



# City of Seattle

Gregory J. Nickels, Mayor

## Department of Design, Construction and Land Use

Diane M. Sugimura, Director

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

**Application Number:** 3006922

**Applicant Name:** Scott Starr—SMR Architects for  
Jessica S. Cohen with Downtown Emergency Service Center  
(DESC)

**Address of Proposal:** 420 Minor Ave N

#### SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six-story apartment building with 83 dwelling units. Parking for five vehicles to be provided on site. Related project Lot Boundary Adjustment #3007184.

The following approvals are required:

**Design Review** - pursuant to Seattle Municipal Code (SMC) 23.41  
Departures from Upper Level Setbacks and General Façade  
Requirements  
(SMC 23.48.012 and 23.48.014).

**SEPA - Environmental Determination** pursuant to SMC 25.05

**SEPA Determination:**  Exempt  DNS  MDNS  EIS

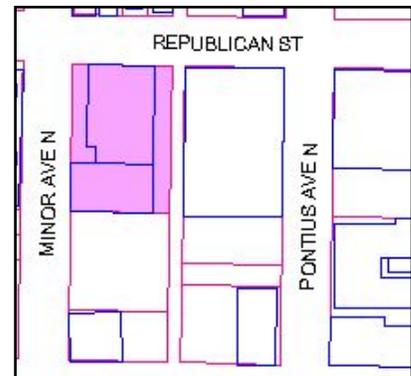
DNS with conditions

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

#### BACKGROUND DATA

##### Site and Vicinity Description

This site is originally a 21,626 sf site that will be applying for a lot boundary adjustment to create a 13,463 sf site. The site is located in the Cascade Area of the South Lake Union neighborhood at 420 Minor Avenue N, southeast of the intersection of Minor Avenue and Republican Street. The site is bounded on the east by a 16-foot asphalt alley.



The site is occupied by a two-story commercial building built in 1960 and surface parking. The building is currently occupied by a commercial tenant (Nebar Company).

The site has topography with its lowest elevation at the northwest corner of the property and a rising slope to the east and south. The southeast corner of the property (alley side) is approximately 20 feet higher than the lower northwest corner.

The site is zoned SM/R-55'/75' (Seattle Mixed/Residential). N Republican Street at this location is designated a Class 2 pedestrian street per the Land Use Code and also a minor arterial per SDOT. The site falls within the "South Lake Union Hub Urban Village," a Center City neighborhood. There are no residential density limits for this zone, nor FAR limitations for residential use, reflecting the high priority placed on developing housing in the neighborhood guidelines. The FAR limit for non-residential use is 4.2. The ground level will be occupied by a residential lobby, residential common area/amenities and offices.

The adjacent zoning is also SM/R-55'/75'. One block to the west the zoning is IC-65'; two blocks to the north the zoning is SM-75'. The site lies two blocks south of Interstate 5 Mercer Street on/off ramps; one block to the east of Fairview Avenue, a Class 1 (principal) arterial; and three blocks west of Interstate 5.

The development in the neighborhood is primarily a mixture of recent multifamily structures, mid-century light industrial structures and warehouses, and surface parking lots. Cascade is a neighborhood whose historic vibrant mixture of uses was severely impacted by the construction of the highway and associated arterial streets. Community activists have prioritized developing affordable housing for this in-city neighborhood, while the entire South Lake Union neighborhood undergoes rapid redevelopment with market rate housing, condominiums, high-end grocery store, and luxury hotels.

The Cascade People's Center, Park, P-Patch, and Playground are one block to the south. Churches such as the Immanuel Lutheran Church and St. Spiridon's Orthodox Church have historically played an important role in the lives of immigrant community members who settled in the neighborhood and are designated City Landmarks.

The site is well-served by Metro transit buses 25 (on Eastlake Avenue) and 70, 71, 72, 73 on Fairview Avenue.

#### Public Reviews and Comment Periods

Two Design Review meetings were held on this proposal and included opportunities for the public to comment; an Early Design Guidance meeting was held on May 2, 2007 and the Recommendation Meeting was held on August 15, 2007. Three members of the public were in attendance at the Early Design Guidance meeting. No members of the public were in attendance at the Recommendation meeting. Refer to the Master Use Permit (MUP) file for details on these meetings.

Public notice of the Master Use Permit (MUP) project application was given on June 14, 2007. The public comment period ended on June 27, 2007. DPD received no written comments on the MUP application.

At the Early Design Guidance meeting, in general the public approved of the general massing of the building and the ground level open space located at the south west corner of the site. One member of the public said that they thought the building had a “good scale” for the neighborhood. The following is a summary of their comments:

- Add trees, vines or other planting area to soften the alley and reduce reflected noise from the freeway.
- Metal siding is not desirable. Brick siding is appropriate for the neighborhood.
- West facing units in this neighborhood often overheat.
- Limit blank walls.
- Move an office space to the Minor Avenue frontage to provide “eyes on the street.”
- The units are very small.

## **ANALYSIS – DESIGN REVIEW**

### **ARCHITECT’S PRESENTATION—*Early Design Guidance Meeting – May 2, 2007***

At the Early Design Guidance meeting, Scott Starr presented an overview of the development proposed by the Downtown Emergency Service Center (DESC)<sup>1</sup>. The presentation to the Board and public included an overview of the neighborhood, site design analysis and development objectives. With the aid of a photomontage the architect presented the vicinity’s architectural context, the site’s challenges and opportunities and character studies conducted.

The architect then presented the project’s site plan, plans and 4 massing studies. The project will apply for a Lot Boundary Adjustment (to run concurrently with the MUP) to divide the site into two parcels, roughly 1/3 and 2/3 of the original site. A “preferred scheme” was presented that proposed creating 83 units on the larger parcel located on the southern 2/3 of the original site. The remaining 1/3 of the site will be sold to another non-profit organization to be developed for affordable housing.

The project intends to incorporate as many principles of sustainable development (“Green Communities”) as possible. The six-story building consists of ground level residential amenities and five residential floors. The plan is a simple double-loaded corridor, with units with western and eastern exposure, utilizing passive cooling site strategy and minimizing exposure to the low western light. At the street level, there is a residential amenity area: residential entry area, dining/common room with kitchen, a computer room/lounge, and laundry. There is also reception and office space for on-site management.

Mike Lamb of Susan Black Associates presented the landscaping concepts for the project, including right-of-way plantings and plantings at the south property line.

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<sup>1</sup> Is one of the largest multiservice centers for disabled and vulnerable homeless adults in the Pacific Northwest—with programs that provide emergency services and overnight shelter, clinical services and supportive housing through continuum of care that helps people to survive and to break the cycle of homelessness.

ARCHITECT'S PRESENTATION—*Recommendation Meeting – August 15, 2007*<sup>2</sup>

At the Recommendation Meeting, Scott Star presented the final design that elaborated on the preferred massing scheme approved at the Early Design Guidance Meeting via colored drawings (site plan, elevations, plans), renderings of the overall 3-d view, and pedestrian-level streetscape renderings. Samples of the materials proposed on the building exterior were also presented. Michael Lamb then presented the landscape design, with emphasis on the plant materials, hardscapes and function of the courtyard at the southwest corner of the site and at the northern edge of the site.

**DESIGN GUIDANCE PRIORITIES:**

The applicant described the design guideline priorities which had informed their response to site and context in the proposed development. After deliberation, The Design Review Board emphasized the following design guidelines as priorities to be considered in further evolution of the proposed design. Each design guideline priority is identified by letter and number in accordance with City of Seattle's *Design Review: Guidelines for Multifamily & Commercial Buildings (November 1998)*. This is augmented by neighborhood-specific guidelines published in *South Lake Union: Design Guidelines (May 26, 2005)*. ***Responses from the Applicant and Board follow each Guideline.***

***A-1 Responding to Site Characteristics***

*The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

*SLU supplemental guidelines: Encourage "outlooks and overlooks" for the public to view the lake and cityscapes. New development is encouraged to take advantage of site configuration to accomplish sustainability goals. Denny Park has been identified as a "heart location." Development at heart locations should enhance their central character through appropriate site planning and architecture. These sites have a high priority for improvements to the public realm. A new building's primary entry and façade should respond to the heart location. Amenities to consider are: pedestrian lighting, public art, special paving, landscaping, additional public open space provided by curb bulbs and entry plazas.*

**Applicant's Proposal** (April 12, 2007): The proposed building is sited with its entrance on Minor Ave N, a location appropriate for enhancing the pedestrian connection to Cascade Park, a "heart" location one block to the south on Minor Ave N. The project is coordinating with the adjacent proposed development to the north to develop a unified landscaping strip between the two projects.

**Board's Response** (August 15, 2007): The Board was supportive of the location of the entry and the southwestern outdoor courtyard seating area. The Board was also supportive of the decorative fencing along the sidewalk. The Board expressed concern that the entry on Minor Ave N was not strong enough. They suggested using some expression of a "gateway" or some marker (possibly a column) at the property line.

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<sup>2</sup> Presentation Group: Jessica S. Cohen, Downtown Emergency Service Center (DESC); Mike Lamb—SB Associates and Scott Starr—SMR Architects.

**Applicant Response** (following August 15, 2007): A large vertical boulder has been added at the end of the seat wall to create a gateway and mark the entry. See plan set sheets A1.0 and A4.0. Please note that the image of the boulder shown on the drawing is representational, and that the actual boulder will be selected by the landscape architect.

#### ***A-2 Streetscape Compatibility***

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

*SLU supplemental guidelines: The vision for street level uses in South Lake Union is a completed network of sidewalks that successfully accommodate pedestrians. Provide pedestrian-friendly streetscape amenities such as tree grates, benches, and lighting. Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts. Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining 6 feet for pedestrian movement, where the sidewalk is sufficiently wide)<sup>3</sup>.*

**Board's Comments:** (April 12, 2007): Minor Ave N sidewalk—the board desired the sidewalk at Minor Ave N to be widened as much as allowed by SDOT.

**Applicant's Response** (August 15, 2007): The project proposes an enhanced southwest quadrant of the site with a courtyard, a marquee from the Minor Ave N right-of-way to the building entrance that provides weather protection. Additionally, an artwork fence is provided near the northwestern Minor Ave N that coordinates with the height, color and design of the fence on northern abutting site.

**Board's Response** (August 15, 2007): The Board was very supportive of the extensive plantings along the sidewalk, as well as the use of artwork and decorative screens. The Board suggested that additional artwork be provided along the sidewalk near the entry to give it more continuity.

#### ***A-4 Human Activity***

*New development should be sited and designed to encourage human activity on the street.*

*SLU supplemental guidelines: Create graceful transitions at the streetscape level between the public and private uses. Reinforce pedestrian connections both within the neighborhood and to other adjacent neighborhoods. Transportation infrastructure should be designed with adjacent sidewalks, as development occurs to enhance pedestrian connectivity. Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.*

**Board's Comments:** (April 12, 2007): FENCE—the board would like this project and the northern project to coordinate the height, color and design of the fence on Minor Ave N that straddles their shared property line.

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<sup>3</sup> Street trees will be added as directed by the City of Seattle Arborist Bill Ames.

**Applicant's Response** (following August 15, 2007): A note has been added to the plans indicating that the fence is to be coordinated with the artist's fence proposed for the northern project.

#### ***A-6 Transition between Residence and Street***

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

*SLU supplemental guidelines: Consider designing the entries of residential buildings to enhance the character of the streetscape through the use of small gardens, stoops and other elements to create a transition between the public and private areas. Consider design options to accommodate various residential uses, i.e., townhouse, live-work, apartment and senior-assisted housing.*

**Board's Comments** (April 12, 2007): The Board members wanted a greater connection between the courtyard and the interior spaces of the building. They felt that the space should be screened from the street, but that plantings between the courtyard and the building should be kept low to allow a good visual connection between them.

**Applicant Response** (August 15, 2007): The courtyard area with seating is designed with the needs of residents in mind, providing a place for residents to wait for rides or simply to observe the comings and goings of the neighborhood. The area will be lit at night and provided with good visual access from the adjacent reception/office's for security.

#### ***A-7 Residential Open Space***

*Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

**Board's Comments** (April 12, 2007): Open Space to the north of the structure: The Board felt that the area between the structure and the adjacent proposed LIHI Senior Housing project would be shaded most of the day. The Board desired to see plant and material selections that would take this into account. Add more seating areas in the courtyard. Create more than one outdoor "room" or seating area. Reduce sizing and scale of trellis structural members and change the trellis to overhang the courtyard instead of the right of way. Address design of concrete retaining wall. A blank wall is not acceptable.

**Applicant's Response** (August 15, 2007): Two wood benches were added to the courtyard plan for a total of four six foot long wood benches. Additional seating will be provided by concrete seating walls and boulders selected to be appropriate for seating. The landscaping has been modified to create three outdoor "rooms" – one at the sheltered roof along the south wall, one at the north-west corner and one at the exit from the building's common area.

The size and scale of the trellis members has been reduced. The trellis has also been modified so that it does not overhang the property line. See plan set sheets A1.0, A4.0 and new sheet A5.1.

The concrete retaining wall on the south side of the courtyard has been reduced in height to 10'-6". The west end of the wall has been cut down to match the slope of the grade. A planting area has been created above the concrete wall, and climbing ivy has been planted below the wall. The wall has been detailed with a pattern of large reveals. A sloped metal roof mounted on metal brackets and sheltering two benches has been attached to the wall. See plan set sheet A5.1 for wall treatment.

**Board's Response** (August 15, 2007): The Board was supportive of the north yard landscaped at the street level, though they were concerned about how it would be used. The Board stressed the need for the space to be activated in some way to encourage use. They suggested adding a programmed activity to the space that would draw people in and also suggested adding a second entrance through the building. The Board was also concerned that the space did not have enough "eyes" on it for security. They suggested adding more windows at the first floor.

### ***C-3 Human Scale***

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

**Applicant's Response** (August 15, 2007): The project includes marquees and pedestrian lighting along Minor Ave N and variation of siding materials to achieve a good human scale.

**Board's Response** (August 15, 2007): The Board was supportive of the common room, marquees, and courtyard along the sidewalk. The Board also stressed the importance of the pedestrian-scaled lighting, especially near the entry and outdoor seating area. They were also concerned that the marquees were too dark, and suggested using a lighter color to reflect light.

### ***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.*

**Board's Comments** (April 12, 2007): COLOR AND SIDING—add one story of brick on the wall to the East of the courtyard. Change the siding palette to be consistent throughout the building. The specific type of siding does not matter to the board as much as consistency. The board preferred the portion of the building with beige siding over the portion with the "base, middle, top" expression.

**Applicant's Response** (August 15, 2007): Brick was added to the ground floor wall to the east of the courtyard. Siding palette has been standardized across the entire building. The preferred siding pattern (the beige siding with the green bay windows) has been used throughout the building. See plan set sheets A4.0 through A4.4.

**Board's Response** (August 15, 2007): The Board was very supportive of the finish materials chosen, and commended the project for its attractive details. The Board was concerned that the presented color scheme was too subdued and cold and expressed a preference for the previous scheme which used brighter colors. They suggested that warmer colors be used in the final color scheme. Additionally, one board member expressed the opinion that casement windows look sloppy on a large apartment building. The board member would accept a limiter for the operation of the casement windows OR a change of window type. Not all board members felt the same about the casement windows.

**Applicant's Response** (following August 15, 2007): Limiters will be used on all casement windows – a 4" or 6" limiter is possible with Starline 7000 vinyl windows proposed for the project. Please note that other manufacturers may be substituted, in which case a standard limiter will be required.

### ***D-2 Blank Walls***

*Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.*

**Applicant's Proposal** (August 15, 2007): Blank walls have been minimized where possible. Where unavoidable, the wall has been detailed with a pattern of large reveals. A sloped metal roof mounted on metal brackets and sheltering two benches has been attached to the wall. See plan set sheet A5.1 for wall treatment.

### ***E-3 Landscape Design to Address Special Site Conditions***

*The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

*SLU supplemental guidelines* Landscaping should be designed to take advantage of views to waterfront and downtown Seattle.

**Applicant's Proposal** (August 15, 2007): The landscaping of the north yard has been designed cooperatively with the adjacent proposed development to the north for a cohesive space.

**Board's Response** (August 15, 2007): The Board was very supportive of the landscaping at the street level. They expressed concern about how the northern yard would be used (see A-7 above).

DEVELOPMENT STANDARD DEPARTURE Matrix			
DEVELOPMENT STANDARD	REQUEST/ PROPOSAL	JUSTIFICATION	Board's Recommendation
<p><b>SMC 23.48.012</b> <b>Upper Level Setbacks:</b> Structures on lots abutting an alley in the SM/R designated area shall provide an upper-level setback for the façade facing an alley, for any portion of the structure greater than 25 feet in height. Upper level setbacks shall be provided as follows: 1 foot for every 2 feet of height above 25 feet... up to a maximum required setback of 15 feet.</p>	<p>The applicant is requesting a departure in the alley elevation upper-level setback due to change of grade in the alley. The neighboring site to the north is lowering the grade of the alley to accommodate their design. Prior to lowering the alley, this building met the upper-level setback requirements. See sheet A5.0 for encroachment dimensions.</p>	<p>This departure would allow for bulk and scale compatible with the proposed structure to the north. Additionally, the building will gain internal daylight by shifting units. This was a recommendation made by the Board at EDG and increases the amount of natural daylighting and ventilation for the building, resulting in a more “sustainable” design, in keeping with the stated goals of the Cascade neighborhood plan. The project is not gaining more area than would otherwise be accommodated by a code-compliant design. The design also seeks to stack walls vertically for efficient construction.</p> <p>Furthermore, the structure on the other side of the alley (the Pontius Building) is a significant concrete office building that also does not provide the prescribed setback.</p>	<p>Approval of the design based on <i>Guidelines— A1, A2, A4, A6, A7, C3, C4, D2, and E3.</i></p>
<p><b>SMC 23.48.018</b> <b>General Façade requirements :</b> Requires a minimum height of 15’-0” and a maximum of 12’-0” from the property line.</p>	<p>On Minor Ave N: Requesting a departure that the façade not be continuous to allow for a street level pedestrian courtyard along Minor Ave N at the southwest corner of the property.</p>	<p>The northwest half of the façade complies with a façade height of 25’-10.5” at 1’10” from the property line. The southwest half of the façade steps back 43’3.5” from the property line to provide a common courtyard for the residents and provides open space. This area will be paved and landscaped. Along the sidewalk edge will be plantings, trellis and a place for pedestrians to rest. See L1.0 for landscaping plan.</p>	<p>Approval of the design based on <i>Guidelines— A1, A2, A4, A6, A7, C3, C4, D2, and E3.</i></p>

**BOARD RECOMMENDATION**<sup>4</sup>

The Board members in attendance approved the design departure for the upper level setbacks requirement and the design departure for general façade requirement.

After considering the proposed design and the projects context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members agreed that the design has successfully addressed the design guidance provided in their previous meeting. The Design Review Board **recommends approval** of the design as shown in the updated Master Use Permit Plans. (*Based on Guidelines — A1, A2, A4, A6, A7, C3, C4, D2; and E3.*) The identification of these particular guidelines does not imply that other, nonprioritized guidelines may not be called upon in the ultimate decision-making regarding this proposal.

<sup>4</sup> Attending Board members—Phil Beck, Tom Phillips, Sharron Sutton, and Rumi Takahashi.

### **DECISION – DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multifamily & Commercial Buildings* (November 1998) and the *South Lake Union Design Guidelines* (May 26, 2005).

Therefore, the proposed design and departures are **APPROVED** as presented at the August 15, 2007 Design Review Board meeting.

**CONDITIONS – DESIGN REVIEW** are noted at the end of this decision.

### **ANALYSIS – SEPA**

This analysis relies on the *Environmental (SEPA) Checklist dated May 8, 2007* by the applicant, which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: “*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*” subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

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

### Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

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

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition, if any are found. Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency (“PSCAA”) prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is found on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust; and truck loads and routes will be monitored to minimize dust-related impacts.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

### Noise

The project is expected to generate loud noise during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts.

### Traffic and Circulation

Site preparation would involve removal of the existing structure and excavation for the foundation of the proposed building and below grade parking garage. Approximately 1,300 cubic yards of material would be excavated and removed from the site. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has fairly direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

### Long-Term Impacts – Use-Related Impacts

#### Historic

There are no known or listed historical resources or any officially-designated historical resources on the project site. The project is not expected to have any impact on any of these designated historic landmarks.

#### Land Use

The proposed project is consistent with the *City of Seattle Comprehensive Plan*, the *South Lake Union Neighborhood Plan*, and the Seattle Land Use Code.

#### Housing

The proposed project creates new and much-needed affordable housing. The project is in accordance with the housing goals of the *Comprehensive Plan* for the area. Therefore, there is no adverse impact to housing.

### Archaeological

There is no surficial evidence to indicate that any archaeologically significant resources exist on-site and would be disturbed by the project. If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures would apply:

- work that is occurring in the portion of the site where potential archaeological resources are found would be stopped immediately;
- the City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) would immediately be contacted; and
- regulations would be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

Otherwise, the project will not have any significant adverse impacts on archaeological resources.

### Traffic and Transportation

Based on the Institute of Transportation Engineers' Trip Generation manual, the proposed project is forecast to generate approximately 350 daily vehicle trips, with 25 of these trips occurring during the AM peak hour and 32 trips during the PM peak hour. These trip generations are based on counts from market-rate multifamily housing; given the anticipated project population, actual new vehicle trips likely would be much less. Additionally, removal of the existing commercial building would remove trips generated by the existing use, further reducing the above numbers. Even assuming no reduction for existing trips, the traffic volumes forecast to be generated by the proposed project are small, and are not expected to have a noticeable impact on the surrounding roadway system. The project site is well-served by transit, with several Metro bus stops and the South Lake Union streetcar line within walking distance. The project's traffic impacts will not be significant, and no mitigation is required.

### Parking

The proposed development is expected to generate a peak parking demand of less than 40 vehicles, based on the Institute of Transportation Engineers' Parking Generation manual. The project is proposing to provide five parking spaces, leading to a potential peak parking demand spillover of as many as 35 vehicles. Given the residential nature of the project, this parking spillover is likely to occur in the evenings and on weekends. Development in the vicinity of the project primarily is commercial and light industrial, uses with weekday parking demand peaks. Evening and weekend parking spillover from this project is expected to be accommodated in on-street parking spaces and parking lots near the project site.

## **DECISION – STATE ENVIRONMENTAL POLICY ACT (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. 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 of 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(2)(c).

The proposed action is **APPROVED WITH CONDITIONS** as noted below.

### **CONDITIONS – SEPA**

#### *Prior to Building Permit Issuance*

1. The applicant shall submit for review and approval a Construction Impact Management Plan to the Department of Planning and Development for concurrent review and approval with Seattle Department of Transportation. The plan shall identify management of construction activities including construction hours, parking, traffic and issues concerning street and sidewalk closures.

#### *During Construction (including Demolition and Excavation)*

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.

2. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. The Director may consider approving construction activity outside these time restrictions so long as the activity complies with the City's noise ordinance.
3. Comply with the limitations contained in the approved construction-phase transportation plan.
4. Debris and exposed areas shall be sprinkled as necessary to control dust; and truck loads and routes shall be monitored to minimize dust-related impacts.
5. Use well-maintained equipment to reduce emissions from construction equipment and construction-related trucks and avoid prolonged periods of vehicle idling.
6. Use electrically operated small tools in place of gas powered small tools wherever feasible.
7. Trucking building materials to and from the project site shall be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.
8. If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures will apply:
  - work that is occurring in the portion of the site where potential archaeological resources are found must be stopped immediately;

- the City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) must immediately be contacted; and regulations must be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

**NON-APPEALABLE CONDITIONS – DESIGN REVIEW**

9. The proponent must retain the landscaping, fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on August 15, 2007. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping) shall be verified by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823 at a Pre-construction meeting.
10. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823. 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.
11. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of the meeting. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved. Embed updated colored elevation drawing in MUP plans and all subsequent Building Permit Plans.
12. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings. Call out on the appropriate plan sheets where and what departures have been granted.
13. Construct the building with siting, materials, and architectural details substantially the same as those presented at the August 15, 2007 Design Review Board meeting.

Signature: \_\_\_\_\_ (signature on file) Date: December 13, 2007  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

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