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: 3005302

Applicant Name: Michael Godfried, Nicholson Kovalchick Architects for West Freeman Properties

Address of Proposal: 222 Queen Anne Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for the future construction of a six-story mixed use building with 30 residential units located above 1,243 square feet of ground level commercial retail uses. The parking (31 stalls) for the proposed development is to be provided both at and below grade. Existing administrative office building to be demolished.

The following Master Use Permit components are required:

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

1) **Commercial Depth – To reduce depth of commercial use (SMC 23.47.008)**
2) **Amenity Space Dimensions – To reduce the amenity space dimensions (SMC 23.47.024)**

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

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

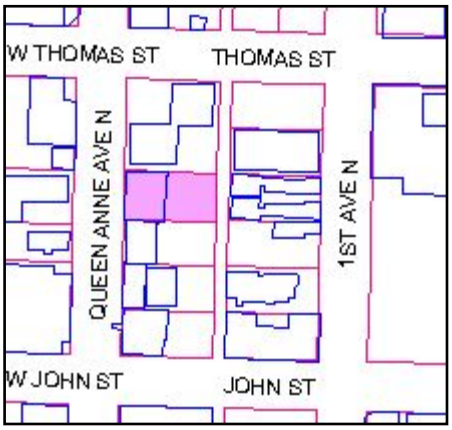
[X] DNS with conditions*

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

* Notice of early DNS was published on January 11, 2007.

BACKGROUND DATA

Site Description



The subject site is located in the Uptown Neighborhood of lower Queen Anne and is zoned Neighborhood Commercial 3 with a 65-foot height limit (NC3-65). This zoning extends to the east, north and south of the site, as well as across the street to the west. The lot is approximately 7,560 square feet and is a rectangular shape. The site is currently developed with a two-story commercial structure with surface parking.

Vicinity

The subject block is bounded to the west by Queen Anne Avenue North, Thomas Street to the north, John Street to the south and First Avenue North to the east. Abutting the subject site to the north is a three-story multifamily building with surface parking and to the south is a two-story commercial building with surface parking. An alley abuts the site to the east and a two-foot dedication is required of the proposed development. The vicinity is developed with a variety of uses ranging from office to multifamily and building types ranging from older, traditional brick apartment buildings to smaller commercial buildings constructed in the 1950's to larger concrete and glass office buildings dating to the 1980's to more recent larger scaled residential multifamily projects.

Proposal

The proposed project is for the design and construction of a mixed use building with 30 residential units located above 1,243 square feet of ground level commercial retail uses. The parking (31 stalls) for the proposed development is to be provided both at and below grade. The existing building is to be demolished. Access is proposed from of the alley.

Public Comments

The Early Design Guidance Meeting was held on September 20, 2006. One member of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Clarifying whether the residential units would apartment of condominium. [They are intended to be apartments.]
- Concern with erosion and backfill issues along the right-of-way and property lines.
- Complimenting the architect's presentation and graphics.

The Final Recommendation Meeting was held on May 2, 2007. One member of the public attended this Recommendation meeting. No comments were made.

The SEPA comment period for this proposal ended on January 24, 2007. No comments were received; however, a telephone conversation indicated a neighbor's concern for noise impacts during construction.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting, three alternative design schemes were presented. All of the options include ground level commercial retail use, alley access, parking located both at (behind the commercial use) and below grade and trash collection off of the alley. The first scheme (Option A), the "block option", proposed the upper level building mass as a box shifted towards the street, Queen Anne Avenue, leaving a large open space area situated towards the east facing the alley. This option would include only one-bedroom units. The second alternative (Option B), the "L-shaped option" is the preferred alternative by the applicants. In this configuration, the upper level is L-shaped with the notched area at the southeast corner, leaving open space along the south end of the site. This option would include a variety of unit types and would maintain views to the south regardless of development activity on the parcel to the south. The third scheme (Option C), the "C-shaped option", configures the upper level massing into a C-shape with the notched area facing to the north. The open space would be distributed on all sides of the site in narrow proportions. Departures from open space and lot coverage may be requested in Options B and C as the design is further developed.

The architect also presented three, colored early concept sketches for the west elevation that could be applied to any of the three massing options. The architect also described the proposed material palette considerations to include wood, metal and concrete. There is also interest in pursuing sustainable design features in this development.

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 following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project.

At the Recommendation meeting, the architect presented a further evolved design that responded to the Board's previous guidance for the combined schemes one and two. The building form includes simple massing with the emphasis on strong, simple materials and ground level activity along the west façade. The commercial space is double height with a glass curtain wall canted at an angle, allowing for an outdoor seating area abutting the sidewalk. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

Site Planning

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 pedestrian activity on street.

A-7 RESIDENTIAL OPEN SPACE
Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board agreed that a prominent residential entry should be easily identifiable from Queen Anne Avenue and reinforced by the architecture. They agreed that the concept image shown on the upper left area of the concept board best achieved this guideline. The Board also complimented the simplicity of the design that elegantly and clearly identifies the building entry, ground level commercial use and residential uses above.

The Board stressed that the applicant's inclination to shift the building mass towards the west was appropriate and would help define a strong urban street wall along this important neighborhood arterial. The Board elaborated that attention to the design quality of the west elevation will be a critical consideration as they review departure requests. Particular focus on the sidewalk environment will be looked upon favorable should a departure from commercial depth be pursued. Specifically, the Board would like to see a wider sidewalk area with street trees, landscaping and other amenities, such as space for café seating that would support an active commercial use at the ground level while also offering an attractive pedestrian experience. The western exposure enjoyed by the site supports the concept of an active, outdoor seating area at the sidewalk. The Board commended the extra height included at the commercial level (15') and was also supportive of large storefront windows at the ground level.

The Board agreed that Option B allows more flexibility for the open space being accessible to private units and/or as designated common open space. The Board did warn that if common open space is located directly in front of private units, the landscape design should protect the privacy of these units while also allowing for comfortable enjoyment of the open space by other building residents. The Board suggested that keeping the open space located at the second level for the use of the abutting units avoids the potential conflict between private and common spaces. The solar access of the open space is important and should be contemplated as the open space is designed. The Board encouraged locating some common open space at the rooftop given the view opportunities and solar access that will remain unaffected by potential future development to the south (that will affect the lower level open spaces). The Board was not supportive of decks on the Queen Anne side and agrees that the building would have a more desirable urban character without decks. The Board noted that a common roof deck would make up for the omission of decks on the west side of the building.

At the Recommendation meeting, the design showed a metal canopy over the residential entrance which is further defined by the vertical bay extending from the ground upward. LED lighting is proposed along the edge of the concrete band above the commercial space to wash over the signage. The Board supported both the distinction of the residential entrance and the proposed lighting and signage.

The Board strongly supported the proposed massing along Queen Anne Avenue, the taller commercial space and significant glazing, the canted angle of the storefront system and subsequent space for outdoor seating. Landscaping in the planting strip and between the sidewalk and seating plinth is also proposed. The Board also liked situating the bulk of the open space at the second level terrace facing south.

The Board recommended that the railings at the ground level be further opened up to create less of a border between the sidewalk and seating area.

Height, Bulk, and Scale

This guideline was not discussed at this time.

Architectural Elements

C-1 ARCHITECURAL CONTEXT

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

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 discussed the eclectic character of the existing context in terms of massing, size and architectural expression. Given this variety, the lack of a clear character and the relatively narrow width of the site, the Board encouraged a design that uses simple massing and a façade design that establishes a strong street wall. The emphasis should be on using high quality materials, rather than on over-modulating the building form. Again, the Board felt that the concept image in the upper left corner of page 14 of the

EDG packet most successfully meets this objective. The restraint of this design concept is refreshing in that it evokes a strong architectural style while and maintaining simple forms and lines. In this same vein, the Board noted support for punched windows proportional to the massing and size of the elevation (this was also effectively shown in the same concept image).

The Board agreed that the concept design shown at the upper right corner of page 14 was underdeveloped and overly modulated. The Board liked some elements of the image shown at the bottom of the concept board, although agreed that too many architectural moves were included for too small of a site. The ground level design of this image, however, was suggested as potentially compatible with the upper left hand image.

The Board agreed that Option B best preserves the solar exposure and views to and from the site. They encouraged a site configuration that maximizes light to the units and open spaces.

The Board encouraged use of high quality, long lasting materials that can wrap the building corners from the west elevation around to the sides without creating too much distraction. The Board would like to specifically review how this wrapping will occur with whatever material is selected. The material should wrap the corner for a distance wide enough to avoid the appearance of a false-front. The Board is most concerned that the west elevation is clad with high quality materials that have a warm character (most likely not metal). However, the Board noted that the south and east elevations will be highly visible for the near future and should be well-designed and treated.

At the Recommendation meeting, the Board recommended approval of the simple massing, high quality resin and concrete materials and clear architectural style and design. The Board also appreciated the building configuration to allow cross ventilation and maximize solar exposure, light and air to the units.

The Board was very pleased and supportive of the materials presented and recommended these be retained in the design. The materials include a brown wood-tone resin panel system for the residential levels above a grey concrete base. All of the window mullions and casings and railings are black. A deep red accent color is used on the sills of the vertical bay at the northwest corner, as well as bands along the exterior hallways of the north elevation and at the base of the decks along the south elevation.

The Board discussed the concrete band lid that cantilevers above the outdoor commercial seating area. They felt that the proportion (width) of this band above the commercial space should be further examined and that signage could be accommodated along this band. The rendering of the thinner horizontal band on the cover of the design packet (with a cut fin) was preferred over that shown on the west elevation drawing (with a thicker lid and twin fins on either end of the commercial space).

The Board also suggested that vertical signage would work nicely with the building architecture. They encouraged the applicant to be playful with the signage designs and that signage not be backlit or canned.

Pedestrian Environment

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-5 VISUAL IMPACTS OF PARKING STRUCTURES
The visibility of all at-grade parking structures should be minimized. The parking portion of the structure should be architecturally compatible with the rest of the structure and streetscape.

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 such elements cannot be located away from the street front, they should be situated and screened from view.

The Board discussed the blank wall shown at the south elevation for the portion of the building located closest to the south property line and was concerned that it will be highly visible until an undetermined point in the future when the property to the south is redeveloped. As such, the Board would like to see this wall receive at least minimal design treatment. The same concern was outlined for the alley facing façade.

The Board specified that all garbage and service areas should be located within the proposed structure and accessed from the alley.

At the Recommendation meeting, the Board was satisfied with the wrapping of the front facade material around to the south façade, which transitions to a more vertical resin panel pattern and becomes flat metal panel siding.

The Board was also pleased that all of the service areas were proposed inside the building and accessed from the alley.

Landscaping

E-2 LANDSCAPING TO ENHANCE 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.

The Board noted that the open space at the second level should provide visual relief for the building residents and pedestrians with landscaping and seasonal color. The landscaping of the right-of-way along the sidewalk should also offer interest and softening of the pedestrian environment. See also discussion regarding residential open space design under Guideline A-7.

At the Recommendation meeting, the Board was very pleased with the proposed landscape design which included planting Magnolia street trees, a lower green hedge along the sidewalk to buffer the seating area, angled planters at the terrace areas filled with layers vegetation such as bamboo and maples.

Design Review Departure Analysis

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

1. **Retail Depth.** SMC 23.47.008 requires the commercial depth to be an average of 30 feet deep with no depth less than 15 feet. The depth of the proposed design ranges from between 25 feet down to 15.2 feet due to the angled front wall. This wall was angled further in to accommodate outdoor seating.

   The Board agreed that the reduced commercial depth was improved by the interesting architectural element of the canted storefront wall and the provision of the outdoor seating area. Having this active use at the sidewalk is extremely desirable along this well-traveled corridor and will enjoy generous solar exposure. The Board also agreed that the overall commercial size of 1,200 square feet is highly usable and leasable and that making it much larger could be less desired. The Board recommended unanimous approval of the proposed departure. (A-4, C-3, C-4)

2. **Amenity Space Dimensions.** SMC 23.47.024 requires that the designated amenity space have a minimum dimension of ten feet. The proposed design includes a minimum dimension of 8.5 feet for a portion (6%) of the amenity space. A total of 1,223 square feet of amenity space is required and 1,619 square feet of amenity space is provided. Of which 1,151 complies with the minimum dimension standard.

   The Board recommended unanimous approval of the proposed departure given that 32% more overall amenity space is being provided. (A-7, E-2).

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 May 2, 2007 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 including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-3, A-4, C-2 and D-2:

   a) Signage and lighting;
   b) Canted angle of the base; and
   c) large, transparent storefront windows.

2. As described under Guideline E-2, the residential courtyard design presented at the Final Design Review meeting.

3. As described under Guideline C-4, the building materials presented at the Final Design Review meeting.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Queen Anne Avenue in lower Queen Anne, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape and encourage pedestrian activity. The Board recommended the following refinements to the design:

1. The ground level railing be more transparent to create less of a border between the sidewalk and seating area.

2. The horizontal band shown in the rendering is preferred in terms of dimensions than that shown on the elevations.

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

All five members of the Queen Anne/Magnolia 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 the well-considered street

level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's conditions. Most of the recommendations made by the Design Review Board have already been reflected in the plans. The Director accepts the recommendations of the Board that further augment Guidelines A-4, and C-2 and support the case in favor of granting departures from the retail depth and amenity space dimensions.

1. The ground level railing be more transparent to create less of a border between the sidewalk and seating area.
2. The horizontal band shown in the rendering is preferred in terms of dimensions than that shown on the elevations.

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 four 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.

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 four 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. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized above and enumerated at the end of this Decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 12, 2006. The information in the checklist, 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 25.05.665 D) 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 certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, 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 applicant estimates approximately 2,900 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- 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 Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency 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.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Drainage/Earth	• 2,900 cubic yards of excavated materials. • Contaminated soils
2. Traffic	• Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	• Increased noise from construction activities.

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.

Earth - Grading

The subject site is currently occupied with a gas station. The existing fuel storage tanks will be removed in accordance with the Department of Ecology regulations.

All construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances 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.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 2,900 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition, existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional 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. 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.

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 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.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted and summarized below:

Parking

The existing site contains an existing administrative office building and a surface parking lot for 13 vehicles. The proposed development includes 31 parking spaces to be provided on-site. The proposed parking spaces are evenly distributed between two levels of below and at grade parking. All of the parking will be accessed from the alley. Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual* and the Parking Analysis prepared by Mirai Transportation Planning and Engineering, parking generation rates associated with Mid Rise Apartment and Retail (Video Rental Store) were used. The results of the parking generation are shown below:

Parking Demand Calculations: Proposed Use

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	ITE – Average Peak	Total Spaces per ITE	Proposed
Proposed	Mid Rise Apartment (ITE 221)	Multifamily Residential	29 units	1.0 spaces/unit	29	31
Proposed	Retail (ITE 896)	General Retail Sales and Service	1,243 SF	2.41 spaces/ 1,000 SF	3	

According to the ITE report, the 1,243 square feet of commercial uses associated with the proposed project would require approximately three parking spaces during the peak hour likely to occur during the p.m. peak hours. The 29 proposed residential units would require approximately 29 spaces during the peak hours likely between late evening and early morning. The proposed development will provide a total of 31 parking spaces for the commercial residential uses. The amount of parking anticipated demand during peak hours is one space short of the total parking provided for both the residential and the commercial uses. A spillover of one space is not considered significant. Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

The vehicular traffic generated by the project will be both residential and commercial-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. For the existing and proposed developments, trip generation rates associated with Mid Rise Apartment, Retail (Video Rental Store and General Office were used. The results of the trip generation are shown below:

Trip Generation Calculations: Existing & Proposed Use

Use	Use Per ITE Land Use	Size	PM Peak Trip Generation Rate	PM Peak Trips Generated	Total PM Peak Trips Generated
Proposed	Mid Rise Apartment (ITE 223)	29 Dwelling units	.39 per dwelling unit	11	28
Proposed	Retail (ITE 896)	1,243 SF	13.60 per 1,000 SF	17	
Existing	General Office Building (ITE 710)	5,700 SF	1.49 per 1,000 SF	8	8
Net Increase in Trips during PM Peak Hours					**20**

Using the ITE data and peak hour count, there will be approximately 20 additional trips in the PM peak hours associated with the proposed combination of uses. The trips generated by the retail use, however, are expected to be far lower than the estimated 17 p.m. peak hour trips due to the development patterns in lower Queen Anne and close proximity of residential uses and thus, the likelihood of walk up trips. These additional trips also do not reflect any reduction in trips due to use of the retail by project residents. Moreover, these ITE figures tend to be higher than what is expected in an urban environment where transit readily services this neighborhood and provides direct connections to downtown Seattle. This relatively low number of additional trips will not adversely impact the existing levels of service of surrounding intersections.

The estimated increase in trips during the PM peak hours are not considered significant impacts and no mitigation measures or further conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

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. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 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 MUP Issuance (Non-Appealable)

3. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis.

Prior to Building Permit Issuance

The plans shall be revised as follows:

4. The ground level railing be more transparent to create less of a border between the sidewalk and seating area.

5. The horizontal band shown in the colored rendering is preferred in terms of dimensions than that shown on the elevations.

6. The plans shall reflect those architectural features, details and materials described under Guidelines A-3, A-4, C-2, C-4 and E-2.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

7. Prior to Issuance of the Certificate of Occupancy, compliance with conditions #4-6 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

8. 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 (Lisa Rutzick, 386-9049), 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.

9. 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 three (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.

10. 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.

11. 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.

12. Include the departure details 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, Lisa Rutzick, (206-386-9049) 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: October 18, 2007
Lisa Rutzick, Land Use Planner
Department of Planning and Development

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