



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3002211-3008738
Applicant Name: Diana Keys of Johnson Braund Group for SEED
Address of Proposal: 3333 Rainier Avenue S (3002211)
3340 Claremont Avenue S (3008738)

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new six story, 58 unit residential building with 5,113 sq. ft. of retail at ground level. Parking for 48 vehicles at and below grade. Existing structure, Chubby and Tubby, to be demolished (3002211). Related project for two, 3-story residential structures (10 units) (3008738).

The following Master Use Permit components are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:

1. Structure location – To allow less than required front setback (SMC 23.45.014)
2. Structure location – To allow less than required setback at alley (SMC 23.47A.014)
3. Street level requirements- to reduce setback requirement for residential use (SMC23.47A.008)
4. Landscaping – To waive parking screening requirements (SMC 23.47A.016)
5. Open Space – To allow less than required average open space (23.45.016)

SEPA Environmental Review - Seattle Municipal Code (SMC) Section 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

SITE AND VICINITY

The proposed project is composed of two parcels located between Rainier Avenue South and Claremont Avenue South at South Walden Street. The 21,582 sq. ft. east parcel is the site of the former Chubby & Tubby retail operation which vacated the site five years ago. The zoning is Commercial 1 with a 65 foot height limit (C1-65) as are the blocks to the south on both sides of Rainier Avenue South. Directly across Rainier Avenue South to the east as well as the blocks to the north, the zoning changes to Neighborhood Commercial with a 65 foot height limit (NC3-65). The 9,232 sq. ft. site to the west across the alley faces onto Claremont Avenue South. It is currently a surface parking lot and is zoned Lowrise 3 (L-3) as is the rest of this block face. The L-3 zoning continues to the west and north of this parcel. To the south the zoning is Single Family 5000. The alley which runs roughly to the northwest/southeast and divides the two parcels is improved only to the north edge of the smaller parcel. Though unimproved, the rest of the alley appears to be used on a periodic basis. A bus layover stop is located on South Walden adjacent to the commercial site and a bus stop is located adjacent to the L-3 site.



Rainier Avenue South in this area is characterized by a mix of small one- and two-story buildings with various retail and other commercial uses. The area is generally underdeveloped with respect to its zoning potential. The project site lies at the southern end of the McClellan (Light Rail) Station Area Overlay District.

PROPOSAL

The applicant proposes a four to five story, mixed-use building on the large, C1-65 parcel, with approximately 5,000 square feet of retail at street level fronting on Rainier Avenue South and residential units above. This building would contain 55-57 residential units and parking for 50-60 vehicles at grade. Access to parking is proposed from South Walden Street.

Ten to twelve units are proposed for the L-3 parcel across the alley to the west, consisting of townhouse-like units and apartments. Parking for each unit will be provided on site to be accessed from the alley.

The two projects will share common areas and will be specifically for low- to moderate-income renters.

PUBLIC COMMENTS

Three members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Concerned about the location of and number of, parking stalls.
- Question about access to parking.

There was one member of the public in attendance at Recommendation Meeting though no comments were made. There were two phone comments on the day of the meeting asking that the meeting be postponed. Email comments were received from King County Metro regarding the transit layover location on South Walden and from a neighbor objecting to the increase in density. Notice of Application was published on May 22, 2008 and the comment period ended on June 4, 2008.

ANLAYSIS – DESIGN REVIEW

Design Guidance

Three alternative design schemes were presented at the Early Design Guidance meeting held on March 11, 2008. All of the options for the C1-65 site include ground level retail commercial with residential units above, parking located at grade (behind the commercial use) and at the alley. Alternatives for the L-3 site vary. The applicant indicated that the alternatives for the two sites could be mixed.

Alternative 1 for the C1-65 site is a “U” shaped scheme around a central courtyard with three stories of residential above the ground floor. The residential entry would be located at the north end of the retail on Rainier Avenue South and access to the structured parking would be immediately upon entering the alley. The South Walden Street façade consists of parking ramp and utility uses. The proposal for the L-3 site is eight attached townhomes fronting on Claremont Avenue S and a central court with access to under-building parking from South Walden St.

Alternative 2 for the C1-65 site is an “L”-shaped scheme around a southwest facing courtyard with four stories of residential above the commercial frontage stepping down at the south façade to three stories with south facing roof terraces. A plaza is proposed at the southeast corner combining retail and residential entries. For the L-3 site, two apartment buildings with 12 units total are proposed facing onto South Walden and parking located at and accessed from, the alley.

Alternative 3 (the preferred concept) also features an “L”-shaped scheme but with a northwest facing courtyard and four stories above the commercial frontage stepping down to three stories at the alley with southwest facing rooftop terrace. A plaza is proposed at the southeast corner combining retail and residential entries. Access to structured parking is proposed to be located on South Walden. The proposal for the L-3 site includes one building with stacked apartments facing onto Claremont Avenue S and one building with two attached townhomes facing onto South Walden for a total of 12 units. Structured and surface parking would be accessed from the alley.

Materials and color palette have yet to be chosen. The overall building form for the larger structure on Rainier Avenue South is proposed to be “urban loft” with brick at the base and large windows. Green factor would be met by extensive landscaping in courtyard areas but departures are requested for landscaping and screening for alley parking.

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 and identified by letter and number those siting and design guidelines found in City of Seattle’s “*Design Review: Guidelines for Multifamily and Commercial Buildings*” of highest priority to this project. Identification and discussion of the Guidelines have been incorporated into the priorities addressed below.

The Design Review Board reviewed the final project design on July 8, 2008 at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. The guidance by the Board appears after the bold guidelines text and any recommendations from the final meeting follow in italicized text.

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-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 designed to encourage human activity along the street.

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-6 **Transition between Residence and Street**

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

A-7 **Residential Open Space**

Residential projects should be sited to maximize 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 towards the public street fronts. Parking and automobile access should be located away from corners.

Large building on the C1-65 site:

- The Board generally liked the preferred concept for the large building but did not like the access to the parking from South Walden that requires two curbcuts close together (structured parking entrance and the alley). Neither did they like the parking access located just inside the alley entrance as shown on the other two alternatives. Both of these access solutions detract from an active façade on South Walden. The Board recommends that the applicant explore locating the access to the below grade parking at the north end of the building off the alley.

- The Board feels that the South Walden St. façade is very important and want to see a more active, usable streetscape which reduces the blank walls and increase transparency (windows). As this project lies within the McClellan Station Area overlay district, it is likely that South Walden will become a major pedestrian corridor. They recommend that part of this façade be pulled back (even 5 feet) from the street to make a smoother transition to the related L-3 project across the alley. Even though the grade rises from Rainier Ave South along South Walden there is potential for residential uses at the alley edge. The utility functions and parking access should be relocated away from South Walden.
- Though the Board likes the plaza idea they feel that, in this case, it weakens what should be a stronger corner for the building. They feel that locating the residential entry with the retail entry at the corner could create potential conflicts. The Board recommends moving the residential entry around the corner onto South Walden St.
- The Board would like to see more detailed designs for the residential open space provided for both projects and how they will interact.

Project on L-3 site:

- The Board agreed that the Alternative #3 concept is the most usable design and cleverly addresses the grade change of the site by including stacked apartments on Claremont. They particularly liked the townhouse units on South Walden thus activating both Claremont Ave South and South Walden.

At the Recommendation Meeting, the Board commented on how well the applicant addressed the guidance given by the Board at the EDG meeting. Access to the below grade parking has been moved to the north end of the building off the alley; the stepped down “L” portion of the building at South Walden and the alley has been set back to provide transition to the townhouses across the alley. Transparency has been increased on the South Walden façade and the utility uses have been relocated to the garage level. The Board appreciated the refined design which shows a clear connection between the two project sites in physical connections and repeated design elements.

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 Board supported the preferred Concept 3 with its generous supply of outdoor community open space. The Board appreciates that the design is not maximized to its zoning potential and the large rear open space respects the lower density neighbors across the alley to the west. However, the Walden Street façade is considered very important by the Board and they recommend that the stepped-down section of the proposed building be pulled back from the street at South Walden to create a smoother transition to the townhouse units across the alley.

See comments above regarding transition on South Walden from larger building to lower density L-3 site.

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.*

C-3 Human Scale

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

C-5 Structure Parking Entrances

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

- The Board would like to see more movement and expressiveness in a more refined design at the next meeting. They generally liked the conceptual renderings showing an “urban loft” style design and look forward to seeing how this concept relates architecturally with the townhouses to the west. The renderings show a one-story brick base but the Board would like to see a 2-story base with materials changing at the building setback on South Walden where it transitions to the lower density townhouses.
- Including overhead weather protection and/or canopies will be an important element in the design of the larger building.
- Relocating the structured parking entrance to the north end of the building should be explored and shown as a viable scheme.

At the Recommendation meeting, the Board was please with two-story brick base design and the design transition between the two project sites. Overhead weather protection has been provided along the length of Rainier Avenue South and the access to the structured parking has been relocated as directed.

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. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

D-6 Screening of Dumpsters, Utilities, and Service Areas

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

meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

D-7 Personal Safety and Security

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

D-8 Treatment of Alleys

The design of alley entrances should enhance the pedestrians' street front

D-10 Commercial Lighting

Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts evening hours.

D-11 Commercial Transparency

Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

D-12 Residential Entries and Transitions

For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and be visually interesting for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops, and other elements that work to create a transition between the public sidewalk and private entry.

- The Board felt that the plaza at the corner weakened the corner as designed. They felt that moving the residential entry around the corner onto South Walden would be an improvement and reduce the conflict between the residential entry and the retail entry.
- The Board was concerned about the security of the parking located on the alley for both projects. There should be adequate lighting of these areas.
- The Board was generally in agreement about the concept of sharing the open spaces between the two projects. However, they want to see how the connections will work and suggested a more enhanced alley with a designated pathway and greater definition of access to the open space areas.
- The Board looks forward to conceptual proposals for commercial signage and exterior lighting.
- The Board would like to see maximum transparency on the South Walden façade and a more defined residential entry on South Walden.

At the Recommendation meeting, the applicant presented a refined design for the corner/commercial plaza that separates the commercial and residential entries. The entire corner is devoted to the commercial/retail use with the residential entry further to the north on a more easterly plane. The Board especially liked the second floor deck with overhead trellis above the residential entry on Rainier Avenue S.

Note to the Applicant: DPD believes that continuation of overhead weather protection to the first two bays (the commercial space) on South Walden will provide weather and sun protection,

and will enhance to corner design. Therefore, DPD will condition the approval for the added canopies.

The applicant presented a lighting plan that illuminates the alley with a variety of overhead, downcast lighting and pathway lighting. Security measures for the alley also include vegetated screening walls separating the large open space/play area from the alley parking. A designated, contrasting-material pathway connects the open space areas of the two projects. The south Walden façade now shows increased transparency and the residential entry for the larger building has been relocated to Rainier Avenue South. Because this area of South Walden is a transit layover location, the residential and commercial entries are all located on Rainier Avenue South.

The Board remarked that as this area will soon become a busy pedestrian and bicycle area, they would like to see several bike racks provided along Rainier Avenue South.

Condition #1: Provide bike racks along the Rainier Ave South

Condition #2(DPD): Overhead weather protection to add to first two bays on South Walden.

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

- The Board is looking forward to a design that will incorporate the Green factor in a sensitive and sustainable way. They particularly want to see how the landscaping works to relate the two sites.

The landscape plan employs predominately native, drought tolerant species and incorporates abundant seating areas and play areas for children.

A trellised pathway marks the entry to the Lowrise project from South Walden. The Board commented that this trellis and the trellis on the second floor deck on Rainier Avenue S should be consistent in design and materials.

Condition #3: Trellises at the entry to the Lowrise project and at the second floor deck on Rainier Avenue S should be consistent in design and materials.

The Board recommended CONDITIONAL APPROVAL and that the following conditions be resolved administratively with DPD Staff prior to issuance of a MUP permit:

Condition #1: Provide bike rack along the Rainier Ave South.

Condition #2(DPD): Overhead weather protection to add to first two bays on South Walden.

Condition #3: Trellises at the entry to the Lowrise project and at the second floor deck on Rainier Avenue S should be consistent in design and materials.

DEVELOPMENT STANDARD DEPARTURES

The following departures were requested:

Departure Summary Table for C1-65 parcel

REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Residential street level requirements (SMC23.47A.008) Either the first floor of the structure at or above grade shall be at least four (4) feet above grade or the street level façade shall be set back at least 10' from the sidewalk.	Request to allow the first floor of residential street-level facing façade on South Walden to be set back 7' from the sidewalk. The height above grade varies from 0' to 4' 8" due to grade change.	Design guidance recommended that this portion of the building be set back on the same plane at the townhouses on the L-3 site across the alley. Landscaping will provide additional visual transition between the two sites.	The three members of the Board in attendance unanimously approved this departure.
Setbacks-C1-65 (SMC23.47A.014) 15' for portions of a building above 13' abutting a residential zone.	Request to allow 10'- 2.5" setback from centerline of alley.	Overall height of this portion of the building is less than 40' and provides an even transition to the 35' height of the L-3 zone.	The three members of the Board unanimously approved this departure.
Landscape and screening standards-C1-65 (23.47A.016) Surface parking abutting a residential zone must have 6' high and 5' deep screening along the abutting lines.	Request to waive screening requirements.	Surface parking without screening allows for convenient commercial parking and will lessen demand on street parking.	The three members of the Board unanimously approved this departure.

Departure Summary Table for L-3 parcel

REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Modulation Requirements – Lowrise Zones(SMC 23.45.012) (1) The minimum depth of modulation shall be four (4) feet in Lowrise 2 and Lowrise 3 zones.	Request to allow modulation less than 4'. Building 1 modulation is 3' at building and 2' at bays.	Allows for a well-defined building without imposing too much on the tight site conditions – balance of modulations, setbacks, and open space.	The three members of the Board unanimously approved this departure.
Front Setback (SMC23.45.014) Required front setback shall be the average of the setbacks of the first principle structures	Request to allow a front setback of 12'.	The building massing is modulated 3' along the frontage and is compatible with the smaller scale residential structures in the neighborhood.	The three members of the Board unanimously approved this departure.

on with side, in case shall setback be less than 5' and shall not be required to exceed 15'			
Projections into required yards (SMC23.45.014) Bay windows shall be limited to 8' in width and may project no more than 2 feet into a front, rear, or street side setback.	Request to allow bay on the duplex townhouse to 12' 6" in width.	The wider bay allows for the opportunity of a 3-bedroom unit.	The three members of the Board unanimously approved this departure.
Projections into required setbacks (SMC23.45.014) An unenclosed porch or steps may extend a maximum of six (6) feet in the required front setback at ground level.	Request to allow entry steps to Bldg. 2 (8-plex) to encroach in the front setback by 10' - 6".	The stairs allow for a higher than usual entry to allow for units below. Underside of the stairs will be concealed with green screen	The three members of the Board unanimously approved this departure.
Open Space Requirements (SMC23.45.016) Quantity Average of 300 SF per unit at ground level and no unit shall have less than 200 SF.	Request to allow 278 SF average per unit. Some units may have less than 200 SF.	Each unit has access to large common open space, roof terrace and community room across the alley.	The three members of the Board unanimously approved this departure.
Access to Open Space (SMC23.45.016Bc2) Access to open space located 10' above or below the unit it serves may not go over or thru common circulation areas.	Request to allow access to open space to be from a common stairway that serves two units.	To reduce the impact of the stairways for four units on the street frontage a common stairway is proposed to serve each of two units.	DPD has approved this departure request.

Summary of Board’s Recommendations

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the July 8, 2008 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended

CONDITIONAL APPROVAL of the proposed design including the requested departures subject to the following design elements in the final design. The Board recommended that the applicant work with staff to resolve the following issues:

Condition #1: Provide bike rack along the Rainier Ave South.

Condition #2(DPD): Overhead weather protection to add to first two bays on South Walden.

Condition #3: Trellises at the entry to the Lowrise project and at the second floor deck on Rainier Avenue S should be consistent in design and materials.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director’s decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site;*
or
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Three members of the Southeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Working with applicant, the plans have been updated to include the recommended conditions of the Design Review Board. Therefore, the Director accepts the

Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination based on the number of units proposed is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 5, 2008 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and geotechnical report submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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, and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

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 ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

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 – SEPA

The owner applicant/responsible party shall:

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.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

CONDITIONS – DESIGN REVIEW

Prior to Land Use Permit Issuance

2. Update plans to include required privacy screening for windows of groundfloor units facing onto Claremont Avenue South.

For the Life of Project

3. Update plans to include additional departure regarding access to open space for the units at Claremont Avenue South.

4. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Marti Stave, 684-0239), or by the Design Review Manager (Vince Lyons, 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.
5. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
6. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
7. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting **and as updated**, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
8. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Marti Stave, (206 684-0239) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: _____ (signature on file) Date: September 18, 2008
Marti Stave, Land Use Planner
Department of Planning and Development

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