



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:** 3005277  
**Applicant Name:** Steve Orser, for Harbor Properties  
**Address of Proposal:** 4729 42nd Avenue SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use for future construction of a 7-story, 136 unit apartment building with 4,860 square feet of retail/commercial at street level. Parking for 130 vehicles will be provided in two levels of mostly below-grade parking and accessed from the alley to the west. The proposal includes the demolition of an existing office building on site.

The following approvals are required:

**Design Review** - Chapter 23.41 Seattle Municipal Code (SMC)

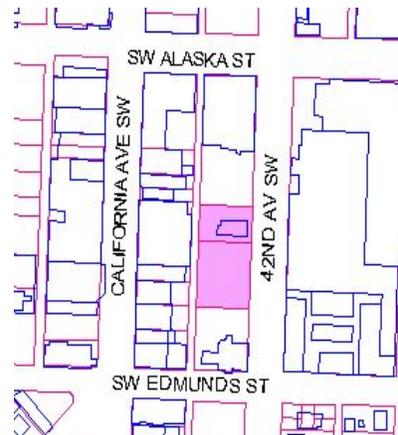
**SEPA – Environmental Determination** - Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Site and Vicinity Description

The site is located at mid-block between SW Alaska Street and SW Edmunds Street on 42<sup>nd</sup> Avenue SW in West Seattle. The rectangular site extends 155 feet between the street and the alley to the west and measures approximately 200 feet in the north-south direction. Currently there is a small office building on the northern third of the site and a surface parking lot on the southern two thirds of the site. The site slopes downwards from south to north (approximately 7.5 percent) as well as from the street to the alley. The property is zoned Neighborhood Commercial 3 with an



85 foot height limit (NC3-85). The property is located within the West Seattle Junction Urban Village and is subject to the *West Seattle Junction Urban Village Design Review Guidelines*. The zoning west of the alley along and along California Avenue SW is likewise NC3-85. The blocks to the east of the site are zoned NC3-65.

In their Early Design Guidance application and at the Early Design Guidance meeting held on August 24, 2006, the applicants proposed a seven story, mixed use building with retail commercial space at street level and approximately 120 residential units. In each of three conceptual schemes presented, parking for up to 165 vehicles was to be provided in two and half levels of below grade parking and accessed from the alley on the west property line. The Master Use Permit application submitted in October of 2006 proposed a building with 112 residential units, 4,666 square feet of ground floor commercial space and parking for 151 vehicles. Subsequent adaptations to changes in both the Building and Land Use Codes affected the design of the building and both the residential unit and parking counts. On October 11, 2007, the proposal underwent a revised public notice that specified a residential unit count of 136, a parking count of 130 spaces, and ground floor retail space totaling 4, 860 square feet.

#### Public Comments

Public comment was invited at the initial Master Use Permit application notice, the revised notice of October 11, 2007, and at the Design Review public meetings. No written comments were received by DPD during the comment periods following upon notices of the project. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

### **DESIGN REVIEW**

#### Early Design Guidance

At a regularly scheduled meeting of the Design Review Board for West Seattle, held on August 24, 2006, and attended by four of the five Board members, the applicant's architect presented alternative and a preferred conceptual proposal for development on the site described above.

### **ARCHITECT'S PRESENTATION**

After opening remarks by the developer of the site, Steve Orser for Harbor Properties, David Hewitt of Hewitt Architects made the substantive presentation at the meeting. The applicant proposes for this site a mixed-use building with underground parking, street level retail/commercial space and live/work units and 7-8 stories of residential units above the ground floor. Access to the underground parking would be to and from the alley.

In making his presentation, the architect referred to a "terrific site" but one which imposed some constraints. Among these was the 7.5 percent slope from south to north along 42<sup>nd</sup> Avenue SW. Among the projects goals were an attempt to provide for activity along the street, the optimization of urban views from the residential units, and providing for natural ventilation. Three alternate massing models for the site were briefly presented with a preferred option that would be a symmetrically composed building with a shallow central courtyard facing onto 42<sup>nd</sup> Avenue SW. At street level the courtyard would be flanked on each side by a commercial space of approximately 1,700 square feet. Live/work units would be located directly behind the commercial spaces. A central residential lobby would lead to eight units slightly above the street level and facing the

alley. The upper levels of the proposed preferred alternative would add an additional eight units oriented to 42<sup>nd</sup> Avenue, the central court and to the sides. There would be a total of six residential floors to the front of the building with eight residential floors above the alley.

### **PUBLIC COMMENTS**

There were 7 members of the public present other than those representing the development interests. Part of the public comment was related to emphasizing one aspect of the existing pedestrian character of the vicinity, namely the established passage thru the site from 42<sup>nd</sup> Avenue SW to the alley. More than one member of the public expressed the desire that the project provide for a clear, inviting pedestrian passage through the site, between the street and the alley. Several comments were also made regarding the proposed “arcade” along 42<sup>nd</sup> Avenue SW. It was suggested that the ground-floor setback with the upper residential floor returning to the front property line was an inappropriate gesture for this site and could create a “horrible pedestrian experience.” There was strong feeling expressed by more than one member of the public that the commercial spaces at street level should be shoved to the property line. The development team was encouraged toward sustainable design and LEED certification for the building. Continuing with the highly modulated facades which provided for ample natural cross-ventilation was encouraged.

### **BOARD DELIBERATIONS**

#### **General Directives**

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

- As it is further developed, 42<sup>nd</sup> Avenue SW will become an important retail street, especially as increasing residential density makes the “junction” into more of a “district.” Retail does not generally function well in the “arcade” mode, it was observed, and the retail/commercial portion of this proposal should be pushed to the front property line and provided with traditional pedestrian amenities like overhead weather protection in the form of fixed canopies extending over the sidewalk. There should be no free-standing pillars, no colonnade, and no columns. In the words of one Board member, “West Seattle is not a column sort of place.” Rather than having the upper, residential portion of the structure superimpose the base along 42<sup>nd</sup> Avenue SW, the Board suggested that the upper portion of the tower at some level be set back from the base.
- The proposal should provide, street grade to alley grade, a passageway through the site, probably best, because of grade considerations, along the northern edge of the structure, to preserve and enhance an established and revered function of the site. The passageway should have ample width and height to be inviting to the public. The retail space that abuts the north side of the proposed structure should be made to engage the passageway. The Board stressed that the live/work unit behind the commercial space on the north half of the structure should be designed significantly to engage the passageway and the proposal should explore whether it might not be more appropriate to identify this space as retail/commercial space, given its exposure and connection to the passageway.

Despite these reservations, the Board commended the development team on the clarity of the presentation and expressed their confidence that the architectural and development teams could

return with to the Board with studies and plans that responded to the two major concerns and issues identified above.

After visiting the site, considering the analysis of the site and context provided by the proponents, hearing public comment, and addressing their major concerns regarding the proposal, 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* and the *West Seattle Junction Urban Village Design Guidelines* 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 deigned to encourage human activity on the street

The guidelines above were all chosen by the board to be of high priority. The Board desires that the design development should clearly demonstrate how it will substantially enliven 42<sup>nd</sup> Avenue SW and provide for the broader pedestrian network, which includes pathways and crossings. The applicant should provide a developed design that demonstrates convincingly how the proposed commercial spaces enliven the street.

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.

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

***Projects should be compatible...and provide for transitions***

As noted in the *West Seattle Junction..., Guidelines*, there is an inherent potential conflict between any new development and the existing pattern of low residential and commercial buildings built on smaller parcels of land. New development in the Junction should demonstrate refined transitions in height, bulk, and scale not only between higher and lesser intensive zones but in terms of the relationship to surrounding existing context.

### ***C Architectural Elements and Materials***

#### ***C-1 Architectural context***

New buildings 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*

The Board thought the new development should set an example and a rhythm along 42<sup>nd</sup> Avenue SW that reinforced a consistency with established architectural patterns and rhythms in the Junction.

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 was not prescriptive regarding materials, but 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-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 should provide studies of the proposed pedestrian environment on both the street and along the alley. The project should incorporate a pedestrian walkway along the edge of the site, as discussed above, to create a break in the street wall and encourage movement through the site and to the surrounding area. The applicant should present details for a variety of streetscape amenities, including lighting, overhead weather protection, and other elements calculated to generate a friendly and lively environment both along the street and along the pedestrian pathway through the site.

**E Landscaping**

**E-1 Reinforce existing landscape character of the neighborhood**

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

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 design should incorporate specific treatments to provide for attractiveness and an allure to the through-site pedestrian pathway. The Board would expect to see a comprehensive Landscape Plan, one that treats not only on-site open space but the street edge and the desired pedestrian pathway.

**Departures from Development Standards:**

The architect preliminarily identified three departures from development standards that would be needed for the preferred option:

- SMC 23.47.024 A, less than the required the amount of usable open space for the project (10% rather than 20%);
- SMC 23.47.008 D, upper level residential lot coverage to exceed 64 percent (71% proposed);

- SMC 23.47.008 B, a reduction in the required lineal feet in commercial; use along the 42<sup>nd</sup> Avenue SW façade (80 % of the frontage required).

The Board indicated their willingness to entertain the granting of the requested departures, provided the design development responded adequately to the guidance regarding the relationship of the massing of the building to the street and the provision for a pedestrian, through-site pathway. In particular, the Board noted, that their willingness to entertain requests for departures for the amount of street-level commercial space and the upper-level lot coverage would be closely tied to the design responses regarding the relationship of the massing of the building in relationship to the street and the quality of the public passageway connecting street to alley. They noted that the *West Seattle Junction Urban Village Design Review Guidelines* specifically refers to the Board's willingness to entertain a request for departures from development standards (e.g., an increase in the 64% upper level lot coverage and a reduction in open space) to recover development potential lost at the ground level for a passageway that extends the pedestrian environment through a development site.

### **Recommendation Meeting**

A Recommendation Meeting of the Design Review Board was held on March 22, 2007.

#### **Architect's Presentation**

The architect for the project briefly reviewed the intended program and the major features of the proposed design, paying particular attention to elements of the design that responded to the Design Guidelines and the Board's earlier guidance for the project.

The proposal presented was for a seven story mixed-use structure containing 112 residential dwelling units above a commercial base containing retail use. Three levels of parking were proposed below grade to accommodate 151 vehicles. The proposal included a residential lobby to be accessed from a 1000 square-foot landscaped courtyard located midway along the street frontage of the parcel.

The design presented an eight-foot wide through-block pedestrian walkway running along the north property line to preserve an existing mid-block pedestrian connection linking Jefferson Square and California Avenue SW through the alley and existing PetCo parking lot. The gesture of providing the connection was offered as a way of responding to the public comments voiced at the Early Design Guidance meeting and of respecting an established and revered pattern of pedestrian pathways prevalent in the district.

The Design Review Board had been critical of the earlier proposed arcade fronting 42<sup>nd</sup> Avenue SW, which pulled the ground-floor retail space back from the east property line with the upper-floor residential floors returning to the street's edge. The present design showed the arcade eliminated and the retail space at south east corner of the structure pulled to the property line. The ground-level retail space at the northeast corner of the structure was canted from southwest to southeast. This provided both for a dramatic alignment of the retail space with the residential lobby and an engagement of the retail space with the through-block pedestrian connector. Storefront windows turn the northeast corner, as does the overhead canopy, significantly enlivening a broadened plaza area that effectively interacts with the mid-block pedestrian connector. The

corresponding upper, residential floors are splayed to correspond to the canted wall beneath, producing a dramatic flair in the entire northeast quadrant of the structure.

South-and west-facing residential units on the lowest level would be provided with terraces extending onto the roof of the parking plinth. Street trees would be provided along 42<sup>nd</sup> Avenue SW. Materials for the proposed structure would include: a painted concrete base, sheet metal panels, corrugated metal siding, and cementitious panels. Large aluminum commercial storefront windows would run along the retail space in the southern half of the street-level façade on 42<sup>nd</sup> Avenue SW, with wooden storefronts along the northern retail space and around the northeast corner where the retail space abuts the through-block connector.

### **Departures from Development Standards:**

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).

At this meeting the proponent presented a request for three departures from development standards for this project: 1) a reduction of required open space as a percentage of gross floor area in residential use, from 20 percent (SMC 23.47.024A) to 10 percent, 2) an increase in the upper-level lot coverage in residential use from the maximum of 64% to 71% (SMC 23,47,008D); and 3) a reduction in the required length of non-residential façade from 80% to 77% (SMC 23.47.008B).

### **BOARD DELIBERTATIONS**

After asking clarifying questions and soliciting public comment on the proposal, the Board agreed that the proposed building exhibited a level of detailing and massing that succeeded in creating a well-proportioned and unified building and resulted in a form that fit in well with its surroundings.

In expressing their approval of the overall design and acknowledging that the design development of the project met the design guidelines which the Board had earlier determined to be of highest priority for the project, the Board commended the design team on the way the building design engaged the through-block connector at the north-east corner encouraged the developer to provide for this continuing engagement all along the length of the pedestrian pathway, through enhanced landscaping, increased transparency into the building or by whatever other design opportunities might present themselves. The Board agreed that the applicant had succeeded in creating a well-proportioned and architecturally unified building well suited to the site.

The Board further recommended approval of the requested departures.

### **Review under the New Commercial Code**

City Council enacted a revised Code for commercial development which became effective on January 15, 2007. The applicant chose to make minor accommodations to the proposal and comply with the requirements of the revised Commercial Code. Revised MUP plans were subsequently submitted to the Department.

While the design of the building did not change substantially, the new Commercial Code eliminated the need for departures from Open Space and upper-level residential coverage requirements. With other design modifications no departures from development standards were required and none were requested by the applicant.

### **DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the Design Review Board members present at the Design Review recommendation meeting on March 22, 2007 and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings* and that the applicant has demonstrated that the requested development standard departures would result in a development which better meets the intent of the adopted Design Guidelines.

Therefore, the proposed design is **approved** as presented at the March 22, 2007 Design Review Board meeting, with the modifications subsequently made to residential unit count, parking space count and amount of retail space. As a condition of this decision, both the MUP and the Construction plan sets will be required to be updated to reflect the adjusted residential unit and parking space counts prior to issuance.

### **ANALYSIS - SEPA**

This analysis relies on the SEPA checklist submitted by the applicant on October 20, 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

Demolition of the existing structure on site and excavation of impervious surface and earth on site will create potential earth-related impacts. 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 pumping, routed to a Weir detention tank and then to the 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 review will be required by the Seattle Department of Transportation (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

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 SDOT would allow for control through permitting review of use of surrounding streets to mitigate these potential impacts.

There are public sidewalks that abut the proposal site on 42<sup>nd</sup> Avenue SW. Since the surrounding streets provide regular pathways for pedestrians, especially for those who reside in the area, predictable paths of pedestrian travel should be maintained. The 42<sup>nd</sup> Avenue SW sidewalk along the project site should generally be kept open and safely passable throughout the construction period. Sidewalk modifications and closures will need to be closely coordinated with the impact on pedestrian wayfinding. Any case for the need for the temporary closure of the sidewalk fronting the site or the alley behind the site will be disclosed for SDOT review and approval.

### 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 adjacent and 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. 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, 2005).

#### *Traffic*

A Transportation Impact Analysis prepared by The Transpo Group, Inc. and dated May 2007, indicates that the proposed development would result in a net increase in daily AM peak hour and PM peak hour trips compared with existing conditions, which include both commercial and

residential uses on site. Using a base of 130 dwelling units and 5,000 square feet of specialty retail the predicted increase would be approximately 1,100 weekday daily vehicular trips, with 65 trips occurring in PM peak hour (36 inbound and 29 outbound). Peak hour trips are expected to occur during the typical AM and PM peak periods for the adjacent roadway system (8-9 a.m. and 5-6 p.m.). The study concludes that all of the six study intersections and site access points would operate at a Level of Service (LOS) D or better during the PM peak hour, even with the addition of the project traffic.

### Parking

Vehicular access to and from the site would be from the north-south alley that abuts the site at its western property line and connects to SW Alaska Street and SW Edmonds Street. Parking for 130 vehicles will be provided on site for both the retail/commercial and residential uses. The Land Use Code requires a minimum of 130 spaces. Parking for 34 bicycles will also be provided on site. The site vicinity is well served by public bus transportation, with eleven King County Metro bus (22,37,51,53,54,55,57,85,128,560,773) routes traveling within two to three blocks of the site and providing frequent service to numerous destinations throughout the city.

The project would result in a small increase in site-generated traffic. The project is not expected to adversely affect traffic, operations, safety, transit, or non-motorized transportation facilities. The project is also not expected to adversely impact parking conditions in the vicinity. 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 three screen-lines relevant to this project would have v/c ratios less than the respective Level of Service (LOS) standards and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

## **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 to DPD 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 which must be approved by DPD Land Use prior to the issuance of any 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, 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.

### **NON-APPEALABLE CONDITIONS-DESIGN REVIEW**

#### *Prior to Issuance of Master Use Permit*

3. Update MUP plans to show: a) 136 residential units, b) parking for 130 vehicles; and c) Code-compliant residential amenity spaces.

#### *Prior to Issuance of Certificate of Occupancy*

4. Construct a building with siting, materials and architectural details substantially the same as those presented at the March 22, 2007 Design Review Board meeting, as incorporated in the revised MUP plans of June 8, 2007, together with any subsequent revisions given DPD Land Use review and approval.

Signature: \_\_\_\_\_ (signature on file) Date: October 25, 2007  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

MD:lc

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