been found indicating adverse environmental health impacts. Thus, no SEPA mitigation is necessary pursuant to SEPA authority under SMC 25.05.675 F.

Traffic and Parking

The vehicle trips generated from the proposed building are not expected to have adverse impact on traffic conditions or reduce the level of service at nearby intersections. The applicant, Downtown Emergency Service Center (DESC) serves extremely low income people and vehicle ownership is unfeasible. DESC has indicated that no residents own vehicles out of the 421 units operated by them. They also provide public transportation subsidies to its employees and found that approximately 20% of their employees drive to work.

The project consists of 50 studio dwelling units for low income disabled people, and the potential for 12 staff working in the building. According to the developer, 6-8 staff will be at the building at one time. The proposed project will provide parking for 12 vehicles and the quantity required by code is 12. Vehicle ownership levels for the residents are expected to be very low or non-existent in agreement with DESC experience. The building employees or services provided to the residents are expected to generate the majority of vehicular trips to the site and occupy the proposed parking spaces.

The vehicle trips generated from the project are not expected to have adverse impacts on the street network, and proposed parking is expected to satisfy the parking demand for the project. Thus, no SEPA mitigation is necessary.

Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

Revise the plans to address the following:

1. The fence must be designed in a way that strengthens the edge, perhaps by adding concrete or brick piers in addition to the cedar material and trellis. The proposed landscape between the property line and fence must be designed to complement this concept. (A-2 Streetscape Compatibility)
2. Provide a lighting plan depicting an appropriate level of lighting to create a safe environment between the building façade and streets. (D-7 Personal Safety and Security).

Prior to the Final Certificate of Occupancy

3. Install the features and/or provide applicable documents demonstrating compliance with above conditions.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

During Construction

4. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

5. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris-206-684-7744) or by a Land Use Planner Supervisor (Bob McElhose 206-386-9745). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

Prior to Issuance of any Construction Permit

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.

6. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays¹ from 7am to 6pm. Interior work using equipment within a completely enclosed structure, such as but not limited to compressors, portable-powered and pneumatic powered equipment may be allowed on Saturdays between 9am and 6pm, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request

¹ New Year's Day, Martin Luther King Junior's Birthday, President's Day, Memorial Day, July 4, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

Signature: (signature on file)
Jess E. Harris, AICP, Senior Land Use Planner
Department of Planning and Development

Date: May 28, 2007