



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: 3005929

Applicant Name: Steve Johnson, Johnson Architects for Barrientos

Address of Proposal: 1205 East Pine Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a five story building containing 5,020 sq. ft. of retail use at ground level with 61 apartments above and parking for 36 vehicles below grade. Existing façade to be preserved, but interior portions of structure to be demolished. Project includes 300 cu. yds. of grading.

The following Master Use Permit components are required:

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

- 1. Driveway Width** – To reduce driveway width requirement (SMC 23.54.030.D)
- 2. Street Level Uses (non- commercial)** – To reduce the non-residential frontage on 12th Avenue (SMC 23.47A.007.D)
- 3. Street Level Uses (commercial)** To reduce the retail height at ground level (SMC 23.47A.007.B)
- 4. Setback** – To increase the setback of the residential entrance (SMC 23.47A.007.A)
- 5. Parking** – To reduce the parking aisle width (SMC 23.54.030.E)
- 6. Parking --** To alter the mix of parking stall sizes (SMC 23.54.030.B)

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

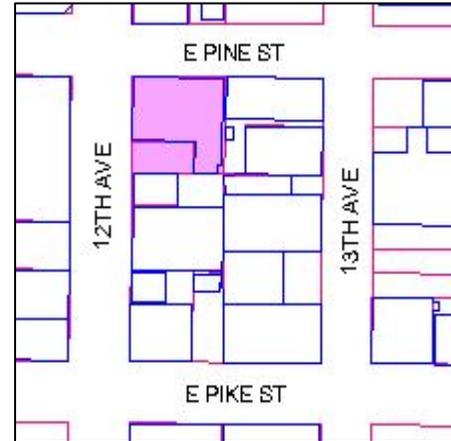
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions*
 DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

* Notice of Early DNS was published on October 4, 2007.

BACKGROUND DATA

Site and Vicinity Description

The subject site, zoned Neighborhood Commercial 3 with a 65 foot height limit (NC3-65'), is located on the southeast corner of the intersection of East Pine Street and 12th Avenue. The site is also within the Pike Pine Urban Center Village overlay district. The site currently has one existing structure, the exterior of which is proposed to remain. There is no alley access to the site. The NC3-65 zone continues to the north and west of the subject site. The site is well served by transit. Both Pine Street and 12th Avenue are designated principal pedestrian streets. The site is well served by transit. The uses and development surrounding the site include a variety of commercial and residential uses in structures ranging between one and six stories.



The applicant prepared a historic nomination of the Packard Motor Company/Foley Sign Company Building which was reviewed by the Landmarks Preservation Board on July 18, 2007 and September 5, 2007. At the September meeting, the Board voted to deny the designation of the building. The objective in the design of the building, however, was to retain the exterior façades of the building along 12th Avenue and Pine Street.

Proposal

The proposal includes the preservation of the exterior façade of the existing building (Foley Sign Building) and the construction of three additional stories above. The new structure would be a five story mixed use building with 5,100 square feet of ground level commercial retail uses, below grade parking for 36 vehicles and five levels of residential use with approximately 61 units above the base. Access to the site would be from 12th Avenue. The exterior façade would retain the 18 foot tall retail space at the ground level. The proposed concept would remove the parapet that is currently above the cornice element. The cornice would become the line between the original and new construction. The residential floors are of varying heights.

Public Comments

Approximately eight members of the public attended the Early Design Guidance meeting on July 18, 2007. They offered the following comments:

- Find the proposed design concept to be great looking and well thought out. Clarify whether the façade will be part of the structural support for the addition.
- Clarify that the existing street trees will be preserved. [Yes and new street trees will be planed along 12th Ave.].
- Interested in the relationship between the proposed building and the next door business, The Cuff. Concerned that the new building will overshadow the outdoor patio space.
- Would like to see triple paned windows incorporated along the east façade so that the noise typically generated by The Cuff will not become a source of complaints for the new residents.

- Suggest including a visual barrier between the two properties, along the east property line.
- The Pike Pine Neighborhood Council is very supportive of the proposed design concept that preserves the façade.
- Agree that the existing cornice is a strong enough element to differentiate between the new and old portions of the building.
- Good to reference neighborhood examples.
- Important to value existing businesses and work to avoid creating a scenario where there will be conflicts between the new tenants and existing neighbors.
- Clarify previous projects completed by the applicant.
- The street level windows in the existing structure should be maintained and the new building should use similar materials and patterns.

Approximately five members of the public attended the Recommendation meeting held on January 9, 2008. The following comments were offered:

- The manager of The Cuff has met with the developer and they are working towards a solution to buffer the noise generated by the bar. Supports the proposed development, but are concerned that the new residents will complain about noise from The Cuff.
- Clarify that the garbage collection will be from the below grade garage.
- Very appreciative of the proposed project. The quality, size and quantity of the proposed fenestration are excellent. Like the integral color of the cementitious panel. Supports all proposed departures. The base should be in a lighter color to make it pop. The edge of the cornice looks fragile. Likes the splash of red color at the residential canopy. If the sidewalks are being re-built, then would encourage the developer to provide wires for pedestrian street lights.
- Commend the proposed design and pleased to see the elimination of brick from the upper levels. The expansive floor-to-ceiling sized windows are a great feature. The five foot between the garage bay overhang and the residential entry allows for a prominent projection. More color would be great. Support adding glazing at the residential corner of the south wall – suggest a vertical slit of glass. The corners should avoid joints and try to be fabricated to allow the panel to turn the corners.

The SEPA comment period for this proposal ended on October 17, 2007. One comment letter was received requesting to be listed as a Party of Record.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting, the architect described the site context and proposed program for a mixed use building to be located on the site. Three schemes were presented. All of the options include below grade parking with access from 12th Avenue. The first scheme (Scheme 1) proposed demolishing the existing building and constructing a new mixed use structure. The second alternative (Scheme 2) proposed preservation of the existing façade and designing the building configuration in an L-shape building situated against the two street edges with the courtyard facing to the southeast. The third and preferred scheme (Scheme 3) also proposed preservation of the façade and building a structure with a notch along 12th Avenue and an 11-foot deep setback along the east property line. The residential lobby entrance would be from 12th Avenue and the primary retail entries would be off of Pine Street.

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.

The Design Review Board reviewed the final project design on January 9, 2008, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. At the Final Recommendation meeting, a more refined proposal was presented by the design team, including the projects architects, developer and landscape architect. A further refined design of the preferred option was presented to the Board at the Recommendation meeting. The existing façade continues to be preserved and will be updated with new windows to match the existing mullion patterns. The upper stories are clad with a cementitious panel material. The upper level residential units have large floor to ceiling windows. The residential entrance is off of 12th Avenue and is set back from the sidewalk allowing opportunity for an entry courtyard.

The Board was extremely pleased with several aspects of the proposed design including the preservation of the base façade, the extremely high quality fenestration and the simple, well-considered design.

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-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-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**
- A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners. **Pike/Pine Guidelines: Buildings on corner lots should reinforce the street corner. To help celebrate the corner, pedestrian entrances and other design features that lend to Pike/Pine's character may be incorporated. These features include architectural detailing, cornice work or frieze designs. The 12th/Pine intersection corner site is identified as a Pike/Pine gateway.****

The Board encouraged the building design to develop with an awareness of the noise issues likely to arise from the abutting neighbor. The Board wants to see a visual buffer designed along the east property line. The Board also recommended that the applicant work with an acoustical engineer to address the noise buffer issue and how this might be addressed through design.

The Board agreed that the preferred scheme is appropriate and they commend the efforts to preserve the exterior facades. The Board also supported the proposed location of the access off of 12th Avenue.

At the Recommendation meeting, the Board was pleased with the efforts of both the applicant and the abutting neighbor to the east to negotiate the best resolution to a sound buffer between the two properties based on information provided by an acoustical engineer.

The Board was also pleased that the residential and vehicular access are proposed from 12th Avenue and have been designed to minimize the presence of the driveway and enhance the residential entrance.

Height, Bulk, and Scale

B-1 Height, Bulk, and Scale Compatibility. 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 nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.

The Board supported a design that maximizes the potential development allowed by the underlying zone. However, the Board stated that the design and massing of the east portions of the structure should be sensitive to the lower scale of the surrounding context.

At the Recommendation meeting, the Board was pleased with the overall building mass as it relates to the one story building to the south by stepping back the massing along the west elevation and providing a set back along a portion of the east façade.

Architectural Elements

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-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.

Pike/Pine Guidelines: New development should respond to the neighborhood's light-industrial vernacular through type and arrangement of exterior building materials. Preferred materials include: brick, masonry, textured or patterned concrete, true stucco (DryVit is discouraged), with wood and metal as secondary or accent materials.

C-5 Structured 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 strongly supported the conceptual design of the additional floors above the existing facade that references and responds to the clean lines and rhythm established by the original design.

The Board agreed that using the existing cornice line as a delineating line between the new and old was appropriate. They felt that the cornice is a strong feature that clearly defines the break between new and old. As such, stepping back the new upper stories from the existing ones is not necessary. The Board pointed out that the cornice will become the sill for the units above.

The Board noted with emphasis that the fenestration details are critical to the design and that these need to be well considered and presented at the next meeting. They would like to see punched windows on the exterior facades. Details such as window size, sash thickness, mullion pattern should be included in the next discussion. The Board is pleased that the design concept includes keeping the existing half moon windows and replicating the other windows in kind.

The Board discussed at length whether the addition should respond and defer to the architecture and materials of the existing façade or contrast more sharply from the existing facade. They eventually agreed that it would make for a more interesting building if the latter approach was pursued. As shown, the proposed horizontal materials echo too literally what is happening below, on the original façade. The Board specified, however, that the new addition should be light weight - light and airy with lots of glass - while still picking up on the rhythm of the existing base. The addition should become a background to the base, allowing the historic details of the original façade to shine. The Board also suggested that rather than having a heavy cornice at the top of the addition, the new building should be allowed to recede upward and not compete with the cornice below.

The Board also examined the proposed notch along 12th Avenue which allows for a sharp contrast with the “cut in” portion of the building. Either this notched area should fit in with the old elevation or become an interior view, a “peeling back” of the building. The notch creates the opportunity to have a more modern expression at this virtual cross-sectional perspective. The Board encouraged the design to incorporate more contemporary materials and lines at this entry notch. The Board warned, however, that the transition between the original façade that wraps this corner and changes to the new building materials is an important challenge that they would like to see these details addressed and presented at the next meeting. For example, how will the cornice wrap the corner? The Board looks forward to reviewing a more details material and color palette that is reflective of and responsive to the surrounding architectural aesthetic.

The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible.

At the Recommendation meeting, the Board was extremely pleased with the proposed dark colored, multi-paned windows proposed at the new upper levels. These windows will be large floor to ceiling sized in an aluminum clad wood window system. The spandrel panels are a black metal and the storefront windows will be black to match. The upper stories are a cementitious panel system. Where the building steps back at the residential entrance along the south elevation, the color changes to a pale green shade.

Three color schemes were presented to the Board: 1) a medium dark grey colored base (existing façade) with a lighter grey shade for the upper (new) stories 2) a lighter grey colored base with a medium dark grey shade for the upper levels and 3) a medium grey tone for both the base and upper levels. Both the Board and applicant want the original base to stand out and would like to select a color scheme that best accentuates the base.

The Board was pleased that the cornice line of the new floors has been minimized to be a clean simple extension of the building without a cap or distinctive cornice. They agreed that the original cornice feature should be the main focus and this was successfully achieved by simplifying the upper level cornice.

The Board expressed support for the reduce driveway width and expansion of the planted green buffer of the entry courtyard.

The Board discussed at length and was ultimately undecided as to how and whether the original cornice established along the 12th Avenue façade should be wrapped around to the inner south wall of the building's L-shape. Some suggestions included installing the building address numbers at the horizontal datum established by the cornice, leave the edge as shown, extend the steel trellis element up to this datum line, differentiate the panel pattern above and below this datum line.

On the south elevation, abutting the property line, the Board agreed that the blank wall was fairly considerable and that the recessed portion should change colors to break up the expanse of this exterior façade.

Board Recommended Condition: The recessed bays of the south façade should be differentiated with a different color, such as the pale green color used on the residential courtyard area.

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-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 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-9 Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.
- 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 during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.
- D-10 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.

The Board was concerned that the residential entry court felt too small and diminutive to the rest of the building. This space should be more gracious and pronounced. The Board would like to see a significant canopy included at this entrance to help pronounce and define the space. The Board also suggested that perhaps the unit directly above the entrance could be incorporated into the entry lobby, giving the space greater height and presence. The Board also recommended that the retail use at the southwest corner of the building wrap the corner with an additional window and/or door on the south elevation.

The Board also agreed that greater separation between the entry court and the driveway should be pursued. Steps to accommodate the grade change would help achieve this separation, along with landscaping. The Board noted that they would be inclined to grant a departure for reduced driveway width if this would allow more space to be devoted towards the entry court.

At the Recommendation meeting, the Board was supportive of the enlarged courtyard area serving as the entry area to the residential entrance. The area is designed to be densely vegetated with low shrubs, ground cover and a specimen tree, as well as a steel trellis feature along the north side of the courtyard that will provide opportunity for climbing vines. The Board also liked the bright red residential canopy that accents and draws attention to the entrance. The Board encouraged the designed to explore making this splash of red more prominent with a deeper, bigger awning element.

The Board continued to be enthusiastic about the preservation of the exterior façade. They strongly supported the large transparent commercial windows and individual canvas awnings to be designed as part of the tenant improvements.

Board Recommended Condition: The canvas awnings should be integrated into the tenant improvement plan to provide weather protection and reinforce the pedestrian scale of the building.

Landscaping

E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

Pike/Pine Guidelines: The creation of small gardens and art within the street right-of-way is encouraged in the Pike/Pine neighborhood in order to enhance and energize the pedestrian experience. This is especially desirable for residential and mixed use developments as well as a means to distinguish commercial areas from institutional areas. Providing vertical landscaping, trellises or window boxes for plants is also desirable.

The Board looks forward to reviewing a high-quality, well programmed and well landscaped open space and right-of-way design.

At the Recommendation meeting, the Board was pleased that three of the existing street trees will be maintained and that four additional trees will be planted in the planting strips along 12th Avenue and East Pine Street. One specimen tree is also proposed in the residential entry court on 12th Avenue. This courtyard also provides a green buffer between the entrance and the driveway. The driveway itself is a permeable paving with a green wall on the north side of the Dawson Plumbing building (along the south side of the driveway). The Board was very supportive of the green roof and usable open space located at the 4,000 square foot roof deck garden.

Design Review Departure Analysis

Six departures from the Code were requested at this time.

Departure Summary Table

Code	Requirement	Proposal	Justification	Board Recommendation
Driveway Width SMC 23.54.030.D	20'	18'	Board encouraged such a departure to increase the entry courtyard area and planting space.	Unanimous 5-0 in favor of the requested departure.
Street Level Uses (non-commercial) SMC 23.47A.007.D	80%	67% non residential frontage on 12 th Avenue.	There is 100% non residential frontage on Pine Street. Wanted to design a more gracious and generous entry courtyard space. No alley to site that could accommodate vehicle entrance.	Unanimous 5-0 in favor of the requested departure.
Street Level Uses (commercial) SMC 23.47A.007.B	13'	10'2" at the northeastern corner (one of the four commercial spaces).	Due to preservation of the existing façade, the existing building and sidewalk slope cannot be altered. Other retail spaces are higher than 12 feet.	Unanimous 5-0 in favor of the requested departure.
Setback SMC 23.47A.007.A	10' max	32'8"	Allow creation of welcoming entry court and dense planting. The set back portion of the building also allows the existing façade being preserved and the Dawson Plumbing building to the south to stand proud of the new addition.	Unanimous 5-0 in favor of the requested departure.
Parking SMC 23.54.030.E	22' wide aisles	20'6" and 21'6" wide aisles	Site constraints and efforts to preserve existing façade make tighter aisles and smaller stalls necessary.	Unanimous 5-0 in favor of the requested departure.
Parking SMC 23.54.030.B	40% max small size stalls and 60% medium size vehicles.	44% small vehicles and 53% medium size vehicles.		Unanimous 5-0 in favor of the requested departure.

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 January 9, 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 including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-10, C-2 and D-10:
 - a) overhead canopies;
 - b) blade signs;
 - c) exterior light fixtures;
 - d) extensive planting in the right-of-way; and
 - e) 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 and fenestration 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 building façade, streetscape and the community. Since the project would have a strong presence along 12th Avenue and Pine Street, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, encourage pedestrian activity and promote high quality architecture.

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

Five members of the Capitol/First Hill 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 unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines C-1 and D-2 and support the case in favor of granting the proposed departures.

- 1. The recessed bays of the south façade should be differentiated with a different color, such as the pale green color used on the residential courtyard area.*
- 2. The canvas awnings should be integrated into the tenant improvement plan to provide weather protection and reinforce the pedestrian scale of the building.*

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.

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 enumerated above and summarized 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 August 14, 2007. 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 300 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	<ul style="list-style-type: none"> • 300 cubic yards of excavated materials. • Underground storage tanks.
2. Environmental Health	<ul style="list-style-type: none"> • Demolition of existing structures.
3. Traffic	<ul style="list-style-type: none"> • Increased vehicular traffic adjacent to the site due to construction vehicles.
4. Noise	<ul style="list-style-type: none"> • Noise generated during 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 & Excavation

The 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 300 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 a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 1,000 single-loaded truckloads to remove the estimated 10,000 cubic yards of material.

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

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

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

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

Parking

The existing site contains 13 parking spaces. The proposed development includes 36 parking spaces to be provided below grade. All of the parking will be accessed from 12th Avenue. Using the Parking Demand Analysis prepared by Heffron Transportation on July 18, 2007, parking generation rates associated with Apartment and Shopping Center from the Institute of Traffic Engineers *Parking Generation Manual* (ITE 3rd Edition), *Shared Parking* and the Puget Sound Regional Council *2000 Census* were used. The results of the parking generation are shown below:

Parking Demand Calculations: Proposed Use

Use	Use Per ITE Land Use	Independent Variable	Total Spaces per ITE	SMC Required	Proposed
Proposed	Apartment (220)	61 units	30	0	36
Proposed	Retail (814)	5,020 SF			

According to the ITE report, the 5,020 square feet of commercial uses associated with the proposed project would require approximately 36 parking spaces during the peak hour likely to occur during the p.m. peak hours. The 61 proposed residential units and commercial uses would require approximately 30 spaces during the peak hours likely between late evening and early morning. The amount of parking allotted for these uses exceeds the anticipated demand during peak hours. Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic generation study was submitted to DPD by Heffron Transportation dated July 18, 2007 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-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*. In addition, a study by the Puget Sound Regional Council of mode of travel statistics in this neighborhood was used to adjust and inform the traffic generation rates and mode split assumptions. The results of the trip generation are shown below:

Trip Generation Calculations: Proposed Use

Use	Land Use	Independent Variable	AM Peak Trips Generated	PM Peak Trips Generated	Total Daily Trips Generated
Proposed	Residential	(Unit Count) 61	10	22	220
Proposed	Commercial	5,020 SF			

Using the ITE data, there will be approximately 220 additional daily trips associated with the proposed combination of uses. At the AM peak time, the net increase in trips will be approximately 10 trips and the net increase of the PM peak hour trips is estimated to be 22 trips. This relatively low number of additional trips will not substantially impact the existing levels of service of surrounding intersections.

The estimated increase in trips during the PM peak hours is not considered a significant impact and no further mitigation measures or 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.

- 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. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

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

4. The recessed bays of the south façade should be differentiated with a different color, such as the pale green color used on the residential courtyard area.
5. The canvas awnings should be integrated into the tenant improvement plan to provide weather protection and reinforce the pedestrian scale of the building.
6. The plans shall reflect those architectural features, details and materials described under Guidelines A-2, A-10, C-2, C-4, D-1, D-10 and E-2.

Prior to Pre-Construction Conference

7. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Prior to Issuance of the Certificate of Occupancy

8. 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.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

